

territorial waters, an above referenced official may require the master, owner, or person in charge of a vessel within the security zone, including all auxiliary vessels, to provide verbal assurance that the vessel will not enter Cuban territorial waters as a condition for a vessel to get underway from a berth, pier, mooring, or anchorage in the security zone, or depart from the security zone. In addition, an above referenced official may require the master, owner, or person in charge of the vessel to identify all persons on board the vessel and provide verbal assurances that all persons on board have received actual notice of these regulations.

(4) The owner or person in charge of the vessel shall maintain the express written authorization for the vessel on board the vessel.

(d) *Enforcement.* (1) Vessels or persons violating this section may be subject to:

(i) Seizure and forfeiture of the vessel;

(ii) A monetary penalty of not more than \$10,000; and

(iii) Imprisonment for not more than 10 years.

(2) Violation of 18 U.S.C. § 1001 may result in imprisonment for not more than five years or a fine, or both.

(e) This section implements Presidential Proclamation No. 6867.

This section is issued under the authority delegated in Department of Transportation Order No. 96-3-7.

Dated: May 7, 1997.

J.W. Lockwood,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09-97-012]

Safety Zone—Chicago Sanitary and Ship Canal

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone at Mile 308 of the Chicago Sanitary & Ship Canal during construction-related activities occurring in this area. This zone is needed to protect the maritime public during explosive demolition, excavation and pipeline installation activities associated with this construction project. Entry of vessels or

persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Chicago or the Coast Guard representative on-scene.

DATES: These regulations become effective at 11:00 p.m. on May 13, 1997 and terminate at 11:00 p.m. on May 27, 1997.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Scott Kuhaneck, U.S. Coast Guard Marine Safety Office Chicago, (630) 986-2155.

SUPPLEMENTARY INFORMATION:

Background and Purpose

This safety zone is needed to protect the safety of the maritime public during construction-related activities involving the use of explosives and obstruction of the navigable channel. This work necessitates the use of a barge configured to drill holes in canal bed and other similar equipment for the excavation of the site which will obstruct or partially obstruct navigation in the immediate vicinity of Mile 308 of the Chicago Sanitary & Ship Canal.

Complete prohibition of vessel transits through this area will only be needed during two separate periods of this safety zone, one of approximately 30 hours at beginning and a second of approximately 12 hours at the end. The exact day and times of the periods is unknown at this point, but will occur sometime during the effective dates of this safety zone. In between these periods, vessel transits will be permitted but may be subject to restrictions as needed. The maritime public will be informed of the exact times of all closures and restrictions via marine radio broadcasts and an existing industry facsimile notification network.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to protect the maritime public and other persons from the hazards associated with use of explosives and restricted waterway access in this area. The restrictions being imposed on entry of persons and vessels into this area is temporary.

Regulatory Evaluation

This 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.

Collection of Information

This rule contains no information collection 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 considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

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; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; and 49 CFR 1.46.

2. A new temporary section 165.T0901 is added to read as follows:

§ 165.T09-001 Safety Zone; Sanitary and Ship Canal.

(a) *Location.* The following area is a safety zone: The area within a 500 yard radius of a point centered at Mile 308 on the Chicago Sanitary and Ship Canal.

(b) *Effective time and date.* This section becomes effective at 11:00 P.M. on May 13, 1997, and terminates at 11:00 P.M. on May 27, 1997.

(c) *Regulations.* (1) The Captain of the Port, Chicago, grants blanket permission for all vessels to transit through this safety zone except during announced periods.

(2) The exact times, dates and provisions of any restrictions imposed by this safety zone will be made public via marine radio broadcasts and other

means including use of an existing facsimile notification network.

Dated: April 29, 1997.

M.W. Brown,

Captain, U.S. Coast Guard, Captain of the Port, Chicago.

[FR Doc. 97-12645 Filed 5-13-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OK-13-1-7080a, FRL-5822-3]

Approval of a Revision to a State Implementation Plan; Oklahoma; Revision to Particulate Matter Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving revisions to the Oklahoma State Implementation Plan (SIP) submitted by the Governor on May 16, 1994. This action approves revisions to the Oklahoma SIP by adopting new rules and opacity requirements to control particulate matter emissions from new, modified, and existing cotton gin operations. Approval of this revision will strengthen the SIP by making it Federally enforceable. In addition, the new rules will simplify the process weight regulations in the State.

DATES: This action is effective on July 14, 1997, unless critical or adverse comments are received by June 13, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments should be mailed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. Copies of the State's submittal and other information relevant to this action are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Oklahoma Department of Environmental Quality, Air Quality Division, 4545 N. Lincoln, Suite 250, Oklahoma City, Oklahoma 73105-5220.

Anyone wishing to review these documents at the EPA office is asked to

contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Ms. Petra Sanchez, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665-6686.

SUPPLEMENTARY INFORMATION:

I. Background

The revisions to this SIP action respond to the requirements of Section 110 of the Federal Clean Air Act (the Act), as amended in 1990. Section 110 requires States to adopt and submit to the Administrator a plan which provides for implementation, maintenance, and enforcement of the primary and secondary standards for the State. Code of Federal Regulations (CFR), 40 Part 50.6 defines the level of the National primary and secondary 24-hour ambient air quality standards (NAAQS) for particulate matter as 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), 24-hour average concentration and 50 $\mu\text{g}/\text{m}^3$, annual arithmetic mean. Although Oklahoma is in attainment of the standards for particulate matter, submission and approval of this revision serves to strengthen the SIP in Oklahoma by making it federally enforceable.

This SIP action approves the new cotton gin requirements and opacity rules developed by the State of Oklahoma in consultation with EPA and the affected industry. The new rules require cotton gins to install specific control equipment and to meet a 20 percent visible emissions limit. The affected sources from this action are located throughout the State, but predominately in rural areas. Previously, Oklahoma did not have specific rules for cotton gin operations. Instead, this category of source was regulated under existing general particulate matter rules. These rules serve to strengthen the existing SIP by superseding the general requirements and by making them federally enforceable. In addition, they are applicable to new, existing, and modified gins.

During the development of the State rules, Oklahoma referenced various other State requirements and the EPA Visible Emissions (VE) performance testing methods in 40 CFR Part 60, Appendix A. The approved method for determining VE is Reference Method 9 (Method 9 or RM 9). Method 9 discusses how to make visual determinations of opacity for emissions from stationary sources. The mechanism for determining VE by States has often

included the use of an opacity regulation to assist in meeting or maintaining the particulate matter air quality standard.

II. Analysis of State Submittal

Emission Limit

Fugitive emissions from the cotton gin burr hopper dumping area have been a major source of complaints from inhabited areas. Amendments to the State rules update the control requirements for cotton gins throughout Oklahoma by specifying the emissions limitations and specific control measures to be utilized by new, modified, or existing cotton gins. To control fugitive emissions from burr hoppers during dumping, the use of total enclosure at existing gin sites located within the corporate city limits of any city or within 300 feet of two or more occupied establishments is required. All new gin sites are required to install and use a total enclosure on the burr hopper. Action must also be taken to minimize fugitive dust emissions during transportation and other operations. An opacity limit of 20 percent is set for discharges. This opacity limit, however, may be increased for particulates but only after the owner/operator can demonstrate to the satisfaction of the Oklahoma Air Quality Council at a public hearing that their controls meet State requirements and do not violate the National Ambient Air Quality Standards (NAAQS).

Emission Control Equipment

The Oklahoma cotton gin rule specifies the 1D/3D cyclone as the approved control equipment on high-pressure exhausts. This gives higher control efficiencies than the 2D/2D cyclone which is commonly used in cotton gin operations and has a comparable cost. Some facilities in Oklahoma have voluntarily installed 1D/3D cyclones prior to the adoption of this State regulation. However, to minimize the adverse economic impact, a phased-in approach is taken on existing facilities allowing continued use of 2D/2D cyclones until repair costs are no longer cost effective. Facilities will then be required to replace the older equipment with 1D/3D equipment.

For low-pressure exhausts, the use of 70 mesh or finer screens (or approved equivalent) is required. This is the most effective of the sizes considered (70, 80, and 100 mesh). The new rules provide equal or superior control of emissions compared with that provided for the cotton gin industry by the existing