

the wire ropes within the towers from contamination. This containment system makes it impossible to operate the lift span while it is in place. Derigging such a containment system can not be achieved in a timely fashion for opening the drawbridge for the passage of vessels.

The closure periods are during that part of the year that coincides with lower water levels on the Columbia River. Most vessels are able to pass through one of the two higher fixed spans of the structure south of the drawspan when the river is low. This obviates the need for the dual drawbridges to open for these vessels. The containment system will not intrude into the two fixed spans while it is in use in the drawspan.

Discussion of Comments and Changes

The Coast Guard received no letters commenting on the notice of proposed rulemaking. The start date for the closure period is being changed for 1999 from the proposed date of July 15 to July 26 because the Corps of Engineers, Portland District, has predicted that the river level will not be below 6 feet until the last week of July at the earliest. This is largely due to the late melting of the unusually substantial snow pack in the Cascade Mountains. The rule also changes the ending date for the 1999 temporary closure to September 26 instead of the proposed September 15 date. The Coast Guard will consider granting an extension of the closed period if the river level is predicted to remain at or below 6 feet at the bridges. Any extensions to the closures in this rule will be published separately in the **Federal Register**.

The closed period proposed for the year 2000 remains July 15 to September 15.

This final rule does not provide 30 days notice because a comment period was provided in the notice of proposed rulemaking. Pursuant to U.S.C. 553, notice of proposed rulemaking has been published for this regulation. However, good cause exists for making the final rule effective in less than 30 days from date of publication in the **Federal Register**. Publishing a final rule with 30 days notice before it becomes effective would be contrary to public interest since immediate action is necessary. Due to the complex planning and coordination of this bridge maintenance with water levels, the Coast Guard was not provided with notice of the final details of water level predictions for 1999 until less than 30 days prior to the date the maintenance is scheduled to begin. If normal notice and comment procedures were followed, this rule

would not become effective until after the date that the maintenance is scheduled to begin. For this reason, following normal rulemaking procedures in this case would be impracticable and contrary to the public interest.

Regulatory Evaluation

This final rule is not a significant regulatory action under 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 is unnecessary. The final rule would permit vital maintenance to be performed without unreasonable inconvenience to river traffic.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers 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. Therefore, for the reasons discussed in the Regulatory Evaluation section above, 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 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 final rule in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under Figure 2–1, paragraph 32(e), of Commandant Instruction M16475.1C, this rule is

categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this final rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); § 117.255 also issued under the authority of Public Law 102–587, 106 Stat. 5039.

2. From July 26, 1999, to September 15, 2000, a new paragraph (a)(3) is added to § 117.869 to read as follows:

§ 117.869 Columbia River.

(a) * * *

(3) The draws of the dual Interstate 5 Bridges, mile 106.5, between Portland, OR and Vancouver, WA, need not open for the passage of vessels from July 26 to September 26, 1999, and from July 15 to September 15, 2000, provided that the river level remains at or below 6 feet Columbia River Datum. If the river level rises to more than 6 feet, the bridges shall operate as provided in paragraphs (a)(1) and (2) of this section.

* * * * *

Dated: 23 June 1999.

Paul M. Blayney,

*Rear Admiral, Coast Guard, Commander,
13th Coast Guard District.*

[FR Doc. 99–17674 Filed 7–12–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–115]

RIN 2115–AA97

**Safety Zone: T E L Enterprises
Fireworks Display, Great South Bay off
Davis Park, NY**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the T E L

Enterprises Fireworks Display to be held in Great South Bay off Davis Park, N.Y. on August 7, 1999. This safety zone is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation is effective from August 7, 1999, at 7:45 p.m. until 8:45 p.m. on August 8, 1999. For rain dates for this event, refer to the regulatory text set out in this rule.

ADDRESSES: Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be faxed to this address. The fax number is (203) 468-4445.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T.J. Walker, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468-4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, good cause exists for not publishing a notice of proposed rulemaking (NPRM) and for making this rule effective in less than 30 days after Federal Register publication. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

Background and Purpose

T E L Enterprises is sponsoring a 15 minute fireworks display in Great South Bay off Davis Park, N.Y. The fireworks display will occur on August 7, 1999, from 8:15 p.m. until 8:30 p.m. The safety zone covers all waters of Great South Bay within a 600 foot radius of the fireworks launching barge which will be located in approximate position 40°41'17"N, 073°00'20"W (NAD 1983). This zone is required to protect the maritime community from the dangers associated with this fireworks display. Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on-scene representative.

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 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 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 safety zone involves only a portion of Great South Bay off Davis Park and entry into this zone will be restricted for only 60 minutes on August 7, 1999. Although this regulation prevents traffic from transiting this section of Great South Bay, the effect of this regulation will not be significant for several reasons: The duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considered whether this proposal would 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 (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard finds 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 (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do 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), the Coast Guard must consider whether this 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 entities 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 regulation and concluded that under Figure 2-1, paragraph 34(g), of Commandant Instruction, M 16475.C, this 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 ADDRESSES.

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 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 authority of Sec. 311, Pub. L. 105–383.

2. Add temporary § 165.T01–115 to read as follows:

§ 165.T01–115. T E L Enterprises Fireworks Display, Great South Bay off Davis Park, N.Y.

(a) *Location.* The safety zone includes all waters of Great South Bay within a 600 foot radius of the launch barge located in approximate position 40°41'17"N, 073°00'20"W (NAD 1983).

(b) *Effective date.* This section is effective on August 7, 1999 from 7:45 p.m. until 8:45 p.m. August 8, 1999, at the same times as the scheduled rain date for this event.

(c) *Regulations.* (1) The general regulations covering safety zones contained in § 165.23 of this part 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. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard Vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

P.K. Mitchell,

Captain, Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 99–17809 Filed 7–12–99; 8:45 am]

BILLING CODE 4910–15–M

revisions concern regulations for coal handling and preparation facilities. New permitting, monitoring, reporting, and testing requirements are included for these facilities and new emission limits are included for facilities that are located in the Follansbee particulate matter nonattainment area. EPA is approving these revisions to West Virginia's regulation 45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations" in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on September 13, 1999 without further notice, unless EPA receives adverse written comment by August 12, 1999. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to Makeba A. Morris, Chief, Technical Assessment Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. 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; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and West Virginia Department of Environmental Protection, Office of Air Quality, 1558 Washington Street, East, Charleston, West Virginia 25311.

FOR FURTHER INFORMATION CONTACT: Ruth E. Knapp, (215) 814–2191, or by e-mail at knapp.ruth@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1991, EPA received an attainment plan from West Virginia for the Follansbee PM–10 nonattainment area.¹ The plan consisted of several portions including bilateral consent orders between the State of West Virginia and six companies in the Follansbee area, emergency revisions to West Virginia Regulation 5 "To Prevent

and Control Air Pollution from the Operation of Coal Preparation Plants", and air quality modeling. EPA advised the State that the revisions to Regulation 5 were not approvable as a SIP revision because West Virginia's emergency rules, are by State law, temporary. On August 10, 1993, West Virginia submitted formal State Implementation Plan (SIP) revisions to EPA of the permanently adopted revisions to Regulation 5. The SIP revision provides new emission limits and operating practices for coal preparation and handling facilities in the Follansbee, West Virginia PM–10 nonattainment area and new permitting, monitoring, reporting and testing requirements for coal handling facilities statewide.

Summary of the SIP Revision

The revisions to Regulation 5 are scattered throughout the rule. The major changes to the rule are provisions for the following:

(1) Special limits on emissions from coal handling operations and coal preparation plants in the Follansbee PM–10 nonattainment area, including an emission limit of 0.001 pounds of particulate matter per ton of coal crushed or screened; a limit of 5% opacity from any crushing, screening, or conveying operation; and a plan to control fugitive dust from haul roads, pile areas, berms, and plant access roads;

(2) A requirement for the continuous measurement of exit gas temperature or scrubber pressure drop and water pressure at thermal drier units statewide; and

(3) Revisions to reporting and testing requirements, and provisions related to granting variances.

These regulations went into effect in the State of West Virginia in 1993. EPA is publishing this revision to West Virginia's Regulation 5 without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on September 13, 1999 without further notice unless EPA receives adverse comment by August 12, 1999. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action.

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[WV016–6010a; FRL–6372–3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Approval of Revisions to Coal Preparation Plants and Coal Handling Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the West Virginia State Implementation Plan (SIP). The

¹ The Follansbee particulate matter nonattainment area is that part of Brooke County, West Virginia west of State Route 2, north of an eastward extension of the southern boundary of Steubenville Township, Ohio, and south of the Market Street Bridge. There is only one coal preparation facility in the Follansbee area, and it has been inactive for several years.