

Federal holidays. The telephone number is (757) 398-6222.

**FOR FURTHER INFORMATION CONTACT:** Ann Deaton, Bridge Administrator, Fifth Coast Guard District, (757) 398-6222.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to facilitate the sandblasting and painting operations during the non-peak boating period.

### Discussion of Regulation

The current regulation in Title 33 Code of Federal Regulations, Section 117.5, requires the draw to open on signal year-round. A contractor for New Jersey Department of Transportation (NJDOT) requested the Coast Guard to approve a temporary regulation from the normal operation of the bridge by requiring two hours advance notice to open the bridge during the requested time periods in order to accommodate sandblasting and painting of the structure. Due to an extensive containment unit involved with sandblasting and the subsequent painting of the steel, it will take at least a half hour to make the bridge available to be opened and then another half hour to begin work again.

DOT drawbridge logs indicate that from October 1996 through May 1997, the Route 47 (George A. Reading) bridge opened for vessels 657 times with an average of 82 openings per month or approximately three openings per day. The temporary regulation will not significantly disrupt vessel traffic since mariners may still transit the bridge provided the two-hour notice is given.

### Regulatory Evaluation

This 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 been exempted from review 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Due to the small

number of requests for openings and the ability of vessels requesting openings to transit through the bridge provided the two-hour advance notice is given, the impact on routine navigation is expected to be minimal.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard must consider whether this temporary final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

Based on the limited requests for vessel openings and the ability of vessels to transit by requiring two-hours advance notice for bridge openings, 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.

### Collection of Information

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

### Federalism

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

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under Figure 2-1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. Operating regulations for drawbridges are excluded under that authority. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

### PART 117—[AMENDED]

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. Effective October 19, 1998, through May 14, 1999, Section 117.733 is amended by adding paragraph (k) to read as follows:

#### § 117.733 New Jersey Intracoastal Waterway.

\* \* \* \* \*

(k) The draw of the Route 47 (George A. Reading) bridge across Grassy Sound Channel, mile 108.9 at Wildwood need not open from 7 a.m. on October 19, 1998 to 5 p.m. on May 14, 1999 unless two hours advance notice is given by phoning (609) 352-5362.

Dated: September 29, 1998.

**Roger T. Rufe, Jr.,**

*Vice Admiral, U.S. Coast Guard Commander,  
Fifth Coast Guard District.*

[FR Doc. 98-27246 Filed 10-8-98; 8:45 am]

BILLING CODE 4910-15-M

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### 36 CFR Part 811

#### Employee Responsibilities and Conduct; Removal of Superseded Regulations and Addition of Residual Cross-References

**AGENCY:** Advisory Council on Historic Preservation (Council).

**ACTION:** Final rule.

**SUMMARY:** The Advisory Council on Historic Preservation is repealing its superseded old agency employee conduct regulations, which have been replaced by the executive branch-wide Standards of Ethical Conduct, financial disclosure and financial interests regulations issued by the Office of Government Ethics (OGE). In place of its old conduct regulations, the Council is adding a section of residual cross-references to those new provisions as well as to certain executive branch-wide conduct rules promulgated by the Office of Personnel Management (OPM).

**EFFECTIVE DATE:** November 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** John M. Fowler, Designated Agency Ethics Official, Advisory Council on Historic Preservation, Suite 809, 1100 Pennsylvania Avenue, NW., Washington, DC 20004; telephone: 202-606-8503; FAX: 202-606-8647.

**SUPPLEMENTARY INFORMATION:** In 1992, OGE issued a final rule setting forth uniform Standards of Ethical Conduct and an interim final rule on financial

disclosure, and in 1996 issued a final rule on financial interests for executive branch departments and agencies of the Federal Government and their employees. Those three executive branch-wide regulations, as corrected and amended, are codified at 5 CFR Parts 2634, 2635 and 2640. Together those regulations have superseded the old Council regulations on employee responsibilities and conduct, which have been codified at 36 CFR Part 811 (and were based on prior OPM standards). Accordingly, the Council is removing its superseded regulations and adding in place thereof a new section containing residual cross-references to the new provisions at 5 CFR Parts 2634, 2635 and 2640. In addition, the Council is including in that section a reference to the specific executive branch-wide restrictions on gambling, safeguarding the examination process and conduct prejudicial to the Government which are set forth in 5 CFR Part 735, as issued by OPM in 1992.

#### Matters of Regulatory Procedure

##### *Administrative Procedure Act*

As Executive Director of the Advisory Council on Historic Preservation (Council), I have found good cause, pursuant to 5 U.S.C. 553(a) (2) and (b), for waiving the notice of proposed rulemaking and opportunity for public comment as to this final rule. The notice and public comment provisions are being waived because it is in the public interest that this rule, which concerns matters of agency organization, management and personnel and merely reflects for Council employees the current regulatory structure for ethical conduct standards, financial disclosure and financial interests, become effective as soon as possible.

##### *Executive Order 12866*

The Council is exempt from compliance with Executive Order 12866 pursuant to implementing guidance issued by the Office of Management and Budget's Office of Information and Regulatory Affairs in a memorandum dated October 12, 1993. However, in promulgating this final rule, the Council nevertheless has adhered to the regulatory philosophy and the applicable principles of regulation set forth in Executive Order 12866. This final rule deals with agency organization, management, and personnel matters and is not in any event deemed "significant" thereunder.

#### *Regulatory Flexibility Act*

As Executive Director of the Council, I have determined under the Regulatory Flexibility Act (5 U.S.C. Chapter 6) that this final rule will not have a significant economic impact on a substantial number of small entities because it primarily affects Council employees.

#### *Paperwork Reduction Act*

As Executive Director of the Council, I have determined that the Paperwork Reduction Act (44 U.S.C. Chapter 35) does not apply to this final rule, because it does not contain any information collection requirements that require the approval of the Office of Management and Budget.

#### List of Subjects in 36 CFR Part 811

Conflict of interests, Government employees.

**John M. Fowler,**  
*Executive Director.*

For the reasons set forth in the preamble, the Advisory Council on Historic Preservation is revising 36 CFR Part 811 to read as follows:

#### **PART 811—EMPLOYEE RESPONSIBILITIES AND CONDUCT**

##### **§ 811.1 Cross-references to employees' ethical conduct standards, financial disclosure and financial interests regulations and other conduct rules.**

Employees of the Advisory Council on Historic Preservation are subject to the executive branch-wide standards of ethical conduct, financial disclosure and financial interests regulations at 5 CFR Parts 2634, 2635 and 2640, as well as the executive branch-wide employee responsibilities and conduct regulations at 5 CFR Part 735.

**Authority:** 5 U.S.C. 7301 and 16 U.S.C. 470, as amended.

[FR Doc. 98-27217 Filed 10-8-98; 8:45 am]

BILLING CODE 4310-10-P

#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 52**

[MD068-3027; FRL-6174-3]

##### **Approval and Promulgation of Air Quality Implementation Plans; Maryland; Withdrawal of Final Rule**

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

**ACTION:** Withdrawal of notice of final rulemaking.

**SUMMARY:** Due to receipt of adverse comments, EPA is withdrawing the direct final rule for approval of revisions to the Maryland State Implementation Plan (SIP). EPA published the direct final rule on August 26, 1998 (63 FR 45397) approving revisions to Maryland regulation COMAR 36.11.13 to apply reasonably available control technology on sources that store and handle jet fuel. As stated in that **Federal Register** document, if adverse comments were received by September 25, 1998, a timely notice of withdrawal would be published in the **Federal Register**. EPA subsequently received adverse comments on that direct final rule. EPA will address the comments received in a subsequent final action and issue a final rule based on the parallel proposal also published on August 26, 1998 (63 FR 45443). As stated in the parallel proposal, EPA will not institute a second comment period on this action.

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 rule 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).

**DATE:** The direct final rule published at 63 FR 45397 (August 26, 1998) is withdrawn as of October 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kristeen Gaffney (215) 814-2092, or by e-mail at gaffney.kristeen@epamail.epa.gov.

##### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Ozone, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: October 1, 1998.

**Thomas C. Voltaggio,**  
*Acting Regional Administrator, Region III.*  
[FR Doc. 98-27027 Filed 10-8-98; 8:45 am]

BILLING CODE 6560-50-P