

on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please call Lieutenant Rick Sorrell, Coast Guard Marine Safety Detachment Santa Barbara, CA, at (805) 962-7430.

Federalism

The Coast Guard has analyzed this regulation 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 regulation 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. A Categorical Exclusion Determination and an Environmental Analysis checklist are available for inspection and copying, and the docket is to be maintained at the address listed in ADDRESSES in the preamble.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this rule will result in an annual expenditure by State, local and tribal governments, in the aggregate of \$100 million (adjusted annual 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 cost of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Reform Act.

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 fund rule and reached the following conclusions:

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

E.O. 12875, Enhancing the Intergovernmental Partnership. This 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 rule meets applicable standards in section 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 rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subject in 33 CFR Part 165

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

In consideration of the foregoing, amend Subpart F of Part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for 33 CFR 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. From 12 p.m. (PST) on March 31, 1999, through 12 p.m. (PDT) on August 31, 1999, a new § 165.T11-062 is added to read as follows:

§ 165.T11-062 Safety Zone: Santa Barbara Channel, CA

(a) *Location.* The following area is established as safety zone: all navigable waters falling within a rectangular box extending 100 feet from the outer limits of all sides and the seaward end of Stearns Wharf, beginning at the seaward end of the wharf and extending back along the wharf 600 feet towards shore. For reference purposes, the seaward end of the wharf is located at 34°24'30" N, longitude: 119°41'10" W.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port.

(c) *Effective dates.* This section is effective from 12 p.m. (PST) March 31,

1999, through 12 p.m. (PDT) on August 31, 1999. If the need for this safety zone terminates before August 31, 1999, the Captain of the Port will cease enforcement of this safety zone and will announce that fact by Broadcast Notice to Mariners.

Dated March 30, 1999.

G.F. Wright,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE036-1018a; FRL-6325-2]

Approval and Promulgation of Air Quality Implementation Plans; State of Delaware; Withdrawal of Final Rule for Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of notice of final rulemaking.

SUMMARY: EPA is hereby withdrawing a direct final rule approving Delaware's transportation conformity regulation as a revision to its State Implementation Plan (SIP). EPA published the direct final rule on February 23, 1999 (64 FR 8723). However, on March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in *Environmental Defense Fund v. Environmental Protection Agency*, No. 97-1637. In that opinion, the Court vacated portions of the federal transportation conformity rule which had been incorporated into Delaware's transportation conformity regulation and which had served as the basis for EPA's evaluation and approval of that regulation. A revised federal transportation conformity rule must be promulgated, and Delaware's regulation amended, to reflect that revised federal rule.

DATES: This withdrawal is made on April 16, 1999.

FOR FURTHER INFORMATION CONTACT: Larry Budney (215) 814-2184, or by e-mail at: budney.larry@epa.gov.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Nitrogen oxides, Ozone.

Dated: April 2, 1999.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL174-1a; FRL-6325-6]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: On June 29, 1990, USEPA promulgated Federal stationary source volatile organic compound (VOC) control measures representing reasonably available control technology (RACT) for certain emission sources located in six northeastern Illinois (Chicago area) counties. Subject sources included the miscellaneous organic chemical manufacturing processes at the Stepan Company (Stepan) Millsdale Plant manufacturing facility in Elwood, Illinois. At Stepan's request, USEPA agreed to reconsider its rule as it applied to Stepan and on October 1, 1993, proposed a site-specific rule for Stepan. USEPA subsequently approved, as revisions to the Illinois State Implementation Plan, three VOC rules submitted by the Illinois Environmental Protection Agency that are applicable to Stepan's VOC sources. USEPA is today revoking the Federally promulgated rules, as they apply to Stepan, and replacing them with the Illinois rules that have been previously approved and apply to Stepan.

USEPA is taking this action as a "direct final" rulemaking; the rationale for this approach is set forth below. Elsewhere in this **Federal Register**, USEPA is proposing this action and soliciting comment. If adverse written comments or a request for a public hearing are received, USEPA will withdraw the direct final rule and it will not take effect. USEPA will address the comments received in a new final rule. If no adverse comments are received, no further rulemaking will occur on this SIP revision.

DATES: This final rule is effective June 15, 1999, unless written adverse comments or a request for a public hearing are received by May 17, 1999. If adverse comment or a request for a public hearing is received, USEPA will publish a timely withdrawal of the direct final rule in the **Federal Register**

and inform the public the rule will not take effect.

ADDRESSES: Written comments can be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), Air and Radiation Division, U. S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

A public hearing may be requested, to be held in Chicago, Illinois. Requests for a hearing should be submitted to J. Elmer Bortzer. Interested persons may call Steven Rosenthal at (312) 886-6052 to see if a hearing will be held and the date and location of the hearing. Any hearing will be strictly limited to the subject matter of this action, the scope of which is discussed below.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Air Programs Branch (AR-18J) at (312) 886-6052.

SUPPLEMENTARY INFORMATION:

I. Background

On June 29, 1990 (55 FR 26814), USEPA promulgated a Federal Implementation Plan (FIP) which contained RACT regulations for stationary sources of VOC located in six northeastern Illinois (Chicago area) counties: Cook, DuPage, Kane, Lake, McHenry, and Will. This FIP included a rule (40 CFR 52.741(w)) requiring, among other things, 81 percent control of Stepan's "miscellaneous organic chemical manufacturing processes." Stepan's chemical manufacturing facility includes a number of batch and continuous process emission sources as well as associated storage tanks.

On August 28, 1990, Stepan filed a petition for review of USEPA's June 29, 1990, rulemaking in the United States Court of Appeals for the Seventh Circuit. By letter of October 22, 1990, Stepan requested that USEPA reconsider its rule as applicable to Stepan, on the basis that USEPA had not adequately responded to certain comments. USEPA agreed to do so.

On July 1, 1991, USEPA issued a three-month administrative stay pending reconsideration of the applicable FIP rules for Stepan. This stay was published on July 23, 1991, (56 FR 33712). On March 3, 1992, (57 FR 7549), USEPA published an extension of the stay, but only if and as long as necessary to complete reconsideration of the subject rules (including any appropriate regulatory action), pursuant to USEPA's authority to revise the Federal rules in Clean Air Act sections 110(c) and 301(a)(1), 42 U.S.C. 7410(c) and 7601(a)(1).

As a result of USEPA's decision to reconsider the federal rules as applied

to Stepan, USEPA proposed site-specific RACT requirements for Stepan's Millsdale facility on October 1, 1993 (58 FR 51279). As discussed further below, this proposed rule was not finalized pending USEPA's review of three Illinois rules that would collectively cover those Stepan VOC sources.

On November 30, 1994, the Illinois Environmental Protection Agency (IEPA) submitted to USEPA an adopted rule (35 Ill. Admin. Code Part 218, Subpart B (and related definitions and appendix)) and supporting information for the control of VOC emissions from Volatile Organic Liquid (VOL) storage facilities as a requested SIP revision. This rule is the Illinois RACT rule for the category of emission sources which includes Stepan's VOL storage facilities. On August 8, 1996, USEPA published a direct final rulemaking approving the Illinois VOL storage facilities rule which applies to Stepan's VOL storage facilities. (61 FR 41338). USEPA's approval became effective on October 7, 1996.

On May 23, 1995, and June 7, 1995, IEPA submitted to USEPA an adopted Illinois rule (35 Ill. Admin. Code Parts 218 and 219, Subpart V and related definitions and appendix)) and supporting information for the control of VOC emissions from batch processes as a requested SIP revision. This rule is the Illinois RACT rule for the category of emission sources which includes Stepan's batch processes. On April 2, 1996, USEPA published a direct final rulemaking approving the Illinois batch rule as a revision to the SIP. (61 FR 14,484). USEPA's approval became effective on June 1, 1996.

On May 5, 1995 and May 26, 1995, IEPA submitted to USEPA an adopted rule (35 Ill. Admin. Code Part 218, Subpart Q (and related definitions and appendix)) and supporting information for the control of VOC emissions from continuous reactor and distillation processes as a requested SIP revision. This rule is the Illinois RACT rule for the category of emission sources which includes Stepan's continuous reactor and distillation processes. On June 17, 1997, (62 FR 32694), USEPA published a direct final rulemaking approving the Illinois continuous reactor and distillation processes rule for Stepan's continuous processes, while deferring action on the rule as it applies to other Illinois facilities. USEPA's approval became effective on August 18, 1997.

As stated above, USEPA has approved appropriate RACT rules for all the categories of Stepan's emission sources which would have been covered by 40 CFR 52.741(w) of the FIP (were it not for the appeal and resulting stays). Because