or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard temporarily amends Part 117 of Tile 33, Code of Federal Regulations, 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. Effective from 12:01 a.m., July 26, 1999, to 12 noon, October 1, 1999, § 117.949 is suspended and a new § 117.T950 is added to read as follows:

§ 117.T950 Tennessee River.

(a) *Southern Railway Bridge.* The draw of the Southern Railway Bridge over the Tennessee River, mile 470.7, at Hixon, Tennessee, shall open on signal when the vertical clearance beneath the draw is 50 feet or less. When the vertical clearance beneath the draw is more than 50 feet, at least eight hours notice is required. When the operator of a vessel returning through the draw within four hours informs the drawtender of the probable time to return, the drawtender shall return one half hour before the time specified and promptly open the draw on signal for the vessel without further notice. If the vessel giving notice fails to arrive within one hour after the arrival time specified, whether upbound or downbound, a second eight hours notice is required. Clearance gages of a type acceptable to the Coast Guard shall be installed on both sides of the bridge.

(b) *Chief John Ross Drawbridge.* The drawspan of the Chief John Ross Drawbridge, mile 464.1, at Chattanooga, Tennessee, need not open for vessel traffic and may be maintained in the closed-to-navigation position.

Dated: July 26, 1999.

Paul J. Pluta,

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

[FR Doc. 99–20208 Filed 8–4–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC25–2018a; FRL–6412–5]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; 15 Percent Plan for the Metropolitan Washington, D.C. Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: We are converting our conditional approval of the District of Columbia's State Implementation Plan (SIP) revision to achieve a 15 percent reduction in volatile organic compound (VOC) emissions (15% plan) in the Metropolitan Washington, D.C. ozone nonattainment area to a full approval. In a rule published on July 7, 1998, we conditionally approved the District's 15% plan as a revision to the District's SIP. The sole condition we imposed for full approval was that the District begin mandatory testing of motor vehicles under its enhanced inspection and maintenance program (I/M program) on or before April 30, 1999. The District began the required testing on April 26, 1999, and thus fulfilled the condition for full approval. The District's 15% plan SIP revision meets all the requirements of the Clean Air Act relating to the plan to achieve a 15% reduction in VOC emissions.

DATES: This rule is effective on October 4, 1999 without further notice, unless EPA receives adverse written comment by September 7, 1999. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, US Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the District of Columbia Department of Public Health, Air Quality Division, 2100 Martin Luther King Avenue, S.E., Washington, DC 20020.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, (215) 814–2179, at the EPA Region III address above, or by e-mail at cripps.christopher@epa.gov.

SUPPLEMENTARY INFORMATION: In this action, we are converting our conditional approval of the District's 15% plan as a revision to the District's SIP to a full approval.

In a rule published on July 7, 1998 (63 FR 36578), we granted a conditional approval to the District's 15% plan because the District's enhanced inspection maintenance (I/M) program, which is one of the many control measures adopted by the District to achieve the 15% reduction in VOC emissions, had only been conditionally approved at that time. The sole condition we imposed for full approval of the District's enhanced I/M program and thus the 15% plan was that the District begin mandatory testing of motor vehicles under its enhanced I/M program on or before April 30, 1999. The District began the required testing on April 26, 1999, and thus fulfilled the condition for full approval.

In a rule published June 11, 1999 (64 FR 31498) , we converted our conditional approval of the District's enhanced I/M program as a revision to the District's SIP to a full approval. Therefore, we are now converting our conditional approval of the District's 15% plan as a revision to the District's SIP to full approval.

EPA Action

EPA is converting its conditional approval of the District's 15% plan to a full approval. An extensive discussion of the District's 15% plan and our rationale for our approval action was provided in the previous final rule that conditionally approved the 15% plan (see 63 FR 36578 and 63 FR 36652) and in our Technical Support Document, dated June 22, 1998. This action to convert our conditional approval to a full approval is being published without prior proposal because we view this as a noncontroversial amendment and because we anticipate no adverse comments. In a separate document in the ''Proposed Rules'' section of this **Federal Register** publication, we are proposing to convert our conditional approval of the District's 15% plan SIP revision to a full approval if adverse comments are filed. This action will be effective without further notice unless we receive relevant adverse comment by September 7, 1999. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. Any parties interested in commenting must do so at this time. If no such comments are received by September 7, 1999, you

are advised that this action will be effective on October 4, 1999.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) Is ''economically significant,'' as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to convert our conditional approval of the District of Columbia's

15% plan to a full approval must be filed in the United States Court of Appeals for the appropriate circuit by October 4, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone.

Dated: July 23, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart J—District of Columbia

2. Section 52.476 is added to read as follows:

§ 52.476 Control strategy: ozone.

EPA approves as a revision to the District of Columbia State Implementation Plan the 15 Percent Rate of Progress Plan for the District of Columbia's portion of the Metropolitan Washington, D.C. ozone nonattainment area, submitted by the Director of the District of Columbia Department of Health on April 16, 1998.

§ 52.473 [Removed]

3. Section 52.473 is removed and reserved.

[FR Doc. 99–19903 Filed 8–4–99; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6410–1]

Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Wisconsin has applied for final authorization of the revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The scope of this revision package includes partial completion of SPA's 8, 9, 13, 14 and 15, with the following clusters: RCRA Cluster I, including HSWA and non-HSWA Rules; RCRA Cluster II, including HSWA and non-HSWA provisions; RCRA Cluster III, including HSWA and non-HSWA provisions; RCRA Cluster IV, including HSWA and non-HSWA provisions; HSWA Cluster I; HSWA Cluster II; non-HSWA Cluster III; non-HSWA Cluster V; and non-HSWA Cluster VI. The major rules in the application include Land Disposal Restrictions, Recycled Used Oil Management, Wood Preserving Listings, and Organic Air Emission Standards for Process Vents and Equipment Leaks. The EPA has reviewed Wisconsin's application and determined that its hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Unless adverse written comments are received during the review and comment period, EPA's decision to authorize Wisconsin's hazardous waste program revision will take effect as provided below.

DATES: This rule will become effective on October 4, 1999, without further notice, unless EPA receives relevant adverse comments by September 7, 1999. Should EPA receive such comments EPA will publish a timely document withdrawing this rule.

ADDRESSES: Send written comments referring to Docket Number ARA 6, to Mr. Daniel F. Chachakis, U.S. EPA Region 5, Waste Pesticides and Toxics Division, Program Management Branch (DM–7J), 77 W. Jackson Blvd., Chicago, IL 60604, Phone (312) 886–2022. Copies of the Wisconsin program revision application and the materials which EPA used in evaluating the revision are available for inspection and copying from 9 a.m. to 4 p.m. at the following addresses: Mr. Tom Eggert, Wisconsin Department of Natural Resources, 101 South Webster Street, Madison, WI 53707–7921 and EPA Region 5, Office of RCRA, 77 West Jackson Blvd., Seventh Floor, Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel F. Chachakis, Environmental Protection Specialist, Wisconsin Regulatory Specialist, U.S. EPA Region 5 Waste, Pesticides and Toxics Division, Program Management Branch (DM–7J), 77 West Jackson Blvd., Chicago, IL 60604; (312) 886–2022.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. As the Federal hazardous waste program changes, the States must revise their programs and apply for authorization of the revisions. Revisions to State hazardous waste programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must revise their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. Wisconsin

Wisconsin initially received Final Authorization on January 30, 1986, effective January 31, 1986 (51 FR 3783) to implement its base hazardous waste management program. Wisconsin received authorization for revisions to its program on May 23, 1989, effective June 6, 1989 (54 FR 22278), on November 22, 1989, effective January 22, 1990 (54 FR 48243), on April 24, 1992 effective April 24, 1992 (57 FR 15029), on June 2, 1993 effective August 2, 1993 (58 FR 31344) and on August 5, 1994, effective October 4, 1994 (59 FR 39971).

The authorized Wisconsin RCRA program was incorporated by reference into the CFR effective April 24, 1989 (54 FR 7422), May 29, 1990 (55 FR 11910), and November 22, 1993 (58 FR 49199).

On May 7, 1999, Wisconsin submitted a final complete program revision application, seeking authorization of its program revision in accordance with 40 CFR 271.21. The EPA reviewed Wisconsin's application, and now makes an immediate final decision, subject to receipt of adverse written comment, that Wisconsin's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final Authorization. Consequently, EPA intends to grant Wisconsin Final Authorization for the program modifications contained in the revision.

The public may submit written comments on EPA's immediate final decision until September 7, 1999. Copies of Wisconsin's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

If EPA does not receive adverse written comment pertaining to