approvals, denials and foreign regulations.

4. Suggestions for revisions to foreign policy controls that would (if there are any differences) bring them more into line with multilateral practice.

5. Comments or suggestions as to actions that would make multilateral controls more effective.

6. Information that illustrates the effect of foreign policy controls on the trade or acquisitions by intended targets of the controls.

7. Data or other information as to the effect of foreign policy controls on overall trade, either for individual firms or for individual industrial sectors.

8. Suggestions as to how to measure the effect of foreign policy controls on trade.

9. Information on the use of foreign policy controls on targeted countries, entities, or individuals.

BXA is also interested in comments relating generally to the extension or revision of existing foreign policy controls. Parties submitting comments are asked to be as specific as possible. All comments received before the close of the comment period will be considered by BXA in reviewing the controls and developing the report to Congress.

BXA will consider requests for confidential treatment. The information for which confidential treatment is requested should be submitted to BXA separate from any non-confidential information submitted. The top of each page should be marked with the term ''Confidential Information.'' BXA will either accept the submission in confidence, or if the submission fails to meet the standards for confidential treatment, will return it. A non-confidential summary must accompany such submissions of confidential information. The summary will be made available for public inspection.

Information accepted by BXA as confidential will be protected from public disclosure to the extent permitted by law. Communications between agencies of the United States Government or with foreign governments will not be made available for public inspection.

All other information relating to the notice will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, BXA requires written comments. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying.

The public record concerning these comments will be maintained in the Freedom of Information Records Inspection Facility, Room 4525, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW, Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about inspection and copying of records at this facility may be obtained from Margaret Cornejo, BXA Freedom of Information Officer, at the above address or by calling (202) 482–2593.

Dated: October 5, 1998.

R. Roger Majak,

Assistant Secretary for Export Administration.

[FR Doc. 98–27390 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1–98–151]

RIN 2115–AE84

Regulated Navigation Area: Navigable Waters Within the First Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent Regulated Navigation Area (RNA) within the navigable waters of the First Coast Guard District to increase operational safety for towing vessels and tank barges. The proposed rule would require four sets of measure for towing vessels and tank barges operating in the waters of the Northeastern United States, including positive control for barges, enhanced communications, voyage planning, and areas of restricted navigation. These measures should reduce the risk of oil spills from the many tank barges operating in the waters of the region, and so too reduce the risk of environmental damage to the unique and extremely sensitive marine environment.

DATES: Comments must arrive on or before November 12, 1998.

ADDRESSES: You may mail or deliver comments to Commander (m), First Coast Guard District, 408 Atlantic Ave., Boston, MA 02210–3350. The First District Commander maintains the public docket for this rulemaking. Comments, and documents, as indicated in this preamble, will become part of this docket and will be available for inspection and copying at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Rich Klein, c/o Commander (m), First Coast Guard District, 408 Atlantic Ave., Boston, MA 02210–3350; telephone 617–223–8243.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD1–98–151) and the specific section of this document to which each comment applies, and give a reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes. The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

No public meeting is planned. Persons may request a public meeting by writing to the Project Officer at the address listed under **ADDRESSES.** If it is determined that the opportunity for oral presentations will aid in this rulemaking, the Coast Guard will hold a public meeting at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

This rulemaking is proposed to improve the navigational safety for towing vessels and tank barges operating in the waters of the Northeastern United States. Between January 1992 and December 1996, there have been 289 marine casualties involving tank barges in the First Coast Guard District. Not all of these casualties were major or significant, but several resulted in oil spills.

During 1996 and 1997, there were 12 marine casualties involving engine failure with tugs while they were towing tank barges in the waters of the First Coast Guard District. At least four of those tank barges were loaded with a combined cargo totaling about 21 million gallons of petroleum products.

In each of the 12 instances, the towing vessel was able to mitigate the casualty by switching propulsion to the second engine that was sufficient to control the barge. None of the casualties resulted in any pollution.

A recent history of towing vessel casualties is described below, some of which were potential major pollution incidents.

On January 5, 1994, a tug lost control of its loaded tank barge, spilling 4,200 gallons of gasoline into the East River, New York.

On April 7, 1994, a steering gear failure aboard a tug caused a loaded tank barge to ground in New Haven harbor, while carrying a cargo of 2.1 million gallons of gasoline.

On February 9, 1995, a tug lost control of a tank barge loaded with 714,000 gallons of fuel oil near East Rockaway Inlet, New York.

On April 6, 1995, a tug lost control of a tank barge loaded with 5,376,000 gallons of No. 2 oil in the East River, New York.

On January 19, 1996, off the coast of Rhode Island, the tug SCANDIA was towing the loaded single-hull tank barge NORTH CAPE. During the voyage the tug caught fire causing the crew to abandon the vessel during a severe winter storm. The barge grounded on Moonstone Beach spilling about 828,000 gallons of No. 2 oil into Rhode Island Sound.

On February 12, 1996, a tug lost control of a tank barge in the East River, New York, spilling 4,415 gallons of No. 2 oil into Long Island Sound.

On August 25, 1998, a loaded tank barge was set adrift off the Rhode Island coast when the towing hawser was cut by a passing vessel. A potential major pollution incident was avoided when an assist tug arrived to take the barge under control.

Development of the Regional Risk Assessment Team (RRAT) Report

On June 5 and 6, 1996, the commander of the First Coast Guard District hosted a two-day Workshop on Safety of Towing Vessels and Tank Barges at the Massachusetts Maritime Academy. Nearly 150 people gathered to discuss goals for the safety of the marine environment, and economic and operational considerations of the tank barge industry in the Northeast. The participants represented the Coast Guard, the industry, the States of New York, Connecticut, Rhode Island, and Maine, the Commonwealth of Massachusetts, and various environmental interests.

The RRAT was chartered and established by the American Waterways Operators and Coast Guard National Quality Steering Committee on July 10, 1996. The 25-member team, with similar representative stakeholders from the two-day workshop, conducted a risk assessment of the tank barge transportation network in the Northeastern United States, The RRAT's report, completed February 6, 1997, examined current operational and navigational practices for towing vessels and tank barges operating in the Northeast. Although it did not evaluate the measures for cost-effectiveness, it developed ten measures to improve the safe navigation of these vessels, eight of which were recommended for rulemaking. This rulemaking proposes four of those eight measures that are within the authority of the First District Commander to address. The remaining recommendations for rulemaking will be addressed as the subject of national rulemaking.

This rulemaking takes a regional approach responsive to the particular risks inherent in the transportation of petroleum products on the waterways in the Northeastern United States. The network of sounds, estuaries, coastal ponds, and shallow coastal shelves hosts one of the most prolific habitats for marine life in the nation. This sensitive region contains 4 of the 20 Estuaries of National Significance, designated by Section 320 of the Federal Clean Water Act—Long Island Sound, Narragansett Bay, Buzzards Bay, and Casco Bay—and 5 of the 22 National Estuarine Research Reserves established to monitor the health of the nation's most valued estuaries. Moreover, the shelves encompassing the Great South Channel, Massachusetts Bay, and Cape Cod Bay provide the seasonal habitat for the Northern Right Whale, one of the world's most endangered species of whale with a population of only about 300. One of the whale's primary food sources, plankton, is particularly susceptible to damage from oil spills.

In addition, the fishing grounds of the Northeastern United States are among the most productive in the world. It is estimated that over 25,000 vessels are employed in the Northwest Atlantic Ocean fisheries trade. The threat to the productive fishing grounds from a tank barge spill further supports the need for the measures proposed here.

In the aftermath of the NORTH CAPE oil spill, several states in the Northeast have drafted or enacted legislation to regulate the tank barge industry. The Rhode Island legislature enacted an Oil Spill Pollution Prevention and Control Act, which it amended with a Tank Vessel Safety Act (codified as Chapter 32 of its Public Laws). Further, Maine officials are considering a legislative initiative to regulate the petroleum transportation industry. The States' differing legislative initiatives may result in inconsistent regulation of the industry.

The several operating conditions proposed in this rule are intended to reduce the risks to the marine environment posed by tank barges transporting oil in the region without imposing undue economic burden on the industry.

Discussion of RRAT Recommendations

Each of the RRAT recommendations are summarized below.

1. Manning

For vessel manning, the RRAT recommended that barges being pushed, or being towed alongside the towing vessel, be considered as the equivalent to being a manned barge if the towing vessel has a certified individual in excess of the required manning on the towing vessel. This recommendation impacts lifesaving equipment and shipboard habitability issues that are required for manned barges. As such, it is the subject of national rulemaking.

2. Anchoring and Barge Retrieval System

The RRAT recommended requirements for anchoring and barge retrieval systems for manned and unmanned barges operating in the Northeast. These requirements are the subject of the national rulemaking addressing emergency control systems for tank barges. See 62 *FR* 52057 (Oct. 6, 1997).

3. Navigational Safety Equipment Aboard Towing Vessels

The RRAT recommended—

(a) The extension of the navigational safety equipment requirements for towing vessels in 33 CFR part 164 to include all waters beyond three miles, and not just the navigable waters of the Northeast; and

(b) A requirement for Differential Global Positioning System (DGPS) on towing vessels operating in all waters of the Northeast.

This recommendation is being addressed separately by Commandant (G–M).

4. Lightering Activities

The RRAT referred to the existing regulations contained at 33 CFR part 156, subpart B, governing lightering, and recommended only that individual Captain of the Ports (COTP) develop guidelines that reflect the best recognized practices for lightering of

petroleum products in their areas of responsibility.

5. Double-Hull Tank Barges

The RRAT acknowledged the expected benefits from the use of double-hull tank barges but deferred recommendations until after the National Research Council's review, conducted in accordance with section 4115 of the Oil Pollution Act of 1990, Pub. L. 101–380 (OPA 90), of the economic and operational impacts of the double-hull requirement on the marine petroleum transportation industry. Subsequently published in November 1997, after the RRAT recommendations, the report of the National Research Council did not recommend any change to the phase-out schedule for single-hull tank vessels established by OPA 90.

6. Crew Fatigue: The Human Factor

The RRAT recommended providing human factors awareness training to operational and management personnel every two years and ensuring that records of the training be kept for a period of two years.

The human factor, specifically as it relates to crew fatigue, is a national issue. Commandant (G–M), through the Coast Guard Research and Development Center, is currently conducting a study to develop measures that counteract crew fatigue in the towing industry.

This Coast Guard study, ''Watchstanding Alertness in Towing Operations,'' will examine the nature and extent of fatigue among towing vessel crews. Following analysis of the data, measures will be recommended that the towing industry can implement to counteract crew fatigue. The results will be presented to the Towing Safety Advisory Committee.

Discussion of Proposed Rule

The First District Commander has limited delegated authority to impose operational requirements based upon circumstances peculiar to his jurisdiction. Design, construction, or equipment standards are generally subject to national standards. This proposed rule would require four operational measures to improve the safety of towing vessels and petroleum laden tank barges operating on the navigable waters of the First Coast Guard District.

1. Positive Control for Barges

This proposal would require vessels towing single-hull tank barges carrying petroleum oil as cargo in bulk, to be equipped with twin-screws and two engines while operating on the navigable waters of the First Coast Guard District. Each engine must—

(a) Be independent of the other; and

(b) Be capable of maintaining the navigational control of the tank barge in the event of a casualty to the other engine. Under the proposed rule, the use of double-hull tank barges precludes the need for twin-screw, twin engine tugs as a primary towing vessel. Double-hull vessels provide a greater level of protection than single-hull vessels. Further, single-hull vessels are being phased-out in accordance with OPA 90. Therefore, the present use of double-hulls is a sufficient measure of protection under the proposed rule.

The requirements of the proposed rule for twin screws and two engines would supplement the language used in 33 CFR 157.460. That rule requires certain vessels to be equipped with twin-screw propulsion unless they have installed alternative steering systems. This proposed rule would require that all towing vessels not equipped with twin-screw propulsion and two engines, and engaged in towing single-hull tank barges carrying petroleum oil in bulk on the navigable waters of the First Coast Guard District, must operate with an escort or assist tug, or provide an equivalent means of positive control for the barges acceptable to the COTP, regardless of any secondary or alternative steering system. Unless the bank barge meets the definition of a double-hull vessel in 33 CFR 157.03, it is a single-hull vessel. The Coast Guard believes that the operational conditions proposed in this rule would significantly reduce the likelihood of an oil spill.

Most of the vessels towing tank barges in the Northeast are already of the twin-screw propulsion, two-engine type. This propulsion redundancy ensures a backup system in the event of engine failure or fouling of one screw. The Coast Guard would require an escort or assist tug in those instances when only a single-screw towing vessel is towing a single-hull tank barge. Such an alternative would enhance safety and reduce the risk of oil pollution to the marine environment.

On certain restricted routes, however, limited channel depths and widths may make application of these standards impracticable. In these instances, the COTP may grant exemptions upon application and consideration.

Additionally, this proposed rule would require the immediate calling of additional resources to assist a towing vessel towing any tank barge if either the tank barge or towing vessel suffers a casualty that adversely affects its safe navigation or seaworthiness.

Other situations requiring the employment of additional resources include steering-gear failure and loss of the tow. The requirement to call on these additional private resources to render emergency assistance does not negate or otherwise lessen the requirement to notify the Coast Guard if the tank barge or towing vessel suffers a reportable marine casualty in accordance with 46 CFR subpart 4.05, or develops a hazardous condition as defined in 33 CFR 160.215.

2. Enhanced Communications

This proposed rule would require that masters of vessels towing any loaded tank barge initiate and broadcast securite calls identifying their positions at specific locations during transits in the First Coast Guard District.

Currently, there are no regulations requiring towing vessel operators to share operational information or to issue securité calls at specific locations, Enhanced communications among vessels is critical in reducing the risk associated with transporting petroleum in tank barges in the Northeast United States. This proposed rule should increase situational awareness and enhance communications, thereby reducing the risk of casualties.

There are recognized areas in Long Island Sound, Block Island Sound, Narragansett Bay, and Buzzards Bay where the risk of collision is higher because cross-traffic is more likely to be encountered. These locations include dedicated ferry routes and areas where the bays and sounds open to the ocean. Accordingly, this proposed rule contains a list of locations for initiating securité calls.

3. Voyage Planning

This proposed rule would require that the owner or operator of a towing vessel employed to tow a tank barge prepare a voyage plan, addressing specific minimum requirements, before a voyage. The master would validate the contents of the voyage plan before the voyage, adjust the plan if necessary, and ensure its proper use. Currently, there are no regulations requiring the use of voyage plans aboard towing vessels or tank barges. Proper planning and preparation of the vessel and crew may identify potential risks, equipment concerns, and human factors, one or a combination of which may lead to a marine casualty during a voyage. A comprehensive voyage plan should improve the prospects for the successful execution and completion of a voyage.

The minimum contents of a voyage plan are as follows:

(1) A description of the type, volume, and grade of cargo.

(2) Applicable information from nautical charts and publications; including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners, for the destination(s).

(3) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(4) Data on tides and tidal currents for destination(s).

(5) Forward and after draft for the tank barge, and under-keel and vertical clearance for the ports(s) and berthing area(s).

(6) Pre-departure checklists.

(7) Calculated speed and estimated time of arrival at proposed waypoints.

(8) Communication contact at Vessel Traffic Service (VTS) (if applicable), bridges, facilities and port-specific requirements for Very High Frequency (VHF) radio.

(9) Master's standing orders for closest point of approach, special conditions, and critical maneuvers.

The proposed rule would authorize an abbreviated version of the voyage plan to address short intra-port tank barge transits. A short intra-port transit is a transit of not more than four hours within the same port complex. The abbreviated version would contain:

(1) Weather conditions including but not limited to visibility, wind and sea state.

(2) Data on tides and tidal currents.

(3) The draft of the barge.

(4) Channels of VHF radio to monitor.

(5) Other considerations such as availability of pilot, assist tug, berth, and line handlers, depth of berth mean low water, danger areas, and securité calls.

4. Navigation Restriction Areas

The proposed rule would establish navigational restrictions for towing vessels with tank barges in two areas in order to protect significant environmental and cultural resources. Located off the Connecticut coast, Fishers Island Sound is subject to strong currents and is bordered by environmentally sensitive areas that would be greatly affected by a spill. Given the strength of the current and wind variability in that area, any spill would quickly spread, reducing the critical time needed to begin taking protective measures. The Sound has less risky routes immediately adjacent, which provide for greater navigational safety of tank barge transits.

As a place with a high level of plankton concentration, the eastern part of Cape Cod Bay is a breeding ground for the endangered Northern Right Whale. Any significant oil spill would potentially destroy the particularly susceptible plankton and have a devastating result on this important breeding area. Cape Cod Bay is a complex marine ecosystem that contains a variety of sensitive tidal marshes, flats and estuarine areas, making protection strategies more difficult in the event of a significant oil spill.

Regulatory Assessment

This notice of proposed rulemaking is not a significant regulatory action under 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 (OMB) 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).

A Preliminary Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is available in the docket for inspection or copying where indicated under **ADDRESSES.** A summary of the Evaluation follows:

Summary of Benefits

The principal benefits of this proposed rule would be reduced injuries and loss of life, environmental damage caused by navigation-related incidents of tank barges and towing vessels while under way in the navigable waters of the First Coast Guard District. Quantifiable benefits will accrue in the forms of avoided pollution, avoided injuries and deaths, and avoided damage to vessels and property.

Using information from the database of the Coast Guard Marine Safety Management System from January 1, 1992, to December 31, 1996, we reviewed 96 tank barge casualty cases. These casualties involved vessels that were underway within the boundaries of the First Coast Guard District which would have been affected by this proposed rule if it had been in effect. This period is one which represents post OPA–90 experience, is intended to be long enough to survey a significant number of casualties, and short enough to avoid old problems which are now solved. These 96 incidents provided the pool from which the benefits are estimated. During this base period, there was no reported oil spilled from double-hull barges.

For all four proposed measures, we reviewed each casualty case report to assess whether the casualty could have been prevented or diminished in severity by this rule. A team of Coast Guard analysts assigned an effectiveness degree to which each proposed measure which would have positively affected each casualty case. The Coast Guard tabulated data on deaths and injuries, oil spillage, and dollar totals reported for damage to the tank barges, towing vessels, piers, or other structures, and estimated benefits for each measure adjusted to the accurate degree of effectiveness.

The assessment indicated that, until the phase-out of single-hull tank vessels (Sec. 4115(a) of OPA 90), the requirements of this RNA would bring total benefits of $495,640 in avoided damage to vessels and property (1998 dollars); $189,276 in avoided deaths (1998 dollars); and 459.76 barrels of oil in avoided pollution.

Summary of Costs

Businesses that use tank barge and towing vessels within the geographic boundaries of the First District, as well as the tank barge and towing vessel industries themselves, will bear the majority of the costs of this proposed rule.

The cost of this proposed rule is the sum of costs from the requirements for positive control for barges, enhanced communications, voyage planning, and restricted navigation areas. These anticipated costs recognize that many of the towing vessels and tank barges operating within the geographic boundaries of the First District are already in compliance with these requirements.

(1) Positive Control for Barges: Data from the U.S. Army Corps of Engineers indicated that there are approximately 12,892 transits occurring within the District each year. Of these transits, we estimate 1.95%, or 251, involve a single-hull, petroleum-laden tank barge being towed by a tug without twin engines or twin screws, and thus, this proposal would require an escort or assist tug. The cost of an escort or assist tug is $300 an hour. It is assumed this escort or assist tug would, on average, spend 20 hours in round trip service on each transit. The cost of the tug for a single transit would therefore be $6,000. Discounting to 1998 dollars, and factoring in the phase-out of single-hull tank barges, we calculate the costs of these tugs at $12,796,834.

(2) Enhanced Communications: This proposed rule would require the operator of a towing vessel to make approximately eight securité calls during the average transit in the Coast Guard's First District. Each securité call would take about 30 seconds or 4 minutes each transit. The securité calls

will be placed by the person on watch and it is assumed that the master and the mate each make half of the securité calls. The average daily billing rate for a towing vessel's master is $400, while the average daily billing rate for a towing vessel's mate is $270. Based on an eight hour day, the opportunity cost of the securité call proposal for each transit is $2.79. The Coast Guard estimated that approximately 55% of the 12,892 annual transits, 7,091 transits, involve oil-laden tank barges. With 7,091 transits within the Coast Guard's First District each year affected by the enhanced communications proposal, discounting to 1998 dollars, we calculate the opportunity cost of enhanced communications at $186,892. However, these enhanced communication requirements do not truly represent a cost upon the towing vessel operator. The Securité calls will become a routine task of the person on watch, and will neither cause this person to spend additional time performing his watch duties, nor detract from the time available for performing existing duties. Therefore, the total cost of enhanced communications is $0.

(3) Voyage Planning: For each transit, as a representative of the owner or operator, the master of the towing vessel spends approximately 30 minutes preparing the voyage plan. Again, the average daily billing rate for a towing vessel's master is $400. The Coast Guard, using data from the American Waterway Operators, assumes that 90% of transits already are in compliance with this proposed rule. Further, the Coast Guard estimates that approximately 55% annual transits involve oil-laden tank barges. For the 12,892 transits within the First District each year, voyage planning affects 714 transits. The cost of voyage planning, discounted to 1998 dollars, would be $167,461.

(4) Navigation Restriction Areas: Currently all towing vessels and tank barges operating within the geographic boundaries of the First District, avoid operating in the areas of Fishers Island Sound and the eastern portion of Cape Cod Bay addressed in this proposal. The cost of navigation restriction area is $0.

Summary: The total present value of the costs of this proposed rule (1998 dollars) would be $12,964,345 [$12,796,834 for positive control of barges + $0 for enhanced communications + $167,461 for voyage planning + $0 for navigation restriction areas]. In terms of cost-effectiveness, this rule would prevent future pollution in the Coast Guard's First District at a cost of $26,708 per barrel of oil not spilled.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, 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.

The proposed rule would require that all transits involving towing vessels not equipped with twin-screw and twin-engine propulsion, and that are engaged in towing petroleum-laden tank barges in the navigable waters of the First Coast Guard District, employ an escort or assist tug.

It is primarily the businesses that hire the towing vessels and tank barges for transporting their goods who directly incurs the costs of this rulemaking by having to pay for the escort or assist tug. However, some towing vessel companies, the majority of which are small entities, may be indirectly affected by the proposed rule if they can no longer provide tug service at a competitive price due to the requirement that they employ an escort or assist tug.

These towing vessel companies do have alternatives available allowing them to use their non-twin-screw and twin-engine towing vessels, such as pushing barges in narrow rivers or pushing freight barges. Additionally, with only 5% of all towing vessels not having the necessary propulsion equipment, nearly all the towing vessel companies are already in compliance. Further, preliminary information from towing vessel operators indicate that they already select against the use of their non-twin-screw and twin-engine towing vessels for the practice of towing petroleum-laden tank barges. Finally, the cost of escort or assist towing vessels is low in comparison with the cost of replacing or retro-fitting all their non-twin-screw and twin-engine towing vessels with a compliant propulsion system.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, 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 proposed rule will have a significant economic impact on your business or organization, please submit a comment to the Coast Guard at the address under **ADDRESSES** explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this rule and you have questions concerning its provisions or options for compliance, please call LT Rich Klein at 617–223–8243.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This proposed rule provides for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). As defined in 5 CFR 1320.3(c), ''collection of information'' includes reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collection, a description of the respondents, and an estimate of the total annual burden follow. Included in the estimate is the time for reviewing instructions, searching existing sources of data, gathering and maintaining data needed, and completing and reviewing the collection.

Title: Regulated Navigation Area: Navigable waters within the First Coast Guard District.

Summary of the Collection of Information: The requirement of a voyage plan would serve as a preventive measure and assist in ensuring the successful execution and completion of a voyage in the First Coast Guard District.

Need for Information: The information for a voyage plan would provide a mechanism for assisting vessels towing tank barges in identifying those specific risks, potential equipment failures, or human errors that may lead to accidents.

Proposed Use of Information: The information would focus on the voyage

planning in the preparation of the crew and vessel for an anticipated voyage.

Description of The Respondents: The owners or operators of towing vessels and tank barges in the First Coast Guard District.

Number of Respondents: 709 estimated transits of towing vessels a year.

Frequency of Response: The frequency of response is once per transit.

Burden of Response: The owner or operator of a towing vessel engaged in a towing a tank barge must prepare a written voyage plan before departure.

Estimated Total Annual Burden: 354.5 hours.

As required by section 3507(d) of the Paperwork Reduction Act of 1995, the Coast Guard has submitted a copy of this proposed rule to OMB for its review of the collection of information.

The Coast Guard solicits public comment on the proposed collection of information to: (1) Evaluate whether the information is necessary for the proper performance of the functions of the Coast Guard, including whether the information would have practical utility; (2) evaluate the accuracy of the Coast Guard's estimate of the burden of the collection, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection on those who are to respond, as by allowing the submittal of responses by electronic means or the use of other forms of information technology.

Persons submitting comments on the collection of information should submit them both to OMB and to the Commander (m), First Coast Guard District, where indicated under **ADDRESSES** by the date under **DATES**.

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number. Before the requirements for this collection of information become effective, the Coast Guard will publish notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collection.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federal implications to warrant the preparation of a Federalism Assessment. Although the Coast Guard has determined that this proposal does not warrant the preparation of a Federalism Assessment, there will be preemptive impacts on existing state law, specifically the Rhode Island Tank Vessel Safety Act, 46 Rhode Island General Laws § 12.6. The proposed regulations on positive control for barges [33 CFR 165.100(d)(1)] will preempt 46 R. I. Gen. Laws § 12.6–8(a)(3). The proposed regulations on enhanced communications [33 CFR 165.100(d)(2)] will preempt 46 R. I. Gen. Laws § 12.6–8(b). The proposed regulations on voyage planning [33 CFR 165.100(d)(3)] will preempt 46 R. I. Gen. Laws § 12.6–8(c). However, Rhode Island law, at 46 R. I. Gen. Laws § 12.6–12 specifically envisions preemption and supercession of their laws by the adoption of Coast Guard regulations on the areas covered by this proposal. No other states within the proposed regulated navigation area have similar existing provisions. Thus the Federalism implications of this proposal are expected to be minimal.

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 proposed and final 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 proposed rule would not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that under figure 2–1, paragraphs 34(g) and (i) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165, as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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. Add § 165.100 to read as follows:

§ 165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.

(a) *Regulated Navigation Area.* All navigable waters of the United States, as that term is used in 33 CFR 2.05–25(a), within the geographic boundaries of the First Coast Guard District, as defined in 33 CFR 3.05–1(b).

(b) *Definitions.* Terms used in this section have the same meaning as those found in 33 CFR 157.03. Single-hull identifies any tank barge that is not a double-hull tank barge.

(c) *Applicability.* This section applies to primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo in the regulated navigation area, or as authorized by the District Commander.

(d) *Regulations*—(1) *Positive Control for Barges.* (i) Except as provided in paragraph (d)(1)(iii) of this section, a single-hull tank barge, unless being towed by a primary towing vessel with twin-screw propulsion and with a separate system for power to each screw, must be accompanied by an escort or assist tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of—

(A) A propulsion failure;

(B) A parted towing line;

(C) A loss of tow;

(D) A fire;

(E) Grounding;

(F) A loss of steering; or

(G) Any other casualty that affects the navigation or seaworthiness of either vessel.

(ii) Double-hull tank barges are exempt from paragraph (d)(1)(i) of this section.

(iii) The cognizant COTP may authorize an exemption from the requirements of paragraph (d)(1)(i) of this section for any tank barge with a capacity of less than 25,000 barrels, to operate in an area with limited depth or width such as a creek or small river. Each request for an exemption under this section must be submitted in writing to the cognizant COTP.

(iv) The operator of a towing vessel engaged in towing any tank barge must immediately call for an escort or assist tug to render assistance in the event of any of the occurrences identified in paragraph (d)(1)(i) of this section.

(2) *Enhanced Communications.* Each vessel engaged in towing a tank barge must communicate by radio on marine band or Very High Frequency (VHF) channel 13 or 16, and issue securité calls on marine band or VHF channel 13 or 16, upon approach to the following places:

(i) Execution Rock Light (USCG Light List No. [LLNR] 21440).

(ii) Race Rock Light (LLNR 19815).

(iii) Cable & Anchor Reef Buoy (LLNR 21330).

(iv) Stratford Shoal Middle Ground Light (LLNR 21260).

(v) Old Field Point Light (LLNR 21275).

(vi) Approaching Stratford Point from the south (NOAA Chart 12370).

(vii) Faulkner Island Light (LLNR 21170).

(viii) TE Buoy (LLNR 21160).

(ix) CF Buoy (LL 21140).

(x) PI Buoy (LLNR 21080) and Valiant Rock Buoy (LLNR 19825).

(xi) Approach to Point Judith in vicinity of Block Island ferry route.

(xii) Buzzards Bay Entrance Light (LLNR 630).

(xiii) Buzzards Bay Midchannel Lighted Buoy (LLNR 16055).

(xiv) Cleveland East Ledge Light (LLNR 16085).

(xv) Hog Island buoys 1 (LLNR 16130) and 2 (LLNR 16135).

(xvi) Approach to the Bourne Bridge.

(xvii) Approach to the Sagamore Bridge.

(xviii) Approach to the eastern entrance of Cape Code Canal.

(3) *Voyage Planning.* (i) The owner or operator of a towing vessel employed to tow a tank barge shall prepare a written voyage plan for each tank barge transit. The master of the towing vessel shall ensure the proper use of each voyage plan.

(ii) Except as provided in paragraph (d)(3)(iii) of this section, each voyage plan must contain:

(A) A description of the type, volume, and grade of cargo.

(B) Applicable information from nautical charts and publications, including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners, for the destination(s).

(C) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(D) Data on tides and tidal currents for the destination(s).

(E) Forward and after drafts of the tank barge, and under-keel vertical clearances for all port(s) and berthing area(s).

(F) Pre-departure checklists.

(G) Calculated speed and estimated time of arrival at proposed waypoints.

(H) Communication contacts at Vessel Traffic Service (VTS) (if applicable), bridges, and facilities, and port-specific requirements for VHF radio.

(I) The master's standing orders detailing closest points of approach, special conditions, and critical maneuvers.

(iii) Each owner or operator of a tank barge on an intra-port transit of not more than four hours may prepare a voyage plan that contains:

(A) The information described in paragraphs (d)(3)(ii) (C), (D), and (E) of this section.

(B) The channels of VHF radio to monitor.

(C) Other considerations such as availability of pilot, assist tug, berth, and line-handlers, depth of berth at mean low water, danger areas, and securite calls.

(4) *Navigation Restriction Areas.* Unless authorized by the cognizant COTP, no tank barge may operate in—

(i) The waters of Cape Cod Bay south of latitude 42° 5′ North and east of longitude 70° 25′ West; or

(ii) The waters of Fishers Island Sound east of longitude 72° 2′ West, and west of longitude 71° 55′ West.

Dated: October 5, 1998.

R.M. Larrabee

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

[FR Doc. 27361 Filed 10–9–98; 8:45 a.m.]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN52–01–7277b; MN53–01–7278b; FRL–6162–3]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the EPA is proposing to approve revisions to Minnesota's State Implementation Plan (SIP) for sulfur dioxide (SO_2) in Air Quality Control Region (AQCR) 131. This revision amends two State Administrative Orders for two Northern States Power facilities: Inver Hills and Riverside.

In the final rules section of this **Federal Register**, the USEPA is approving the State's request as a direct final rule without prior proposal because USEPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless the Agency receives relevant adverse written comment on this proposed rule within 30 days of today's publication. Should the Agency receive such comment, it will publish a document informing the public that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. USEPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments must be received on or before November 12, 1998.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Victoria Hayden at (312) 886–4023 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Victoria Hayden, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 886–4023.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final rule of the same title which is located in the Rules Section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Reporting and recordkeeping.

Dated: September 3, 1998.

Gail Ginsberg,

Acting Regional Administrator, Region V.

[FR Doc. 98–26898 Filed 10–9–98; 8:45 am]

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