

individual company. The total annual re-registration cost, based on the present renewal fee of \$477.00 for each individual company, would be \$667,800. It should be noted that DEA published a proposed rule in the **Federal Register** on December 1, 1999 (64 FR 67216) that proposed to reduce the new application fee to \$326.00 and the renewal fee to \$171.00 for each individual company, respectively. If finalized, these revised fees would reduce the total burden for initial registration and for annual re-registration to \$456,400 and \$239,400, respectively. In addition to the specific dollar cost, the registration requirement would require an annual reporting burden of 700 hours. This is based on the estimated one-half hour required to complete and submit an application for registration or re-registration. Therefore, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Deputy administrator has reviewed this application and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities.

#### Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, Section 1(b), Principles of Regulation. The DEA has determined that this rule is not a "significant regulatory action" under Executive Order 12866, Section 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

#### Administrative Procedure Act—Good Cause Exemption

DEA finds that there is good cause to exempt this action from the notice and comment requirements of Section 553 of the Administrative Procedures Act on the grounds that notice and comment are unnecessary. Public Law 106-172 amended the CSA to make GBL a List I Chemical effective February 18, 2000. This action is a conforming amendment to 21 CFR 1310.02(a) to make the regulations consistent with the requirements of the law. DEA has no discretion in this action and can not deviate from what Congress has enacted. Therefore, DEA is publishing this action as a Final Rule. To ameliorate this final action, DEA has included a temporary exemption from the registration requirement for persons handling GBL provided that DEA receives a properly completed application for registration on or before July 24, 2000.

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Plain Language Instructions

The Drug Enforcement Administration makes every effort to write clearly. If you have suggestions as to how to improve the clarity of this regulation, call or write Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Washington, DC 20537, Telephone (202) 307-7297.

#### List of Subjects in 21 CFR Part 1310

Drug traffic control, Reporting and recordkeeping requirements.

For reasons set out above, 21 CFR part 1310 is amended as follows:

#### PART 1310—[AMENDED]

1. The authority citation for part 1310 continues to read as follows:

**Authority:** 21 U.S.C. 802, 830, 871(b).

2. Section 1310.02 is amended by adding a new paragraph (a)(24) to read as follows:

#### § 1310.02 Substances covered

\* \* \* \* \*

(a) List I chemicals:

\* \* \* \* \*

(24) gamma-Butyrolactone (Other names include: GBL; Dihydro-2 (3H)-furanone; 1,2-Butanolide; 1,4-Butanolide; 4-Hydroxybutanoic acid lactone; gamma-hydroxy-butyric acid lactone) ..... 2011

3. Section 1310.09 is amended by adding a new paragraph (c) to read as follows:

#### § 1310.09 Temporary exemption from registration

\* \* \* \* \*

(c) Each person required by section 302 of the act (21 U.S.C. 822) to obtain a registration to distribute, import, or export GBL is temporarily exempted from the registration requirement, provided that the DEA receives a proper application for registration on or before July 24, 2000. The exemption will remain in effect for each person who has made such application until the Administration has approved or denied that application. This exemption applies only to registration; all other chemical control requirements set forth in parts 1309, 1310, and 1313 of this chapter remain in full force and effect.

Dated: April 14, 2000.

**Donnie R. Marshall,**

*Deputy Administrator.*

[FR Doc. 00-9988 Filed 4-21-00; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD07-00-029]

RIN 2115-AE46

#### Special Local Regulations: Annual Suncoast Kilo Run, Sarasota Bay, Sarasota, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is amending the final rule for the Annual Suncoast Kilo Run to change the date from the first Friday in July to the last Friday in June for 2000 only. The high-speed boat race event will be held from 8 a.m. to 1 p.m. Eastern Daylight Time (EDT) on June 30, 2000, in Sarasota Bay, Sarasota, Florida. These regulations are needed to provide for the safety of life on navigable waters during the event.

**DATES:** This rule becomes effective at 8 a.m. and terminates at 1 p.m. EDT on June 30, 2000.

**ADDRESSES:** The public docket for this rulemaking is maintained by Commanding Officer, U.S. Coast Guard Group St. Petersburg. Any materials concerning this rulemaking should be mailed to Commanding Officer, U.S. Coast Guard Group St. Petersburg, 600 8th Ave SE, St. Petersburg, FL 33701.

**FOR FURTHER INFORMATION CONTACT:** Chief Petty Officer Steve Aykroyd, Coast Guard Group St. Petersburg at (727) 824-7554.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM because this is an annual event with a date change for this year that has been highly publicized. It is impractical to publish an NPRM at this time because to do so would interfere with the 30-day notice requirement for the final rule.

**Background and Purpose**

These regulations are required to provide for the safety of life on navigable waters because of the inherent danger of high speed competition boat racing in the vicinity of spectator craft during the Annual Suncoast Kilo Run, Sarasota Bay, Sarasota, FL. A permanent regulation has been established for this event (33 CFR 100.718) which is effective on the first Friday in July each year. Logistical problems caused the organizers to request that the event be moved for this year to June 30. The permanent regulations create a regulated area that prohibits non-participating vessels from entering the regulated area during the event. The practical effect of this amendment is to change the date of the event for this year only from the first Friday in July to June 30, 2000.

**Regulatory Evaluation**

This 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. The Office of Management and Budget has not reviewed it 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory

policies and procedures of DOT is unnecessary. The regulated area will only be in effect for 5 hours on one day.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic effect upon a substantial number of small entities. "Small entities" include small business, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard 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 as the regulations will only be in effect for 5 hours on one day in a limited area of Sarasota Bay, Florida.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-221), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

**Collection of Information**

This rule calls for no new collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

**Federalism**

We have analyzed this rule under Executive Order 13132 and have determined that this 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 unfunded mandate costs. This rule will not impose an unfunded mandate.

**Taking of Private Property**

This rule will 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 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 rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

**Environment**

The Coast Guard considered the environmental impact of this rule and has determined pursuant to Figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1C, that this proposal is categorically excluded from further environmental documentation.

**List of Subjects in 33 CFR Part 100**

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

**Temporary Regulations**

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, as follows:

**PART 100—[AMENDED]**

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233, 49 CFR 1.46, and 33 CFR 100.35.

2. In § 100.718, paragraph (c) is suspended and a new paragraph (d) is added to read as follows:

**§ 100.718 Annual Suncoast Kilo Run; Sarasota Bay, Sarasota, FL.**

\* \* \* \* \*

(d) *Dates:* This section becomes effective at 8 a.m. and terminates at 1 p.m. EDT on June 30, 2000.

Dated: April 7, 2000.

**G.W. Sutton,**

*Captain U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.*

[FR Doc. 00-10151 Filed 4-21-00; 8:45 am]

BILLING CODE 4910-15-U

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[Region VII Tracking No. MO 098-1098b; FRL-6583-4]

**Approval and Promulgation of Implementation Plans; State of Missouri**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve the Eagle-Picher Technologies' LLC Consent Agreement as a revision to the Missouri State Implementation Plan (SIP). This Consent Agreement ensures that the operation of their newly installed emissions controls at the Chemicals Divisions in Joplin, Missouri, are permanent, enforceable, and measurable.

**DATES:** This rule is effective on June 23, 2000 without further notice, unless EPA receives adverse written comment by May 24, 2000. If EPA receives such comments, it 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:** Written comments should be mailed to Kim Johnson, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of the state submittal(s) are available at the following address for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Kim Johnson at (913) 551-7975.

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we, us, or our" is used, we mean EPA. This section provides additional information by addressing the following questions:

What is a SIP?

What is the Federal approval process for a SIP?

What does Federal approval of a state regulation mean to me?

What is being addressed in this document?

Have the requirements for approval of a SIP revision been met?

What action is EPA taking?

**What Is a SIP?**

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards (NAAQS) established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to EPA for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

**What Is the Federal Approval Process for a SIP?**

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to EPA for inclusion into the SIP. EPA must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by EPA.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, Part 52, entitled "Approval and Promulgation of Implementation Plans." The actual state regulations which are approved are not reproduced in their entirety in the CFR

outright but are "incorporated by reference," which means that EPA has approved a given state regulation with a specific effective date.

**What Does Federal Approval of a State Regulation Mean to Me?**

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, EPA is authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in the CAA.

**What Is Being Addressed in This Document?**

In 1995, the Missouri Department of Natural Resources (MDNR) and EPA initiated a review of small lead sources with the potential to emit five tons of lead per year or more. The purpose of this review is to determine whether or not the sources have the potential to cause or contribute to violations of the lead NAAQS of 1.5 µg/m<sup>3</sup>. The first review consisted of an emissions inventory review and preliminary screening modeling.

Preliminary modeling of the emissions at Eagle-Picher, Chemicals Division in Joplin, Missouri, predicted ambient air lead values near this facility which exceeded the NAAQS for lead of 1.5 µg/m<sup>3</sup>.

As a result of this modeling, the state of Missouri planned to place an ambient air lead monitor in the area. In order to effectively locate a monitor, additional information was needed for a more refined modeling analysis.

On March 25, 1998, EPA issued an order under section 114 of the CAA requesting additional facility information and stack testing of three of the facility's major emissions points. These three points accounted for 71 percent of the lead emissions from the facility.

Shortly after the 114 Order was issued, Eagle-Picher informed EPA and MDNR that as a result of an internal environmental review, they planned to install controls in August 1998, on the Basic Silicate White Lead (BSWL) scrubber drier exhaust, their most significant lead source which contributed almost 60 percent of the lead emissions from this facility.

Eagle-Picher agreed to enter into a Consent Agreement with the state of Missouri to ensure these controls are permanent, enforceable, and measurable. This Consent Agreement defines control specifications, operation parameters, and testing and reporting requirements for the BSWL baghouse at