Mr. David Frank, Bridge Administration Branch, telephone number 504–589–2965.

SUPPLEMENTARY INFORMATION:

Background

The Southern Pacific railroad bridge across Clear Creek, mile 1.0, at Seabrook, Texas, was removed in 1997. The elimination of this drawbridge necessitates the removal of the drawbridge operation regulation that pertained to this draw. This rule removes the regulation for this bridge in § 117.961.

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) to forego notice and comment for this rulemaking because the bridge is no longer in existence, eliminating the need for the regulation.

The Coast Guard, for the reason just stated, has also determined that good cause exists for this rule to become effective upon publication in the **Federal Register**.

Regualtory 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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this final rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include (1) small businesses, 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.

Since the Southern Pacific Railroad bridge across Clear Creek, mile 1.0, at Seabrook, Texas has been removed, the rule governing the bridge is no longer appropriate. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) 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 principals and criteria contained in Executive Order 12612 and has determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under Figure 2–1, CE # 32(e) of the NEPA Implementing Procedures, COMDINST M16475.IC, 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 117

Bridges.

Regulations

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

PAR 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 105 Stat. 5039.

§ 117.961 [Removed]

2. Section 117.961 is removed.

Dated: May 11, 1998.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 98–14451 Filed 6–1 –98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC–036–2011; FRL–6103–3]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Enhanced Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting conditional approval of a State Implementation Plan (SIP) revision submitted by the District of Columbia. This revision establishes and requires the implementation of an enhanced motor vehicle inspection and maintenance (I/M) program throughout the District. The intended effect of this action is to conditionally approve the District of Columbia enhanced motor vehicle I/M program. EPA is granting approval of this SIP revision, conditioned upon the District meeting the April 30, 1999 start date committed to and contained in its enhanced I/M SIP revision.

EFFECTIVE DATES: This final rule is effective on July 2, 1998.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Programs Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

FOR FURTHER INFORMATION CONTACT: Catherine L. Magliocchetti 215–566–2174, at the EPA Region III address above, or via e-mail at magliocchetti. catherineepamail. epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 30, 1998 (63 FR 15118), EPA published a notice of proposed rulemaking (NPR) for the District of Columbia. The NPR proposed conditional approval of the enhanced I/M program, submitted on November 25, 1997 by the District of Columbia Department of Health (DoH). A description of the District's submittal and EPA's rationale for its proposed action were presented in the NPR and will not be restated here.

II. Public Comments/Response to Public Comments

There were no comments submitted during the public comment period on this notice.

III. Conditional Approval

Under the terms of EPA's March 30, 1998 notice of proposed rulemaking (63 FR 15118), the District's enhanced I/M program is conditionally approved, pending full implementation of the program on or before April 30, 1998. All other aspects of the District's plan were considered approvable by EPA, in accordance with the Clean Air Act (CAA) and the federal I/M rule requirements.

IV. Final Rulemaking Action

EPA is conditionally approving the District's enhanced I/M program as a revision to the District of Columbia SIP, based upon the District commitment to begin full implementation of the program by April 30, 1999. Should the District fail to fulfill this condition by April 30, 1999, this conditional approval will convert to a disapproval pursuant to CAA section 110(k). In that event, EPA would issue a letter to notify the District that the condition had not been met, and that the approval had converted to a disapproval.

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 E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Conditional approvals of SIP submittals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the District is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, EPA certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a 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).

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

C. Unfunded Mandates

Under section 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 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 conditional 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.

D. Submission to Congress and the General Accounting Office

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 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).

E. 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 0the appropriate circuit by August 3, 1998. Filing a petition for reconsideration by the Administrator of this final rule to conditionally approve the District of Columbia enhanced I/M SIP 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) of the Administrative Procedures Act).

F. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks. Executive Order 13045 (62 FR 19885, April 23, 1997), applies to any rule that is (1) likely to be ''economically significant'' as defined under Executive Order 12866, and (2) the Agency has reason to believe that the environmental health or safety risk addressed by the rule may have a disproportionate effect on children. If a 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, ''Protection of Children from Environmental Health Risks and Safety Risks'' because this is not an ''economically significant'' regulatory action as defined by E.O. 12866, and

because it does not involve decisions on environmental health or safety risks that may disproportionately affect children.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: May 18, 1998.

William T. Wisniewski,

Acting Regional Administrator, Region III.

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. 7401–7671q.

Subpart J—District of Columbia

2. Section 52.473 is added to read as follows:

§ 52.473 Conditional approval.

The District of Columbia's November 25, 1997 submittal, for an enhanced motor vehicle inspection and maintenance (I/M) program, is conditionally approved pending full implementation of the program by April 30, 1999. Should the District fail to fulfill this condition by April 30, 1999, this conditional approval will convert to a disapproval pursuant to CAA section 110(k). In that event, EPA would issue a letter to notify the District that the condition had not been met, and that the approval had converted to a disapproval.

[FR Doc. 98–14158 Filed 6–1–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN82–2; FRL–6013–5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: This document contains corrections to final rules which were published on June 26, 1997 and October 23, 1997. These revisions related to items listed as incorporated in the Indiana State Implementation Plan as part of the State's photochemical oxidant control strategy which is designated as § 52.777 Control strategy: Photochemical oxidants (hydrocarbons), Subpart P—Indiana, part 52, chapter 1, title 40 of the Code of Federal Regulations.

EFFECTIVE DATE: June 2, 1998.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano at (312)886–6036.

SUPPLEMENTARY INFORMATION: On October 23, 1997 (62 FR 55173), when the United States Environmental Protection Agency (EPA) approved the addition of a 1-year extension of the ozone attainment date in the Indiana portion of the Louisville moderate ozone nonattainment area which consists of Clark and Floyd Counties, EPA erroneously codified its approval at 40 CFR 52.777(q). Paragraph (q) had already been utilized to codify EPA's June 26, 1997 (62 FR 34406), approval of an addition to the Indiana SIP in the form of a transportation control measure for Vanderburgh County.

Need for Correction

This duplicate use of paragraph 52.777(q) makes citation to this paragraph confusing and unclear as well as imprecise. For this reason EPA is publishing this Technical Amendment to avoid further confusion.

Administrative Procedure Act

This action will be effective immediately upon publication in the **Federal Register** pursuant to the Administrative Procedure Act, 5 U.S.C. 533(d)(1) and (3)(APA) for good cause. This action which merely redesignates a paragraph used to codify EPA's approval of a one-year ozone attainment date extension for Clark and Floyd Counties in Indiana is too minor to be of interest to the general public. Holding a public comment period on this action is unnecessary. The thirty day delay of the effective date of this action generally required by the APA is unwarranted in that it does not serve the public interest to unnecessarily delay the effective date of this action.

Executive Order 12866

Under Executive Order 12866, this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition this action does not impose annual costs of $100 million or more, will not significantly or uniquely affect small governments, and is not a significant Federal intergovernmental mandate. The EPA thus has no obligations under sections 202, 203, 204 and 205 of the Unfunded Mandates Reform Act. Moreover, since this action is not subject to notice-and-comment requirements under the APA or any other statute, it is not subject to sections 603 or 604 of the Regulatory Flexability Act.

Children's Health Protection

This rule is not subject to E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in this **Federal Register**. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 52

Environmental Protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Transportation control measure.

Dated: April 29, 1998.

Barry C. DeGraff,

Acting Regional Administrator.

Accordingly, part 52, chapter I, title 40 of the Code of Federal Regulations is corrected by making the following Technical Amendment:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 452 U.S.C. 7401 et seq.

Subpart P—Indiana

2. Section 52.777 is amended by redesignating the second paragraph(q) as (r).

[FR Doc. 98–14290 Filed 6–1–98; 8:45 am]

BILLING CODE 6560–50–P