

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-99-149]

RIN 2115-AA97

**Safety Zone: Decker Wedding
Fireworks, Western Long Island
Sound, Rye, NY**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Decker Wedding fireworks display located on Western Long Island Sound. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic on a portion of Western Long Island Sound. **DATES:** This rule is effective from 8:30 p.m. until 10 p.m., on September 25, 1999. There is no rain date for this event.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354-4193.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4193.

SUPPLEMENTARY INFORMATION:**Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date the Application for Approval of Marine Event was received, there was insufficient time to draft and publish an NPRM and publish the final rule 30 days before its effective date. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close the waterway and protect the maritime public from the hazards associated with this fireworks display.

Background and Purpose

On August 4, 1999, Bay Fireworks submitted an application to hold a fireworks program on the waters of

Western Long Island Sound, Rye, NY. The fireworks program is being sponsored by David Decker. This regulation establishes a safety zone in all waters of Western Long Island Sound within a 360 yard radius of the fireworks barge, in approximate position 40°56'34"N 073°41'23"W (NAD 1983), approximately 450 yards west of Milton Point, Rye, New York. The safety zone is in effect from 8:30 p.m. until 10 p.m. on Saturday, September 25, 1999. There is no rain date for this event. The safety zone prevents vessels from transiting a portion of Western Long Island Sound and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. This safety zone will have negligible impact on the area because boaters can safely transit around the zone to the south. The zone does not block access to any portion of Western Long Island Sound other than the area comprised by the zone itself. Public notifications will be made prior to the event by marine information broadcasts and the Local Notice to Mariners.

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)(0) 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 finding is based on the minimal time that vessels will be restricted from the zone, that vessels may still transit through Western Long Island Sound during the event, and advance notifications which will be made.

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 of less than 50,000.

For reasons discussed in the Regulatory Evaluation 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 under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain *Federal mandates*. A Federal mandate is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 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; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01–149 to read as follows:

§ 165.T01–149 Safety Zone: Decker Wedding Fireworks, Western Long Island Sound, Rye, New York.

(a) *Location.* The following area is a safety zone: All waters of Western Long Island Sound within a 360 yard radius of the fireworks barge, in approximate position 40°56'34"N 073°41'23"W (NAD 1983), approximately 450 yards west of Milton Point, Rye, New York.

(b) *Effective period.* This section is effective from 8:30 p.m. until 10 p.m. on September 25, 1999. There is no rain date for this event.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a US Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 18, 1999.

R.E. Bennis,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 99–22175 Filed 8–23–99; 5:08 pm]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 272**

[FRL–6423–8]

Oklahoma: Incorporation by Reference of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Under the Resource Conservation and Recovery Act of 1976, as amended (RCRA), the EPA may grant States Final Authorization to operate their hazardous waste management programs in lieu of the Federal program.

The EPA uses part 272 of Title 40 Code of Federal Regulations (CFR) to provide notice of the authorization status of State programs and to

incorporate by reference those provisions of the State statutes and regulations that are part of the authorized State program. Thus, EPA intends to revise and incorporate by reference the Oklahoma authorized State program in 40 CFR part 272. The purpose of this action is to incorporate by reference into the CFR the currently authorized State hazardous waste program in Oklahoma. This document incorporates by reference provisions of State hazardous waste statutes and regulations and clarifies which of these provisions are included in the authorized and Federally enforceable program. In addition, today's document corrects technical errors made in the table of authorities published in the September 22, 1998 (63 FR 50528) authorization notice for Oklahoma.

DATES: This action is effective on October 25, 1999 without further notice unless EPA receives relevant adverse comments by September 27, 1999. If adverse comments are received, EPA will publish a timely withdrawal of the immediate final rule or identify the issues raised, respond to the comments and inform the public that the rule will not take effect. The incorporation by reference of certain Oklahoma statutes and regulations was approved by the Director of the Federal Register as of October 25, 1999 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Written comments referring to Document Number OK99–2 should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, phone (214) 665–8533. Copies of Oklahoma program revisions and materials which EPA used in evaluating the revisions are available for inspection and copying from 8:30 a.m. to 4 p.m. Monday through Friday at the following addresses: State of Oklahoma Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73101–1677, Phone number: (405) 702–7180 and EPA Region 6 Library, 1445 Ross Avenue, Dallas, Texas 75202, Phone number: (214) 665–6444.

FOR FURTHER INFORMATION CONTACT:

Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multi-Media Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.

SUPPLEMENTARY INFORMATION:**I. Corrections**

A. Corrections to the September 22, 1998 (63 FR 50528) Authorization Document

There were typographical and effective date errors in the table published as part of the September 22, 1998 (63 FR 50528) authorization document for Oklahoma. The affected entries for that table are as follows:

1. All references to “Sec. 2–7–104” are corrected to “Sec. 2–2–104”;

2. All references to the permanent effective date of “June 1, 1997” are corrected to “June 2, 1997”;

3. Specific to Checklist 137 (Item 3), a. the reference to “Sec. 2–7–107(10)” is corrected to “Sec. 2–7–107A(10)”;

b. the phrase “and (60 FR 242) January 3, 1995” should be inserted after “September 19, 1994”;

4. Specific to Checklist 140 (Item 5), the phrase “and (60 FR 25619) May 12, 1995” should be inserted after “April 17, 1995”;

5. Specific to Checklist 141 (Item 6), the reference to “emergency effective date 1, 1996” is corrected to “emergency effective date August 1, 1996.”

II. Incorporation By Reference

A. Background

Effective December 13, 1993 (58 FR 52679) and July 14, 1998 (63 FR 23673), EPA incorporated by reference Oklahoma's then authorized hazardous waste program. Effective November 23, 1998 (63 FR 50528), EPA granted authorization to Oklahoma for additional program revisions. In this document, EPA is incorporating the currently authorized State hazardous waste program in Oklahoma.

The EPA provides notice of its approval of State programs in 40 CFR part 272 and incorporates by reference therein the State statutes and regulations that are part of the authorized State program under RCRA. This effort will provide clearer notice to the public of the scope of the authorized program in Oklahoma. Such notice is particularly important in light of Hazardous Waste and Solid Waste Amendments of 1984 (HSWA), Public Law 98–616. Revisions to State hazardous waste programs are necessary when Federal statutory or regulatory authority is modified. Because HSWA extensively amended RCRA, State programs must be modified to reflect those amendments. By incorporating by reference the authorized Oklahoma program and by amending the CFR whenever a new or different set of requirements is authorized in Oklahoma, the status of Federally