

able to transit through Anchorage Channel, Upper Bay, during the event as the safety zone only extends 125 yards into the 925-yard wide channel. Public notifications will be made prior to the event via the Local Notice to Mariners and marine information broadcasts.

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 finding is based on the minimal time that vessels will be restricted from the zone, that vessels may safely anchor to the north and south of the zone, that vessels may still transit through Anchorage Channel during the event, and extensive advance notifications which will be made.

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 of less than 50,000.

For reasons discussed in the Regulatory Evaluation 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 under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A Federal mandate is a new or additional enforceable duty imposed on any state, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any state, local, or tribal governments, or the private sector.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01-163 to read as follows:

§ 165.T01-163 Safety Zone: Wedding on the Lady Windridge Fireworks, New York Harbor, Upper Bay.

(a) *Location.* The following area is a safety zone. All waters of New York Harbor, Upper Bay within a 160-yard radius of the fireworks barge in approximate position 40°41'16.5"N 074°02'23"W (NAD 1983), approximately 360 yards east of Liberty Island, New York.

(b) *Effective period.* This section is effective from 8 p.m. until 9:30 p.m. on

Sunday, October 3, 1999. If the event is canceled due to inclement weather, then this section is effective from 8 p.m. until 9:30 p.m. on Monday, October 4, 1999.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard.

Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: September 16, 1999.

R.E. Bennis,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 99-25227 Filed 9-27-99; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT-053-7212a; A-1-FRL-6443-1]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Nitrogen Oxides Budget and Allowance Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the Connecticut Department of Environmental Protection (CT, or DEP). This action consists of approving regulations in CT which are part of a regional nitrogen oxide (NO_x) reduction program designed to reduce stationary source NO_x emissions during the ozone season in the Ozone Transport Region (OTR) of the northeastern United States. Section 184(a) of the Clean Air Act defines an ozone transport region in the northeastern United States composed of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the Consolidated Metropolitan Statistical Area that includes the District of Columbia. Additionally, this action involves the approval of four source specific NO_x trading orders which allow specific units at major stationary sources to meet reasonably available control technology (RACT) requirements

through the use of emission reduction credits. These SIP revisions were submitted pursuant to section 110 of the Clean Air Act (CAA).

DATES: This direct final rule is effective on November 29, 1999 without further notice, unless EPA receives adverse comment by October 28, 1999. If adverse comment is received, EPA 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: Comments May be Mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, CT 02114-2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA, and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.

FOR FURTHER INFORMATION CONTACT: Steven A. Rapp, (617) 918-1048 or at Rapp.Steve@EPA.GOV.

SUPPLEMENTARY INFORMATION: The following questions will be covered in this section:

I. Background

A. The OTC MOU Program

(1) What are the Clean Air Act requirements Connecticut is trying to meet in adopting this regulation?

(2) What was the basis for CT's regulation?

(3) What are the phases of the OTC's interstate Memorandum of Understanding on stationary source NO_x reductions?

B. NO_x RACT Trading Orders

(1) What are the Clean Air Act requirements Connecticut is trying to meet by issuing the NO_x RACT trading orders?

(2) What policy guidance was used to review the NO_x RACT trading orders?

II. Summary of SIP Revisions

A. Section 22a-174-22a, The Nitrogen Oxides (NO_x) Budget Program

(1) How much does section 22a-174-22a reduce NO_x?

(2) How does the program regulate NO_x emissions?

(3) How are emissions monitored in this program?

(4) When does the program begin?

(5) Where can you find more information regarding EPA's evaluation?

B. NO_x RACT Trading Orders

(1) What requirements do the NO_x RACT trading orders fulfill?

(2) When were CT's NO_x RACT regulations approved by EPA?

(3) What facilities are affected by the trading orders being acted on today?

(4) Where can you get more information regarding EPA's evaluation of the orders?

III. Issues

A. NO_x RACT Trading Orders

What issues are related to the approval of CT's NO_x RACT trading orders?

B. Section 22a-174-22a, The Nitrogen Oxides (NO_x) Budget Program

What issues are related to the approval of section 22a-174-22a?

C. EPA's Rulemaking Action

What does "direct final rulemaking" mean?

I. Background

A. The OTC MOU Program

(1) What are the Clean Air Act requirements Connecticut is trying to meet in adopting this regulation?

Sections 182(b)(1)(A) and 182(c)(2)(A) of the CAA require States with areas classified as "moderate," "serious," and "severe" ozone nonattainment to submit revisions to their applicable SIPs to provide for specific annual reductions in emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) as necessary to attain the national primary ambient air quality standard for ozone. Additionally, section 110 of the Act requires that such plans be subject to public notice, comment, and hearing procedures and that the States adopt and submit the plans to EPA.

(2) What was the basis for CT's regulation?

As part of CT's efforts to meet the CAA requirements, on July 27, 1998, CT submitted a request to revise its SIP by adding section 22a-174-22a, "The Nitrogen Oxides (NO_x) Budget Program." The regulation imposes a statewide and source-specific caps on NO_x emissions from certain industrial equipment (e.g., electric utility boilers, industrial boilers, combustion turbines, etc.). CT's section 22a-174-22a is based closely on a model rule which was developed using the EPA's economic incentive program rules (40 CFR 51.490-51.494) as the regulatory framework.

The model rule used by CT was developed by the Northeast States for Coordinated Air Use Management (NESCAUM) and the Mid-Atlantic Regional Air Management Association (MARAMA) entitled, "NESCAUM/MARAMA NO_x Budget Model Rule." The NESCAUM/MARAMA model rule was issued on May 1, 1996. The basis for the model rule was a memorandum of understanding entitled, "Memorandum of Understanding Among the States of the ozone Transport Commission on Development of a Regional Strategy Concerning the Control of Stationary Source Nitrogen Oxide Emissions," dated September 27, 1994, otherwise known as the "OTC MOU."

(3) What are the phases of the OTC's interstate Memorandum of Understanding on stationary source NO_x reductions?

The OTC MOU committed the MOU signatory States to require certain major stationary sources to reduce their NO_x emissions through several regulatory stages. The NO_x RACT regulations required by section 182 of the Clean Air Act have reduced emissions at major stationary sources of NO_x since 1995. Those reductions are considered "phase I" of the OTC program. Under "phase II" of the program, the MOU committed the signatory states to imposing a cap on regional NO_x emissions during the five month periods between May 1 through September 30 of 1999, 2000, 2001, and 2002. The third stage of the OTC program, i.e., "phase III," will tighten the regional cap and is set to begin on May 1, 2003 and continue in each ozone season thereafter.

B. NO_x RACT Trading Orders

(1) What are the Clean Air Act requirements Connecticut is trying to meet by issuing the NO_x RACT trading orders?

The Clean Air Act (CAA) requires that States develop Reasonably Available Control Technology (RACT) regulations for all major stationary sources of nitrogen oxides (NO_x) in areas which have been classified as "moderate," "serious," "severe," and "extreme" ozone nonattainment areas, and in all areas of the Ozone Transport Region (OTR). EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762; September 17, 1979). This requirement is established by sections 182(b)(2), 182(f), and 184(b) of the CAA.

Major sources in moderate areas are subject to section 182(b)(2), which

requires States to adopt RACT for all major sources of VOC. This requirement also applies to all major sources in areas with higher classifications.

Additionally, section 182(f) of the CAA states that "The plan provisions required under this subpart for major stationary sources of volatile organic compounds shall also apply to major stationary sources (as defined in section 302 and subsections (c), (d), and (e) of the section) of oxides of nitrogen." For serious nonattainment areas, a major source is defined by section 182(c) as a source that has the potential to emit 50 tons per year. For severe nonattainment areas, a major source is defined by section 182(d) as a source that has the potential to emit 25 tons per year. The entire State of Connecticut is designated as nonattainment for ozone, with the Connecticut portion of the New York-New Jersey-Long Island nonattainment area classified as severe, and with the rest of the State classified as serious.

(2) What policy guidance was used to review the NO_x RACT trading orders?

These CAA NO_x requirements are further described by EPA in a notice entitled, "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," published November 25, 1992 (57 FR 55620). The November 25, 1992 notice, also known as the "NO_x Supplement," should be referred to for more detailed information on NO_x requirements. Additional EPA guidance memoranda, such as those included in the "NO_x Policy Document for the Clean Air Act of 1990," (EPA-452/R-96-005, March 1996), should also be referred to for more information on NO_x requirements. Similarly, the preamble to the "Economic Incentive Program Rules," or EIP, (59 FR 16690, April 7, 1994) should be referred to for information on EPA's policy concerning the use of emissions trading by sources subject to NO_x RACT.

II. Summary of SIP Revisions

A. Section 22a-174-22a, The Nitrogen Oxides (NO_x) Budget Program

(1) How much does section 22a-174-22a reduce NO_x?

The CT NO_x Budget regulations are part of a regional NO_x reduction program designed to reduce large stationary source NO_x emissions during the ozone season in the OTR. CT's NO_x budget regulations set statewide, five month (May 1 through September 30) NO_x "budgets," or mass emission limits in tons. The regulation will reduce the aggregate emissions from large fossil fuel fired combustion equipment by

approximately 23% from a 1990 baseline.

(2) How does the program regulate NO_x emissions?

In order to achieve the aggregate NO_x reductions, the regulations proportion NO_x "allowances" (in tons) to the facilities with emission units subject to the program. The regulations require each owner or operator of each unit to hold, by December 31 of each year, at least as many NO_x allowances in their compliance account as total tons of NO_x emitted during the previous five month ozone season. Under these regulations, NO_x allowances may be bought or sold and unused allowances may be banked from one year to another in a central registry administered by EPA.

(3) How are emissions monitored in this program?

The program requires NO_x emissions to be monitored by either a continuous emission monitoring system (CEMS) or equivalent, although the use of alternatives is allowed where approved by the State and EPA.

(4) When does the program begin?

The program will begin on May 1, 1999. Starting in 2002 and occurring every three years after, an audit of the program will be conducted to ensure that the program is providing the expected reductions.

(5) Where can you find more information regarding EPA's evaluation?

Additional information concerning EPA's evaluation of CT's NO_x budget program regulations is detailed in the memorandum: Technical Support Document for Connecticut's Regulation 22a-174-22a "The Nitrogen Oxides (NO_x) Budget Program," dated June 7, 1999. Copies of the documents are available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this document.

B. NO_x RACT Trading Orders

(1) What requirements do the NO_x RACT trading orders fulfill?

Subsection (j) of section 22a-174-22 allows sources to comply with the emission limitations in section 22a-174-22 through emissions trading. However, compliance through emission reduction credit trading is allowed only through a case-specific revision to the SIP. Therefore, each use of emissions trading for compliance with subsection (e) limits will be reviewed and processed as a separate regulatory action.

(2) When were CT's NO_x RACT regulations approved by EPA?

On October 6, 1997, EPA approved CT's NO_x RACT regulations, section 22a-174-22, and 22 NO_x RACT trading

orders. See 62 FR 52016, 40 CFR 52.370(c)(72).

(3) What facilities are affected by the trading orders being acted on today?

In 1997, CT submitted additional NO_x RACT trading orders for NO_x emitting units at four facilities: (1) Cytec Industries, Inc., in Wallingford; (2) AlliedSignal, Inc., and the U.S. Army Tank-Automotive and Armaments Command in Stratford; (3) Ogden Martin Systems, Inc., in Bristol; and (4) Connecticut Natural Gas Corporation in Rocky Hill. These orders involve the creation and use of NO_x credits as allowed under subsection 22a-174-22(j).

Each trading order allows the stationary source to control NO_x emissions from some units more than otherwise required so that other units may emit more than allowed without the trade. This is known as emissions averaging or "bubbling." Because more emissions would be reduced by the extra control at the credit generating units than would be added at the credit using units, the net result will be less emissions from the source than would occur without the trade, even with an allowance for uncertainty.

(4) Where can you get more information regarding EPA's evaluation of CT's orders?

For a more detailed discussion of Connecticut's submittals and EPA's action, the reader should refer to the Technical Support Document (TSD) entitled, "Technical Support Document for Connecticut's NO_x RACT Trading Orders for Cytec Industries, Inc., in Wallingford; AlliedSignal, Inc., and the U.S. Army Tank-Automotive and Armaments Command in Stratford; Ogden Martin Systems, Inc., in Bristol; and Connecticut Natural Gas Corporation in Rocky Hill" and the attachments which were developed as part of this action. Copies of the TSD and attachments are found at the previously mentioned addresses.

III. Issues

A. NO_x RACT Trading Orders

What issues are related to the approval of CT's NO_x RACT trading orders?

There are no issues associated with the NO_x RACT trading orders.

B. Section 22a-174-22a, The Nitrogen Oxides (NO_x) Budget Program

What issues are related to the approval of section 22a-174-22a?

One issue associated with the approval of the CT regulation is that the NO_x budget regulation currently contains a NO_x emissions budget and

allocation scheme only for 1999 through the ozone season of 2002, *i.e.*, "phase II" of the OTC NO_x Budget program.

However, the OTC MOU obliges CT to require its allowance program sources to make specific additional NO_x reductions by May 1, 2003 and continuing thereafter, *i.e.*, "phase III." Additionally, in September 1998, CT submitted attainment demonstrations for the two CT nonattainment areas which rely on the NO_x reductions associated with the OTC program in 2003 and beyond to achieve attainment with the one hour ozone standard.

In its current form, section 22a-174-22a is approvable for 1999, 2000, 2001, and 2002. However, in order to meet the interstate MOU and for CT to have a credible attainment demonstration, CT will need to amend its regulation to establish the NO_x caps during 2003 and beyond.

C. EPA's Rulemaking Action

What does "direct final rulemaking" mean?

Essentially, direct final rulemaking means that the EPA is publishing this rule without prior proposal. EPA is doing so because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This action will be effective November 29, 1999 without further notice unless the Agency receives adverse comments by October 28, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 29, 1999 and no further action will be taken on the proposed rule.

IV. Final Action

EPA is approving CT's regulation section 22a-174-22a, "The Nitrogen Oxides (NO_x) Budget Program" and the case-specific trading orders for Cytec Industries, Inc., in Wallingford; AlliedSignal, Inc., and the U.S. Army Tank-Automotive and Armaments Command in Stratford; Ogden Martin Systems, Inc., in Bristol; and

Connecticut Natural Gas Corporation in Rocky Hill.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

V. Administrative Requirements

A. Executive Order 12866

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

B. Executive Orders on Federalism

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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of the 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.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999)), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612, (52 FR 41685 (October 30, 1987)), on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship

between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The rule affects only one State, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have 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 rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks and is not economically significant under E.O. 12866.

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, or EPA consults with those 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 officials 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

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 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 sections 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 costs to State, local, or tribal governments in the aggregate; or to the 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 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 must be filed in the United States Court of Appeals for the appropriate circuit by November 29, 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).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 15, 1999.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of 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 *et seq.*

Subpart H—Connecticut

2. Section 52.370 is amended by adding paragraphs (c)(80) and (c)(82) to read as follows:

§ 52.370 Identification of plan

* * * * *

(c) * * *

(80) Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on March 26, 1999.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated March 26, 1999, submitting a revision to the Connecticut State Implementation Plan.

(B) Regulation section 22a-174-22a, "The Nitrogen Oxides (NO_x) Budget Program" adopted on December 15, 1998, and effective on March 3, 1999.

(ii) Additional materials.

(A) Nonregulatory portions of the submittals.

* * * * *

(82) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on July 11, 1997, September 12, 1997, and December 8, 1997.

(i) Incorporation by reference.

(A) Letters from the Connecticut Department of Environmental Protection dated July 11, 1997, September 12, 1997, and December 8, 1997, submitting revisions to the Connecticut State Implementation Plan.

(B) Trading Agreement and Order Number 8137 issued to AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford, effective on November 19, 1996.

(C) Trading Agreement and Order Number 8138 issued to Connecticut Natural Gas Corporation in Rocky Hill, effective on November 19, 1996.

(D) Trading Agreement and Order Number 8114 issued to Cytec Industries, Inc., in Wallingford, effective on December 20, 1996.

(E) Modification to Trading Agreement and Order Number 8138

issued to Connecticut Natural Gas Corporation effective June 25, 1997.
 (F) Modification to Trading Agreement and Order Number 8137 issued to AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford, effective July 8, 1997.
 (G) Trading Agreement and Order Number 8094 issued to Ogden Martin

Systems of Bristol, Inc., in Bristol, effective on July 23, 1997.
 (ii) Additional Materials.
 (A) Nonregulatory portions of the submittals.
 (B) Policy materials concerning the use of emission credits from New Jersey at Connecticut sources.
 3. In § 52.385, Table 52.385 is amended by revising existing entries in

state citations for section 22a-174-22, "Control of Nitrogen Oxides Emissions" and by adding a new entry to existing state citations for section 22a-174-22a, "The Nitrogen Oxides (NO_x) Budget Program" to read as follows:

§ 52.385 EPA-approved Connecticut Regulations

* * * * *

TABLE 52.385—EPA-APPROVED RULES AND REGULATIONS

Connecticut state citation	Title/subject	Dates		Federal Register citation	52.370	Comments/description
		Date adopted by State	Date approved by EPA			
* 22a-174-22a	* Nitrogen Oxides (NO _x) Budget Program.	* 12/15/98	* 9/28/99	* [Insert FR citation from published date].	* (c)(80)	* Approval of NO _x cap and allowance trading regulations.
22a-174-22	Control of Nitrogen Oxides Emissions.	11/19/96	9/28/99	[Insert FR citation from published date].	(c)(82)	Case-specific trading order for AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford.
22a-174-22	Control of Nitrogen Oxides Emissions.	11/19/96	9/28/99	[Insert FR citation FROM published date].	(c)(82)	Case-specific trading order for Connecticut Natural Gas Corporation in Rocky Hill.
22a-174-22	Control of Nitrogen Oxides Emissions.	12/20/96	9/28/99	[Insert FR citation FROM published date].	(c)(82)	Case-specific trading order for Cytec Industries, Inc., in Wallingford.
22a-174-22	Control of Nitrogen Oxides Emissions.	6/25/97	9/28/99	[Insert FR citation FROM published date].	(c)(82)	Amendments to case-specific trading order for Connecticut Natural Gas Corporation.
22a-174-22	Control of Nitrogen Oxides Emissions.	7/8/97	9/28/99	[Insert FR citation FROM published date].	(c)(82)	Amendments to case-specific trading order for AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford.
22a-174-22	Control of Nitrogen Oxides Emissions.	7/23/97	9/28/99	[Insert FR citation FROM published date].	(c)(82)	Case-specific trading order for Ogden Martin Systems of Bristol, Inc., in Bristol.
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 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6445-2]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Lackawanna Refuse Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Lackawanna Refuse Superfund Site

in Old Forge, Pennsylvania from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate. Moreover, EPA and the Commonwealth of Pennsylvania have determined that the remedial

actions conducted at the Site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: September 28, 1999.

ADDRESSES: Comprehensive information on this release is available for viewing at the Site information repositories at the following locations: U.S. EPA, Region 3, Regional Center for Environmental Information, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103 (215) 814-5364. Old Forge Borough Hall, 312 South Main Street, Old Forge, PA 18518.

FOR FURTHER INFORMATION CONTACT: Andrea M. Lord (3HS21), U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA, 19103, (215) 814-5053.