

commencement of this vital phase of maintenance such as weather conditions and the necessary completion of other phases of the ongoing bridge maintenance frustrate scheduling that far in advance.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 16, 2001.

**G.N. Naccara,**

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

[FR Doc. 01-7512 Filed 3-26-01; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[AD-FRL-6939-9]

RIN 2060-AF91

#### Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units

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

**ACTION:** Final rule; correction.

**SUMMARY:** Final standards and guidelines for new commercial and industrial solid waste incineration units were promulgated on December 1, 2000 (65 FR 75338). Table 1 to Subpart CCCC—Emission Limitations (65 FR 75360) inadvertently omitted two emission limits (cadmium and carbon monoxide). As a result, we are republishing Table 1.

**EFFECTIVE DATE:** March 27, 2001.

*Docket.* Docket No. A-94-63 contains the supporting information used in developing the final standards and guidelines and is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, telephone (202) 260-7548, fax (202) 260-4000. The docket is available at the above address in Room M-1500, Waterside Mall (ground floor, central mall). A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Fred Porter, Combustion Group, Emission

Standards Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, (919) 541-5251, e-mail: [porter.fred@epa.gov](mailto:porter.fred@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is, therefore, not subject to review by the Office of Management and Budget. Because we have made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). On January 1, 2001, Executive Order 13084 was superseded by Executive Order 13175; however, this rule was developed during the period when Executive Order 13084 was still in force, and so tribal considerations were addressed under Executive Order 13084. This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In taking this action, we have taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). We have complied with Executive Order 12630 (53 FR

8859, March 15, 1988) by examining the takings implications of this action rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The EPA’s compliance with these statutes and Executive Orders for the underlying standards and guidelines is discussed in the December 1, 2000, **Federal Register** notice promulgating the final standards and guidelines (65 FR 75338).

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the Congressional Review Act if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement (5 U.S.C. 808(2)). As stated previously, we have made such a good cause finding, including the reasons therefore. The EPA will submit a report containing this action 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 rules in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(a).

#### List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Carbon monoxide, Metals, Nitrogen dioxide, Particulate matter, Sulfur oxides, Waste treatment and disposal.

Dated: January 19, 2001.

**Robert Perciasepe,**

*Assistant Administrator for Air and Radiation.*

For the reasons stated in the preamble, title 40, chapter I, part 60 of the Code of Federal Regulations is amended as follows:

#### PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

**Authority:** 42 U.S.C. 7401, 7411, 7414, 7416, 7429, and 7601.

2. Subpart CCCC is amended by revising Table 1 to read as follows:

TABLE 1 TO SUBPART CCCC.—EMISSION LIMITATIONS

| For the air pollutant                          | You must meet this emission limitation <sup>a</sup> | Using this averaging time                           | And determining compliance using this method                               |
|------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------|
| Cadmium .....                                  | 0.004 milligrams per dry standard cubic meter.      | 3-run average (1 hour minimum sample time per run). | Performance test (Method 29 of appendix A of this part).                   |
| Carbon monoxide .....                          | 157 parts per million by dry volume.                | 3-run average (1 hour minimum sample time per run). | Performance test (Method 10, 10A, or 10B of appendix A of this part).      |
| Dioxins/furans (toxic equivalency basis) ..... | 0.41 nanograms per dry standard cubic meter.        | 3-run average (1 hour minimum sample time per run). | Performance test (Method 23 of Appendix A of this part).                   |
| Hydrogen chloride .....                        | 62 parts per million by dry volume                  | 3-run average (1 hour minimum sample time per run). | Performance test (Method 26A of appendix A of this part).                  |
| Lead .....                                     | 0.04 milligrams per dry standard cubic meter.       | 3-run average (1 hour minimum sample time per run). | Performance test (Method 29 of appendix A of this part).                   |
| Mercury .....                                  | 0.47 milligrams per dry standard cubic meter.       | 3-run average (1 hour minimum sample time per run). | Performance test (Method 29 of appendix A of this part).                   |
| Opacity .....                                  | 10 percent .....                                    | 6-minute averages .....                             | Performance test (Method 9 of appendix A of this part).                    |
| Oxides of nitrogen .....                       | 388 parts per million by dry volume.                | 3-run average (1 hour minimum sample time per run). | Performance test (Method 7, 7A, 7C, 7D, or 7E of appendix A of this part). |
| Particulate matter .....                       | 70 milligrams per dry standard cubic meter.         | 3-run average (1 hour minimum sample time per run). | Performance test (Method 5 or 29 of appendix A of this part).              |
| Sulfur dioxide .....                           | 20 parts per million by dry volume                  | 3-run average (1 hour minimum sample time per run). | Performance test (Method 6 or 6c of appendix A of this part).              |

<sup>a</sup> All emission limitations (except for opacity) are measured at 7 percent oxygen, dry basis at standard conditions.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[SC-AT-2001-01; FRL-6956-1]

### New Stationary Sources; Supplemental Delegation of Authority to the State of South Carolina

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

**ACTION:** Delegation of authority.

**SUMMARY:** The South Carolina Department of Health and Environmental Control (SCDHEC or State agency) has requested that EPA approve the “adopt-by-reference” mechanism for delegation of New Source Performance Standards (NSPS). The purpose of the State agency request for approval of its delegation mechanism is to streamline existing administrative procedures by eliminating any unnecessary steps involved in the federal delegation process. With this NSPS delegation mechanism in place, an NSPS promulgated by EPA will become effective in South Carolina on the date the NSPS is adopted if the State agency adopts the NSPS without change. No further State requests for delegation will be necessary. Likewise, no further

**Federal Register** documents will be published. However, if an NSPS regulation is adopted by the State agency with changes, EPA reserves the right to review and comment on the revised NSPS. The State is required to notify EPA of the revisions. If EPA determines that the revisions are equivalent to the federal NSPS then delegation will occur and notice will be published in the **Federal Register**. EPA reserves the right to implement the federal NSPS directly and continues to retain concurrent enforcement authority.

On October 19, 1976, the EPA initially delegated the authority for implementation and enforcement of the NSPS program to the State of South Carolina. The EPA’s review of the State agency’s pertinent laws, rules, and regulations indicate that adequate and effective procedures are in place for the implementation and enforcement of these Federal standards. This document was written to inform the public of the State agency’s new mechanism for delegation (adopt-by-reference) of NSPS.

**EFFECTIVE DATE:** The effective date is March 27, 2001.

**ADDRESSES:** Copies of the request for delegation of authority and EPA’s letter of delegation are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, Region 4, Air & Radiation Technology

Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201-1708.

Effective March 27, 2001, all requests, applications, reports and other correspondence required by any NSPS should not be submitted to the EPA Region 4 office, but should instead be submitted to the following address: South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201-1708.

**FOR FURTHER INFORMATION CONTACT:** Katy Forney, Air & Radiation Technology Branch, Environmental Protection Agency, Region 4, 61 Forsyth St. SW, Atlanta, Georgia 30303, 404-562-9130. E-mail: reeves.kathleen@epa.gov

**SUPPLEMENTARY INFORMATION:** Section 301, in conjunction with sections 110 and 111(c)(1) of the Clean Air Act as amended November 15, 1990, authorize EPA to delegate authority to implement and enforce the standards set out in 40 CFR part 60, New Source Performance Standards (NSPS).

All current NSPS categories are delegated with the exception of the following sections within those subparts that may not be delegated. Future NSPS regulations will contain a list of sections that will not be delegated for that subpart.