

## Federalism

The Coast Guard has analyzed this rule 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.

## Environment

The Coast Guard has 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 reasons set out 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.T01-104 to read as follows:

#### § 165.T01-104 Safety zone; Gloucester Schoonerfest, Gloucester, MA.

(a) *Location.* The following area is a safety zone: all waters of Gloucester Harbor in a four hundred (400) yard radius around a fireworks launch site located at Stage Head Point in Gloucester, MA.

(b) *Effective date.* This section is effective from 8:00 p.m. until 11:00 p.m., Saturday, September 4, 1999.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zones in § 165.23 apply.

Dated: July 8, 1999.

**J.L. Grenier,**

*Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.*

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BILLING CODE 4901-15-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-99-110]

RIN 2115-AA97

#### Safety Zone: Fireworks, Parade of Lights, Boston, MA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of Boston Harbor in a four hundred (400) yard radius around a fireworks barge located off the U.S. Coast Guard Base at an approximate position of 42°22'12" N, 071°02'53" W (NAD 1983) Boston, MA. The safety zone is in effect from 9:00 p.m. until 11:00 p.m., Saturday, July 24, 1999. This safety zone prevents entry into or movement within this portion of Boston Harbor and it is needed to protect the boating public from the dangers posed by a fireworks display.

**DATES:** This rule is effective from 9:00 p.m. until 11:00 p.m., Saturday, July 24, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Saturday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** ENS Rebecca Montleon, Waterways Management Division, Coast Guard Marine Safety Office Boston, (617) 223-3000.

#### 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 in less than 30 days after **Federal Register** publication. Conclusive information about this event was not provided to the Coast Guard until June 14, 1999, making it impossible to draft or publish an NPRM or a final rule 30 days in advance. Publishing an NPRM and delaying its effective date would be

contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display, which is intended for public entertainment.

#### Background and Purpose

On June 14, 1999, Conventures Inc., Boston, MA, filed a marine event permit with the Coast Guard to hold a fireworks program over the waters of Boston Harbor, Boston, MA. This regulation establishes a safety zone on the waters of Boston Harbor in a four hundred (400) yard radius around a fireworks barge located off the U.S. Coast Guard Base in approximate position 42°22'12" N, 071°02'53" W (NAD 1983), Boston Harbor, MA. The safety zone is in effect from 9:00 p.m. until 11:00 p.m. Saturday, July 24, 1999. This safety zone prevents entry into or movement within this portion of Boston Harbor and it is needed to protect the boating public from the dangers posed by a fireworks display.

#### 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)(3) 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary since the safety zone will be limited in duration, marine advisories will be made in advance of the implementation of the safety zone.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the 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 rule will not have

a significant impact on a substantial number of small entities.

### Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this rule 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.

### Environment

The Coast Guard has 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 reasons set out 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.

Add temporary § 165.T01-110 to read as follows:

#### § 165.T01-110 Safety zone; Fireworks, Parade of Lights, Boston, MA.

(a) *Location.* The following area is a safety zone: all waters of Boston Harbor in a four hundred (400) yard radius around a fireworks barge located off of the U.S. Coast Guard Base in approximate position 42°22'12"N, 071°02'53"W (NAD 1983), Boston, MA.

(b) *Effective date.* This section is effective from 9:00 p.m. until 11:00 p.m., Saturday, July 24, 1999.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zones in § 165.23 of this part apply.

Dated: July 9, 1999.

**M.A. Skordinski,**

*Commander, U.S. Coast Guard, Alternate Captain of the Port, Boston, Massachusetts.*  
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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[M169-01-7277a; FRL-6357-3]

#### Approval and Promulgation of State Implementation Plans; Michigan

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving several rule revisions and rescissions for incorporation into Michigan's State Implementation Plan (SIP). The Michigan Department of Environmental Quality (MDEQ) submitted these revisions on August 20, 1998 and supplemented them with a November 3, 1998, letter. They include revisions to degreasing, perchloroethylene dry cleaning, petroleum refinery, synthetic organic chemical manufacturing, and delivery vessel loading rules, and a number of rule rescissions.

**DATES:** This direct final rule is effective on September 20, 1999, without further notice, unless EPA receives adverse comment by August 20, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** You may send written comments to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the SIP revision and EPA's analysis are available for inspection at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone

Kathleen D'Agostino at (312) 886-1767 before visiting the Region 5 Office.)

#### FOR FURTHER INFORMATION CONTACT:

Kathleen D'Agostino, Environmental Engineer, Regulation Development Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767.

#### SUPPLEMENTARY INFORMATION:

A. Background Information  
B. Contents of State Submittal  
C. EPA's Evaluation of State Submittal and Final Action

#### A. Background Information

On August 20, 1998, the MDEQ submitted to EPA a proposed revision to the Michigan SIP. MDEQ supplemented this revision with a November 3, 1998, letter from Robert Irvine. This submittal included revisions to degreasing, perchloroethylene dry cleaning, petroleum refinery, synthetic organic chemical, and delivery vessel loading rules, as well as a number of rule rescissions. These rule revisions and rescissions are described briefly below. This rulemaking action does not address the following rules, which were also part of Michigan's SIP submittal: R 336.1118, R 336.1122(f), R 336.1278, R 336.1283 to R 336.1287, and R 336.1290. We will address the remaining rule revisions in separate rulemaking actions.

#### B. Contents of State Submittal

The following is a brief description of the sections of the SIP revision that we are addressing in this rulemaking action.

R 336.1611 to R 336.1614 and R 336.1707 to R 336.1710—These rules address existing and new cold cleaner and degreaser equipment. Michigan is proposing to revise these rules to exempt sources subject to the Halogenated Solvent Cleaner National Emission Standards for Hazardous Air Pollutants from the provisions of the respective rules.

R 336.1619—The State has replaced this rule with the National Emission Standard for Hazardous Air Pollutants for Perchloroethylene Dry Cleaners, and therefore proposes to remove this rule from the SIP.

R 336.1622—The proposed revision to this rule allows sources to comply by complying with EPA's Standards of Performance for Equipment Leaks of Volatile Organic Compound in Petroleum Refineries.

R 336.1628—The proposed revision to this rule allows sources to comply by complying with EPA's Standards of