

2. Effective 12:01 a.m. May 15, 1999 to 12:01 a.m. March 17, 2000, § 117.T 848 is added to read as follows:

§ 117.T848 Muskingum River.

Lock Street Drawbridge Mile 49.7, Muskingum River. From 12:01 a.m. May 15, 1999 to 12:01 a.m. March 17, 2000, the drawspan need not open for vessel traffic and may be maintained in the close-to-navigation position.

Dated: May 7, 1999.

A.L. Gerfin, Jr.,

Captain, Coast Guard, Acting Commander, 8th Coast Guard Dist.

[FR Doc. 99-13937 Filed 6-1-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08-99-035]

Drawbridge Operating Regulation; Falgout Canal, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR 117.444 governing the operation of the SR 315 drawbridge across the Falgout Canal, mile 3.1, in Terrebonne Parish, Louisiana. This deviation allows the Louisiana Department of Transportation and Development to maintain the bridge in the closed-to-navigation position from 7 a.m. until 3 p.m. on Monday through Wednesday, from June 7 through June 30, 1999 and from July 12 through July 21, 1999. During the scheduled closures, the bridge will open for the passage of vessels at 9 a.m. and 12 noon. At all other times outside the closed-to-navigation period, the bridge will open on signal for the passage of vessels. This temporary deviation is issued to allow for the painting of the bridge structure.

DATES: This deviation is effective from 7 a.m. on June 7, 1999, until 3 p.m., July 21, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana, 70130-3396, telephone number 504-589-2965.

SUPPLEMENTARY INFORMATION:

Navigation on the waterway consists of tugs with tows, fishing vessels, and other recreational craft. Louisiana Department of Transportation and

Development requested a temporary deviation from the normal operation of the bridge in order to accommodate the contractor in scheduling his work crews to repair the bridge structure.

This deviation allows the draw of the SR 315 drawbridge across the Falgout Canal, miles 3.1, in Terrebonne Parish, Louisiana, to remain in the closed-to-navigation position from 7 a.m. on Monday through Wednesday, from June 7, 1999 through June 30, 1999 and from 7 a.m. until 3 p.m. on Monday through Wednesday, from July 12, 1999 through July 21, 1999. During the scheduled closures, the bridge will open for the passage of vessels at 9 a.m. and 12 noon. At all other times, the bridge will open on signal for the passage of vessels.

Dated: May 20, 1999.

Paul J. Pluta,

Rear Admiral, Coast Guard Commander, Eighth Coast Guard District.

[FR Doc 99-13940 Filed 6-1-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach, CA; 99-003]

RIN 2115-AA97

Safety Zone; San Pedro Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule, request for comments.

SUMMARY: The Coast Guard is extending the effective period of an existing temporary safety zone in the navigable waters of San Pedro Bay, California, south of the Middle Breakwater, part of the breakwater system enclosing the Ports of Los Angeles and Long Beach. This safety zone is established as a result of the construction of an artificial habitat and is necessary to protect vessels from the hazards associated with the construction.

All vessels with a draft of 50 feet or more are prohibited from entering this exclusionary area, unless specifically authorized by the Captain of the Port, for the entire time that this regulation is enforced by the Captain of the Port. All other vessels are prohibited from entering the area, unless specifically authorized by the Captain of the Port, only when actual construction activities are in progress. The Captain of the Port will announce, via Broadcast Notice to Mariners and any other means practicable, when the area is closed to

vessels less than 50 feet in draft (because construction activities are in progress).

DATES: This safety zone will be in effect from 11:59 p.m. PDT on May 17, 1999 until 11:59 p.m. PST on December 31, 1999. Comments must be received on or before August 2, 1999.

ADDRESSES: Comments should be mailed to Commanding Officer, Coast Guard Marine Safety Office, 165 N. Pico Avenue, Long Beach, CA 90802. Comments received will be available for inspection and copying within the Waterways Management Division at Marine Safety Office Los Angeles-Long Beach. Normal office hours are 8 a.m. to 4 p.m. PDT, Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Rob Collier, Chief, Waterways Management Division, Marine Safety Office Los Angeles-Long Beach, 165 N. Pico Ave., Long Beach, CA 90802; (562) 980-4425.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, there is good cause why a notice of proposed rulemaking (NPRM) was not published for this regulation, and good cause exists for making it effective less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying the effective date would be contrary to the public interest since the details concerning the construction of the artificial habitat and the completion date were not known until a date fewer than 30 days prior to the continuation of the construction.

Although this rule is being published as a temporary final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed in **ADDRESSES** in this preamble. Those providing comments should identify the docket number for the regulation (COTP Los Angeles-Long Beach, CA; 99-003) and also include their name, address, and reason(s) for each comment presented. Based upon the comments received, the regulation may be changed.

The Coast Guard plans no public meeting. Persons may request a public meeting by writing to Marine Safety Office Los Angeles-Long Beach at the address listed in **ADDRESSES** in this preamble.

Discussion of Regulation

A prior temporary final rule was promulgated imposing an identical safety zone for the period May 17, 1998 through May 17, 1999 (63 FR 31625, June 10, 1998). The Coast Guard has recently been notified that the construction of the habitat artificial habitat south of the San Pedro Bay Federal Breakwater will not be completed as originally scheduled. It is thus necessary to extend the effective period of the safety zone through December 31, 1999. An opportunity for public comment was provided for the original temporary final rule; that

comment period closed on August 10, 1998. Due to the significant extension of the effective period of the safety zone, a new public comment period has been established, extending 60 days from the date of publication.

This safety zone is necessary for safeguarding recreational and commercial vessels from the dangers of the construction activities in the project area and to prevent interference with vessels engaged in these operations. All vessels with a draft of 50 feet or more are prohibited from entering this exclusionary area, unless specifically authorized by the Captain of the Port, for the entire time that this regulation is

enforced by the Captain of the Port. All other vessels are prohibited from entering the area, unless specifically authorized by the Captain of the Port, only when actual construction activities are in progress. The Captain of the Port will announce, via Broadcast Notice to Mariners and any other means practicable, when the area is closed to vessels less than 50 feet in draft (because construction activities are in progress).

This safety zone consists of all navigable waters within the geographic area bounded by lines connecting the following coordinates:

	Latitude	Longitude
Safety Zone Point #1	33°-41'.16" N	118°-13'.15" W; thence to:
Safety Zone Point #2	33°-40'.45" N	118°-13'.01" W; thence to:
Safety Zone Point #3	33°-40'.34" N	118°-13'.37" W; thence to:
Safety Zone Point #4	33°-41'.04" N	118°-13'.51" W; thence returning to the point of beginning.

Regulatory Evaluation

This temporary 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 been exempted from review 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of the Department of Transportation is unnecessary. Only minor delays to mariners are foreseen when vessel traffic is directed around the area of the safety zone.

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 impact on a substantial number of small entities. Small entities may include small businesses and not-for-profit organizations that are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule is not expected to have a significant economic impact on any substantial

number of entities, regardless of their size.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Rob Collier, U.S. Coast Guard Marine Safety Office Los Angeles-Long Beach, at (562) 980-4425.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 35401 *et seq.*).

Federalism

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this temporary regulation and concluded that under Chapter 2.B.2. of Commandant Instruction M16475.1C, Figure 2-1, paragraph (34)(g), it will have no

significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis checklist is available for inspection and copying and the docket is to be maintained at the address listed in ADDRESSES in the preamble.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of \$100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local, or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate costs of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this temporary

final rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This Rule will not effect a taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This Rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

E.O. 12988, Civil Justice Reform. This Rule meets applicable standards in section 3(a) and 3(b)(2) of this Order to

minimize litigation, eliminate ambiguity, and reduce burden.

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 safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

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

Regulation

In consideration of the foregoing, subpart F of part 165 of Title 33, Code

of Federal Regulations, is amended 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; and 33 CFR 1.05–1(g), 6.04–6, and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. A new § 165.T11–064 is added to read as follows:

§ 165.T11–064 Safety Zone: San Pedro Bay.

(a) *Location.* All navigable waters bounded by lines connecting the following coordinates are established as safety zone:

	Latitude	Longitude
Safety Zone Point #1	33°–41'.16" N	118°–13'.15" W; thence to :
Safety Zone Point #2	33°–40'.45" N	118°–13'.01" W; thence to :
Safety Zone Point #3	33°–40'.34" N	118°–13'.37" W; thence to :
Safety Zone Point #4	33°–41'.04" N	118°–13'.51" W; thence returning to the point of beginning.

Datum: NAD 83.

(b) *Effective dates:* This regulation will be in effect from 11:59 p.m. PDT on May 17, 1999 until 11:59 p.m. PST on December 31, 1999. If the need for this safety zone terminates before December 31, 1999, the Captain of the Port will cease enforcement of this safety zone and will announce that fact by broadcast notice to mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone in prohibited for all vessels with a draft of 50 feet or more, unless specifically authorized by the Captain of the Port, for the entire time that this regulation is enforced by the Captain of the Port.

(1) All other vessels are prohibited from entering into, transiting through, or anchoring within this safety zone, unless specifically authorized by the Captain of the Port, only when actual construction activities are in progress.

(2) The Captain of the Port will announce, via Broadcast, Notice to Mariners and any other means practicable, when the area is closed to vessels less than 50 feet in draft (because construction activities are in progress).

Dated: May 17, 1999.

G.F. Wright,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles, Long Beach, California.
[FR Doc. 99–13936 Filed 6–1–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[RI–39–6989a; A–1–FRL–6346–5]

Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Amendments to Air Pollution Control Regulation Number 9

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. This revision makes amendments to 3 portions of Rhode Island's Air Pollution Control Regulation No. 9. The intended effect of this action is to modify the definition of a point source for purposes of new source review pre-construction permitting, to eliminate the requirement for monitoring of total suspended particulates (TSP) and insert requirements for addressing particles with a mean aerodynamic diameter of 10 microns or less (PM₁₀), and to clarify the definition of Best Available Control Technology (BACT). This action is being taken in accordance with the Clean Air Act.

DATES: This direct final rule is effective on August 2, 1999, without further notice, unless EPA receives relevant adverse comments by July 2, 1999. If adverse comment is received, EPA 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: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100 (CAA), Boston, MA 02114–2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., (LE–131), Washington, D.C. 20460; and the Division of Air and Hazardous Materials, Department of Environmental Management, 291 Promenade Street, Providence, RI 02908–5767.

FOR FURTHER INFORMATION CONTACT: Ian D. Cohen, (617) 918–1655.

SUPPLEMENTARY INFORMATION: On August 9, 1996, the State of Rhode Island submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of amendments to Rhode Island's Air Pollution Control Regulation No. 9, which governs pre-construction new source review (NSR) permitting for new and modified sources of air pollution. These changes will revise the State Implementation plan to reflect revisions in EPA rules and policy.