

aggregate costs of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

#### Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This Rule will not effect a taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This Rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

E.O. 12988, Civil Justice Reform. This Rule meets applicable standards in section 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This Rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

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

Bridges.

#### Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations as follows:

#### PART 117—[AMENDED]

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

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

2. Section 117.147(b) is revised to read as follows:

#### § 117.147 Cerritos Channel.

\* \* \* \* \*

(b) The opening signal for the draw of the Henry Ford Avenue railroad bridge, mile 4.8 at Long Beach, is two short blasts followed by one prolonged blast. The acknowledging signal is two short blasts followed by one prolonged blast when the draw will open immediately

and five short blasts when the draw will not open immediately. Channel 13 (156.65 MHz) or other assigned frequencies may be used.

Dated: September 22, 1999.

**T.H. Collins,**

*Vice Admiral, U.S. Coast Guard Commander,  
Eleventh Coast Guard District.*

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[DE027-1027b; FRL-6453-6]

#### Approval and Promulgation of Air Quality Implementation Plans; Delaware; 15 Percent Rate of Progress Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to convert our conditional approval of Delaware's State Implementation Plan (SIP) revision to achieve a 15 percent reduction in volatile organic compound emissions (the 15% plan) in its portion of the Philadelphia-Wilmington-Trenton (namely Kent and New Castle Counties) ozone nonattainment area to a full approval. In the "Rules and Regulations" section of this **Federal Register**, we are converting our conditional approval of Delaware's 15% plan SIP revision to a full approval as a direct final rule because we view this as a noncontroversial amendment and because we anticipate no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If we receive no adverse comments, we will not undertake further action on this proposed rule. If we receive adverse comments, we will withdraw the direct final rule, and it will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Anyone interested in providing comments on this action should do so at this time.

**DATES:** Comments must be received in writing by November 12, 1999.

**ADDRESSES:** Written comments should be addressed 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, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, Delaware 19901.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814-2182, at the EPA Region III address above, or by e-mail at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

#### SUPPLEMENTARY INFORMATION:

For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: September 23, 1999.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[CA-232-0176, FRL-6454-7]

#### Transportation Conformity Budget Adequacy Determination and Status of Maintenance Demonstration and Associated Budgets; San Francisco Bay Area Ozone Attainment Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is today proposing that the motor vehicle emissions budgets contained in the 1999 ozone attainment plan for the San Francisco Bay Area are adequate for transportation conformity purposes. EPA is also proposing that the Bay Area's existing maintenance demonstration and associated budgets are no longer applicable and should be replaced by the new budgets upon a final determination of adequacy. The attainment plan includes a budget of 175.2 tons per day (tpd) for VOC and 247.1 tpd for NO<sub>x</sub>, both for the year 2000. If, after public comment, EPA finalizes this adequacy determination of the new budgets, and the determination that the maintenance demonstration is no longer applicable, the new budgets would apply to the attainment year of 2000 and beyond and become the sole 1-hour ozone standard VOC and NO<sub>x</sub> budgets in the Bay Area for transportation conformity.