

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117****[CGD 08-99-077]****RIN 2115-AE47****Temporary Drawbridge Regulations; Mississippi River, Iowa and Illinois****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary rule.

SUMMARY: The Coast Guard is temporarily adding a drawbridge operation regulation governing the Rock Island Railroad and Highway Drawbridge, Mile 482.9, Upper Mississippi River. The drawbridge will remain closed to navigation from 8 a.m. on December 30, 1999 until 8 a.m. March 1, 2000. This closure is necessary to perform annual maintenance and repair work on the bridge.

DATES: This temporary rule is effective from 8 a.m. on December 30, 1999 until 8 a.m. on March 1, 2000.

ADDRESSES: The public docket and all documents referred to in this rule will be available for inspection and copying at room 2.107f in the Robert A. Young Federal Building at Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63101-2832, between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Roger K. Wiebusch, Bridge Administrator; Commander (obr), Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63101-2832, telephone (314) 539-3900, extension 378.

SUPPLEMENTARY INFORMATION:**Regulatory History**

On November 17, 1999, Department of Army, Rock Island Arsenal, requested a temporary change to the operation of the Rock Island Railroad and Highway Drawbridge across the Upper Mississippi River, Mile 482.9 at Rock Island, Illinois. The Department of Army requested that the bridge be temporarily closed to navigation in order to perform necessary maintenance and bridge repair activities.

In accordance with 5 U.S.C. 533, a notice of proposed rulemaking has not been published and good cause exists for making this rule effective in less than 30 days from publication. Following normal rulemaking procedures would be impractical. Delaying implementation of the regulation will not benefit navigation

and would result in unnecessary delays in repairing the bridge.

Background and Purpose

The Rock Island Railroad and Highway Drawbridge has a vertical clearance of 23.8 feet above normal pool in the closed to navigation position. Navigation on the waterway consists of commercial tows and recreational watercraft. Presently the draw opens on signal for passage of river traffic. This temporary drawbridge operation amendment has been coordinated with the commercial waterway operators. No one objected to the proposed amendment. Winter conditions on the Upper Mississippi River coupled with the closure of Army Corps of Engineer's Lock No. 21 until March 1, 2000, will preclude any significant navigation demands for the drawspan openings. The Rock Island Railroad & Highway Drawbridge is located upstream of Lock 21. Performing maintenance on the bridge during the winter when no vessels are impacted is preferred to bridge closures or advance notification requirements during the commercial navigation season.

Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it 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 temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This is because river traffic will be extremely limited by lock closures and ice during this period.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under 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 health or risk to safety that may disproportionately affect children.

Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Coast Guard must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this action to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this action will not have economic impact on a substantial number of small entities.

Collection of Information

This temporary rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612, and it has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Agreement.

Environment Assessment

The Coast Guard considered the environmental impact of this temporary rule and concluded that this action is categorically excluded from further environmental documentation in accordance with Section 2.B.2, Figure 2-1 (32)(e) of the National Environmental Policy Act Implementing Procedures, COMDTINST M16475.1C. A

Categorical Exclusion Determination is available for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Regulation

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. Sec. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.225 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From 8 a.m. on December 30, 1999, through 8 a.m. on March 1, 2000, a new § 117.T408 is added to read as follows:

§ 117.T408 Upper Mississippi River.

Rock Island Railroad & Highway Drawbridge, Mile 482.9, Upper Mississippi River. From 8 a.m. on December 30, 1999, through 8 a.m. on March 1, 2000, the drawspan may be maintained in the closed to navigation position and need not open for vessel traffic.

Dated: December 27, 1999.

K.J. Eldridge,

Captain, United States Coast Guard, Acting Commander, Eighth Coast Guard District.
[FR Doc. 00–758 Filed 1–12–00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–6522–9]

RIN: 2060–AH88

Final Rule To Extend the Stay of Action on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today, EPA is taking final action to extend the temporary stay of the effective date of the May 25, 1999 final rule (64 FR 28250) regarding petitions filed under section 126 of the Clean Air Act (CAA) until February 17, 2000. This action to extend the temporary stay will prevent the section 126 findings from being triggered automatically under the mechanism

EPA established in the May 25, 1999 rule. The EPA revised the May 25, 1999 rule in a final rule signed on December 17, 1999. Today's action extends the stay of the May 25, 1999 rule until the revised rule becomes effective on February 17, 2000.

EFFECTIVE DATE: This final rule is effective January 10, 2000.

ADDRESSES: Documents relevant to this action are available for inspection at the Air and Radiation Docket and Information Center (6102), Attention: Docket No. A–97–43, U.S.

Environmental Protection Agency, 401 M Street SW, room M–1500, Washington, DC 20460, telephone (202) 260–7548 between 8:00 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Questions concerning today's action should be addressed to Carla Oldham, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD–15, Research Triangle Park, NC, 27711, telephone (919) 541–3347, e-mail at oldham.carla@epa.gov.

SUPPLEMENTARY INFORMATION:

Availability of Related Information

The official record for the section 126 rulemaking, as well as the public version of the record, has been established under docket number A–97–43 (including comments and data submitted electronically as described below). The public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information, is available for inspection from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in **ADDRESSES** at the beginning of this document. In addition, the **Federal Register** rulemakings and associated documents are located on EPA's website at <http://www.epa.gov/ttn/rto/126>.

I. Background

A. Temporary Stay of May 25, 1999 Final Rule on the Section 126 Petitions

On May 25, 1999 (64 FR 28250), EPA made final determinations that portions of the petitions filed by eight Northeastern States under section 126 of the CAA are technically meritorious. The petitions sought to mitigate what they described as significant transport of one of the main precursors of ground-level ozone, nitrogen oxides (NO_x), across State boundaries. Each petition

specifically requested that EPA make a finding that certain stationary sources emit NO_x in violation of the CAA's prohibition on emissions that significantly contribute to nonattainment problems in the petitioning State.

On June 24, 1999 (64 FR 33956), EPA issued an interim final rule to temporarily stay the effectiveness of the May 25, 1999 final rule until November 30, 1999. The purpose of the interim final rule was to provide EPA time to conduct notice-and-comment rulemaking to address issues raised by two rulings of the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit). In one ruling in *American Trucking Assn., Inc., v. EPA*, 175 F.3d 1027 (D.C. Cir. 1999), the court remanded the 8-hour national ambient air quality standard (NAAQS) for ozone, which formed part of the underlying technical basis for certain of EPA's determinations under section 126. On October 29, 1999, the D.C. Circuit granted in part EPA's Petition for Rehearing and Rehearing En Banc (filed on June 28, 1999) in *American Trucking*, and modified portions of its opinion addressing EPA's ability to implement the 8-hour standard. See *American Trucking*, 1999 WL 979463 (Oct. 29, 1999). The court denied the remainder of EPA's rehearing petition. *Id.* The EPA continues to evaluate the effect of *American Trucking*, as modified by the D.C. Circuit's October 29, 1999 opinion and order. The EPA expects, however, that the status of the 8-hour standard will be uncertain for some time to come. In a separate action, on May 25, 1999, the D.C. Circuit granted a motion to stay the State implementation plan (SIP) submission deadlines established in a related EPA action, the NO_x SIP call (October 27, 1998, 63 FR 57356).

In the interim final rule staying the May 25, 1999 rule, EPA explained why it would be contrary to the public interest for the May 25, 1999 rule to remain in effect while EPA conducted rulemaking to respond to issues raised by the court rulings. The reader should refer to the June 24, 1999 interim final rule (64 FR 33956) and May 25, 1999 final rule (64 FR 28250) for further details and background information. On November 30, 1999, EPA extended the temporary stay until January 10, 2000 because EPA had not yet finalized the revisions to the May 25, 1999 final rule (64 FR 67781; December 3, 1999). In that action to extend the stay, EPA indicated that the stay should remain in place until the effective date of the revised rule, which would be 30 days after the date the revised rule was published in