

For reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A "Federal mandate" is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This proposed rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this proposal 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 proposed rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This proposed rule will not effect a taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This proposed rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

E.O. 12988, Civil Justice Reform. This proposed 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. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed 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.

Proposed Regulation

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), 6.04-6, 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.T01-042 to read as follows:

§ 165.T01-042 Safety Zone: Glen Cove, New York Fireworks, Hempstead Harbor, New York.

(a) *Location.* The following area is a safety zone: All waters of Hempstead Harbor within a 360-yard radius of the fireworks barge in approximate position 40°51'58"N 073°39'34"W (NAD 1983), approximately 500 yards northeast of Glen Cove Breakwater Light 5 (LLNR) 27065).

(b) *Effective period.* This section is effective from 8:30 p.m. until 10 p.m. on

July 4, 1999. If the event is canceled due to inclement weather, then this section is effective from 8:30 p.m. until 10 p.m. on July 5, 1999.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 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. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: April 23, 1999.

R.E. Bennis,

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

[FR Doc. 99-11684 Filed 5-7-99; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 207-0135 EC; FRL-6336-5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision—South Coast Air Quality Management District; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: EPA is reopening the comment period for a proposed rule published March 18, 1999 (64 FR 13375). On March 18, 1999, EPA proposed a limited approval and limited disapproval of revisions to the California State Implementation Plan controlling oxides of nitrogen emissions in the South Coast Air Quality Management District. This rule concerned South Coast Air Quality Management District Rule 1134.

At the request of the South Coast Air Quality Management District, EPA is reopening the comment period.

DATES: Comments must be received on or before May 19, 1999.

ADDRESSES: Comments should be submitted to: Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

FOR FURTHER INFORMATION CONTACT: Ed Addison U.S. EPA Region IX, at (415) 744-1160.

Dated: April 21, 1999.

Laura Yoshii,

Deputy, Regional Administrator, Region IX.

[FR Doc. 99-11707 Filed 5-7-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI90-01-7321; FRL-6339-3]

Approval and Promulgation of Maintenance Plan Revisions; Wisconsin

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: We propose approval of a February 22, 1999, request from Wisconsin for State Implementation Plan (SIP) revisions to the ozone maintenance plans for Kewaunee, Sheboygan and Walworth Counties. The revisions would remove the contingency measures from the contingency plan portion of the maintenance plans.

DATES: Written comments on this proposal must be received on or before June 9, 1999.

ADDRESSES: Written comments should be sent to: Carlton Nash, Chief, Regulation Development Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the documents relevant to this action are available for inspection during normal business hours at the following location:

Regulation Development Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Please contact Jacqueline Nwia at (312) 886-6081 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Jacqueline Nwia, Environmental Scientist, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6081.

SUPPLEMENTARY INFORMATION: This supplemental information section is organized as follows:

What action is USEPA taking?

What is the background?

What information did the State submit?

Why is the request approvable?

What Action Is USEPA Taking?

We propose approval of revisions to the ozone maintenance plans for Kewaunee, Sheboygan and Walworth Counties, Wisconsin. The revisions remove the contingency measures from the contingency plan portion of the ozone maintenance plans.

What Is the Background?

USEPA designated Kewaunee, Sheboygan and Walworth Counties as nonattainment for the one-hour ozone National Ambient Air Quality Standard (NAAQS) in 1991. Since then, these Counties attained the one-hour ozone standard and USEPA redesignated them to attainment on August 26, 1996 (61 FR 43668). As part of the redesignation, Wisconsin submitted maintenance plans which USEPA approved into the SIP. The purpose of the maintenance plans is to ensure maintenance of the one-hour ozone NAAQS through the 10 year maintenance period. The maintenance plan contains contingency measures. Contingency provisions should identify and correct any violation of the one-hour ozone NAAQS in a timely fashion. Triggers are included in the contingency provisions. These triggers identify the need to implement contingency measures to correct an air quality problem. Triggering events may be linked to ozone air quality and/or an emission level of ozone precursors. The contingency measures would be implemented to correct a violation of the one-hour ozone standard.

We approved the maintenance plans for Kewaunee, Sheboygan and Walworth Counties on August 26, 1996 (61 FR 43668).

What Information Did the State Submit?

On February 22, 1999, Wisconsin submitted a request to revise the Kewaunee, Sheboygan and Walworth County ozone maintenance plans. Specifically, the State requested removal of the following contingency measures from the Kewaunee and Sheboygan County maintenance plans:

- (1) Lower the major source threshold for industrial sources, and
 - (2) Implement gasoline standards to lower volatile organic compound emissions.
- For Walworth County, the State requested removal of the following contingency measures from the maintenance plan:
- (1) Implement Stage II vapor recovery, and
 - (2) Impose non-control technology guideline reasonably available control technology limits on industrial sources.

The State held a public hearing on October 27, 1998 in Milwaukee. The

State did not receive public comments on the proposed revision.

Why Is the Request Approvable?

We promulgated a new National Ambient Air Quality Standard (NAAQS) for ozone on July 18, 1998. The new ozone NAAQS is 0.08 parts per million (ppm), averaged over 8 hours, which replaced the 0.12 ppm, 1-hour NAAQS.

On July 16, 1997, President Clinton issued a directive to Administrator Browner (62 FR 38421). The directive describes a plan to implement the eight-hour ozone and fine particulate matter standards and continue to implement the one-hour standard. A December 29, 1997, memorandum entitled "Guidance for Implementing the 1-Hour and Pre-Existing PM10 NAAQS" reflected the President's directive. This document provides guidance for the transition from the one-hour to the eight-hour standard.

The guidance document explains that maintenance plans remain in effect for areas where the one-hour standard is revoked. However, those maintenance plans may be revised to withdraw untriggered or unimplemented contingency measure provisions linked to the one-hour ozone standard.

USEPA revoked the one-hour ozone standard in Kewaunee, Sheboygan and Kewaunee Counties based on 1994-1996 quality assured air monitoring data on June 5, 1998 (63 FR 31014). The contingency measures proposed for removal have neither been triggered nor implemented.

We deemed Wisconsin's SIP revision request complete on March 5, 1999.

USEPA Proposed Action

After review of the SIP revision request, we find that the requested removal of the contingency measures from the maintenance plans of Kewaunee, Sheboygan, and Walworth Counties is approvable because the 1-hour standard is no longer applicable in the area as a result of revocation of the standard and these contingency measures are untriggered and unimplemented. This request meets our guidance and policies. Written comments must be received by USEPA on or by June 9, 1999.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."