populations of less than 50,000. The majority of commercial vessels and fishing vessels which normally transit the causeway bridge will still be able to do so through the south channel span. Thus, the Coast Guard expects there to be no significant economic impact on these vessels. The Coast Guard is not aware of any other waterway users who would suffer economic hardship from being unable to transit the waterway during these closure periods. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This temporary rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this temporary rule and concluded that, under figure 2–1, paragraph 32(e), of COMDTINST M16475.1C, this temporary rule is categorically excluded from further environmental documentation. This is a Bridge Program Administrative action, promulgating operating regulations or procedures of drawbridges. The project consists of cleaning and painting the bascules on a permitted bridge, consistent with Federal, State and local laws and administrative determinations relating to the environment. A ''Categorical Exclusion Determination'' is available to the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending Part 117 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; and 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Effective December 14, 1998 through March 20, 1999, § 117.467 is amended by suspending paragraph (b) and adding paragraph (c) to read as follows:

§ 117.467 Lake Pontchartrain.

* * * * *

(c) From December 14, 1998 through March 20, 1999 the draws of the Greater New Orleans Expressway Commission causeway, north bascule span, need not open for the passage of vessels Monday through Saturday except for December 25, 26 and 27, 1998, January 1, 2, 3, 16, 17, and 18, 1999, and February 13, 14, 15 and 16, 1999. From 12:01 a.m. on Sundays to 12:01 a.m. on Mondays and on December 25, 26 and 27, 1998, January 1, 2, 3, 16, 17 and 18, 1999, and February 13, 14, 15 and 16, 1999, the draws will open on signal if at least three hours notice is given.

Dated: December 7, 1998.

Paul J. Pluta,

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

[FR Doc. 98–33395 Filed 12–16–98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NH037–7164; A–1–FRL–6203–5]

Approval and Promulgation of Air Quality Implementation Plans; State of New Hampshire; Interim Final Determination That New Hampshire has Avoided the Deficiencies of its I/M SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: Elsewhere in today's **Federal Register**, EPA has published rulemaking actions proposing to determine that the one hour ozone standard no longer applies in New Hampshire and other nearby areas, and proposing approval of the State of New Hampshire's motor vehicle inspection and maintenance (I/M) program, under Section 110 of the Clean Air Act (CAA). Additionally, EPA is proposing to lift the requirement that New Hampshire submit an enhanced I/M program consistent with specific Clean Air Act requirements for the Ozone Transport Region (OTR). Based on these proposed actions, EPA is making an interim final determination, by this action, that the State is more likely than not no longer subject to the requirements prompting the original disapproval of the New Hampshire enhanced I/M SIP revision. This action will defer the application of the offset sanction that is otherwise applicable beginning December 6, 1998, and defers the future application of the highway sanction. Although this action is effective upon publication, EPA will take comment on this interim final determination as well as EPA's action proposing approval of the State's submittal and a determination that the one-hour ozone standard no longer applies in New Hampshire and other nearby areas. EPA will publish a final notice taking into consideration any comments received on EPA's proposed actions and this interim final action.

DATES: Effective December 17, 1998. Written comments must be received on or before January 19, 1999. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal 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, Region I, One Congress Street, 11th floor, Boston, MA and the Air Resources Division, Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302–2033.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, (617) 918–1045.

SUPPLEMENTARY INFORMATION: On September 4, 1998, New Hampshire submitted a revision to its State Implementation Plan (SIP) for an I/M program. This submittal was supplemented by a letter dated November 20, 1998 providing additional information about the New Hampshire I/M program and a request for further flexibility from requirements applicable to the OTR in light of the current air quality status of the area. The SIP revision includes New Hampshire Code of Administrative Rules, Part Saf-C 3220 ''Official Motor Vehicle Inspection Requirements'' and Part Saf-C 5800 ''Roadside Diesel Opacity Inspection'' and additional supporting material including authorizing legislation, administrative items, and a description of the program being implemented. This action is being taken under Section 110 of the Clean Air Act.

I. Background

On October 12, 1994, EPA conditionally approved in the **Federal Register** (59 FR 51517) an I/M SIP submitted by the State. By means of a June 6, 1997 letter, EPA notified New Hampshire that the conditional approval of the New Hampshire enhanced I/M SIP revision had been converted to a disapproval. The letter triggered the 18-month time clock for the mandatory application of sanctions under section 179(a) of the CAA. Therefore, the Act's offset sanction applies beginning December 6, 1998. To remedy that failure, on September 4, 1998, the State of New Hampshire submitted an I/M SIP revision to EPA, requesting approval action under the CAA. On November 20, 1998, a supplement to the September 4, 1998 SIP revision was officially submitted to EPA.

The purpose of these SIP revisions was to remedy deficiencies identified by EPA in its June 6, 1997 letter. In the November 20, 1998 letter, New Hampshire submitted a request that EPA grant the State further flexibility under the CAA to implement an I/M program that does not meet all the specific requirements for an enhanced I/M program in the OTR.

II. EPA's Current Rulemaking Actions

In the Proposed Rules section of today's **Federal Register**, EPA is proposing approval of the State's I/M SIP revision to strengthen its SIP, as well as an action proposing to determine that the 1-hour ozone standard no longer applies in New Hampshire and certain other nearby areas. Additionally, EPA has proposed to remove the detailed CAA requirements for an enhanced I/M program in the OTR for New Hampshire based on the State's demonstration that reductions from an I/M program will not significantly contribute to attainment of the 1-hour ozone standard in any area in the OTR.

EPA believes that, as a result of today's related rulemaking actions, it is more likely than not that New Hampshire is no longer subject to the requirement to have an enhanced I/M program which triggered the sanctions clock in New Hampshire. This interim determination will not halt or reset the sanctions deadline, but will continue to defer the implementation of sanctions until EPA's proposal is finalized or the State's I/M program is disapproved. Disapproval will result in sanctions being imposed, as previously scheduled.

Today EPA is also providing the public with an opportunity to comment on this interim final determination. If, based on any comments received by EPA upon this interim final determination action and any comments on EPA's proposed finding with respect to New Hampshire's air quality and proposed approval of the State's I/M SIP revision, EPA determines that those actions are inappropriate and the SIP revision is not approvable and, therefore, this final action was also inappropriate, EPA will take further action to disapprove the State's I/M SIP revision. If EPA's proposed approval of the New Hampshire I/M SIP revision is disapproved, then sanctions would be applied as required under Section 179(a) of the CAA and 40 CFR 52.31.

III. EPA Action

Based on the proposed actions determining that the 1-hour ozone standard no longer applies in New Hampshire and removing the I/M requirement in New Hampshire set forth elsewhere in today's **Federal Register**, EPA believes that it is more likely than not that the State is no longer subject to the I/M requirement that prompted the original disapproval of the New Hampshire I/M SIP for which the June 6, 1997 disapproval finding was issued. Therefore, EPA concludes that sanctions should be stayed until EPA takes final action on those proposals and the New Hampshire I/M SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

Because EPA has preliminarily determined that New Hampshire is no longer subject to enhanced I/M requirements and therefore that the September 4, 1998 New Hampshire I/M SIP revision is approvable, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect.[1] 5 U.S.C. 553(b)(B). The EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The EPA has reviewed the State's September 4, 1998 I/M SIP revision and November 20, 1998 letter. Through this interim final determination action, the Agency believes that it is more likely than not that the State is no longer subject to the requirement for which the sanctions clock was started.

Therefore, it is not in the public interest to apply sanctions when the State is most likely no longer subject to the requirement that triggered the sanctions clock. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State is no longer subject to that requirement prior to the date sanctions would take effect. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to defer sanctions while EPA completes its rulemaking process. In addition, EPA is invoking the good cause exception to the 30-day advance notice requirement of the APA because the purpose of this notice is to relieve a restriction. *See* 5 U.S.C. 553(d)(1).

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget, a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of

[1] As previously noted, however, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date and EPA will consider any comments received in determining whether to reverse such action.

section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the 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 because it is not economically significant under E.O. 12866 and does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This rule will not have a significant impact on a substantial number of small entities because it does not create any new requirements. Therefore, because this rule does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

Under sections 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 the 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 this action 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 imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. 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 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 action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective upon publication.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401 *et seq.*

Dated: December 9, 1998.

John DeVillars,

Regional Administrator, Region 1.

[FR Doc. 98–33474 Filed 12–16–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME060–7009; A–1–FRL–6203–4]

Approval and Promulgation of Air Quality Implementation Plans; State of Maine; Interim Final Determination That Maine has Avoided the Deficiencies of its I/M SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: Elsewhere in today's **Federal Register**, EPA has published rulemaking actions proposing to determine that the one hour ozone standard no longer applies in Maine and other nearby areas, and proposing approval of the State of Maine's motor vehicle inspection and maintenance (I/M) program, under section 110 of the Clean Air Act (CAA). Additionally, EPA is proposing to lift the requirement that Maine submit an enhanced I/M program consistent with specific Clean Air Act requirements for the Ozone Transport Region (OTR). Based on these proposed actions, EPA is making an interim final determination, by this action, that the State is more likely than not no longer subject to the requirements prompting the original disapproval of the Maine enhanced I/M SIP revision. This action will defer the application of the offset sanction that is otherwise applicable beginning December 6, 1998, and defers the future application of the highway sanction. Although this action is effective upon publication, EPA will take comment on this interim final determination as well