

government employees, and designated the Equal Employment Opportunity Commission as the enforcement authority.

The interim rule sets out the Commission's procedures for handling complaints brought by individuals covered by section 321 of the Act. The filing and investigative procedures for complaints followed established Commission procedures for charges published at 29 CFR Part 1601. The hearing process and the other procedures were different from EEOC's normal charge resolution procedures.

Comments on the interim rule were invited from the public, to be received on or before June 9, 1997. The sole comment received suggested that the time period for filing a complaint under this Part in those jurisdictions which have fair employment practices agencies be extended to 300 days. Unlike section 706(e) of the Civil Rights Act of 1964, section 321 of the Civil Rights Act of 1991 does not provide an extended filing period for cases arising in jurisdictions which have fair employment practices agencies. The Commission is bound by the plain language of the statute which provides a uniform 180-day period for filing a complaint.

After the interim regulation was published in the **Federal Register** on April 10, 1997, the Commission's Office of Program Operations was renamed the Office of Field Programs. Therefore, "Office of Field Programs" is being substituted wherever the name "Office of Program Operations" appeared in the interim regulation. With this exception of this change the interim rule is adopted as final.

In promulgating the final rule implementing section 321 of the Act, the Commission has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. In addition, it has been determined that this regulation is not a significant regulatory action within the meaning of section 3(f) of the Executive Order. As required by the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that this final rule will not have a significant economic impact on a substantial number of small entities because it establishes procedures for complaints of discrimination by formerly exempt state and local government employees.

Finally, this rule does not impose any information collection requirements as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

### List of Subjects in 29 CFR Part 1603

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations, Investigations, State and local governments.

Accordingly, the interim rule amending 29 CFR part 1603 which was published at 62 FR 17542 on April 10, 1997, is adopted as a final rule with the following change:

#### PART 1603—[AMENDED]

1. Authority citation for part 1603 continues to read as follows:

**Authority:** 2 U.S.C. 1220.

#### § 1603.107 [Amended]

2. In part 1603, in § 603.107(d) revise the reference to "Office of Program Operations" to read "Office of Field Programs."

Dated: May 20, 1999.

For the Commission.

**Ida L. Castro,**

*Chairwoman.*

[FR Doc. 99-13341 Filed 5-26-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-98-173]

RIN 2115-AE47

#### Drawbridge Operation Regulations: Fort Point Channel, MA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the operating rules governing the Northern Avenue Bridge, mile 0.1, across Fort Point Channel in Boston, Massachusetts. This final rule removes the tow time periods Monday through Friday when the Northern Avenue Bridge was not required to open for vessel traffic. Motor vehicles no longer use the Northern Avenue Bridge to cross Fort Point channel. It is expected that this final rule will better meet the needs of navigation.

**DATES:** This final rule is effective June 28, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the First Coast Guard District Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364.

**FOR FURTHER INFORMATION CONTACT:** John W. McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

#### SUPPLEMENTARY INFORMATION:

#### Regulatory History

The Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations; Fort Point Channel, Massachusetts, in the **Federal Register** (64 FR 12797) on March 15, 1999. The Coast Guard received no letters commenting on the notice of proposed rulemaking. No public hearing was requested and none was held.

#### Background

The Northern Avenue Bridge has a vertical clearance at mean high water (MHW) of 7 feet and at mean low water (MLW) of 17 feet. The Northern Avenue Bridge is presently required to open on signal from 6 a.m. to 8 p.m., except during the two vehicular traffic rush hours, 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday. From 8 p.m. to 6 a.m. the draw need not open for vessel traffic.

The present use of the Northern Avenue Bridge is by pedestrians only. Vehicular traffic no longer uses the Northern Avenue Bridge. The roadway, Northern Avenue, has been relocated to align with the new replacement bridge which has been constructed upstream from the old bridge. Bridges normally open on signal for vessels at all times except when there is a demonstrated offsetting benefit to traffic crossing the bridge. In this case the traffic cross the bridge no longer exists. Motor vehicles no longer cross over this bridge to cross Fort Point Channel. Retention of the exception in the regulations to allow the bridge to not open for vessel traffic during the two vehicular traffic rush hours is not longer necessary because it restricts the passage of vessels unnecessarily. The present waterway usage is primarily construction barges working on several projects upstream of the bridge and some recreational vessels docked along the Fort Point Channel waterfront.

The Coast Guard granted a temporary deviation from the operating regulations for a period of 60 days effective until January 6, 1999, to provide for the speedy repair of the bridge protective fender system. Increased barge traffic has made the repair of the fender system essential.

The period the bridge was closed to vessel traffic, 8 p.m. to 6 a.m., will remain unchanged. This final rule will require the bridge to open on signal from 6 a.m. to 8 p.m., daily, and from

8 p.m. to 6 a.m., the bridge need not open for the passage of vessels.

The Coast Guard has also removed from the regulations the provision for opening the bridge as soon as possible for the passage of state and local vessels used for public safety. This provision is now included under the general operating regulations for bridges at § 117.31.

#### Discussion of Comments and Changes

The Coast Guard received no letters commenting on the notice of proposed rulemaking and no changes have been made to the final rule.

#### Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that this final rule is simply removing unnecessary language that allows the bridge not to open during vehicular traffic rush hours. Vehicles no longer pass over the Northern Avenue Bridge to cross Fort Point Channel. This change to the regulations will economically benefit navigational interests that use this waterway by no longer delaying their transits. The Coast Guard believes that the added cost to crew the bridge is not significant because the bridge owner must crew the bridge during the daytime hours 6 a.m. to 8 p.m. anyway and the additional cost to crew the bridge during the two rush hour periods is offset by the benefit to navigation using this waterway.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. Therefore, for reasons discussed in the Regulatory Evaluation section above, the

Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under Section 2.B.2., Figure 2-1, paragraph (32)(e), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this final rule.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.599 is revised to read as follows:

#### § 117.599 Fort Point Channel.

The Northern Avenue Bridge, mile 0.1, shall open on signal from 6 a.m. to 8 p.m., daily. From 8 p.m. to 6 a.m. the bridge need not open for the passage of vessels.

Dated: May 13, 1999.

#### R.M. Larrabee,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[WI74-01-7303; FRL-6336-8]

#### Approval and Promulgation of Implementation Plans; Wisconsin

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final rulemaking.

**SUMMARY:** The purpose of this action is a final rulemaking on the State of Wisconsin's Prevention of Significant Deterioration (PSD) rules, Natural Resources (NR) 405.01 through NR 405.17, as a revision to the Wisconsin State Implementation Plan (SIP). The State developed these rules as Wisconsin's plan to prevent significant deterioration of air quality in areas designated as unclassifiable or attainment of the National Ambient Air Quality Standards (NAAQS), and to satisfy the requirements of part C of the Clean Air Act (Act).

The Environmental Protection Agency (EPA) is approving these rules because they meet EPA's regulations governing State PSD programs (40 CFR 51.166). In addition to the PSD rules, Wisconsin has submitted rules as a revision to the SIP to establish breathable particulates (PM-10) as a basis for the determination of particle concentrations for permitting purposes under the PSD program and, therefore, tie the new source permit evaluations directly to human health standards. Finally, Wisconsin submitted revisions to its existing SIP that are intended to correct errors in content and style, to improve consistency, and to clarify existing policy and procedures.

**DATES:** This rule will be effective June 28, 1999.

**ADDRESSES:** Copies of the State's submittal and other supporting information used in developing the revision are available for inspection during normal business hours at the following location: EPA Region 5, 77 West Jackson Boulevard, AR-18J, Chicago, Illinois 60604. Please contact Constantine Blathras at (312) 886-0671 to arrange a time if inspection of these materials is desired.

Copies of the submittal are also located at the Bureau of Air Management, Wisconsin Department of Natural Resources, 101 South Webster Street, P.O. Box 7921, Madison, Wisconsin 53707.

**FOR FURTHER INFORMATION CONTACT:** Constantine Blathras, AR-18J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-0671.