

(b) Remain closed from 11 p.m. to 5 a.m., Monday through Friday, October 9, 2001 through October 24, 2001.

(c) Open only on the hour after at least a one-hour advance notice is given from 8 a.m. to 4:30 p.m., Monday through Friday, from September 24, 2001 through October 30, 2001.

(d) Open only one of the two spans for the passage of vessel traffic from 8 a.m. to 4:30 p.m. from October 1, 2001 through October 8, 2001.

This deviation from the operating regulations is authorized under 33 CFR 117.35 and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: August 30, 2001.

G.N. Naccara,

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

[FR Doc. 01-22985 Filed 9-12-01; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-01-137]

Drawbridge Operation Regulations: Annisquam River, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Gloucester (AMTRAK) railroad bridge, mile 0.7, across the Annisquam River in Gloucester, Massachusetts. This deviation from the regulations will allow the bridge to remain in the closed position from 12:01 a.m. on November 17, 2001 through 5 a.m. on November 19, 2001 and from 12:01 a.m. on November 24, 2001 through 5 a.m. on November 26, 2001. This temporary deviation is necessary to facilitate necessary repairs at the bridge.

DATES: This deviation is effective from November 17, 2001 through November 26, 2001.

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

SUPPLEMENTARY INFORMATION: The Gloucester (AMTRAK) railroad bridge, mile 0.7, across the Annisquam River has a vertical clearance in the closed position of 16 feet at mean high water and 25 feet at mean low water. The existing drawbridge operating

regulations require the draw to open on signal at all times.

The bridge owner, National Railroad Passenger Corporation (AMTRAK), requested a temporary deviation from the drawbridge operating regulations to facilitate scheduled maintenance, replacement of the rails, ties, conley frogs, and timbers, at the bridge.

This deviation to the operating regulations will allow the bridge to remain in the closed position from 12:01 a.m. on November 17, 2001 through 5 a.m. on November 19, 2001 and from 12:01 a.m. on November 24, 2001 through 5 a.m. on November 26, 2001.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: August 30, 2001.

G.N. Naccara,

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

[FR Doc. 01-22986 Filed 9-12-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-01-147]

Drawbridge Operation Regulations: Shaw Cove, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Amtrak Bridge, at mile 0.0, across the Shaw Cove at New London, Connecticut. This deviation allows bridge to remain closed from 10 p.m. on September 16, 2001 through 10 p.m. on September 19, 2001. This action is necessary to facilitate necessary maintenance at the bridge.

DATES: This deviation is effective September 16, 2001 through September 19, 2001.

FOR FURTHER INFORMATION CONTACT: Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668-7165.

SUPPLEMENTARY INFORMATION: The Amtrak Bridge, at mile 0.0, across the Shaw Cove has a vertical clearance of 3 feet at mean high water, and 6 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.223.

The bridge owner, the National Railroad Passenger Corporation (Amtrak), requested a temporary deviation from the drawbridge operating regulations to facilitate necessary maintenance, to replace the vertical couplers, at the bridge. This deviation from the operating regulations allows the bridge owner to keep the bridge in the closed position from 10 p.m. on September 16, 2001 through 10 p.m. on September 19, 2001. Vessels that can pass under the bridge without an opening may do so at all times during the closed period.

This deviation from the operating regulations is authorized under 33 CFR 117.35 and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: August 30, 2001.

G.N. Naccara,

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

[FR Doc. 01-22987 Filed 9-12-01; 8:45 am]

BILLING CODE 4910-15-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 039-PSD; FRL-7053-3]

Notice of Prevention of Significant Deterioration Final Determination for Metcalf Energy Center

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this document is to announce that, on August 10, 2001, the U.S. Environmental Protection Agency (EPA) Environmental Appeals Board ("Board") dismissed the petition for review filed by the City of Morgan Hill, Santa Teresa Citizen Action Group, Demand Clean Air, and Californians for Renewable Energy, Inc. of a permit issued to Metcalf Energy Center (MEC) by the Bay Area Air Quality Management District (BAAQMD or "District") pursuant to the Prevention of Significant Deterioration of Air Quality (PSD) regulations under 40 CFR 52.21. This document also announces that a final PSD permit has been issued to MEC by the BAAQMD pursuant to the terms and conditions of the District's delegation of authority from the U.S. EPA under 40 CFR 52.21(u).

DATES: The effective date for the Board's decision is August 10, 2001.

FOR FURTHER INFORMATION CONTACT: David Wampler, Permits Office (AIR3), Air Division, U.S. EPA Region IX, 75

Hawthorne Street, San Francisco, CA 94105, (415) 744-1259.

SUPPLEMENTARY INFORMATION: On May 4, 2001, the District issued a final PSD permit to MEC for the construction of a new electricity generating plant in San Jose, California. The PSD permit was issued pursuant to 40 CFR 52.21, the terms and conditions of the District's delegation of authority from the U.S. EPA under 40 CFR 52.21(u), and section 7 of the federal Endangered Species Act. Subsequent to the issuance of the PSD Permit, the Petitioners filed petitions for review of the PSD Permit with the Board on June 18, 2001. On August 10, 2001, the Board denied review of the petition because Petitioners failed to show clear error or other reason for the Board to grant review with respect to: (1) The District's BACT determinations for NO_x and CO (2.5 ppm averaged over 1 hour and 6 ppm averaged over 3 hours, respectively); (2) the District's treatment of collateral issues, including an ammonia slip limit of 5 ppm, possible formation of secondary particulate matter, and the potential for accidental releases of ammonia during transport and storage; (3) the District's failure to reopen the public comment period to allow public comment on a supplemental BACT analysis that was submitted after the closure of the original public comment period; (4) the District's failure to respond to certain comments that do not rise to the level necessary to justify a remand; (5) the District's bifurcation of the PSD Permit and the Final Determination of Compliance (a licensing document issued by the California Energy Commission); and (6) miscellaneous other issues including the Bay Area's ozone attainment plan, meteorological data, the Endangered Species Act, state laws, air toxics, and environmental justice. For a complete discussion of the EAB's decision, see *In re: Metcalf Energy Center*, PSD Appeal Nos. 01-07 and 01-08.

Pursuant to 40 CFR 124.19(f)(1), for purposes of judicial review, final Agency action occurs when a final PSD permit is issued and Agency review procedures are exhausted. This document is being published pursuant to 40 CFR 124.19(f)(2), which requires notice of any final agency action regarding a permit to be published in the **Federal Register**. This document being published today in the **Federal Register** constitutes notice of the final Agency action denying review of the PSD permit and, consequently, notice of the District's issuance of final PSD permit No. 99-AFC-3 to Metcalf Energy Center on May 4, 2001.

The proposed power plant, located near San Jose, California, will have a nominal electrical output of 600 MW and will be fired on natural gas. The proposed facility is subject to PSD for Nitrogen Oxides (NO_x), Carbon Monoxide (CO), Sulfur Dioxide (SO₂), and Particulate Matter (PM₁₀). The permit includes the following Best Available Control Technology (BACT) emission limits: NO_x at 2.5 ppmvd (based on 1-hour averaging at 15% O₂); 6 ppmvd CO (based on 3-hour averaging at 15% O₂); SO at 1.28 pounds per hour or 0.0006 lb/MM BTU of natural gas fired; and PM₁₀ at 12 pounds per hour or 0.00565 lb/MM BTU of natural gas fired when duct burners are in operation. The BACT requirements include use of Selective Catalytic Reduction (SCR) for the control of NO_x emissions and a combination of good combustion control and natural gas for the control of CO and PM₁₀ emissions. Continuous emission monitoring is required for NO_x and CO. The facility is also subject to New Source Performance Standards, subparts AA and GG, and the Acid Rain program under title IV of the Clean Air Act.

If available, judicial review of these determinations under section 307(b)(1) of the CAA may be sought only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from the date on which this document is published in the **Federal Register**. Under section 307(b)(2) of this Act, this determination shall not be subject to later judicial review in any civil or criminal proceedings for enforcement.

Dated: August 20, 2001.

Jack P. Broadbent,

Director, Air Division, Region IX.

[FR Doc. 01-23000 Filed 9-12-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[PA001-1000; FRL-7055-9]

Approval of Section 112(l) Authority for Hazardous Air Pollutants; State of Pennsylvania; Department of Environmental Protection

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule and delegation.

SUMMARY: EPA is taking direct final action to approve Pennsylvania Department of Environmental Protection's (PADEP's) request for

delegation of authority to implement and enforce its hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting which have been adopted by reference from the Federal requirements set forth in the Code of Federal Regulations. This approval will automatically delegate future amendments to these regulations. In addition, EPA is taking direct final action to approve of PADEP's mechanism for receiving delegation of future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails submission of a delegation request letter to EPA following EPA notification of a new Federal requirement. EPA is not waiving its notification and reporting requirements under this approval; therefore, sources will need to send notifications and reports to both PADEP and EPA. This action pertains only to sources which are not required to obtain a Clean Air Act operating permit. The PADEP's request for delegation of authority to implement and enforce its hazardous air pollutant regulations at sources which are required to obtain a Clean Air Act operating permit was approved on January 5, 1998. EPA is taking this action in accordance with the Clean Air Act (CAA).

DATES: This direct final rule will be effective November 13, 2001 unless EPA receives adverse or critical comments by October 15, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments on this action should be sent concurrently to: Makeba A. Morris, Chief, Permits and Technical Assessment Branch, Mail Code 3AP11, Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, and James M. Salvaggio, Director, Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105. 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 Pennsylvania Department of