the lack of requests to open the bridge that it is reasonable to allow the Dock Square Drawbridge to remain closed to vessel traffic.

Regulatory Evaluation

This proposed 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 proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the bridge has not had a request to open since 1985.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b), for the reasons discussed in the Regulatory Evaluation section above, that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This proposed 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 proposed rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Section 2.B.2., Figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 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, 106 Stat. 5039.

2. Section 117.527 is revised to read as follows:

§ 117.527 Kennebunk River.

The Dock Square drawbridge at mile 1.0, across the Kennebunk River, between Kennebunk and Kennebunkport, Maine, need not open for vessel traffic. The owners of the bridge shall provide and keep in good legible condition, two board gages in accordance with 33 CFR 118.160, of this chapter.

Dated: August 11, 1999.

R.M. Larabee,

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

[FR Doc. 99–22052 Filed 8–24–99; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–98–174]

RIN 2115–AE47

Drawbridge Operation Regulations: Kennebec River, ME

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating rules governing the Route-197 Bridge, mile 27.1, across the Kennebec River between Richmond and Dresden, Maine. The bridge owner asked the Coast Guard to change the regulations to restore the operating regulations that were inadvertently deleted in 1989, from the Code of Federal Regulations. This proposal is expected to relieve the bridge owner of the requirement to crew the bridge at all times and still meet the needs of navigation.

DATES: Comments must reach the Coast Guard on or before October 25, 1999.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, Ma. 02110–3350, or deliver them to the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The District Commander maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at 408 Atlantic Avenue, Boston, Massachusetts room 630, between 7 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01–98–174) and the specific section of this document to which each comment applies, and give reasons for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address under **ADDRESSES.** The request should include the reasons why a public hearing would be beneficial. If it determines that the opportunity for

oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background

The Route-197 Bridge has a vertical clearance at mean high water of 15 feet and at mean low water of 20 feet. The existing regulations require the bridge to open on signal at all times.

The bridge owner, Maine Department of Transportation (MDOT), asked the Coast Guard to change the operating regulations for the Route-197 Bridge to correct an inadvertent removal of the operating regulations in 1989, as docket number (CGD01–89–077). The bridge owner was not aware of the removal and continued to operate the bridge in accordance with the old regulations. The Coast Guard was also unaware of the inadvertent removal until notified by the bridge owner.

This proposal, if adopted, will require the bridge open on signal from June 1 through September 30, 9 a.m. to 5 p.m. From 5 p.m. to 9 a.m., the draw shall open on signal after notice is given to the drawtender at the bridge during the drawtender's duty shift from 9 a.m. to 5 p.m. From October 1 to May 31, the draw shall open on signal after at least a 24 hour advance notice is given to the Maine Department of Transportation Division Office in Rockland, Maine.

Discussion of Proposal

The Coast Guard is proposing to change the operating regulations for the Route-197 Bridge, to require the draw to open on signal, from June 1 through September 30, from 9 a.m. to 5 p.m., and from 5 p.m. to 9 a.m., the draw shall open on signal after notice is given to the drawtender at the bridge during the time the drawtender is on duty, 9 a.m. to 5 p.m. From October 1 through May 31, the draw shall open on signal if at least a 24 hour advance notice is given to the Maine Department of Transportation Division Office in Rockland, Maine.

The bridge opening logs submitted to the Coast Guard by the bridge owner for the Route-197 Bridge from 1996 to 1998 show the number of opening requests as follows: January 0, 0, 0; February 0, 0, 0; March 0, 0, 0; April 0, 0, 0; May 12, 9, 12; June 14, 20, 14; July 18, 20, 20; August 18, 31, 16; September 20, 11, 10; October 0, 13, 9; November 0, 0, 2; December 0, 0, 0, openings respectively. The bridge logs show relatively few requests to open the bridge from June 1 to September 30.

The Coast Guard believes the proposed changes to the regulations are reasonable because the bridge has been operating in accordance with the proposed hours since 1989, and the Coast Guard has determined, based upon the bridge opening data, the fact that the waterway is normally frozen during the winter months, and the lack of complaints, that these operating hours still meet the needs of navigation.

The existing paragraph (b) will be re-designated as (a)(8), and a new paragraph (b) will be added to the existing regulations indicating the operating regulations for the Route-197 Bridge.

Regulatory Evaluation

This proposed 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 proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the bridge has continued to operate under the old regulations that were inadvertently removed, and the mariners will not be required to change their current operations as a result.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b), for the reasons discussed in the Regulatory Evaluation section above, that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This proposed 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 proposed rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Section 2.B.2., Figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 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, 106 Stat. 5039.

2. Section 117.525 is amended by re-designating paragraph (b) as paragraph (a)(8) and by adding a new paragraph (b) to read as follows:

§ 117.525 Kennebec River.

* * * * *

(b) The draw of the Route-197 bridge, mile 27.1, between Richmond and Dresden shall open on signal from June 1 through September 30, from 9 a.m. to 5 p.m. From 5 p.m. to 9 a.m., the draw shall open on signal after notice is given to the drawtender while the drawtender is on duty between 9 a.m. and 5 p.m. From October 1 through May 31, the draw shall open on signal after at least a twenty-four hour advance notice is given to the Maine Department of Transportation Division Office in Rockland, Maine.

Dated: August 11, 1999.

R.M. Larrabee,

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

[FR Doc. 99–22053 Filed 8–24–99; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA100–4093; FRL–6428–4]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Post-96 Rate of Progress Plan for the Philadelphia Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing limited approval of a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision consists of the three percent per year emission reduction rate-of-progress (ROP) plan for the period 1996–1999 in the Pennsylvania portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area (the Philadelphia area). This requirement is commonly known as the Post-96 ROP plan. The intended effect of this action is to propose limited approval of this ROP plan required by the Clean Air Act to ensure progress on reducing emissions of ozone precursors.

DATES: Written comments must be received on or before September 24, 1999.

ADDRESSES: Written comments may be mailed 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 Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Cristina Fernandez, (215) 814–2178. Or by e-mail at fernandez.cristina@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has prepared a technical support document (TSD) for this action. The TSD contains details of Pennsylvania's July 31, 1998 submittal and EPA's evaluation of that submittal. Copies of the TSD are available from the EPA Regional office listed in the **ADDRESSES** section of this document.

I. Background

Section 182(b)(1) of the Clean Air Act (the Act) requires all moderate, serious, severe, and extreme ozone nonattainment areas to reduce volatile organic compound (VOC) emission 15% from 1990 levels by 1996. That requirement is known as the 15% plan. Section 182(c)(2)(B) of the Act requires serious, severe, and extreme ozone nonattainment areas to reduce emissions of VOC by 3% per year every year from 1996 until their attainment dates. This requirement, known as the Post-96 rate-of-progress (ROP) plan, was originally due by November 15, 1994. However, in a March 2, 1995 memorandum, EPA Assistant Administrator Mary Nichols outlined an alternative attainment demonstration policy that combines the Post-96 ROP plan with the attainment demonstration requirements found in section 182(c)(2)(A) of the Act. This approach consists of two ''phases.'' Phase I requires the states to submit a plan to meet ROP from 1996 to 1999 (the Post-96 ROP plan), and a set of three enforceable commitments. For Phase II, states are required to submit a ROP plan from 1999 to the area's attainment year (commonly referred to as the Post 99 ROP plan), and a modeled attainment demonstration.

The Philadelphia area is classified as a severe ozone nonattainment area. This is a four-state ozone nonattainment area consisting of portions of Delaware, Maryland, New Jersey, and Pennsylvania. For purposes of the Post 96 ROP plan, the four states have maintained the same agreement they reached regarding the 15% ROP plan for the Philadelphia area, namely that each state would secure a 15% reduction, and now a 9% (3% per year for 1997, 1998 and 1999) reduction from its portion of the area's base year inventory. The Pennsylvania portion of the Philadelphia area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties. In a May 31, 1995 letter from James Seif, Secretary of Pennsylvania's Department of Environmental Protection to EPA Region III, Pennsylvania committed to participating in the alternative attainment demonstration approach outlined in the March 2, 1995 memorandum.

On July 31, 1998, the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision to the Pennsylvania State Implementation Plan (SIP) consisting of the Post-96 plan for the Pennsylvania portion of the Philadelphia severe ozone nonattainment area. EPA received this revision on August 4, 1998. PADEP's July 31, 1998 submittal contains both the 1996 to 1999 ROP reduction, and the additional requirements described in the March 2, 1995 Mary Nichols memorandum. This submittal also includes the 1990 oxides of nitrogen (NO_X) base year inventory for the Philadelphia nonattainment area. In an October 2, 1998 letter, EPA determined that PADEP's submittal is administratively and technically complete. That completeness determination stopped the 18-month sanctions clock that EPA started on May 7, 1997. The sanctions clock had been started for Pennsylvania's failure to submit the enforceable commitments to adopt (1) additional measures needed for attainment and (2) the remainder of the rules to meet ROP requirements pending modeling results from the Ozone Transport Assessment Group (OTAG), as required by the March 2, 1995 Mary Nichols memorandum. PADEP's complete July 31, 1998 SIP submittal remedied that failure. Therefore, the sanctions clock was halted.

This rulemaking only addresses the portion of PADEP's July 31, 1998 submittal related to the 1996 to 1999 ROP plan, i.e. the Post-96 ROP plan. On June 17, 1999 EPA approved the 1990 NO_X base year inventory SIP submittal in a separate rulemaking action (64 FR 32424).

Section 182(c)(2)(C) of the Act allows states to substitute emission reductions of NO_X occurring after 1990 for VOC reductions in the Post-1996 rate of progress plans. VOC and NO_X reduction measures, whether mandatory under the Act or adopted at the state's discretion, must ensure ''real, permanent, and enforceable'' emissions reductions. Pennsylvania uses both VOC and NO_X emission control measures to meet the 9% reduction required for the Post 96 ROP plan.

II. Base Year Inventory

EPA approved the 1990 base year VOC emissions inventory for Pennsylvania's portion of the Philadelphia area on June 9, 1997 (62 FR 31343). As stated above, EPA approved the 1990 base year NO_X emissions inventory for Pennsylvania's portion of the Philadelphia area on June 17, 1999 (64 FR 32424).