

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.

2. A new temporary § 165.T05–041 is added to read as follows:

§ 165.T05–041 Safety Zone: Virginia Beach Weekly Fireworks Display, Rudee Inlet, Virginia Beach, Virginia, and Atlantic Ocean, Coastal Waters, between 17th and 20th Street Virginia Beach, Virginia.

(a) *Location.* The following area is a safety zone: All waters within a 150-foot radius of a fireworks-laden vessel as it transits through Rudee Inlet and from Rudee Inlet to the fireworks launch site about 1,000 yards off the coast of Virginia Beach, Virginia, between 17th and 20th streets, and all waters within a 1,000-foot radius of the fireworks launch site.

(b) *Effective date.* This section is effective from 8 p.m. on June 1, 1999 until 11 p.m. on September 5, 1999. It will be enforced only on Sunday starting on June 1, 1999, and ending on September 5, 1999, between 8 p.m. and 11 p.m.

(c) *Captain of the Port.* Captain of the Port means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA, or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(d) *Regulations.* (1) In accordance with the general regulations in §§ 165.23 and 165.501, entry into this safety zone is prohibited unless authorized by the Captain of the Port of his designated representative.

(2) Persons or vessels requiring entry into or passage through the safety zone must first request authorization from the Captain of the Port or his designated representative. The vessels enforcing the safety zone are available on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port or his representative is available at (757) 484–8192.

(3) The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: June 1, 1999.

J.E. Schinnerer,

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

[FR Doc. 99–21767 Filed 8–20–99; 8:45 am]

BILLING CODE 4910–15–M

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

[CGD1–99–141]

RIN 2115–AA97

Safety Zone: Chelsea Street Bridge Fender System Repair, Chelsea River, Chelsea, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Chelsea Street Bridge fender system repairs on the Chelsea River. The safety zone temporarily closes all waters of the Chelsea River 100 yards upstream and 100 yards downstream from the centerline of the Chelsea Street Bridge. The safety zone is needed to protect vessels from the hazards posed during repairs to the bridge fender system.

DATES: This rule is effective between the hours of 9:00 p.m. and 5:00 a.m., Monday through Friday, from August 4, 1999 through August 31, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Marine Safety Office, Boston, 455 Commercial Street, Boston, Massachusetts, 02109, between 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–3000.

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 and good cause exists for making it effective in less than 30 days after Federal Register publication. Details of the repairs to the bridge fender system were not provided to the Coast Guard until July 22, 1999, making it impossible to publish a NPRM or a final rule 30 days in advance with sufficient time for public comment. Any delay encountered in this regulation's 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 bridge construction activities upon a navigable waterway.

Background and Purpose

The Chelsea Street Bridge over the Chelsea River, Chelseas, MA, fender system is in need of repairs. During the repairs, barges will be moored in the center of the channel under the bridge, and pilings will be removed and/or replaced. The placement of the barge will require the closure of the waterway for the safety of vessels during the repairs to the bridge fender system. Therefore, a safety zone is necessary to allow the safe removal of pilings, repairs to the fender system, and to protect vessel traffic.

This regulation establishes a safety zone in all waters of the Chelsea River 100 yards upstream and 100 yards downstream from the centerline of the Chelsea Street Bridge. This safety zone prevents entry into or movement within this portion of the Chelsea River. The expected duration of the safety zone will be between the hours of 9:00 p.m. and 5:00 a.m., Monday through Friday from August 4, 1999 until August 31, 1999. The Coast Guard will make Marine Safety Information Broadcasts informing mariners of this safety zone.

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 rule to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the limited recreational and commercial traffic expected in the area, and the fact that commercial operators have received advance notification of the project and can make alternate arrangements.

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.

2. Add temporary § 165.T01-141 to read as follows:

§ 165.T01-141 Safety Zone: Chelsea Street Bridge fender system repair, Chelsea River, Chelsea, MA.

(a) *Location.* The following area is a safety zone: All waters of the Chelsea River 100 yards upstream and 100 yards downstream for the centerline of the Chelsea Street Bridge.

(b) *Effective date.* This section is effective between the hours of 9:00 p.m. and 5:00 a.m., Monday through Friday, from August 4, 1999 through August 31, 1999.

(c) *Regulations.* (1) Entry into or movement within this zone is prohibited unless authorized by the COTP 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: August 4, 1999.

J.R. Whitehead,

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

[FR Doc. 99-21789 Filed 8-20-99; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[PA118-4080a; FRL-6426-1]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Pennsylvania; Large Municipal Waste Combustors (MWCs)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is granting conditional approval of the Commonwealth of Pennsylvania's municipal waste combustor (MWC) 111(d)/129 plan submitted by the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, on April 27, 1998, and as amended on September 8, 1998. This action is a conditional approval because the submitted plan does not contain an expeditious compliance schedule for the supplemental MWC emissions guidelines (EG) limits promulgated on August 25, 1997. The plan was submitted to fulfill requirements of the Clean Air Act (CAA), and the EG that are applicable to existing MWC facilities with an individual unit combustor capacity greater than 250 tons per day (TPD) of municipal solid waste. An existing MWC unit is one for which construction commenced on or before September 20, 1994.

DATES: This final rule is effective October 22, 1999 unless, on or before

September 22, 1999, adverse or critical comments are received. If adverse comment is received, EPA 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: Comments may be mailed to Makeba A. Morris, Chief, Technical Assessment Branch, Mailcode 3AP22, 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 above EPA address and by contacting Krishnan Ramamurthy at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, Rachel Carson State Office Building, 400 Market Street, Harrisburg, Pennsylvania 17105-8468.

FOR FURTHER INFORMATION CONTACT:

James B. Topsale at (215) 814-2190, or by e-mail at topsale.jim@epamail.gov. While information may be obtained via e-mail, any comments must be submitted, in writing, as indicated in the ADDRESSES section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

Section 111(d) of the CAA requires that "designated" pollutants controlled under standards of performance for new stationary sources by Section 111(b) of the CAA must also be controlled at existing sources in the same source category. Also, Section 129 of the CAA specifically addresses solid waste combustion. It requires EPA to establish emission guidelines (EG) for MWC units and requires states to develop state plans for implementing the promulgated EG. The Part 60, Subpart Cb, EG for MWC units differ from other EG adopted in the past because the rule addresses both Sections 111(d) and 129 CAA requirements. Section 129 requirements override certain related aspects of Section 111(d).

On December 19, 1995, pursuant to Sections 111 and 129 of the CAA, EPA promulgated new source performance standards (NSPS) applicable to new MWCs (i.e., those for which construction was commenced after September 20, 1994) and EG applicable to existing MWCs. The NSPS and EG are codified at 40 CFR Part 60, Subparts Eb and Cb, respectively. See 60 FR 65387 and 65415. Subparts Eb and Cb regulate MWC emissions. Emissions from MWCs contain organics (dioxin/furans), metals (cadmium, lead, mercury, particulate matter, opacity), and acid gases,