

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

[CGD13-97-012]

RIN-AA97

**Safety Zone Regulation; SeaFair's Blue Angels Air Show, Lake Washington, Seattle, WA**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the waters of Lake Washington from 6 a.m. (PDT) to 4 p.m. (PDT) August 7, 8, 9, and 10, 1997. The Captain of the Port Puget Sound, Seattle, Washington, is taking this action to safeguard watercraft and their occupants from the safety hazards associated with high performance aircraft conducting complex maneuvers at high speeds and low altitudes. The safety zone will encompass the area of Lake Washington over which the air show will take place. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

**DATES:** This regulation is effective on August 7, 8, 9, and 10, 1997, from 6 a.m. (PDT) to 4 p.m. (PDT).

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection and copying at U.S. Coast Guard Marine Safety Office, Puget Sound, 1519 Alaskan Way South, Building 1, Seattle, Washington 98134. Normal office hours are between 7 a.m. and 5 p.m., Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Joel Roberts, c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, Washington 98134, (206) 217-6232.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective less than 30 days from the date of publication in the **Federal Register**. Publishing a NPRM would be contrary to the public interest since immediate action is necessary to ensure the safety of vessels and spectators operating in the area of the Air Show. Due to the complex planning and coordination involved, the sponsor of the event, Seafair Incorporated, was unable to provide the Coast Guard with the final details for the show until 60 days prior to the event. If normal notice and

comment procedures were followed, this rule would not become effective until after the date of the event. For this reason, following normal rulemaking procedures in this case would be impracticable and contrary to the public interest.

**Background and Purpose**

The Coast Guard is adopting a temporary safety zone regulation for the U.S. Navy Blue Angels Air Show sponsored by Seafair, Incorporated. The safety zone encompasses all waters of Lake Washington, Seattle, Washington, bounded by a line commencing at position latitude 47°35'35" N, longitude 122°15'13" W; thence to position latitude 47°35'55" N, longitude 122°15'44" W; thence to position latitude 47°35'48" N, longitude 122°15'44" W; thence to position latitude 47°33'06" N, longitude 122°15'28" W; thence along the shore of Bailey Peninsula to position latitude 47°33'44" N, longitude 122°15'01" W; thence to position latitude 47°33'43" N, longitude 122°13'53" W; thence returning along the shore of Mercer Island to the point of origin. The zone is needed to protect watercraft and their occupants from safety hazards associated with high performance aircraft conducting complex maneuvers at high speeds and low altitudes. Many onlookers may attempt to view the air show at close range, thereby increasing their exposure to these hazards. Entry into the safety zone will be prohibited during the air show and practice sessions. This safety zone will be enforced by representatives of the Captain of the Port Puget Sound, Seattle, Washington. The Captain of the Port may be assisted by other federal, state, and local agencies.

**Regulatory Evaluation**

This proposal 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 CFR 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 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the regulated area established by the proposed regulation would encompass approximately 4.75 square miles on

Lake Washington from the vicinity of the I-90 bridge to Bailey Peninsula. Operation within the regulated area would be controlled over the duration of the safety zone but only actually prohibited for less than four hours each of the four days during the performances. An extensive media and public relations campaign will notify local land owners and area recreational boaters of the event schedule and operating restrictions.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because the impacts of this proposal are expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

**Collection of Information**

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

**Federalism**

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final 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 rule and has concluded that under Section 2.B.2.c. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation.

**List of Subjects in 33 CFR Part 165**

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

**Final Regulation**

For the reasons set out in the preamble, the Coast Guard amends part 165 of Title 33, Code of Federal Regulations, 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 and 160.5; 49 CFR 1.46.

2. A temporary section 165.T13–011 is added to read as follows:

**§ 165.T13–011 Safety Zone; Lake Washington, Seattle, WA.**

(a) *Location.* The following area is a safety zone: All waters of Lake Washington, Seattle, Washington, bounded by a line commencing at position latitude 47°35'35"N, longitude 122°15'13"W; thence to position latitude 47°35'55"N, longitude 122°15'44"W; thence to position latitude 47°35'48"N, longitude 122°15'44"W; thence to position latitude 47°33'02"N, longitude 122°15'28"W; thence to position latitude 47°33'44"N, longitude 122°15'01"W; thence to position latitude 47°33'43"N, longitude 122°13'53"W; thence returning along the shore of Mercer Island to the point of origin. [Datum NAD 83]

(b) *Regulations.* In accordance with the general regulations in Section 165.23 of this part, no person or vessel may enter or remain in this zone, except for participants in the event, supporting personnel, vessels registered with the event organizer, or other vessels authorized by the Captain of the Port or his designated representatives.

(c) *Effective dates.* This regulation is effective on August 7, 8, 9, and 10, 1997, from 6 a.m. (PDT) to 4 p.m. (PDT) each day.

Dated: June 21, 1997.

**Myles S. Boothe,**

*Captain, U.S. Coast Guard, Captain of the Port Puget Sound.*

[FR Doc. 97–18267 Filed 7–10–97; 8:45 am]

BILLING CODE 4910–14–M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA014–0035; FRL–5850–4]

### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Four Local Air Pollution Control Districts

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing the approval of revisions to the California State

Implementation Plan (SIP) proposed in the **Federal Register** on June 12, 1996. The revisions concern rules from the following: El Dorado County Air Pollution Control District (EDCAPCD), Kern County Air Pollution Control District (KCAPCD), Placer County (PCAPCD), and Santa Barbara County Air Pollution Control District (SBCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from graphic arts operations. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**EFFECTIVE DATE:** This action is effective on August 11, 1997.

**ADDRESSES:** Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations: Rulemaking Section (Air–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW., Washington, DC 20460.  
El Dorado County APCD, 2850 Fairlane Court, Placerville, CA 95667.  
Kern County APCD, 2700 M Street, Suite 290, Bakersfield, CA 93301.  
Placer County APCD, 11464 B Avenue, Auburn, CA 95603.  
Santa Barbara County APCD, 26 Castilian Drive, B–23, Goleta, CA 93117.

**FOR FURTHER INFORMATION CONTACT:** Andrew Steckel, Rulemaking Office, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

### SUPPLEMENTARY INFORMATION:

#### I. Applicability

The rules being approved into the California SIP include the following: EDCAPCD Rule 231, "Graphic Arts Operations"; KCAPCD Rule 410.7, "Graphic Arts"; PCAPCD Rule 239, "Graphic Arts Operations"; and SBCAPCD Rule 354, "Graphic Arts". These rules were adopted by the local

air pollution control agencies on the following respective dates: September 27, 1994; May 6, 1991; June 8, 1995; and June 28, 1994.

The above rules were submitted by the California Air Resources Board (CARB) to EPA, in respective order, on November 30, 1994, May 30, 1991, October 13, 1995, and July 13, 1994.

#### II. Background

On June 12, 1996, EPA published a notice of direct final rulemaking action (61 FR 29659) and a action of proposed rulemaking (61 FR 29725).<sup>1</sup> This direct final rule would have approved the rules described in the applicability section above, as well as South Coast Air Quality Management District Rule 1130.1, "Screen Printing Operations", into the California SIP. However, prior to the close of the comment period for the direct final rulemaking, EPA received a request from SCAQMD to withdraw Rule 1130.1 from the SIP. Because this request to withdraw was essentially an adverse comment, EPA was required by the provisions of the Administrative Procedures Act to withdraw the direct final rule. A **Federal Register** action withdrawing the direct final rule of June 12 was published on August 27, 1996 (61 FR 43976).

As a result of SCAQMD's withdrawal request, EPA is finalizing the approval into the California SIP of the rules described in the rulemaking actions of June 12, with the exception of SCAQMD Rule 1130.1. Therefore, EPA is approving the rules listed in the applicability section into the California SIP.

The rules being approved in this action were submitted in response to EPA's 1988 SIP–Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of these rules and nonattainment areas is provided in the Direct Final action of June 12, 1996.

EPA has evaluated all of these rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy

<sup>1</sup> Unless a direct final rulemaking is withdrawn (if EPA receives an adverse comment), such a notice of proposed rulemaking is moot. However, if EPA receives an adverse comment, the direct final rulemaking is withdrawn, and the notice of proposed rulemaking, together with the notice of direct final rulemaking, serves to propose approval for subsequent finalization.