

**Coast Guard****33 CFR Part 165****[CGD01-96-109]****RIN 2115-AA97****Safety Zone: Grande Fiesta Italiana Fireworks, Hempstead Harbor, NY****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Grande Fiesta Italiana fireworks display located in Hempstead Harbor, New York. The safety zone is in effect from 9 p.m. until 10:30 p.m. on Saturday, September 7, 1996. The safety zone temporarily closes all waters, shore to shore, within a 300 yard radius of a fireworks barge anchored approximately 300 yards north of Bar Beach, Port Washington, in Hempstead Harbor New York.

**EFFECTIVE DATE:** This rule is effective from 9 p.m. until 10:30 p.m. on Saturday, September 7, 1996.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (Junior Grade) D. D. Gefell, Waterways Oversight Branch, Waterways Management Division, Coast Guard Activities New York, (212) 668-7906.

**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 a NPRM and for making this regulation effective less than 30 days after Federal Register publication. Due to the date on which complete information regarding this event was received, there was insufficient time to draft and publish a NPRM. The delay that would be required to provide a 30 day delay effective date would cause the event to be cancelled. Cancellation of this event is contrary to public interest because the event is intended for public entertainment.

**Background and Purpose**

Bay Fireworks Company, Inc., submitted an Application for Approval of Marine Event to hold a fireworks display on the waters of Hempstead Harbor. The fireworks program is being sponsored by the Sons of Italy of Port Washington, NY. This regulation establishes a temporary safety zone in all waters of Hempstead Harbor within a 300 yard radius of the fireworks barge anchored approximately 300 yards north of Bar Beach, Port Washington,

NY, at or near 40°49'52"N latitude, 73°39'10"W longitude (NAD 1983). The safety zone is in effect from 9 p.m. until 10:30 p.m. on Saturday, September 7, 1996. The safety zone prevents vessels from transiting this portion of Hempstead Harbor, and is needed to protect mariners from the hazards associated with fireworks exploding in the area.

**Regulatory Evaluation**

This regulation 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 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This regulation closes a portion of Hempstead Harbor, north of Bar Beach to vessel traffic from 9 p.m. until 10:30 p.m. on Saturday, September 7, 1996. This portion of Hempstead Harbor has limited commercial traffic and is used primarily by recreational vessels. Although the regulation prevents traffic from transiting this area, the effect of the regulation will not be significant for several reasons: the duration of the event is limited; the event is at a late hour; the amount of commercial traffic in the area is minimal; and the extensive, advance advisories which will be made.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will 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 not independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For reasons set forth in the Regulatory Evaluation, the limited duration and commercial traffic, Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

**Collection of Information**

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

**Federalism**

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation 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 regulation and concluded that under section 2.B.2.e.(34)(g) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket.

**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, and 160.5; 49 CFR 1.46.

2. A temporary section 165.T01-109, is added to read as follows:

**§ 165.T01-109 Safety Zone: Grande Fiesta Italiana Fireworks Display, Hempstead Harbor, New York.**

(a) *Location.* The waters of Hempstead Harbor, shore to shore, within a 300 yard radius of a fireworks barge anchored approximately 300 yards north of Bar Beach, Port Washington, New York, at or near 40°49'52"N latitude 73°39'10"W longitude (NAD 1983).

(b) *Effective date.* This section is effective from 9 p.m. until 10:30 p.m. on Saturday, September 7, 1996.

**(c) Regulations.**

(1) The general regulations contained in 33 C.F.R. 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. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 27, 1996.

Richard C. Vlaun,

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

[FR Doc. 96-22839 Filed 9-5-96; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[WA43-7116; FRL-5605-8]

#### State Implementation Plan: Washington; Withdrawal

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; withdrawal.

**SUMMARY:** Due to an adverse comment, EPA is withdrawing the effective date for the approval of the Inspection and Maintenance (I/M) State Implementation Plan (SIP) for Washington State, submitted by the Washington Department of Ecology to satisfy the requirements of sections 182(b)(4) and 182(c)(3) of the Clean Air Act as amended and Federal I/M rule 40 CFR part 51, subpart S. The original action was published in the Federal Register on July 23, 1996, as a direct final rule, 61 FR 38086. As stated in the Federal Register document, if adverse or critical comments were received by August 22, 1996, the effective date would be delayed and timely notice would be published in the Federal Register. Therefore, due to receiving an adverse comment within the comment period, EPA is withdrawing the final rule and will address the comments received in a subsequent final rule based on the proposed rule also published on July 23, 1996, 61 FR 38129. EPA will not institute a second comment period on this document.

**EFFECTIVE DATE:** This withdrawal is effective on September 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Montel Livingston, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-0180.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule located in the final rules section of the July 23, 1996 Federal Register, and

in the short informational document located in the proposed rule section of the July 23, 1996 Federal Register.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by Reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: August 27, 1996.

Charles Findley,

*Acting Regional Administrator.*

[FR Doc. 96-22655 Filed 9-5-96; 8:45 am]

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### 40 CFR Part 52

[WA47-7120; FRL-5605-7]

#### State Implementation Plan: Washington; Withdrawal

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; withdrawal.

**SUMMARY:** Due to an adverse comment, EPA is withdrawing the effective date for the approval of the attainment demonstration portion of the Puget Sound carbon monoxide (CO) State Implementation Plan (SIP) for Washington State, submitted by the Washington Department of Ecology for the purpose of documenting attainment of the national ambient air quality standards (NAAQS) for CO to satisfy certain federal requirements for an approvable nonattainment area CO SIP for the Puget Sound nonattainment area. The original action was published in the Federal Register on July 25, 1996, as a direct final rule, 61 FR 38597. As stated in the Federal Register document, if adverse or critical comments were received by August 26, 1996, the effective date would be delayed and timely notice would be published in the Federal Register. Therefore, due to receiving an adverse comment within the comment period, EPA is withdrawing the final rule and will address the comments received in a subsequent final rule based on the proposed rule also published on July 25, 1996, 61 FR 38683. EPA will not institute a second comment period on this document.

**EFFECTIVE DATE:** This withdrawal is effective on September 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Montel Livingston, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-0180.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule located in the final rules section of

the July 25, 1996 Federal Register, and in the short informational document located in the proposed rule section of the July 25, 1996 Federal Register.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by Reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 27, 1996.

Charles Findley,

*Acting Regional Administrator.*

[FR Doc. 96-22656 Filed 9-5-96; 8:45 am]

BILLING CODE 6560-50-P

### 40 CFR Part 52

[TN-146-2-9608a; FRL-5554-6]

#### Approval and Promulgation of Air Quality Implementation Plans, Tennessee; Approval of Revisions To Permit Requirements, Definitions and Administrative Requirements

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the permit requirements, definitions, and administrative requirements for the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP). On November 16, 1994, the State submitted revisions to the Nashville/Davidson County portion of the Tennessee SIP on behalf of Nashville/Davidson County. These were revisions to the permit requirements for major sources of air pollution, including revisions to the general definitions, permit requirements, the Board's powers and duties, the variances and hearings procedures, the measurement and reporting of emissions, and the testing procedures. At this time, EPA is acting on revisions submitted on November 16, 1994. EPA is approving all of the submitted revisions except those which were submitted to meet the requirements for enhanced monitoring. These will not be acted on at this time.

**DATES:** This final rule is effective November 5, 1996 unless adverse or critical comments are received by October 7, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments on this action should be addressed to Karen C. Borel, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The