

LTJG Robert M. Hengst, Project Manager, U.S. Coast Guard Marine Safety Office Charleston, at (843) 724-7685.

**SUPPLEMENTARY INFORMATION:**

**Background and Purpose**

The event requiring this regulation will occur on September 25, 1998. The Charleston Maritime Commission is sponsoring a Bon Voyage Fireworks Display on this date for the departure of the Around Alone fleet. The fireworks display will be positioned on a barge in the Custom House Reach, Charleston Harbor, South Carolina. The approximate position of this barge will be 32-46.86' North, 079-55.17' West, directly east of Waterfront Park, downtown Charleston. The safety zone will be bounded on the north by the 32-47.03' North latitude and on the south by the 32-46.65' North latitude. The border to the east is Shutes Folly and to the west is the downtown Charleston peninsula. The safety zone is needed to prevent damage to vessels or injury to persons from hazards associated with a fireworks display.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to safety interests since immediate action is needed to minimize potential danger to the public as the permit was not received in sufficient time to process as an NPRM.

**Regulatory Evaluation**

This 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 the 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Maritime traffic will not be significantly impacted because this proposal will only be in effect for approximately one hour and fifteen minutes in a limited area.

**Small Entities**

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

adopted, 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 field and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) that this rule will not have a significant effect upon a substantial number of small entities because this proposal will only be in effect for approximately one hour and fifteen minutes in a limited area.

**Collection of Information**

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

**Federalism**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient Federal implications to warrant the preparation of a Federalism Assessment.

**Environmental Assessment**

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Figure 2-1, paragraph 34(g) of Commandant Instruction M16475.1C that this action is categorically excluded from further environmental documentation.

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

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

**Temporary Regulation**

In consideration of the foregoing, the Coast Guard amends part 165 of Title 33, Code of Federal Regulations, 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 § 165.T07-053 is added to read as follows:

**§ 165.T07-053 Temporary Safety Zone; Around Alone 98/99 Fireworks Custom House Reach, Charleston, SC.**

(a) *Location.* The following boundaries are established as a safety zone: All waters within an area bounded on the north by the 32-47.03' North

latitude; bounded on the south by the 32-46.65' North latitude; bounded on east by Shutes Folly and bounded on the west by the downtown Charleston peninsula. All coordinates referred use datum: NAD 1983.

(b) *Regulations.* (1) The Captain of the Port, Charleston, SC will activate this safety zone by means of a locally promulgated broadcast notice to mariners. Once implemented, all vessels and persons are prohibited from entering this zone, unless otherwise authorized by the Captain of the Port, Charleston, SC.

(2) The general regulations governing safety zones contained in 33 CFR 165.20 and 165.23 apply.

(c) *Effective Date.* this section is effective from 9 p.m. EST and until 10:15 p.m. EST, on September 25, 1998.

Dated: August 20, 1998.

**F.J. Sturm,**

*Commander of the Port, Charleston, South Carolina.*

[FR Doc. 98-24055 Filed 9-4-98; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[LA-47-1-7388a; FRL-6156-3]

**Approval and Promulgation of Implementation Plans; Louisiana: Reasonable Available Control Technology for Emissions of Volatile Organic Compounds from Batch Processes**

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving a revision to the Louisiana State Implementation Plan (SIP) rule requiring Reasonable Available Control Technology (RACT) for emissions of Volatile Organic Compounds (VOC) from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Batch Processes. The EPA finds the rules for Batch Processes in the Louisiana SIP are consistent with EPA's guidance for this source category and therefore constitute RACT. This action converts the conditional approval to a full approval.

**DATES:** This action is effective on November 9, 1998 unless adverse or critical comments are received by October 8, 1998. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below.

Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency,  
Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202-2733.

Louisiana Department of Environmental Quality, Air Quality Division, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810, telephone (504) 765-7247.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Bill Deese of the EPA Region 6 Air Planning Section (6PD-L) at (214) 665-7253 at the Region 6 address above.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

**A. RACT Rule Requirements**

Sections 182(b)(2)(A) and 182(c) of the Clean Air Act (the Act) as amended in 1990 requires States to adopt RACT rules for stationary sources of VOCs located in ozone nonattainment areas classified as moderate or above that are covered by a Control Technique Guideline (CTG). A CTG has been developed by EPA providing guidance on the level of control that constitutes RACT for SOCMCI processes.

**B. Conditional Approval**

On December 2, 1997 (62 FR 63658), EPA conditionally approved the Louisiana SOCMCI Batch Processing RACT rule. The rule was conditionally approved because of a deficiency identified in the single unit operation exemption thresholds. The State made a commitment to EPA to correct the deficiency in the rule within one year of the publication of the conditional approval. This condition was codified in 40 CFR 52.994(b).

**C. State Submittal**

In a letter dated March 23, 1998, the Governor of Louisiana submitted a revision to the Batch Processing RACT rule found in Louisiana Administrative Code, Title 33, Part III, Section 2149

(LAC 33:III.2149) entitled "Limiting Volatile Organic Compound Emissions from Batch Processing." The revision eliminates the individual process single unit operation exemptions and sets the overall single unit operation exemption to 500 pounds per year or less. The revision also adds language which clarifies the successive ranking scheme exemptions for aggregate streams of unit operations. Louisiana's rules for Batch Processes are consistent with EPA's guidance for this source category and therefore have been determined to constitute RACT.

The EPA removed 40 CFR 52.994(b) by mistake in a **Federal Register** action published March 9, 1998 (63 FR 11374), when EPA removed the entire section 40 CFR 52.994. The intent of the March 9, 1998, action was to remove only section 52.994(a). Because 40 CFR 52.994(b) is already removed, it not necessary to remove it in this action.

**II. Final Action**

The EPA is approving a revision to the Louisiana SIP rule requiring RACT for emissions of VOC from SOCMCI Batch Processes. Louisiana's rules for Batch Processes are consistent with EPA's guidance for this source category and therefore have been determined to constitute RACT. The rule revision sets the overall single unit operation exemption to 500 pounds per year and clarifies the successive ranking scheme exemptions for aggregate streams of unit operations. This action converts the conditional approval to a full approval.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective November 9, 1998 without further notice unless the Agency receives relevant adverse comments by October 8, 1998.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this rule. Only parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 9, 1998 and no further

action will be taken on the proposed rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

**III. Administrative Requirements**

**A. Executive Orders (E.O.) 12866 and 13045**

The Office of Management and Budget has exempted this regulatory action from E.O. 12866, entitled "Regulatory Planning Review," review. The final rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under E.O. 12866.

**B. Regulatory Flexibility**

The Regulatory Flexibility Act (RFA), 5 U.S.C. 600 *et seq.*, generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *See Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

**C. Unfunded Mandates**

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule

that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### *D. Submission to Congress and the Comptroller General*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### *E. Petitions for Judicial Review*

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 9, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

### List of Subjects in 40 CFR part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: August 21, 1998.

**Jerry Clifford,**

*Acting Regional Administrator, Region 6.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### **PART 52—[AMENDED]**

1. The authority citation of part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### **Subpart T—Louisiana**

2. Section 52.970 is amended by adding paragraph (c)(77) to read as follows:

##### **§ 52.970 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(77) Revisions to the Louisiana Administrative Code, Title 33, Part III, Chapter 21, Section 2149 (LAC 33:III.2149), "Limiting Volatile Organic Compound Emissions from Batch Processing," submitted by the Governor on March 23, 1998.

(i) Incorporation by reference. LAC 33:III Chapter 21, revised paragraph 2149.A.2.b; paragraphs 2149.C.2.a, b, and c become paragraphs 2149.C.2.d, e, and f respectively; and add new paragraphs 2149.C.2.a, b, and c, as adopted in the Louisiana Register on November 20, 1997 (LR 23:1507).

(ii) Additional material. None.

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### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

[IL172-1a; FRL-6152-5]

#### **Approval and Promulgation of Implementation Plan; Illinois**

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

**ACTION:** Direct final rule.

**SUMMARY:** On November 14, 1995, and May 9 and June 14, 1996, the State of Illinois submitted State Implementation Plan (SIP) revision requests to meet commitments related to the conditional approval of Illinois' May 15, 1992, SIP submittal for the Lake Calumet (SE Chicago), McCook, and Granite City,

Illinois, Particulate Matter (PM) nonattainment areas. The EPA is approving the SIP revision request as it applies to the McCook area, including the attainment demonstration for the McCook PM nonattainment area. The SIP revision request corrects, for the McCook PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal (as discussed in the November 18, 1994, conditional approval notice). This document also revises the codification of the conditional approval to remove issues which have been resolved. No action is being taken on the submitted plan revisions for the Lake Calumet area at this time; they will be addressed in a separate rulemaking action. Approval of the Granite City PM plan became effective on May 11, 1998 (see 63 FR 11842).

**DATES:** This rule is effective on November 9, 1998, unless EPA receives written adverse comments by October 8, 1998. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Copies of the revision request and EPA's analysis are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone David Pohlman at (312) 886-3299 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, 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:** David Pohlman at (312) 886-3299.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Under section 107(d)(4)(B) of the Clean Air Act (Act), as amended on November 15, 1990 (amended Act), certain areas ("initial areas") were designated nonattainment for PM. Under section 188 of the amended Act these initial areas were classified as "moderate." The initial areas included the Lake Calumet, McCook, and Granite City, Illinois, PM nonattainment areas. The McCook area includes Lyons Township in Cook County, Illinois. (See 40 CFR 81.314 for a complete description of these areas.) Section 189 of the amended Act requires State submittal of a PM SIP for the initial areas by November 15, 1991. Illinois submitted the required SIP revision for