Regulatory History

As authorized by 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 in less than 30 days after **Federal Register** publication. Due to the complex planning and coordination involved, final details for the channel closure were not provided to the Coast Guard until April 3, 1998, making it impossible to publish an NPRM or a final rule 30 days in advance. Publishing an NPRM and delaying its effective date would effectively suspend construction of the new Bath/Woolwich Bridge which would be contrary to the public interest.

Background and Purpose

A portion of the Kennebec River will be closed to all marine traffic from May 10, 1998 at 7 a.m. until October 1, 1998 at 7 a.m. The safety zone covers a portion of the Kennebec River in a radius of 100 feet around each of two construction barges, which will be functioning as platforms for cranes, and operating in the vicinity of the Carlton Bridge, Bath, Maine. This safety zone is required to protect construction personnel and the maritime community from the hazards associated with heavy bridge construction. Vessels and recreational craft venturing close to the construction equipment present a safety risk to both themselves and the construction personnel. Entry into this zone will be prohibited unless authorized by the Captain of the Port. Because the safety zone encompasses only a portion of the Kennebec River, vessel traffic will not be impeded.

Regulatory Evaluation

This temporary 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of the Kennebec River. The effect of this regulation will not be significant for several reasons: the area covered by the safety zone restricts only a portion of the main channel allowing traffic to continue to pass through; advance coordination of port operations around the channel closure has been established to minimize the effect on commercial vessel traffic; and advance maritime advisories will be made.

Small Entities

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

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and 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. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This rule 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 rule 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.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under section 2.B.2.e. of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis Checklist is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 165

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

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

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–CGD1–141, is added to read as follows:

§ 165.T01-029 Carlton Bridge Construction Project, Bath, ME.

(a) *Location.* The safety zone covers a portion of the Kennebec River in a radius of 100 feet around each of two construction barges operating in the vicinity of the Carlton Bridge, Bath, Maine.

(b) *Effective date.* This regulation is effective from May 10, 1998 at 7 a.m. until October 01, 1998 at 7 a.m. unless terminated sooner by the Captain of the Port.

(c) *Regulations.* The general regulations contained in 33 CFR 165.23 apply.

Dated: April 7, 1998.

Burton S. Russell,

Commander, U.S. Coast Guard, Captain of the Port, Portland, Maine.

[FR Doc. 98–10549 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 187

[CGD 89–050]

RIN 2115–AD35

Vessel Identification System; Effective Date Change

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule; change in effective date.

SUMMARY: The Coast Guard extends the delay of the effective date of part of its regulations establishing the vessel identification system. Subpart D of these regulations addressing guidelines for State vessel titling systems was to become effective on April 24, 1998. Based on comments received from the States and banking interests, the Coast Guard needs more time to address the issues raised. Therefore, by extending

the delay in the effective date through April 23, 1999, the Coast Guard, States, and public will have an opportunity to further review the issues identified. The remainder of the regulation is unaffected by this notice.

EFFECTIVE DATES: This document is effective April 23, 1998. The effective date of Subpart D of 33 CFR part 187 is delayed until April 24, 1999. All other provisions of the interim final rule that became effective on April 24, 1996, will remain effective, as stated in the interim final rule.

FOR FURTHER INFORMATION CONTACT: Lieutenant James Whitehead, Project Manager, Officer of Information Resources (G–MRI), 202–267–0385. This telephone is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION:

Reason for Suspension

One subpart of the interim final rule prescribes the procedures for obtaining certification of compliance with guidelines for State vessel titling systems (33 CFR part 187, subpart D). The effective date of that subpart was delayed through April 23, 1998, to allow the States and the Coast Guard more time to review the complexities of State titling systems. Due to the comments received during the additional comment period from October 20, 1997, through December 4, 1997, the Coast Guard needs more time to consider the many substantive changes recommended in those comments. Therefore, the Coast Guard is delaying the effective date of subpart D until April 24, 1999. All other provisions of the interim final rule will remain in effect.

Accordingly, under the authority of 46 U.S.C. 2103 and 49 CFR 1.46, the effective date of 33 CFR part 187, subpart D, is changed to April 24, 1999.

Dated: April 14, 1998.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98–10552 Filed 4–20–98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA 66–71741a; FRL–5998–3]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves in part several minor revisions to the state of Washington Implementation Plan (SIP). Pursuant to section 110(a) of the Clean Air Act (CAA), the Director of the Washington Department of Ecology (Ecology) submitted a request to EPA dated December 30, 1997, to revise certain regulations of a local air pollution control agency, namely, the Puget Sound Air Pollution Control Agency (PSAPCA).

DATES: This action is effective on June 22, 1998 unless adverse or critical comments are received by May 21, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ–107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

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, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, and WDOE, P.O. Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Washington Operations Office, EPA, 300 Desmond Drive, Suite 102, Lacey, Washington 98503, (360) 753–9079.

SUPPLEMENTARY INFORMATION:

I. Background

A submittal from Ecology, dated December 30, 1997, was sent to EPA and consisted of minor amendments to PSAPCA Regulation I.

Ecology and PSAPCA held public hearings on September 11, 1997. The minor revisions became effective on November 1, 1997, and were adopted by Ecology as part of the Washington State Implementation Plan on December 30, 1997.

Regulation I, section 3.11, Civil Penalties, is amended to adjust maximum penalty amounts for inflation. Sections 5.05, 5.07, 6.04, and 6.10 are amended to include updates to adjust the fees for the registration and notice of construction programs in order to cover the costs of administering the programs.

II. Summary of Action

EPA is, by today's action, approving the following revisions submitted by Ecology on December 30, 1997, as amendments to the regulations of PSAPCA and for inclusion into the SIP: Regulation I.

- Section 3.11, Civil Penalties.
- Section 5.05, General Reporting Requirements for Registration.
- Section 5.07, Registration Fees.
- Section 6.04, Notice of Construction Review Fees.
- Section 6.10, Work Done Without an Approval.

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

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 rules 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 June 22, 1998 without further notice unless the Agency receives relevant adverse comments by May 21, 1998.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 22, 1998 and no further action will be taken on the proposed rule.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis