

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the First Coast Guard District Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

SUPPLEMENTARY INFORMATION:

Regulatory History

On August 13, 1999, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations; Mystic River, Connecticut, in the **Federal Register** (64 FR 44145). The Coast Guard received no comments on the notice of proposed rulemaking. No public hearing was requested and none was held.

Background

The US 1 Bridge, mile 2.8, across the Mystic River, has a vertical clearance of 4 feet at mean high water and 7 feet at mean low water.

The existing operating regulations for the bridge listed at 33 CFR 117.211(b) require it to open on signal with a maximum delay of 20 minutes; except, from May 1 through October 31 from 7:15 a.m. to 7:15 p.m., the draw need only open hourly at quarter past the hour, and from November 1 through April 30 from 7:15 p.m. to 5:15 a.m., the draw shall open on signal upon eight-hours advance notice.

The owner of the bridge, the Connecticut Department of Transportation (CONNDOT), asked the Coast Guard to change the regulations to require a six-hour advance notice for openings from November 1 through April 30, 8 p.m. to 4 a.m. This change is less restrictive than the existing regulations which require eight-hours advance notice. The bridge opening log data for 1998, and 1999, November through April, indicate no requests to open the bridge during the time period 8 p.m. to 4 a.m.

Discussion of Comments and Changes

The Coast Guard received no comments in response to the notice of proposed rulemaking and no changes have been made to this final rule.

Regulatory Evaluation

This final 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; 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. This conclusion is based on the fact that the bridge has not had any requests to open in the evening during the winter months. Mariners will still be able to obtain bridge openings during the regulated time period provided they give six-hour notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this final 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 reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final 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 final rule in accordance with the principles and criteria contained in Executive Order 13132 and has determined that this final rule does not have federalism implications under that order.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under Section 2.B.2., Figure 2-1, paragraph (32)(e), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this final rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 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 117.211(b)(2) is revised to read as follows:

§ 117.211 Mystic River

* * * * *

(b) * * *

(2) From November 1 through April 30, from 8 p.m. to 4 a.m., the draw shall open on signal if at least six-hours notice is given by calling the number posted at the bridge.

Dated: October 28, 1999.

Robert F. Duncan,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 99-29149 Filed 11-5-99; 8:45 am]

BILLING CODE 4910-15-U

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 211

RIN 0596-AB63

Administration; Cooperative Funding

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: The Department is amending current regulations to establish minimum requirements applicable to written agreements between the Forest Service and cooperators, such as individuals, States and local governments, and other non-Federal entities. This rulemaking implements amendments to the Act of June 30, 1914, which expand the basis for accepting contributions for cooperative work, allow reimbursable payments by cooperators, and adequately protect the Government's interest. The intended effect is to fully implement the new statutory provisions to facilitate cooperative ventures.

EFFECTIVE DATE: This rule is effective December 8, 1999.

FOR FURTHER INFORMATION CONTACT: Debbie Pressman, Wildlife, Fish and Rare Plants Staff, 202-205-1205.
SUPPLEMENTARY INFORMATION:

Background

On May 18, 1998, the Forest Service published a proposed rule (63 FR 27245) that would implement recent amendments to the Act of June 30, 1914 (16 U.S.C. 498). This Act authorizes the Secretary of Agriculture to receive and subsequently use money as contributions toward cooperative work in forest investigations or for the protection and improvement of the national forests. The proposed rule would implement amendments to the Act of June 30, 1914, (16 U.S.C. 498) by: (1) Providing for the use of contributions for cooperative work on the entire National Forest System; (2) Adding "management" to the list of activities for which contributions for cooperative work may be accepted; and (3) Providing specific authority to accomplish cooperative work using Forest Service funds prior to reimbursement by the cooperator pursuant to a written agreement.

Response to Comments Received

Public comment on the proposed rule was invited. The comment period closed on July, 17, 1998. Seven respondents provided comments on the proposed rule: 4 national conservation organizations, 1 State fish and wildlife agency, 1 utility company, and 1 Member of Congress. All respondents expressed support of the agency's effort to enhance cooperative partnerships on National Forest System lands by removing administrative barriers requiring cooperators to contribute funds in advance of any work to be accomplished.

A summary of specific comments by broad subject and the Department's response to these comments follows.

Comment: Interpretation of Allowable Management Activities. One respondent suggested adding the word "evaluation" to the list of management activities proposed at § 211.6(a), Purpose and scope, that can be cooperatively funded.

Response: The word "management" is a broad term that would include "such work as planning, analysis, related studies and evaluations, as well as resource activities." The examples provided in the rule are added for clarity and are not intended to be inclusive of all potential "management" activities. Therefore, this suggestion has not been adopted in the final rule.

Comment: Use of Cooperator Contributions for Administrative Support. At § 211.6(a), Purpose and

scope, the proposed rule described National Forest management activities which may be cooperatively funded as including such work as planning, analysis, and related studies, as well as resource activities. One respondent raised the issue of whether this language is inconsistent with the intent of the law. This respondent also expressed concern that cooperator funds could be used for administration, planning, and research, instead of field work and that the proposed rule lacked safeguards limiting the amount that the Forest Service can use from contributed funds for non-field work.

Response: The Department interprets the management of National Forest System lands to include field resource work, administrative studies, project planning, and all related tasks necessary to carry out the mission of the Forest Service. The development of cooperative projects and associated cooperative agreements requires the full disclosure of all costs associated with the project. Negotiations and joint discussions between the Forest Service and cooperators afford cooperators the opportunity to fund as much or as little of the project cost as they deem appropriate. Cooperators must agree on how their funds will be expended. Given that cooperative project costs are fully disclosed and mutually agreed upon, the Department is of the opinion that the proposed rule was consistent with the Act of June 30, 1914, as amended, and that additional language prohibiting non-field work is not necessary in the final rule.

Comment: Reimbursements to the Forest Service. One respondent suggested that a cooperator be permitted to provide the required reimbursement payments within the first 60 days of the fiscal year immediately following the fiscal year in which the expenditure of Forest Service funds was completed, if such expenditures by the Forest Service occur within the last 60 days of a fiscal year.

Response: The Department agrees with this suggestion but does not believe that a change in rule text is necessary. Forest Service Manual § 6533.3 already instructs employees on how to handle such situations. Moreover, Forest Service bills for collection specify the time period in which payment is due.

Comment: In-Kind Contributions. One respondent recommended that in-kind contributions, such as goods and services, contributed by cooperators in conjunction with cooperative agreements, not be subject to the bonding provisions required in

§ 211.6(b), Reimbursements and bonding, of the proposed rule.

Response: In-kind contributions are not affected by this rule. The Act of June 30, 1914, as amended, addresses only those situations in which monies are received by the Forest Service as contributions toward cooperative work. If a cooperator is making in-kind contributions rather than financial contributions, the bonding provisions specified in § 211.6(c), Bonding, of the final rule would not be applicable.

Comment: Application of Bonding Threshold. One respondent expressed support for protecting the government's interest by requiring bonds for project costs exceeding \$25,000, but expressed concern that the provision should apply to the cost of individual projects, rather than to total cooperative funds provided by partners on an annual basis.

Response: Paragraph § 211.6(b), Reimbursements and bonding, of the proposed rule would require a payment bond for agreements of \$25,000 or more to guarantee the cooperator's reimbursement, thereby ensuring that the public interests are protected. This requirement applies to individual cooperative agreements, rather than to individual cooperative projects. The distinction is that a particular cooperative agreement may encompass more than one cooperative project. The text of § 211.6(c), Bonding, of the final rule has been revised to clarify this distinction.

Comment: Payment Assurances and Creditworthiness. One respondent suggested that, on a case-by-case basis, assurances of payment, other than the payment bonds required in § 211.6(b), Reimbursements and bonding, of the proposed rule should be acceptable, and further, that the payment bond requirement should be waived where the cooperator has a significant history of successfully completing payments in accordance with other agreements or provides some other reliable assurance that payment will be provided.

Response: The Department has carefully considered this comment but remains convinced that the bonding requirement (§ 211.6(b), Reimbursement and bonding, of the proposed rule) is necessary to protect the interests of the public and should not be waived or otherwise modified on a case-by-case basis. As specified in the proposed rule, the bonding requirement would be consistently applied throughout the agency whenever a non-Government cooperator agrees to contribute \$25,000 or more to the Forest Service on a reimbursable basis. By providing a consistent mechanism for handling the bonding requirement, all cooperators are

assured of equitable treatment across administrative units, thus eliminating the potential for conflicting "creditworthy determinations" for cooperative agreements at similar funding levels. Accordingly, the Department has decided to retain the payment assurance requirements set out in § 211.6(b) of the proposed rule in a separate paragraph § 211.6(c). Bonding, of the final rule as the more appropriate mechanism for protecting government interests as required by the statute.

Comment: Effect of Rule on Existing Memorandums of Understanding. One respondent asked if cooperators operating under existing Memorandums of Understanding (MOUs) would be required to enter into new MOUs to clarify the fiscal relationship between the cooperator and the Forest Service.

Response: Memorandums of Understanding (MOUs) are viewed as agreements documenting cooperation in those circumstances where nothing of value transfers between parties or documenting a common understanding of the nature of a relationship between parties. Therefore, MOUs are not affected by this rule.

However, a written cooperative agreement, completed in accordance with specific cooperative authority, must be executed prior to: (1) The agency's receipt of contributions for cooperative work; or (2) The expenditure of agency funds on a reimbursable basis. While the final rule does not require revision of existing cooperative agreements, any party to existing cooperative agreements may request changes in payment terms or any other aspect of the agreement at any time.

Additional Modification

In the course of considering the comments on the proposed rule, the agency became aware of the need to clarify the meaning of "non-Government cooperator." This has been addressed by adding a new sentence to paragraph § 211.6(c) in the final rule.

Conclusion

Having considered the comments received, the Department is adopting a final rule implementing the recent statutory amendments to the Act of June 30, 1914, which expand the basis for accepting contributions for cooperative work between the Forest Service and cooperators. The final rule provides for the planning and completion of projects using Forest Service funds with reimbursement from cooperators. The Government's interests are protected by securing reimbursement payments from non-Government cooperators with

payment bonds when payments due under a cooperative agreement are \$25,000 or more.

Regulatory Impact

This final rule has been reviewed under USDA procedures and Executive Order 12866 on Regulatory and Review. It has been determined that this is not a significant rule. This rule will not have an annual effect of \$100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This rule will not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, this action will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients of such programs. Accordingly, this final rule is not subject to OMB review under Executive Order 12866.

Moreover, this final rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and it has been determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Act.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Department has assessed the effects of this final rule on State, local, and tribal governments and the private sector. This final rule does not compel any expenditure of funds by any State, local, or tribal governments or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

Environmental Impact

This final rule affects the administrative requirements for reimbursement payments to the agency by cooperators. Section 31.1b of Forest Service Handbook 1909.15 (57 FR 43180; September 18, 1992) excludes from documentation in an environmental assessment or impact statement "rules, regulations, or policies to establish Service-wide administrative procedures, program processes or instructions." Based on consideration of the comments received and the nature and scope of this rulemaking, the Department has determined that this rule falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement.

No Takings Implications

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630, and it has been determined that the final rule does not pose the risk of a taking of constitutionally-protected private property since it sets forth administrative requirements regarding the deposit of cooperator funds for forest investigations or the protection, management, and improvement of the National Forest System.

Civil Justice Reform Act

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Upon adoption of this final rule, (1) All State and local laws and regulations that are in conflict with this final rule or which would impede its full implementation would be preempted; (2) No retroactive effect would be given to this final rule; and (3) It would not require administrative proceedings before parties may file suite in court challenging its provisions.

Controlling Paperwork Burdens on the Public

This final rule does not contain any record keeping or reporting requirements or other information collection requirements as defined in 5 CFR 1320 and, therefore, imposes no paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and implementing regulations at 5 CFR 1320 do not apply.

List of Subjects in 36 CFR Part 211

Administrative practice and procedure, Intergovernmental relations (Federal/State cooperation), and National forests.

Therefore, for the reasons set forth in the preamble, Part 211 of Title 36 of the Code of Federal Regulations is amended as follows:

PART 211—ADMINISTRATION

1. The authority citation for part 211 is revised to read as follows:

Authority: 16 U.S.C. 472, 498, 551.

Subpart A—Cooperation

2. Revise the heading for subpart A to read as set out above.

3. Add a new § 211.6 to read as follows:

§ 211.6 Cooperation in forest investigations or the protection, management, and improvement of the National Forest System.

(a) *Purpose and scope.* Forest Service officers, when engaged in cooperative activities otherwise authorized, may receive monies from cooperators only for cooperative work in forest investigations or for the protection, management, and improvement of the National Forest System and only in accordance with written cooperative agreements. Management of the National Forest System may include such work as planning, analysis, and related studies, as well as resource activities.

(b) *Reimbursements.* Agency expenditures for work undertaken in accordance with this section may be made from Forest Service appropriations available for such work, with subsequent reimbursement from the cooperator, in accordance with established written agreements. Forest Service officers shall issue written bills for collection for cooperator reimbursement payments within the same fiscal year as Forest Service expenditures.

(c) *Bonding.* Each written agreement involving a non-Government cooperator's total contribution of \$25,000 or more to the Forest Service on a reimbursable basis, must include a provision requiring a payment bond to guarantee the cooperator's reimbursement payment. Acceptable security for a payment bond includes Department of the Treasury approved corporate sureties, Federal Government obligations, and irrevocable letters of credit. For the purposes of this section, a non-Government cooperator is an entity that is not a member, division, or affiliate of a Federal, State, or local government.

(d) *Avoiding conflict of interest.* Forest Service officers shall avoid acceptance of contributions from cooperators when such contributions would reflect unfavorably upon the ability of the Forest Service to carry out its responsibilities and duties. Forest Service officers shall be guided by the provisions of 18 U.S.C. parts 201–209, 5 CFR part 2635, and applicable Department of Agriculture regulations, in determining if a conflict of interest or potential conflict of interest exists in a proposed cooperative effort. Forest Service ethics officials or the designated Department of Agriculture ethics official should be consulted on conflict of interest issues.

Dated: October 26, 1999.

Anne Kennedy,

Deputy Under Secretary, Natural Resources and Environment.

[FR Doc. 99–29083 Filed 11–5–99; 8:45 am]

BILLING CODE 3410–11–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 086–0018a; FRL–6468–6]

Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the Arizona State Implementation Plan. The revisions concern rules from Maricopa County (Maricopa). The rules control particulate matter (PM) emissions from residential wood combustion. This final approval action will incorporate these rules into the federally approved SIP. In addition, this action will serve as a final determination that deficiencies in the rules (identified by EPA in a final limited approval/limited disapproval action on March 31, 1998) have been corrected and that any sanctions or Federal Implementation Plan (FIP) clocks are permanently stopped. An Interim Final Determination published in today's **Federal Register** will stay the imposition of sanctions until the effective date of this action. The intended effect of approving these rules is to regulate emissions of PM in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). Thus, EPA is finalizing the approval of these rules into the Arizona SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

DATES: This rule is effective on January 7, 2000 without further notice, unless EPA receives relevant adverse comments by December 8, 1999. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rules and EPA's evaluation report

for the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW, Washington, DC 20460

Arizona Department of Environmental Quality, Air Quality Division, 3033 North Central Avenue, Phoenix, AZ 85012

Maricopa County Environmental Services Division, Air Quality Division, 1001 North Central Avenue #201, Phoenix, AZ 85004

FOR FURTHER INFORMATION CONTACT: Patricia Bowlin, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1188.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the Arizona SIP are Maricopa Rule 318, Approval of Residential Woodburning Devices, and the Maricopa Residential Woodburning Restriction Ordinance. These rules were submitted by the Arizona Department of Environmental Quality (ADEQ) to EPA on August 4, 1999.

II. Background

On March 3, 1978, EPA promulgated a list of total suspended particulate (TSP) nonattainment areas under the provisions of the 1977 Clean Air Act (1977 CAA or pre-amended Act), that included the Maricopa Association of Governments (MAG) Urban Planning Area (43 FR 8964; 40 CFR 81.303). On July 1, 1987 (52 FR 24672) EPA replaced the TSP standards with new PM standards applying only to PM up to 10 microns in diameter (PM–10).¹ On

¹ On July 18, 1997 EPA promulgated revised PM–10 standards (62 FR 38651). On May 14, 1999, the U.S. Court of Appeals for the D.C. Circuit in *American Trucking Assoc., Inc., et al. v. USEPA*, No. 97–1440 issued an opinion that, among other things, vacated the 1997 standards for PM–10. The PM–10 standards promulgated on July 1, 1987, however, were not an issue in this litigation, and the Court's decision does not affect the applicability of those standards. Codification of the 1987 PM–10 standards continues to be recorded at 40 CFR 50.6. In the document promulgating the 1997 PM–10 standards, the EPA Administrator decided that the previous PM–10 standards that were promulgated on July 1, 1987, and provisions associated with them, would continue to apply in areas subject to