

### Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

### IV. Procedural Determinations

#### Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

#### Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

#### National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

#### Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the

Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

#### Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

#### Unfunded Mandates

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), this rule will not produce a Federal mandate of \$100 million or greater in any year, i.e., it is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

#### List of Subjects in 30 CFR 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 29, 1999.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 99-2899 Filed 2-5-99; 8:45 am]

BILLING CODE 4310-05-P

### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### 33 CFR Part 165

[CGD 05-98-043]

RIN 2115-AA97

#### Safety Zone; Atlantic Ocean, Vicinity of Cape Henlopen State Park, DE

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Delaware Aerospace Education Foundation plans to launch a Super Loki Meteorological Rocket from Cape Henlopen State Park on the second Saturday of May each year. The Coast Guard proposes to establish a Safety Zone in the Atlantic Ocean near Cape

Henlopen State Park, Delaware to protect spectators and vessels from the potential hazards associated with this launch.

**DATES:** Comments must be received on or before March 25, 1999.

**ADDRESSES:** Comments may be mailed to Commanding Officer, USCG MSO/ Group Office, 1 Washington Avenue, Philadelphia, Pennsylvania 19147-4395, Attention: Chief Petty Officer Ward, or hand-delivered to the same address between 8 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (215) 271-4888. Comments will become part of this docket and will be available for inspection and copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (Junior Grade) Fallacy or Chief Petty Officer Ward, Project Managers, Waterways and Waterfront Facilities Branch, at (215) 271-4888.

#### SUPPLEMENTARY INFORMATION:

#### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 05-98-043) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address listed under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

#### Background and Purpose

The Delaware Aerospace Education Foundation plans to launch a Super Loki Meteorological Rocket from Cape Henlopen State Park each year on the second Saturday in May for the purpose of collecting meteorological data. If the Saturday launch is canceled due to inclement weather, it will be scheduled

for the next day. The rocket motor is expected to splash down within 2 nautical miles of the launch point. This proposed safety zone is necessary to protect spectators and transiting vessels from the potential hazards associated with the launch and the subsequent splashdown of the rocket motor.

Although the exact launch time is subject to change due to weather, the entire launch/splashdown process is expected to occur between 2 p.m. and 4:30 p.m. The Coast Guard will announce via Broadcast Notice to Mariners the anticipated day (either Saturday or Sunday) and time of the launch and will grant general permission to enter the safety zone during those times in which the launch and spent rocket motor do not pose a hazard to mariners. Because the hazardous condition is expected to last for only 2½ hours of one day, and because general permission to enter the safety zone will be given during non-hazardous times, the impact of this rule on commercial and recreational traffic is expected to be minimal.

The rocket payload, assisted by parachute, is expected to splash down in the Atlantic Ocean approximately 22 nautical miles southeast of the launch point, which is an area outside of the proposed safety zone. The Coast Guard advises all marine traffic to exercise caution when transiting that area during launch times.

#### Discussion of Proposed Rule

The proposed safety zone would include an 8 square mile section of the Atlantic Ocean adjacent to the launch site at Cape Henlopen State Park in Delaware. Specifically, the proposed safety zone would include the waters of the Atlantic Ocean that are within the area bounded by a line drawn north from the tip of Cape Henlopen located latitude 38°48.2' North, longitude 75°05.5' West, to a point located at latitude 38°49.4' North, longitude 75°05.5' West; then east to a point located at latitude 38°49.4' North, longitude 75°01.4' West; then south to a point located at latitude 38°43.0' North, longitude 75°01.4' West; then west to a point on the shoreline located at latitude 38°43.0' North, longitude 75°04.5' West.

The proposed safety zone is necessary to protect spectators and transiting vessels from the potential hazards associated with the launch of the Super Loki Meteorological Rocket and the subsequent splashdown of the rocket motor. The safety zone would be in effect on the second Saturday in May and the following day. Vessels would be prohibited from transiting through the

safety zone without first obtaining permission from the Captain of the Port of Philadelphia. The Captain of the Port would announce via Broadcast Notice to Mariners the anticipated day and time of the launch and grant general permission to enter the safety zone during all non-hazardous times.

#### 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 FR 11040; February 26, 1979). The regulated area would be limited to 8 square miles and permission to enter the area would be denied only during the 2½ hours in which the rocket launch poses a hazard. Therefore, the Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e is unnecessary.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), 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). The proposed regulated area would be limited to 8 square miles and permission to enter it would be withheld for about 2½ hours each year. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This proposal contains no Collection of Information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

#### Federalism

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

#### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under figure 2–1, paragraph (34)(g), of COMDTINST M16475.1C, this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

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

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

For the reasons set out in the preamble, the Coast Guard proposes to amend 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, and 160.5; 49 CFR 1.46.

2. A new Section 165.535 is added to read as follows:

#### § 165.535 Safety Zone: Atlantic Ocean, Vicinity of Cape Henlopen State Park, Delaware.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean that are within the area bounded by a line drawn north from the tip of Cape Henlopen located at latitude 38°48.2' North, longitude 75°05.5' West, to a point located at latitude 38°49.4' North, longitude 75°05.5' West; thence east to a point located at latitude 38°49.4' North, longitude 75°01.4' West; thence south to a point located at latitude 38°43.0' North, longitude 75°01.4' West; thence west to a point on the shoreline located at latitude 38°43.0' North, longitude 75°04.5' West. All coordinates reference Datum: NAD 1983.

(b) *Regulation.* The general regulations governing safety zones contained in § 165.23 apply. Vessels may not enter the safety zone without first obtaining permission from the Captain of the Port (COTP) Philadelphia.

(c) *Effective Dates.* This rule is effective annually on the second Saturday in May and the following day.

(d) *General Information.*

(1) Those times during which hazardous conditions exist inside the safety zone will be announced via Broadcast Notice to Mariners. General permission to enter the safety zone will be broadcast during non-hazardous times.

(2) The COTP Philadelphia and the Duty Officer at the Marine Safety Office, Philadelphia, Pennsylvania, can be contacted at telephone number (215) 271-4940 and on VHF channels 13 and 16.

(3) The COTP Philadelphia may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing this safety zone.

Dated: January 25, 1999.

**T.E. Bernard,**

*Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.*  
[FR Doc. 99-2973 Filed 2-5-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MN55-01-7280b; MN56-01-7281b; MN57-01-7282b; FRL-6230-4]

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

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

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the EPA is proposing to approve revisions to Minnesota's State Implementation Plan (SIP) for particulate matter and sulfur dioxide in the Minneapolis-St. Paul area. This revision amends State Administrative Orders for North Star Steel Company, LaFarge Corporation, and GAF Building Materials.

In the final rules section of this **Federal Register**, EPA is approving the State's request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless the Agency receives relevant adverse written comment on this action within 30 days of this publication. Should the Agency receive such comment, it will publish a document informing the public that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. EPA does not plan to institute a second comment period on this action. Any parties

interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before March 10, 1999.

**ADDRESSES:** Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Christos Panos at (312) 353-8328.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule published in the rules section of this **Federal Register**. Copies of the documents relevant to this action are available for public inspection during normal business hours at the above address. (Please telephone Christos Panos at (312) 353-8328 before visiting the Region 5 Office.)

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Sulfur dioxide.

Dated: January 19, 1999.

**JoLynn Traub,**

*Acting Regional Administrator, Region 5.*  
[FR Doc. 99-2786 Filed 2-5-99; 8:45 am]  
BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 83

[FRL-6230-7]

RIN 2060-A111

### Control of Emissions From New Nonroad Spark-Ignition Engines Rated Above 19 Kilowatts and New Land-Based Recreational Spark-Ignition Engines

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

**ACTION:** Notice of Proposed Finding.

**SUMMARY:** EPA proposes a finding that nonroad spark-ignition engines rated above 19 kilowatts, as well as all land-based recreational nonroad spark-ignition engines, cause or contribute to air quality nonattainment in more than one ozone or carbon monoxide nonattainment area. EPA also proposes a finding that particulate matter emissions from these engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. This proposal does not address marine propulsion engines.

**DATES:** EPA requests comment on this proposal no later than April 12, 1999. EPA will hold a public hearing on this proposed finding on March 11, 1999 if one is requested on or before February 23, 1999.

**ADDRESSES:** Materials related to this action are contained in Public Docket A-98-01, located at room M-1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. Anyone may inspect the docket from 8:00 a.m. until 5:30 p.m., Monday through Friday. EPA may charge a reasonable fee for copying docket materials.

Send comments on this notice to Public Docket A-98-01 at the above address. EPA requests that you also send a copy of any comments to Alan Stout, U.S. EPA, 2000 Traverwood Drive, Ann Arbor, MI 48105.

**FOR FURTHER INFORMATION CONTACT:** Alan Stout (734) 214-4805.

**SUPPLEMENTARY INFORMATION:** EPA has established emission standards for several nonroad engine categories. The categories of nonroad engines for which standards currently exist cover a variety of applications, including farm and construction equipment, marine vessels, locomotives, and lawn and garden equipment. Lawn and garden equipment uses nonroad spark-ignition engines, but these engines are generally rated below 19 kW. Emission standards targeting lawn and garden engines therefore apply only to engines rated at or below 19 kW.

In contrast, nonroad spark-ignition engines rated above 19 kW (25 hp) and all spark-ignition engines used in land-based recreational applications are not currently subject to federal emission standards.<sup>1</sup> With this document, EPA is beginning the process leading to eventual emission standards for these engines.

### I. Statutory Authority

Section 213(a)(1) of the Clean Air Act, 42 U.S.C. 7547(a), requires that the Agency study the emissions from all categories of nonroad engines and equipment (other than locomotives) to determine, among other things, whether these emissions "cause or significantly contribute to air pollution which may reasonably be anticipated to endanger public health and welfare." Section 213(a)(2) further requires EPA to determine, through notice and comment, whether the emissions of

<sup>1</sup> For the purposes of this document, all references to spark-ignition engines rated above 19 kW includes marine auxiliary engines, but excludes marine propulsion engines.