

VI. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section

702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the

data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, State, or Tribal governments or private entities.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 28, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 936 is amended as set forth below:

PART 936—OKLAHOMA

1. The authority citation for Part 936 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 936.15 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 936.15 Approval of Oklahoma regulatory program amendments.

* * * * *

| Original amend- ment submission date | Date of final publication | Citation/description |
|--|------------------------------|--|
| July 3, 1997 | 8-10-98 | OAC 460:20-43-46(c)(4) (A) through (G); 460:20-45-46(c)(4) (A) through (G); Oklahoma Bond Release Guidelines—Appendices A and R. |

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-98-002]

RIN 2115-AE46

Special Local Regulations for Marine Events; Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending permanent special local regulations established for marine events held

annually in the Delaware River adjacent to Penns Landing, Philadelphia, Pennsylvania, by increasing the regulated area and by identifying specific events for which the regulated area will be in effect. This action is intended to update the regulation in order to enhance the safety of life and property during the events.

DATES: This final rule is effective on September 9, 1998.

FOR FURTHER INFORMATION CONTACT: S.L. Phillips, Project Manager, Operations Division, Auxiliary Section, at (757) 398-6204.

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 27, 1998, the Coast Guard published a notice of proposed rulemaking entitled Special Local

Regulations for Marine Events; Delaware River, Philadelphia, Pennsylvania, in the **Federal Register** (63 FR 9977). The Coast Guard received no comments on the proposed rulemaking. No public hearing was requested, and none was held.

Background and Purpose

33 CFR 100.509 established special local regulations for marine events held annually in Delaware River adjacent to Penns Landing, Philadelphia, Pennsylvania. The purpose of these regulations is to control vessel traffic during marine events to enhance the

safety of participants, spectators, and transiting vessels. In the past, these regulations were implemented at various times for various events throughout the year by publishing a notice in the **Federal Register**. The Coast Guard is concerned that the lengthy process cycle time required to implement the regulated area in this manner may unnecessarily burden event sponsors. Incorporating a table that identifies the specific events during which the regulated area will be in effect will streamline the marine event process and significantly reduce process cycle time.

The majority of marine events for which the regulations will be in effect involve a parade of boats, consisting of approximately 40 to 50 vessels ranging in length from 20' to 200'. The Coast Guard is concerned that the current size of the regulated area may not be adequate to ensure the safety of these events, because the size and number of participating vessels continues to expand. The Coast Guard is also concerned that vessel operators have had difficulty in determining the position of the existing southern boundary of the regulated area due to the lack of easily identifiable landmarks. The Walt Whitman Bridge is easily identifiable and in close proximity to the current southern boundary.

The Coast Guard is amending the special local regulations previously established for this event area by increasing the size of the regulated area to include those waters of the Delaware River between the Benjamin Franklin Bridge and the Walt Whitman Bridge, and by incorporating a table that identifies specific events during which the regulated area will be in effect. Since the Coast Guard Patrol Commander may stop any event to assist transit of vessels through the regulated area, normal marine traffic should not be severely disrupted.

Discussion of Comments and Changes

The Coast Guard received no comments on the proposed rulemaking.

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 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

final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-602), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601-602) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection of information requirement under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

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 figure 2-1, paragraph (34)(h) of COMDTINST M16475.1C, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade are excluded under that authority.

List of Subjects in 33 CFR Part 100

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

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.509 is amended by revising paragraphs (a)(1), (b)(2)

introductory text, and (c) and adding Table 1 to read as follows:

§ 100.509 Delaware River, Philadelphia, Pennsylvania.

(a) * * *

(1) *Regulated Area:* The waters of the Delaware River from shore to shore, bounded to the south by the Walt Whitman Bridge and bounded to the north by the Benjamin Franklin Bridge.

* * * * *

(b) * * *

(2) The operator of any vessel in this area shall:

* * * * *

(c) *Effective Period:* This section is effective annually for the duration of each marine event listed in Table 1, or as otherwise specified in the Coast Guard Local Notice to Mariners and a **Federal Register** notice. The Coast Guard Patrol Commander will announce by Broadcast Notice to Mariners the specific time periods during which the regulations will be enforced.

Table 1 of § 100.509

Welcome America Celebration

Sponsor: Welcome America!
Date: On or about July 4

Columbus Day Celebration

Sponsor: Roberts Event Group
Date: On or about Columbus Day

New Year's Eve Celebration

Sponsor: City of Philadelphia
Date: December 31

Dated: July 14, 1998.

Robert T. Rufe, Jr.,
Vice Admiral, U.S. Coast Guard, Commander,
Fifth Coast Guard District.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 148, 268, and 271

[FRL-6139-6]

RIN 2050-AD79

Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction of effective date and technical amendments.