

Captain of the Port established a triangular safety zone. The safety zone will encompass all waters within a triangle formed by connecting the following points: the mouth of the Bile River (13 degrees 16 minutes 37 seconds North Latitude, 144 degrees 39 minutes 51 seconds East Longitude), the west tip of Cocos Island (13 degrees 14 minutes 02 seconds North Latitude, 144 degrees 38 minutes 39 seconds East Longitude), and Balang Point (13 degrees 15 minutes 03 seconds North Latitude, 144 degrees 41 minutes 26 seconds East Longitude).

This zone is established to protect the swimming event's participants from possible safety hazards associated with vessel traffic. Law enforcement, Fire Department, and sponsor's safety boats will be allowed in this zone during the event. Entry of all other vessels into this temporary zone is prohibited unless authorized by the Captain of the Port (COTP). Vessels may request authorization to transit the regulated area by calling the U.S. Coast Guard on Channel 16 VHF or by phone at (671) 339-2001, extension 112.

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 sections 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). Because of the short duration and limited geographic scope of the safety zone, the Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Collection of Information

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

Federalism

The Coast Guard has analyzed this temporary final 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.

Environmental Assessment

The Coast Guard has considered the environmental impact of this temporary final rule 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. An environmental analysis checklist has been completed.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this temporary final 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 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 will be affected by this rule, so this rule will not result in annual or aggregate cost of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

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, 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; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new section 165.T14-011 is added to read as follows:

§ 165.T14-011 Safety Zone: Cocos Lagoon, Guam.

(a) *Location:* The following area constitutes a safety zone in the navigable waters of the United States within Cocos Lagoon, Guam: a triangle formed by connecting the mouth of the Bile River (13 degrees 16 minutes 37 seconds North Latitude, 144 degrees 39 minutes 51 seconds East Longitude), the west tip of Cocos Island (13 degrees 14 minutes 02 seconds North Latitude, 144

degrees 38 minutes 39 seconds East Longitude), and Balang Point (13 degrees 15 minutes 03 seconds North Latitude, 144 degrees 41 minutes 26 seconds East Longitude). All coordinates refer to Datum: NAD 83.

(b) *Effective Dates:* This safety zone will be effective from 06:30 a.m. (+Kilo, Local Time) to 10:00 a.m. (+Kilo, Local Time) on June 20, 1999. Following the conclusion of the event the Captain of the Port will cease enforcement of the safety zone and will announce that fact by Broadcast Notice to Mariners.

(c) *Regulations.* The general regulations governing safety zones contained in 33 CFR 165.23 apply. Entry into, transit through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port, or his or her designated representative. Vessels may request authorization to transit the safety zone by calling the U.S. Coast Guard Marianas Section Guam on Channel 16 VHF or call at (671) 339-2001, extension 112.

Dated: May 26, 1999.

S.J. Glover,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01 99-078]

RIN 2115-AA97

Safety Zone: Salvage of Sunken Fishing Vessel CAPE FEAR, Buzzards Bay, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone within a five-hundred (500)-yard radius of the site of the sunken fishing vessel CAPE FEAR in the entrance to Buzzards Bay, Massachusetts, during oil removal and salvage. Once the vessel is salvaged and brought to the surface, a temporary moving safety zone extending 1,000 yards ahead and astern, and 500 yards on either side, is established around the fishing vessel CAPE FEAR while it is towed into and safely moored in the port of Fairhaven, MA. This safety zone is needed to protect personnel and their resources on-scene during oil pollution abatement and salvage, the maritime community from hazards associated with ongoing oil-pollution abatement

and salvage, and any spectators or vessels in the vicinity, and to ensure the safe transit and mooring of the fishing vessel CAPE FEAR as it is towed into the port of Fairhaven, MA. Entry into this zone is prohibited unless authorized by the Captain of the Port (COTP), Providence RI.

EFFECTIVE DATE: This rule is effective from 6:00 a.m., Tuesday, June 8, 1999, until 11:59 p.m. on Wednesday, June 30, 1999.

FOR FURTHER INFORMATION CONTACT: LT David C. Barata, Waterways Management, Coast Guard Marine Safety Office, Providence, RI, at (401) 435-2300.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, no notice of proposed rulemaking (NPRM) was published for this regulation, and good cause exists for making it effective less than 30 days after **Federal Register** publication. Because of the date that conclusive information for this event was received, there was insufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close a portion of Buzzards Bay to protect personnel and their resources on-scene during oil pollution abatement and the salvage, the maritime community from hazards associated with ongoing oil-pollution abatement and salvage, and any spectators or vessels in the vicinity, and to ensure the safe transit and mooring of the fishing vessel CAPE FEAR as it is towed into the port of Fairhaven, MA.

Background and Purpose

This regulation establishes a safety zone in all waters within a five-hundred (500)-yard radius of the site of the sunken fishing vessel CAPE FEAR (O.N. D655734) in the entrance to Buzzards Bay at approximate position 41°23' N, 071°01' W during oil pollution abatement and salvage. After the vessel is salvaged and brought to the surface, a temporary moving safety zone will immediately be established on all waters extending 1,000 yards ahead and astern, and 500 yards on either side, of the fishing vessel CAPE FEAR until it is towed into and safely moored in the port of Fairhaven, MA. This safety zone is needed to protect personnel and their resources on-scene during oil-pollution abatement and salvage, the maritime community from hazards associated with ongoing oil-pollution abatement and salvage, and any spectators or

vessels in the vicinity, and to ensure the safe transit and mooring of the fishing vessel CAPE FEAR as it is towed into the port of Fairhaven, MA. The public will be made aware of the change from a stationary to a moving safety zone through a Broadcast Notice to Mariners made from U.S. Coast Guard Group Woods Hole. Entry into this zone is prohibited unless authorized by the Captain of the Port (COTP), Providence, RI.

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 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves a small area of Buzzards Bay. Although this rule prevents traffic from transiting in the immediate area of the salvage site and prevents vessels from transiting near the fishing vessel CAPE FEAR as it is towed, the effect of this rule will not be significant as all vessel traffic may safely pass around this safety zone and as extensive maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this temporary final rule will 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 addressed 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.

Assistance for Small Entities

Under subsection 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 temporary final rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this final rule and you have questions concerning its provisions or options for compliance, please call LT D.C. Barata, telephone (401) 435-2300.

The Ombudsman of Regulatory Enforcement for Small Business and Agriculture and 10 Regional Fairness Boards were established to receive comments from small businesses about enforcement by Federal agencies. The Ombudsman will annually evaluate such enforcement and rate each agency's responsiveness to small business. If you wish to comment on enforcement by the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This temporary final 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 temporary final rule in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this temporary final rule will result in an annual expenditure by state, local, and tribal governments, in 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 will be affected 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.

Environment

The Coast Guard has considered the environmental impact of this temporary 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 written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under Addressee.

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 final rule will not effect a taking of private property or otherwise have taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This final rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13405, Protection of Children from Environmental Health Risks and Safety Risks. This final 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), Reports and recordkeeping requirements, Security measures, Waterways.

Regulation

For the 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, and 160.5; 49 CFR 1.46. Section 165.100 is also issued under the authority of Sec. 311, Pub. L. 105–383.

2. Add temporary section 165.T01–078 to read as follows:

§ 165.T01–079 Safety Zone: Salvage of Sunken Fishing Vessel CAPE FEAR, Buzzards Bay, MA.

(a) *Location.* The following area constitutes a safety zone: All waters within a five-hundred (500)-yard radius of the site of the sunken fishing vessel CAPE FEAR (O.N. D655734) in the entrance to Buzzards Bay at approximate position 41°–23' N, 071°–01' W during oil-pollution abatement and

salvage. After the vessel is salvaged and brought to the surface, a temporary moving safety zone will immediately be established on all waters extending 1,000 yards ahead and astern, and 500 yards on either side, of the fishing vessel CAPE FEAR until it is towed into and safety moored in the port of Fairhaven, MA.

(b) *Effective date:* This rule is effective from 6:00 a.m. on Tuesday, June 08, 1999, until 11:59 p.m. on Wednesday, June 30, 1999.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the COTP Providence.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. Among these personnel are 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: June 3, 1999.

Peter A. Popko,

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

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BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE011–1020; FRL–6357–7]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonably Available Control Technology Requirements for Nitrogen Oxides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting conditional limited approval of a State Implementation Plan (SIP) revision submitted by the State of Delaware. This revision establishes and requires all major sources of nitrogen oxides (NO_x) to implement reasonably available control technology (RACT). This revision was submitted to comply with the NO_x requirements of the Clean Air Act. The intended effect of this action is to grant conditional limited approval of Delaware's NO_x RACT Regulation.

EFFECTIVE DATE: This final rule is effective on July 16, 1999.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and Delaware Department of Natural Resources and Environmental Control, Richardson & Robins, 89 Kings Highway, Dover, Delaware 19901.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by e-mail at quinto.rose@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 22, 1999 (64 FR 13753), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. The NPR proposed conditional limited approval of Delaware's Regulation No. 12, CONTROL OF NITROGEN OXIDE EMISSIONS (NO_x RACT Regulation). The formal SIP revision was submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC) on January 11, 1993 and amended on January 20, 1994.

A description of Delaware's SIP revision and EPA's rationale for granting it conditional limited approval were provided in the NPR and shall not be restated here. No public comments were received on the NPR.

Terms of Conditional Approval

EPA is conditionally approving Delaware's NO_x RACT regulation based upon DNREC's commitment to submit all the source-specific RACT determinations made under Section 5 of Regulation No. 12. To fulfill the condition of this approval, DNREC must, by no later than July 17, 2000 of Regulation No. 12, certify that it has submitted all required case-by-case NO_x RACT determinations for all currently known subject sources. Once EPA has determined that DNREC has met this condition, EPA shall remove the conditional nature of its approval and Regulation No. 12 will, at that time, retain limited approval status. Should DNREC fail to meet the condition as specified above, the final conditional limited approval of the Delaware NO_x RACT regulation SIP revision shall convert to a disapproval.

Terms of Limited Approval

Conversion of the Delaware NO_x RACT Regulation to full approval will occur when EPA has approved all of the case-by-case RACT determinations submitted by DNREC in fulfillment of the conditional approval described above.