

(Lat. 45°04'58" N., long. 83°33'25" W.)

Within a 4.4-mile radius of the Alpena County Regional Airport, and within 2.5 miles each side of the Alpena VORTAC 350° radial, extending from the 4.4-mile radius of the airport to 7.0 miles north of the VORTAC, and within 2.5 miles each side of the Alpena VORTAC 187° radial, extending from the 4.4-mile radius of the airport to 7.0 miles south of the VORTAC. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

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AGL MI E5 Alpena, MI [Revised]

Alpena County Regional Airport

(Lat. 45°04'41" N., long. 83°33'37" W.)

Alpena VORTAC

(Lat. 45°04'58" N., long. 83°33'25" W.)

FELPS NDB

(Lat. 44°57'39" N., long. 83°33'36" W.)

Alpena General Hospital, MI

Point in Space Coordinates

(Lat. 45°04'38" N., long. 83°26'53" W.)

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of Alpena County Regional Airport and within 4.0 miles each side of the 180° bearing from the FELPS NDB extending from the 7.0-mile radius to 12.3 miles south of the Alpena VORTAC, and within a 6.0-mile radius of the Point in Space serving Alpena General Hospital.

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Issued in Des Plaines, Illinois on January 29, 1999.

Michelle M. Behm,

Acting Manager, Air Traffic Division.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-98-091]

RIN 2115-AE47

Drawbridge Operation Regulations; Hackensack River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the Drawbridge Operation Regulations governing the S46 Bridge, mile 14.0, across the Hackensack River at Little Ferry, New Jersey. This proposal will require the bridge to open on signal after a twenty four hour advance notice is given by calling the

number posted at the bridge. There have been no requests to open the S46 Bridge since 1978. This rule is expected to relieve the bridge owner of the requirement to crew the bridge and still meet the needs of navigation.

DATES: Comments must be received by the Coast Guard on or before April 19, 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.

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 matter by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-98-091) and specific section of this proposal to which their comments apply, and give reasons for each comment. 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 proposal in response to comments received. The Coast Guard does not plan to hold a public hearing; however, persons may request a public hearing by writing to the Coast Guard at the address listed under **ADDRESSES** in this document. If it is determined that the opportunity for oral presentations will aid this matter, the Coast Guard will hold a public hearing at a time and place announced by a subsequent notice published in the **Federal Register**.

Background

The S46 Bridge, at mile 14.0, in Little Ferry, New Jersey, has a vertical clearance of 35 feet at mean high water and 40 feet at mean low water.

The S46 Bridge is presently required under § 117.723(f) to open on signal if at least six (6) hours advance notice is given.

Discussion of Proposal

The Coast Guard proposes to amend the regulations to require that the S46 Bridge open on signal after a twenty four hour notice is given by calling the number posted at the bridge. The bridge owner, the New Jersey Department of

Transportation, has requested that the advance notice requirement be changed to twenty four hours. The Coast Guard believes this is a reasonable proposal because the bridge owner has not received a request to open the bridge since 1978.

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; Feb. 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 no requests to open this bridge have been made since 1978.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule 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, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think 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 proposed 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 federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under 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 not to 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.

Regulations

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 117.723(f) is revised to read as follows:

§ 117.723 Hackensack River.

* * * * *

(f) Except as provided in paragraph (a)(1) of this section, the draw of the S46 Bridge, at mile 14.0, in Little Ferry shall open on signal after a twenty four hour advance notice is given by calling the number posted at the bridge.

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Dated: February 5, 1999.

R.M. Larrabee,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD27-1-6150; FRL-6303-8]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology Requirements for Major Sources of Nitrogen Oxides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing conditional limited approval of a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision to Maryland's Regulations requires all major sources of nitrogen oxides (NO_x) to implement reasonably available control technology (RACT) and was submitted to comply with the NO_x RACT requirements of the Clean Air Act (the Act). Also, Maryland's regulations are being amended by adding three definitions and amending the definition for "fuel burning equipment." The intended effect of this action is to propose conditional limited approval of the Maryland NO_x RACT regulation, and also to propose full approval of the new and revised definitions submitted by the State of Maryland.

DATES: Written comments must be received on or before March 22, 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 Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Carolyn M. Donahue, (215) 814-2095, at the above EPA Region III address, or via e-mail at donahue.carolyn@epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the EPA Region III address above.

SUPPLEMENTARY INFORMATION:

I. Background

On July 11, 1995, the Maryland Department of the Environment (MDE)

submitted a revision to its State Implementation Plan (SIP) for the control of NO_x emissions from major sources. The revision consisted of a new version of Code of Maryland Regulations (COMAR) Title 26, Subtitle 11, Chapter 09 "Control of Fuel Burning Equipment and Stationary Internal Combustion Engines," Regulation 26.11.09.08 "Control of NO_x Emissions from Major Stationary Sources," which repealed and replaced the existing version of COMAR 26.11.09.08 (hereafter Regulation .08). The new Regulation .08 requires major NO_x sources in ozone nonattainment areas classified as moderate and above and/or located in the Ozone Transport Region (OTR) to comply with RACT requirements by May 31, 1995. Section B of COMAR 26.11.09.01 "Definitions," has been amended to include definitions for the terms "annual combustion analysis," "space heater" and "system" used in Regulation .08. Also, the definition for "fuel burning equipment" has been expanded to include stationary internal combustion engines and stationary combustion turbines.

Section 182 of the Act defines a major NO_x source as one that emits or has the potential to emit 25 or more tons of NO_x per year (TPY) in any ozone nonattainment area classified as severe, or 50 or more TPY located in any ozone nonattainment area classified as serious. For any area in the OTR classified as attainment or marginal nonattainment, §§ 182 and 184 of the Act define a major stationary source of NO_x as one that emits or has the potential to emit 100 or more TPY. Section 182 requires that RACT on major stationary sources of NO_x be implemented by no later than May 31, 1995.

The major source size is determined by its location, the classification of that area, and whether it is located in the OTR, which is established by the Act. The Baltimore nonattainment area and Cecil County are classified as severe nonattainment areas. Calvert, Charles, Frederick, Montgomery and Prince George's Counties are classified as serious ozone nonattainment areas. The remaining counties in Maryland are classified as marginal or in attainment but are located in the OTR and therefore are treated as if they are classified as moderate nonattainment areas.

II. Summary of Maryland's SIP Revision

Maryland submitted this SIP revision, establishing definitions and standards for operation of major NO_x sources, on June 8, 1993, and submitted two sets of amendments on July 11, 1995. Maryland