

implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

#### *Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This final rule will not impose any federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of UMRA.

#### *Catalog of Federal Domestic Assistance*

The Catalog of Federal Domestic Assistance (CFDA) program number is 14.183.

#### **List of Subjects in 24 CFR Part 206**

Aged, Condominiums, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements.

#### **PART 206—HOME EQUITY CONVERSION MORTGAGE INSURANCE**

■ Accordingly, the interim rule amending 24 CFR part 206, which was published at 73 FR 1434 on January 8, 2008, is adopted as a final rule without change.

Dated: August 22, 2008.

**Brian D. Montgomery,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

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BILLING CODE 4210–67–P

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 165**

[Docket No. USCG–2008–0843]

RIN 1625–AA00

#### **Safety Zone: Wantagh Parkway 2 Bridge over the Goose Creek Channel, Town of Hempstead, NY**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the navigable waters of Goose Creek Channel surrounding the Wantagh

Parkway 2 Bridge located in the Town of Hempstead, New York. This safety zone is necessary to protect vessels transiting in the area from hazards imposed by construction barges and equipment. Entry into this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound, New Haven, CT.

**DATES:** This rule will be effective from 12:01 a.m. on September 2, 2008 until 11:59 p.m. on December 31, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG–2008–0843 and are available online at [www.regulations.gov](http://www.regulations.gov). They are also available for inspection or copying at two locations: the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, USCG Sector Long Island Sound, 120 Woodward Ave., New Haven, CT 06512 between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call LT Douglas Miller, USCG Sector Long Island Sound, Chief Waterways Management at 203–468–4569. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because unforeseen delays in the construction and removal of the Wantagh 3 Bridge forced the original construction dates for the Wantagh 2 Bridge to be modified which in turn makes the publication of a notice of proposed rulemaking and associated comment period impractical; additional repair and replacement work are needed to ensure the continued safe operation of the bridge.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. A delay is not in the public interest as this safety zone is necessary to allow for completion of this bridge construction project.

##### **Background and Purpose**

Currently, the New York Department of Transportation is modifying the existing bascule and flanking spans of the Wantagh 2 Bridge located over the Goose Creek Channel in the Town of Hempstead, NY. These modifications are needed to ensure the continued safe operation of the bridge. To complete the modifications on the bridge, barges will need to block the waterway during the course of the project. To ensure the continued safety of the boating community, the Coast Guard is establishing a safety zone in all waters of Goose Creek Channel within 100-yards of the Wantagh Parkway Number 2 Bridge. This safety zone is necessary to protect the safety of the boating community who wish to utilize the Goose Creek channel. Vessels may utilize the Sloop Channel as an alternative route to using the Goose Creek Channel, adding minimal additional transit time. Marine traffic may also transit safely outside of the safety zone during the effective dates of the safety zone, allowing navigation in the Goose Creek Channel, except the portion delineated by this rule.

##### **Discussion of Rule**

This regulation establishes a temporary safety zone on the Goose Creek Channel within 100-yards to either side of the Wantagh 2 Bridge. This action is intended to prohibit vessel traffic in a portion of the Goose Creek Channel within 100 yards of the Wantagh 2 Bridge in the Town of Hempstead, NY and to provide for the safety of the boating community due to the hazards posed by construction equipment located in the waterway during the modification of the existing span.

The effective period of this safety zone will be from 12:01 a.m. September 2, 2008 to 11:59 p.m. on December 31, 2008. Marine traffic may continue to transit safely outside of the safety zone during the effective dates of the safety zone, allowing navigation in the Goose Creek Channel, except the portion delineated by this rule. Entry into this zone is prohibited unless authorized by the Captain of the Port Long Island Sound.

Any violation of the safety zone described herein is punishable by,

among other things, civil and criminal penalties, in rem liability against the offending vessel, and the initiation of suspension or revocation proceedings against Coast Guard-issued merchant mariner credentials.

### Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

### Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

This regulation may have some impact on the public, but the potential impact will be minimized for the following reasons: Vessels may transit in all areas of the Goose Creek Channel other than the area of the safety zone, and may utilize other routes with minimal increased transit time.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would 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 fields, 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 in those portions of the Goose Creek that are covered by the safety zone.

### Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104–121], the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If this rule would affect your small business, organization, or governmental jurisdiction and you have

questions concerning its provisions or options for compliance, please call LT Douglas Miller, Chief Waterway Management, Sector Long Island Sound, at (203) 468–4596.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

### Collection of Information

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

### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 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 Executive Order 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

**Environment**

We have analyzed this rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation as it establishes a safety zone. A final environmental analysis checklist and a final categorical exclusion determination will be available in the docket where indicated under **ADDRESSES**.

**List of Subjects in 33 CFR Part 165**

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

■ For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

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

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–0843 to read as follows:

**§ 165.T01–0843 Safety Zone: Wantagh Parkway 2 Bridge over the Goose Creek Channel, Town of Hempstead, New York.**

(a) *Location.* The following area is a safety zone: All navigable waters of the federal channel on the Goose Creek Channel in Town of Hempstead, NY, from surface to bottom, within 100 yards to either side of the Wantagh 2 Bridge.

(b) *Definitions.* The following definitions apply to this section: *Designated on-scene patrol personnel*, means any commissioned, warrant and petty officers of the U.S. Coast Guard operating Coast Guard vessels who has been authorized to act on the behalf of the Captain of the Port, Long Island Sound.

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

(2) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

(3) All persons and vessels must comply with the Coast Guard Captain of the Port or the designated on-scene patrol personnel.

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

(5) Persons and vessels may request permission to enter the zone on VHF–16 or via phone at (203) 468–4401.

(d) *Effective Period.* This rule is effective from 12:01 a.m. on September 2, 2008 to 11:59 p.m. on December 31, 2008.

Dated: August 15, 2008.

**Daniel A. Ronan,**

*Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.*

[FR Doc. E8–20480 Filed 9–3–08; 8:45 am]

**BILLING CODE 4910–15–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R03–OAR–2007–1001; FRL–8709–7]

**Approval and Promulgation of Air Quality Implementation Plans; Maryland; NO<sub>x</sub> and SO<sub>2</sub> Emissions Limitations for Fifteen Coal-Fired Electric Generating Units**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision pertains to regulations for emission limitations at 15 Maryland power plants. The intended effect of this action is to approve, with one exception, Maryland's regulation which establishes statewide tonnage caps for emissions of nitrogen oxides (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) from 15 coal-fired electric generating units (EGUs). The exception pertains to a portion of the rule that Maryland requested EPA take no further action on. The provision, which EPA has determined has no impact on the rule that is being finalized today, will be withdrawn in a separate notice. This SIP action is being taken under the Clean Air Act (CAA).

**DATES:** *Effective Date:* This final rule is effective on October 6, 2008.

**ADDRESSES:** EPA has established a docket for this action under Docket ID

Number EPA–R03–OAR–2007–1001. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web Site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy 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. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

**FOR FURTHER INFORMATION CONTACT:**

Marilyn Powers, (215) 814–2308, or by e-mail at [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

On April 6, 2006, Maryland signed into law the Healthy Air Act (Ch. 23, Acts of 2006). The Healthy Air Act establishes limits on the amount of NO<sub>x</sub> and SO<sub>2</sub> emissions that affected facilities can emit, and does not permit the use of allowances to achieve compliance. To implement the Healthy Air Act, the Maryland Department of the Environment (MDE) adopted COMAR 26.11.27, Emission Limitations for Power Plants. These regulations require the installation of on-site pollution controls at 15 Maryland power plants and will ensure that appropriate local emission reductions will occur where they are needed in order to attain the 8-hour ozone and fine particulate matter National Ambient Air Quality Standards (NAAQS) by 2010.

A formal SIP revision (#07–10) was submitted by MDE on July 12, 2007. On January 10, 2008 (73 FR 1851), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. The NPR proposed approval of emission limitations and related requirements for NO<sub>x</sub> and SO<sub>2</sub> at 15 coal-fired electric generating units in Maryland. No public comments were received on the NPR.

On June 23, 2008, MDE submitted a letter withdrawing a portion of the July 12, 2007 submittal. The withdrawal is only for COMAR 26.11.27.03B(7)(a)(iii). This provision requires a unit that exceeds its ozone season NO<sub>x</sub> emissions