

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612) we considered whether this rule will have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their field, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the northern part of Hillsborough Bay on January 27, 2001 from 8 a.m. to 6 p.m.

This special local regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only be in effect for 10 hours in a limited area.

## Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

## Federalism

We have analyzed this rule under Executive Order 13132 and have determined that the rule does not have implications for federalism under that order.

## 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 will not impose an unfunded mandate.

## Taking of Private Property

This rule will 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.

## Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined under Figure 2–1, paragraph 34(h) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation.

## List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

## PART 100—MARINE EVENTS

1. The authority citation for Part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. Temporarily suspend § 100.734 and add temporary § 100.35T–00–124 to read as follows:

### § 100.35T–00–124 Annual Gasparilla Marine Parade, Hillsborough Bay, Tampa, FL.

(a) *Regulated Area.* A regulated area is established consisting of all waters of Hillsborough Bay and its tributaries north of a line drawn along latitude 27° 51.30N. The regulated area includes the following in their entirety: Hillsborough Cut “D” Channel, Sparkman Channel, Ybor Channel, Seddon Channel and the Hillsborough River south of the John F. Kennedy Bridge. Coordinates Reference Datum: NAD 1983.

(b) *Special local regulations.* (1) Entry into the regulated area is prohibited to all commercial marine traffic from 8 a.m. to 6 p.m. EST on January 27, 2001.

(2) The regulated area is an idle speed, “no wake” zone.

(3) All vessels within the regulated area shall stay clear of and give way to all vessels in parade formation in the Gasparilla Marine Parade.

(4) When within the marked channels of the parade route, vessels participating in the Gasparilla Marine Parade may not exceed the minimum speed necessary to maintain steerage.

(5) Personnel water craft and vessels without mechanical propulsion are prohibited from the parade route.

(6) Northbound vessels in excess of 80 feet in length without mooring arrangements made prior to January 27, 2001, are prohibited from entering Seddon Channel unless the vessel is officially entered in the Gasparilla Marine Parade. All northbound vessels in excess of 80 feet without prior mooring arrangements not officially entered in the Gasparilla Marine Parade, must use the alternate route through Sparkman Channel.

(c) *Date.* This rule is effective from 8 a.m. to 6 p.m. EST on January 27, 2001.

Dated: December 27, 2000.

**G.W. Sutton,**

*Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD07–00–134]

### Drawbridge Operation Regulations; Anna Maria Bridge, Across the Gulf Intracoastal Waterway, Mile 89.2, Bradenton, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Anna Maria bridge across the Gulf Intracoastal Waterway, mile 89.2, Bradenton, Florida. This temporary deviation allows the drawbridge owner or operator to open only a single leaf between 8 am and 4 pm, from January 1, 2001 through February 28, 2001. This temporary deviation is required to allow the bridge owner to safely complete repairs of the bridge.

**DATES:** This deviation is effective from January 1, 2001 to February 28, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Chief, Operations Section, Seventh Coast Guard District, Bridge Section at (305) 415–6743.

**SUPPLEMENTARY INFORMATION:** The Anna Maria bridge across the Gulf Intracoastal Waterway at Bradenton, is a double leaf bridge with a vertical clearance of 25 feet above mean high water (MHW) measured at the fenders in the closed position with a horizontal clearance of 90 feet. On December 13, 2000, Florida Department of Transportation, the drawbridge owner, requested a

deviation from the current operating regulation in 33 CFR 117.5 which requires drawbridge to open promptly and fully when a request to open is given. This temporary deviation was requested to allow necessary repairs to the drawbridge in a critical time sensitive manner.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.35 for the purpose of repair completion of the drawbridge. Under this deviation, the Anna Maria Bridge need only open one leaf from 8 am until 4 pm, from January 1, 2001 until February 28, 2001. Single leaf closures will occur intermittently during this time period.

Dated: December 21, 2000.

**Greg E. Shapley,**

*Chief, Bridge Administration, Seventh Coast Guard District.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[NV033-FON; FRL-6929-1]

#### Finding of Failure To Submit a Required State Implementation Plan for Particulate Matter, Nevada-Clark County

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

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to find that Nevada failed to make particulate matter (PM-10) nonattainment area state implementation plan (SIP) submittals required for the Las Vegas Valley Planning Area under the Clean Air Act (CAA or Act). The Las Vegas Planning Area was originally classified as a moderate PM-10 nonattainment area, but was later reclassified as serious. Under certain provisions of the Act, states are required to submit SIPs providing for, among other things, reasonable further progress and attainment of the PM-10 national ambient air quality standards (NAAQS) in areas classified as moderate and serious. The State of Nevada submitted several plans intended to meet these requirements. On June 14, 2000, EPA proposed to disapprove these SIP submittals. On December 5, 2000, prior to any final action by EPA, the State of Nevada withdrew the submittals. As a result of the State's withdrawal of the

moderate and serious area SIP submittals, EPA is today finding that Nevada failed to make the PM-10 nonattainment area SIP submittals required for the Las Vegas Valley Planning Area under the Act.

This action triggers the 18-month time clock for mandatory application of sanctions and 2-year time clock for a federal implementation plan (FIP) under the Act. This action is consistent with the CAA mechanism for assuring SIP submissions.

**EFFECTIVE DATE:** This action is effective as of December 20, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Kenneth Israels, U.S. Environmental Protection Agency, Region 9, Air Division (AIR-2), 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1194.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

###### A. CAA Planning Requirements

In 1990, Congress amended the Clean Air Act to address, among other things, continued nonattainment of the PM-10 NAAQS.<sup>1</sup> Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q (1991). On the date of enactment of the Amendments, PM-10 areas meeting the qualifications of section 107(d)(4)(B) of the amended Act were designated nonattainment by operation of law. These areas included all former Group I areas identified in 52 FR 29383 (August 7, 1987) and clarified in 55 FR 45799 (October 31, 1980), and any other areas violating the PM-10 NAAQS prior to January 1, 1989. The Las Vegas Valley Planning Area was identified in the August 7, 1987, *Federal Register* (52 FR

<sup>1</sup> EPA revised the NAAQS for PM-10 on July 1, 1987 (52 FR 24672), replacing standards for total suspended particulates with new standards applying only to particulate matter up to 10 microns in diameter (PM-10). At that time, EPA established two PM-10 standards. The annual PM-10 standard is attained when the expected annual arithmetic average of the 24-hour samples for a period of one year does not exceed 50 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). The 24-hour PM-10 standard of 150  $\mu\text{g}/\text{m}^3$  is attained if samples taken for 24-hour periods have no more than one expected exceedance per year, averaged over 3 years. See 40 CFR 50.6 and 40 CFR part 50, appendix K.

On July 18, 1997, EPA reaffirmed the annual PM-10 standard, and slightly revised the 24-hour PM-10 standard (62 FR 38651). The revised 24-hour PM-10 standard is attained if the 99th percentile of the distribution of the 24-hour results over 3 years does not exceed 150  $\mu\text{g}/\text{m}^3$  at each monitor within an area.

This finding applies to the outstanding obligation of the State to submit plans for the Las Vegas Valley Planning Area addressing the 24-hour and annual PM-10 standards, as originally promulgated.

Breathing particulate matter can cause significant health effects, including an increase in respiratory illness and premature death.

29384). A *Federal Register* action announcing all areas designated nonattainment for PM-10 at enactment of the 1990 amendments was published on March 15, 1991 (56 FR 11101). The boundaries of the Las Vegas Valley nonattainment area (Hydrographic Area 212) are codified at 40 CFR 81.329.

Once an area is designated nonattainment, section 188 of the amended Act outlines the process for classification of the area and establishes the area's attainment date. In accordance with section 188(a), at the time of designation, all PM-10 nonattainment areas, including Las Vegas Valley, were initially classified as moderate by operation of law. Section 188(b)(1) of the Act further provides that moderate areas can subsequently be reclassified as serious before the applicable moderate area attainment date if at any time EPA determines that the area cannot "practically" attain the PM-10 NAAQS by that date.

Air monitoring of the Las Vegas Valley during the past 18 years has measured some of the highest PM-10 pollution in the United States. Nevada submitted a moderate area PM-10 plan for the Las Vegas Valley on December 6, 1991. Based on this submittal, EPA determined on January 8, 1993, that the Las Vegas Valley could not practically attain both the annual and 24-hour standards by the applicable attainment deadline for moderate areas (December 31, 1994, per section 188(c)(1) of the Act), and reclassified the Las Vegas Valley as serious (58 FR 3334). In accordance with section 189(b)(2) of the Act, SIP revisions for the Las Vegas Valley addressing the requirements for serious PM-10 nonattainment areas in section 189(b) and (c) of the Act were required to be submitted by August 8, 1994 and February 8, 1997.

The moderate and serious area requirements, as they currently pertain to the Las Vegas Valley nonattainment area, include:<sup>2</sup>

(a) A demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 2001, or an alternative demonstration that attainment by that date would be impracticable and that the plan provides for attainment by the most expeditious alternative date

<sup>2</sup> EPA has concluded that certain moderate area PM-10 requirements continue to apply after an area has been reclassified to serious. For a more detailed discussion of the planning requirements applicable to the Las Vegas Valley and the relationship between the moderate area and serious area requirements after the reclassification of the area to serious, see 65 FR 37324-37326 (June 14, 2000).