

Sand Island, Midway Atoll, MQ, Henderson Field, NDB RWY 6, Orig
 Sand Island, Midway Atoll, MQ, Henderson Field, NDB RWY 24, Orig

* * * *Effective June 17, 1999*

Leesburg, FL, Leesburg Regional, GPS RWY 13, Orig
 Bainbridge, GA, Decatur County Industrial Air Park, GPS RWY 9, Orig
 Carrollton, GA, West Georgia Regional O V Gray Field, NDB, OR GPS RWY 34, Amdt 2
 Marietta, GA, Cobb County-McCollum Field, GPS RWY 9, Orig
 Crookston, MN, Crookston Muni Kirkwood Fld, VOR RWY 31, Amdt 5
 Crookston, MN, Crookston Muni Kirkwood Fld, NDB OR GPS RWY 13, Amdt 7
 Crookston, MN, Crookston Muni Kirkwood Fld, GPS RWY 31, Amdt 1

* * * *Effective July 15, 1999*

Gambell, AK, Gambell, NDB RWY 16, Amdt 1
 Gambell, AK, Gambell, NDB/DME RWY 34, Amdt 2
 Gambell, AK, Gambell, GPS RWY 16, Orig
 Gambell, AK, Gambell, GPS RWY 34, Orig
 Haleyville, AL, Posey Field, GPS RWY 36, Orig
 Fort Myers, FL, Page Field, GPS RWY 5, Orig
 Fort Myers, FL, Page Field, GPS RWY 13, Orig
 Fort Myers, FL, Page Field, GPS RWY 23, Orig
 Fort Myers, FL, Page Field, GPS RWY 31, Orig
 Miami, FL, Opa Locka, GPS RWY 9L, Orig
 Miami, FL, Opa Locka, GPS RWY 27R, Orig
 Atlanta, GA, Fulton County Airport-Brown Field, GPS RWY 26, Orig
 Toccoa, GA, Toccoa RG Letourneau Field, GPS RWY 2, Orig
 Toccoa, GA, Toccoa RG Letourneau Field, VOR OR GPS RWY 20, Amdt 12
 Washington, IA, Washington Muni, GPS RWY 18, Orig
 Washington, IA, Washington Muni, GPS RWY 36, Orig
 West Union, IA, George L. Scott Muni, GPS RWY 17, Orig
 West Union, IA, George L. Scott Muni, GPS RWY 35, Orig
 Lexington, KY, Blue Grass, GPS RWY 4, Orig
 Lexington, KY, Blue Grass, GPS RWY 22, Orig
 Somerset, KY, Somerset-Pulaski County-J.T. Wilson Field, GPS RWY 22, Amdt 1
 Columbus-West Point-Starkville, MS, Golden Triangle Regional, GPS RWY 18, Orig
 Columbus-West Point-Starkville, MS, Golden Triangle Regional, GPS RWY 36, Orig
 Oxford, MS, University-Oxford, GPS RWY 9, Orig
 Oxford, MS, University-Oxford, GPS RWY 27, Orig
 Yazoo City, MS, Yazoo County, GPS RWY 17, Orig
 Yazoo City, MS, Yazoo County, GPS RWY 35, Orig
 Columbia, MO, Columbia Regional, ILS RWY 2, Amdt 13
 Stockton, MO, Stockton Muni, VOR/DME OR GPS-A, Amdt 2
 Stockton, MO, Stockton Muni, GPS RWY 1, Orig

Stockton, MO, Stockton Muni, GPS RWY 19, Orig
 Santa Fe, NM, Santa Fe Muni, GPS RWY 2, Orig
 Santa Fe, NM, Santa Fe Muni, GPS RWY 33, Orig
 Elizabethtown, NC, Elizabethtown, GPS RWY 15, Orig
 Elizabethtown, NC, Elizabethtown, VOR/DME RWY 15, Amdt 1
 Elizabethtown, NC, Elizabethtown, GPS RWY 33, Orig
 Elizabethtown, NC, Elizabethtown, NDB RWY 33, Amdt 1
 Wadesboro, NC, Anson County, GPS RWY 17, Orig
 Wadesboro, NC, Anson County, GPS RWY 35, Orig
 Bismarck, ND, Bismarck Muni, RADAR-1, Amdt 3
 Ada, OK, Ada Muni, GPS RWY 17, Orig
 Altus, OK, Altus Muni, GPS RWY 17, Amdt 1
 Altus, OK, Altus Muni, VOR/DME RNAV RWY 17, Amdt 2
 Chickasha, OK, Chickasha Muni, GPS RWY 35, Orig
 Jacksboro, TN, Campbell County, GPS RWY 23, Orig
 Lawrenceburg, TN, Lawrenceburg-Lawrence County, GPS RWY 17, Orig
 Rogersville, TN, Hawkins County, GPS RWY 7, Orig
 Savannah, TN, Savannah-Hardin County, GPS RWY 1, Orig
 Savannah, TN, Savannah-Hardin County, GPS RWY 19, Orig
 Austin, TX, Robert Mueller Muni, ILS RWY 13R, Amdt 10A, CANCELLED
 Austin, TX, Robert Mueller Muni, ILS RWY 31L, Amdt 33A, CANCELLED
 Austin, TX, Robert Mueller Muni, GPS RWY 13R, Orig-A, CANCELLED
 Austin, TX, Robert Mueller Muni, GPS RWY 31L, Orig-A, CANCELLED
 Crockett, TX, Houston County, GPS RWY 2, Orig
 Crockett, TX, Houston County, GPS RWY 20, Orig
 Houston, TX, William P. Hobby, GPS RWY 4, Orig
 Houston, TX, William P. Hobby, GPS RWY 12R, Orig
 Houston, TX, William P. Hobby, GPS RWY 17, Orig
 Houston, TX, William P. Hobby, GPS RWY 22, Orig
 Houston, TX, William P. Hobby, GPS RWY 30L, Orig
 Houston, TX, William P. Hobby, GPS RWY 35, Orig

[FR Doc. 99-11390 Filed 5-5-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 01-99-034]

RIN 2115-AA97

Safety Zone: Ellis Island Medals of Honor Fireworks, New York Harbor, Upper Bay

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Ellis Island Medals of Honor Fireworks program located north of Federal Anchorage 20B, New York Harbor, Upper Bay. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of Federal Anchorages 20A and 20B.

DATES: This rule is effective from 8:30 p.m. until 10 p.m., on Saturday, May 8, 1999. There is no rain date for this event.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354-4193.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4193.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date the Application for Approval of Marine Event was received, there was insufficient time to draft and publish an NPRM and publish the final rule 30 days before its effective date. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display. This is also an annual event published in 33 CFR 100.114. However, this year's display is

being moved from east of Liberty Island to east of Ellis Island.

Background and Purpose

On March 3, 1999, Fireworks by Grucci submitted an application to hold a fireworks program on the water of Upper New York Bay between Federal Anchorages 20A and 20B. The fireworks program is being sponsored by The Forum. This regulation establishes a safety zone in all waters of Upper New York Bay within a 360 yard radius of the fireworks barge located in approximate position 40°41'15" N. 074°02'09" W. (NAD 1993), approximately 365 yards east of Ellis Island. The safety zone is in effect from 8:30 p.m. until 10 p.m. on Saturday, May 8, 1999. There is no rain date for this event. The safety zone prevents vessels from transiting a portion of Federal Anchorages 20A and 20B and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Recreational and commercial vessel traffic will be able to anchor in the unaffected northern and southern portions of Federal Anchorages 20A and 20B. Federal Anchorages 20C, 20D and 20E, to the south, are also available for vessel use. Marine traffic will still be able to transit through Anchorage Channel, Upper Bay, during the event as the safety zone only extends 150 yards into the 900-yard wide channel. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this event. Public notifications will be made prior to the event via local notice to mariners, and marine information broadcasts.

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 final 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 marine traffic in the area, the minimal time that vessels will be restricted from the zone, that vessels may safely anchor to the north and south of the zone, that vessels may still transit through Anchorage Channel during the event, and extensive advance notifications which will be made.

Small Entities

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

For 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 final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final 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 final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final 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 Final 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 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 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 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 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 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 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), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons discussed 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), 6.04-6, 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.T01-034 to read as follows:

§ 165.T01-034 Safety Zone; Ellis Island Medals of Honor Fireworks, New York Harbor, Upper Bay.

(a) *Location.* The following area is a safety zone: All waters of New York Harbor, Upper Bay within a 360 yard radius of the fireworks barge in approximate position 40°41'15" N., 074°02'09" W. (NAD 1983), approximately 365 yards East of Ellis Island.

(b) *Effective period.* This section is effective from 8:30 p.m. until 10 p.m. on Saturday, May 8, 1999. There is no rain date for this event.

(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. 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.

Dated: April 23, 1999.

R.E. Bennis,

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

[FR Doc. 99-11343 Filed 5-5-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 61 and 63

[FRL-6316-7]

Clean Air Act Final Approval in Part and Final Disapproval in Part, Section 112(l), Program Submittal; State of Alaska; Amendment and Clarification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final approval in part and disapproval in part; amendment and clarification.

SUMMARY: This action identifies which 40 CFR Parts 61 and 63 General Provisions authorities are delegated to the Alaska Department of Environmental Conservation (ADEC), and serves as a clarification to the Clean Air Act Final Approval in Part and Final Disapproval in Part, Section 112(l), Program Submittal; State of Alaska, published on December 5, 1996 (see 61 FR 64463). This action amends 40 CFR 61.04 and 63.99 by revising and adding tables outlining ADEC's current delegation status.

DATES: The amendments are effective on May 6, 1999.

ADDRESSES: Copies of the requests for delegation and other supporting documentation are available for public inspection at the following location: U.S. Environmental Protection Agency, Region X, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, WA, 98101.

FOR FURTHER INFORMATION CONTACT: Andrea Wullenweber, US EPA, Region X (OAQ-107), 1200 Sixth Avenue, Seattle, WA, 98101, (206) 553-8760.

SUPPLEMENTARY INFORMATION:

I Administrative Requirements

Under Executive Order (E.O.) 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore, not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), entitled "Protection of Children from Environmental Health Risks and Safety Risks," because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

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. 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).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 6, 1999. 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)].

II Clarification

What Action Is EPA Taking Today?

This action clarifies which 40 CFR Parts 61 and 63 General Provisions authorities are delegated to the Alaska Department of Environmental Conservation (ADEC), and serves as a clarification to the Clean Air Act Final Approval in Part and Final Disapproval in Part, Section 112(l), Program Submittal; State of Alaska, published on December 5, 1996 (see 61 FR 64463).

Why Is EPA Taking This Action?

On December 5, 1996 (see 61 FR 64463), EPA granted ADEC final approval in part and final disapproval in part of Clean Air Act, Section 112(l), authority to implement and enforce specific 40 CFR Parts 61 and 63 federal NESHAP regulations which have been adopted into state law. Since that December 5, 1996, **Federal Register** action, EPA has issued guidance identifying which 40 CFR Part 63, Subpart A, General Provisions, authorities may and may not be delegated to state and local agencies. This guidance was issued in a memorandum from John Seitz, Director, Office of Air Quality Planning and Standards, dated July, 10, 1998, entitled, "Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies." In light of this guidance, Chuck Clarke, Regional Administrator, EPA, Region X, issued a letter of clarification to Michele Brown, Commissioner, ADEC, dated March 11, 1999, identifying specifically which 40 CFR Parts 61 and 63 General Provisions authorities are and are not delegated to ADEC. This clarification notice summarizes that letter.

Which Part 63 General Provisions Authorities Are Delegated to ADEC?

EPA, Region 10, has determined that ADEC has sufficient expertise to implement all of the 40 CFR Part 63 General Provisions authorities which