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

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A ''Federal mandate'' is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, $100 million or more in any one year, the UMRA analysis is required. This temporary final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard considered the environmental impact of this temporary final rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this temporary final rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01–094 to read as follows:

§ 165.T01–094 Safety Zone: Staten Island Fireworks, Lower New York Bay and Raritan Bay.

(a) *Safety Zone A:* (1) *Location.* All waters of Lower New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°35′11″ N., 074°03′42″ W. (NAD 1983), about 350 yards east of South Beach, Staten Island.

(2) *Effective period.* This paragraph is effective from 8:30 p.m. until 10 p.m. on August 28, 1999. If the event is canceled for inclement weather, then this paragraph is effective from 8:30 p.m. until 10 p.m. on August 29, 1999.

(b) *Safety Zone B:* (1) *Location.* All waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge in approximate position 40°30′04″ N., 074°15′35″ W. (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595).

(2) *Effective period.* This paragraph is effective from 8:30 p.m. until 10 p.m. on September 4, 1999. If the event is canceled for inclement weather, then this paragraph is effective from 8:30 p.m. until 10 p.m. on September 5, 1999.

(c) *Effective period.* This section is effective from 8:30 p.m. on August 28, 1999, until 10 p.m. September 5, 1999.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 23 1999.

R.E. Bennis,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 99–22333 Filed 8–26–99; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA–81–167; FRL–6427–4]

Approval and Promulgation of State Implementation Plans; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision from the State of California demonstrating that the California Low Emission Vehicle (LEV) program qualifies as a substitute for the Clean Air Act (CAA) Clean Fuel Fleet (CFF) vehicle program. The CAA requires states, in order to opt-out of the CFF vehicle program, to submit a substitute program for all or a portion of the program which consists of measures not otherwise required by the Act and that achieves at least equal long-term emission reductions of ozone-producing and air toxic emissions. EPA is taking these actions under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national ambient air quality standards (NAAQS), and plan requirements for nonattainment areas.

EFFECTIVE DATE: This approval is effective on September 27, 1999.

ADDRESSES: The rulemaking docket for this notice is available for public inspection during normal business hours at EPA's Region IX office, Air Division, 75 Hawthorne Street, San Francisco, CA 94105–3901. A reasonable fee may be charged for copying parts of the docket.

Copies of related materials are also available for inspection at the following location: California Air Resources Board, 2020 L Street, Sacramento, California 95814–2815

FOR FURTHER INFORMATION CONTACT: Roxanne Johnson, EPA Region IX Air Planning Office, (415) 744–1225, or johnson.roxanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. EPA's Final Action

We are approving a SIP revision submitted by the State of California, consisting of Executive Order G–125–145 containing a substitute for the CAA CFF vehicle program, dated November 7, 1994.[1] The California Air Resources Board (CARB) Executive Order G–125–145 is a formal document which sets forth the substance of California's opt-out request and describes the legal authority under which the SIP revision was submitted.

Sections 182(c)(4)(A) and 246 of the Act require certain states, including California, to submit for EPA approval a SIP revision that includes measures to implement the Clean Fuel Fleet vehicle program. Section 182(c)(4)(B) of the CAA allows states to ''opt-out'' of the

[1] CARB submitted the Executive Order on November 7, 1994 which appended the State's May 11, 1994 SIP submittal. On November 13, 1992, CARB submitted a request to EPA to revise the SIP and opt-out of the CAA CFF vehicle program. In this submittal CARB committed to supply more detailed emission reduction data demonstrating equivalence to the CAA CFF vehicle program, and requested the EPA to conditionally approve the commitment pursuant to CAA section 110(k)(4). The conditional approval dated November 29, 1993, (published at 58 FR 62532) stated that California would be required to submit a SIP revision fulfilling the commitment by May 15, 1994.

CFF vehicle program by submitting for EPA approval a SIP revision consisting of a program or programs not otherwise required by the Act that will result in at least equivalent long term reductions in ozone-producing and toxic air emissions.

II. Background

The six serious and above nonattainment areas for either one or both ozone and carbon monoxide (CO) subject to the CAA Clean Fuel Fleets program include: Los Angeles-South Coast Air Basin; Sacramento Metro; San Diego; San Joaquin Valley; Southeast Desert Modified AQMD; and Ventura County. California has designated a certain portion of the emission benefits achieved by their LEV program as a substitute for the CAA fleet program. California has estimated that the LEV program will achieve more than 50 times the ROG emission reduction and more than 30 times the NO_X emission reduction compared to the CAA fleet program.

On November 7, 1994, CARB submitted as a SIP revision Executive Order G–125–145, formally adopting its request to opt-out of the CAA CFF vehicle program, and attaching supporting materials demonstrating that the State's LEV program achieves longterm reductions in emissions of ozone-forming and air toxic pollutants at least as large as those that would be achieved by the CAA CFF vehicle program. On January 30, 1995, the revision was found to be complete pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V.[2] On April 14, 1997, EPA proposed approval of the State's November submittal and removed the condition on approval of California's opt-out of the CAA CFF vehicle program in a notice of proposed rulemaking (NPRM) published at 62 FR 18071[3].

III. Response to Public Comments

A. Summary of Comments and Responses

EPA received comments on the proposed approval only from the California Air Resources Board (CARB). CARB pointed out that the language in the proposal did not clearly state that CARB was opting to use a ''portion'' of the benefits achieved from their Low Emission Vehicle (LEV) program to meet the CAA opt-out requirements.

Response: EPA understands that CARB intended to rely on a portion of the emissions reductions achieved by the LEV program as its substitute for the CFF program. In the May 1994 SIP submittal, CARB estimated the reductions in ozone-forming and toxic air emissions that would be achieved through implementation of the CAA clean fuel fleet program compared to the LEV program. The estimated emission benefits for both programs were calculated for reactive organic gas (ROG), NO_X, and CO emission benefits for the years 2000 and 2010. Implementation of the CAA CFF program is expected to reduce 2.2 tons/day of ROG, 5.0 tons/day of NO_X, and 6.0 tons/day of CO in the year 2000 and 5.0 tons/day of ROG, 10.2 tons/day of NO_X, and 10.4 tons/day of CO in the year 2010. CARB also provided a rationale from their LEV program for long-term emission reductions of toxic air contaminants. The comparison of the emission benefits from the LEV program and the CAA CFF program demonstrated emission reductions in the two ozone precursors ROG and NO_X and therefore a concurrent reduction in the toxic air contaminants included in ROG. CARB cited an EPA study on motor vehicle related toxic air contaminants emphasized those toxics that ''* * * pose the greatest risk to human health or about which significant uncertainties remain, including emissions of benzene, formaldehyde, and 1,3-butadiene (EPA, 1993).'' CARB further stated that emissions of benzene typically account for over 80 percent of the sum total exhaust emissions of these three compounds and are expected to be reduced by the same relative amount as total ROG emissions. Formaldehyde and 1,3-butadiene emissions are also expected to be reduced with ROG emissions although the relative amounts appear to be more variable. CARB's LEV program is expected to provide long-term reductions in toxic air contaminants that will exceed levels anticipated from implementation of the CAA CFF program due to the reductions in ROG emissions of 252 tons/day in the year 2010.

B. Conclusion

We are finalizing the action as proposed. The emission benefits analysis performed by CARB demonstrates that the LEV program provides long-term reductions in ozone and toxic air contaminants exceeding those of the CAA clean fuel fleet program (see Table 1). It should also be noted that CARB is not committing the full benefits demonstrated by the LEV program, but is committing only that portion of the benefits equivalent to those provided by the CAA clean fuel fleet program. Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

TABLE 1.—EMISSION BENEFITS: CAA CFF PROGRAM V CA LEV PROGRAM

[Tons/day]

Vehicle Type	CAA CFF Program			LEV Program		
	ROG	NOx	CO	ROG	NOx	CO
Year 2000:						
Passenger Cars	0.84	0.93	3.97	34.61	214.11	38.22
Light-Duty Trucks < 6,001 lbs	0.28	0.41	0.00	8.27	8.17	11.51
Medium-Duty Vehicles	0.09	0.00	0.00	2.53	0.43	0.26
Heavy-Duty Vehicles[1]	0.97	3.65	2.00	0.77	0.44	0.11
Total	2.18	4.99	5.97	46.18	223.15	50.10
Year 2010:						
Passenger Cars	1.60	1.74	6.62	170.35	222.52	824.73

[2] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[3] Final rulemaking published November 29, 1993 at 59 FR 62532.

Table 1.—Emission Benefits: CAA CFF Program v CA LEV Program—Continued

[Tons/day]

Vehicle Type	CAA CFF Program			LEV Program		
	ROG	NOx	CO	ROG	NOx	CO
Light-Duty Trucks < 6,001 lbs	1.16	1.61	0.00	52.35	86.40	88.77
Medium-Duty Vehicles	0.38	0.00	0.00	20.11	5.80	18.02
Heavy-Duty Vehicles	1.89	6.83	3.83	9.45	6.72	11.78
Total	5.03	10.18	10.45	252.26	321.44	943.30

[1] For this analysis, heavy-duty vehicles consist of two categories: (1) light heavy-duty (8501—321.4414,000 lbs) and (2) medium heavy-duty (14,001–33,000 lbs). The federal clean fuel fleet program applies to vehicles weighing less than 26,000 lbs and the LEV program to those weighing less than 14,000 lbs.

IV. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, 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 any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 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 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 does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly 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. 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 final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval 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. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 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 annual costs to State, local, or tribal governments in the aggregate; or to 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 annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to approve pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 14, 1999.

Felicia Marcus,

Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(201) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(201) A plan for the following agency was submitted on November 7, 1994 by the Governor's designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(*1*) California's Opt-out Program, Executive Order G–125–145, dated November 7, 1994.

* * * * *

[FR Doc. 99–22187 Filed 8–26–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

RIN 3067–AC82

Extensions of Application Period for Temporary Housing Assistance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule expands the circumstances under which the Regional Director may extend the standard 60-day application period for assistance provided under the Disaster Housing Program. This rule also retains FEMA's authority to accept an individual application made after the application period has closed when the applicant's reason for lateness is justified.

EFFECTIVE DATE: This rule is effective September 27, 1999.

FOR FURTHER INFORMATION CONTACT: Laurence W. Zensinger, Response and Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3642, (facsimile) 202–646–2730, or (e-mail) laurence.zensinger@fema.gov.

SUPPLEMENTARY INFORMATION: On May 6, 1998, we published a proposed rule in the **Federal Register** at 63 FR 25010 and invited comments for 60 days ending on July 6, 1998. We received one set of comments from a legal assistance attorney. While most of the submitted comments addressed issues beyond the scope of the proposed rule, those comments that did address the proposed rule were in favor of placing the flexibility for an extension to the application period in regulation. The attorney asked for additional information on two points: (1) What circumstances may warrant an extension; and (2) what would be sufficient justification for a late application to be accepted. We will issue a policy to provide guidance on these points once the final rule is in effect. We are publishing the final rule with no substantive changes from what we published as a proposed rule.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. We have not prepared an environmental impact assessment.

Executive Order 12866, Regulatory Planning and Review

This rule is not a significant regulatory action within the meaning of section 2(f) of Executive Order 12866 of September 30, 1993, 58 FR 51735. To the extent possible, this rule adheres to the regulatory principles set forth in Executive Order 12866. The Office of Management and Budget has not reviewed it under the provisions of Executive Order 12866.

Paperwork Reduction Act

This rule does not contain a collection of information requirement as described in section 3504(h) of the Paperwork Reduction Act.

Executive Order 12612, Federalism

This rule does not involve any policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

Congressional Review of Agency Rulemaking

We have submitted this final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Public Law 104–121. The rule is not a ''major rule'' within the meaning of that Act. It is an administrative action in support of normal day-to-day activities. It does not result in nor is it likely to result in an annual effect on the economy of $100,000,000 or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have ''significant adverse effects'' on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

This final rule is exempt (1) from the requirements of the Regulatory Flexibility Act, and (2) from the Paperwork Reduction Act. The rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Public Law 104–4. It does not meet the $100,000,000 threshold of that Act, and any enforceable duties are imposed as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.