

## Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order (E.O.) 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.

Because the Coast Guard expects there to be no impact from this rule, it 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. The Coast Guard expects no impact from this rule. There will be no changes made to the operation of the bridge.

## Collection of Information

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

## Federalism

We have analyzed this final rule under E.O. 13132 and have determined that this final 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 final rule would not impose an unfunded mandate.

## Taking of Private Property

This final rule would 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 final 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 final rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This final 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.

## Environment

We considered the environmental impact of this final rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. This final rule will not change the operation of the bridge. A "Categorical Exclusion Determination" is available in the docket 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:

## 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, 105 Stat. 5039.

2. In § 117.971, the existing text is redesignated as paragraph (b) and a new paragraph (a) is added to read as follows:

### § 117.971 Neches River

(a) The draw of the Kansas City Southern automated bridge, mile 19.5, at Beaumont, is not constantly manned and is operated from a remote site in Shreveport, Louisiana. The bridge is normally maintained in the closed to navigation position, providing 13 feet of

vertical clearance above mean high tide. This bridge will open on signal.

(1) Mariners may request a bridge opening at anytime via one of the following methods:

- (i) Telephone at 1–877–829–6295;
- (ii) Marine radio on VHF–FM Channel 16; or
- (iii) Proper sound signal as prescribed in § 117.15.

(2) When signaling by sound, if return sound signal is not sent from the remote bridge operator, in compliance with § 117.15, contact the remote operator via telephone or marine radio.

(3) An audible warning siren will sound when the bridge is in motion. Video cameras will constantly monitor the waterway near and under the draw. Once a vessel has passed through the bridge, the draw will lower, provided the infrared "under bridge" presence detector and video cameras reveal nothing under the draw.

\* \* \* \* \*

Dated: November 13, 2000.

**Paul J. Pluta,**

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

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 117

[CGD08–00–027]

### Drawbridge Operating Regulation; Sabine Lake, Texas

**AGENCY:** Coast Guard, DOT.

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

**SUMMARY:** The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR 117.979 governing the operation of the State Route 82, swing span bridge across Sabine Lake, mile 10.0 at Port Arthur, Texas. This deviation allows the State of Texas, Department of Transportation to close the bridge to navigation from 7 a.m. on December 1, 2000 through 5 p.m. on December 15, 2000. Presently, the draw is required to open on signal except that from 9 p.m. to 5 a.m., the draw shall open on signal if at least six hours notice is given to the Maintenance Construction Supervisor or the Maintenance Foreman at Port Arthur. This temporary deviation is issued to allow for replacement of the operator house and to perform electrical and mechanical maintenance.

**DATES:** This deviation is effective from 7 a.m. on December 1, 2000 through 5 p.m. on December 15, 2000.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (ob), 501 Magazine Street, New Orleans, Louisiana, 70130-3396. The Bridge Administration Branch maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Phil Johnson, Bridge Administration Branch, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:** The State Route 82, swing span bridge across Sabine Lake, mile 10.2, near Port Arthur, Texas, has a vertical clearance of 9 feet above high water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. Navigation on the waterway consists primarily of fishing vessels, and recreational craft, although the bridge is occasionally transited by small tugs with tows, transporting sand, gravel and marine shells. The State of Texas, Department of Transportation requested a temporary deviation from the normal operation of the drawbridge in order to accommodate the maintenance work, involving construction of a new operator house and replacement of the submarine power supply cable and other electrical and mechanical repairs. This maintenance is necessary for the continued operation of the bridge. An alternate route via the Gulf Intracoastal Waterway is available.

This deviation allows the draw of the State Route 82 Bridge swing span drawbridge across Sabine Lake, mile 10.0, to remain closed to navigation from 7 a.m. on December 1, 2000 through 5 p.m. on December 15, 2000.

Dated: November 14, 2000.

**Paul J. Pluta,**

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

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Parts 52 and 81**

[NH-45-7172a; A-1-FRL-6906-2]

#### **Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; State of New Hampshire; Revision to the Carbon Monoxide State Implementation Plan, City of Nashua; Carbon Monoxide Redesignation Request, Maintenance Plan, Transportation Conformity Budget, and Emissions Inventory for the City of Nashua; Carbon Monoxide Redesignation Request, Maintenance Plan, Transportation Conformity Budget, and Emissions Inventory for the City of Manchester**

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is redesignating the Nashua, New Hampshire nonattainment area to attainment for the carbon monoxide (CO) air quality standard and approving a maintenance plan that will insure that the Nashua area remains in attainment. The EPA is also redesignating the Manchester, New Hampshire nonattainment area to attainment for the CO air quality standard and approving a maintenance plan that will insure that the Manchester area remains in attainment. Under the Clean Air Act, as amended in 1990 (the CAA), designations can be revised if sufficient data are available to warrant such revisions and the request to redesignate shows that all of the requirements of section 107(d)(E)(3) of the CAA have been met. EPA is approving the New Hampshire maintenance plans and other redesignation submittals because they meet the maintenance plan and redesignation requirements, and will ensure that the two areas remains in attainment. The approved maintenance plans will become a federally enforceable part of the New Hampshire State Implementation Plan (SIP). In this action, EPA is also approving the New Hampshire 1990 baseline emission inventories for both of these areas, transportation conformity budgets for both areas and a revision to the motor vehicle inspection and maintenance (I/M) SIP approved for the Nashua area.

**DATES:** This direct final rule is effective January 29, 2001 without further notice, unless EPA receives adverse comment by December 29, 2000. If adverse comment is received, EPA will publish

a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, New England office, One Congress Street, Suite 1100, Boston, MA 02114-2023. Copies of the State's redesignation requests and other information supporting this action and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, New England office, One Congress Street, 11th floor, Boston, MA and Air Resources Division, Department of Environmental Services, 6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey S. Butensky, Environmental Planner, Air Quality Planning Unit of the Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, New England office, One Congress Street, Boston, MA 02114-2023, (617) 918-1665 or at butensky.jeff@epa.gov.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Summary of SIP Revisions**

Why is EPA taking this action?

Why are we concerned about carbon monoxide?

How did EPA establish Manchester and Nashua as nonattainment for carbon monoxide?

Why did New Hampshire initiate an Inspection and Maintenance program in the Nashua area?

What are the related Clean Air Act requirements, and how does New Hampshire meet them?

##### **Why Is EPA Taking This Action?**

On February 2, 1999, the State of New Hampshire submitted formal CO redesignation requests for the City of Manchester and the City of Nashua. These two submittals also included maintenance plans, 1990 CO emission inventories, and transportation conformity budgets for both cities. Both of these submittals are being approved in today's action. New Hampshire also submitted a revision to the CO attainment SIP for Nashua. This submittal, dated February 1, 1999, requests to replace the previously implemented CO I/M program in the Nashua area with controls consisting of the existing federal Tier 1 emission