DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 110 and 165

[CGD01–99–050]

RIN 2115–AA97

Temporary Regulations: OPSAIL 2000/ International Naval Review 2000 (INR 2000), Port of New York/New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects a proposed rule published in the **Federal Register** of February 7, 2000, concerning temporary regulations for Port of New York/New Jersey during OPSAIL 2000. That document contained incomplete regulatory text in two sections and a correction is necessary.

FOR FURTHER INFORMATION CONTACT: LT J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–493.

SUPPLEMENTARY INFORMATION:

Correction

In proposed rule FR Doc 00–2245, on page 5844, first column, in § 110.155 and § 165T01–050 the proposed regulatory text is incompletely set out and a correction is needed.

Correction of publication.

Accordingly, the publication on February 7, 2000, of the notice of proposed rulemaking [CGD01–99–050], which is the subject of FR Doc. 00–2245, is corrected as follows:

1. On page 5842, third column, amendment 2.h. is corrected to read as follows:

h. Add new paragraphs (o) and (p).

2. On page 5844, first column, in proposed § 110.155 add paragraph (p) immediately after paragraph (o)(2)(iii) to read as follows:

(p) *Temporary Amendment Applicable Dates and Times*

(1) From 12 noon on June 29, 2000 through 12 noon on July 5, 2000:

(i) The introductory text added at the beginning of this section is applicable.

(ii) The suspension of paragraphs (d)(1) through (5), (d)(10)(i), (n)(1), the introductory text of paragraph (d)(16), and the note to paragraph (f)(1) of this section is applicable.

(iii) The additon of new paragraphs (d)(10)(ii), and (d)(17) through (20) of this section are applicable.

(2) The suspension of paragraphs (d)(7) through (9) of this section is applicable from 3 a.m., e.s.t. on July 3, 2000 through 12 noon on July 5, 2000.

(3) From 3 a.m., e.s.t. on July 3, 2000 through 6 a.m., e.s.t. on July 5, 2000:

(i) The suspension of paragraph (d)(12)(i) of this section is applicable.

(ii) The additions of new paragraphs (d)(11)(iii), (d)(12)(iii) and (iv), (d)(13)(vi), (d)(14)(iv), and (d)(15)(iii) of this section are applicable.

(4) From 6 a.m., e.s.t. on July 2, 2000 through 4 p.m., e.s.t. on July 4, 2000:

(i) The suspensions of paragraphs (m)(2)(i) and (ii), and (m)(3)(i) of this section are applicable.

(ii) The additions of new paragraphs (m)(2)(iii), (m)(3)(ii), and (e)(1)(iii) of this section are applicable.

(5) From 6 a.m., e.s.t. on July 2, 2000 through 12 noon on July 5, 2000, the addition of new paragraph (o) of this section is applicable.

(6) From 12 noon on July 2, 2000 through 12 noon on July 5, 2000, the addition of new paragraphs (c)(1)(ii), (c)(2)(ii) and (c)(3)(ii) of this section are applicable.

3. On page 5844, first column, proposed § 165.T01–050 is corrected to read as follows:

§ 165.T01–050 Security Zones: International Naval Review (INR) 2000, Hudson River and Upper New York Bay.

(a) The following areas are established as security zones:

(1) Security Zone A—

(i) *Location:* This security zone includes all waters within 500 yards of the U.S. Navy review ship and the zone will move with the review ship as it transits the Hudson River and Upper New York Bay during the International Naval Review between the George Washington Bridge (river mile 11.0) and the Verrazano-Narrows Bridge.

(ii) *Enforcement period.* Paragraph (a)(1)(i) of this section is enforced from 7 a.m., e.s.t. until 11 a.m., e.s.t. on July 4, 2000.

(2) Security Zone B—

(i) *Location.* All waters within 500 yards of the USS JOHN F. KENNEDY (CV–67), in Federal Anchorage 21B.

(ii) *Enforcement period.* Paragraph (a)(2)(i) of this section is enforced from 10 a.m., e.s.t. until 5 p.m., e.s.t. on July 4, 2000.

(b) *Effective period.* This section is effective from 7 a.m., e.s.t. on July 4, 2000, until 5 p.m., e.s.t. on July 4, 2000.

(c) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: February 8, 2000.

Pamela Pelcovits,

Chief, Office of Regulations and Administrative Law, United States Coast Guard, DOT.

[FR Doc. 00–3384 Filed 2–11–00; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[FRL–6535–3]

Extending Operating Permits Program Interim Approval Expiration Dates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to amend the operating permits regulations of EPA. Those regulations were originally promulgated on July 21, 1992. These amendments would extend up to June 1, 2002, all operating permits program interim approvals. This action would allow State and local permitting authorities to combine the operating permits program revisions necessary to correct interim approval deficiencies with program revisions necessary to implement the revisions that are anticipated to be promulgated in late 2001.

DATES: *Comments.* Comments must be received on or before March 15, 2000.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–93–50 (see docket section below), US Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed below.

Docket. Supporting material used in developing the proposal and final regulatory revisions is contained in Docket Number A–93–50. This docket is available for public inspection and copying between 8:30 a.m. and 5:30 p.m., Monday through Friday, at the address listed above, or by calling (202) 260–7548. The Docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Roger Powell, Mail Drop 12, United States Environmental Protection Agency, Research Triangle Park, North

Carolina 27711 (telephone 919–541–5331, e-mail: powell.roger@epa.gov).

SUPPLEMENTARY INFORMATION: If no relevant, adverse comments are timely received, no further activity is contemplated in relation to this proposal, and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on the date specified in that final rulemaking. Public comment received will be addressed in a subsequent final rule based on this proposal. Because EPA will not institute a second comment period on this proposal, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule provisions, see the information provided in the direct final rule in the final rules section of this **Federal Register**.

Administrative Requirements

A. Docket

The docket for this proposed action is A–93–50. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) To allow interested parties a means to identify and locate documents so that the parties can effectively participate in the rulemaking process and (2) To serve as the record in case of judicial review (except for interagency review materials). The docket is available for public inspection at EPA's Air Docket, which is listed under the **ADDRESSES** section of this notice.

B. Executive Order (E.O.) 12866

Under E.O. 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether each regulatory action is ''significant,'' and therefore subject to the Office of Management and Budget (OMB) review and the requirements of the Order. The Order defines ''significant'' regulatory action as one that is likely to lead to a rule that may:

1. Have an annual effect on the economy of $100 million or more, adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

2. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

3. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligation of recipients thereof.

4. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

Pursuant to the terms of E.O. 12866, it has been determined that this proposed action is not a ''significant'' regulatory action because it would not substantially change the existing part 70 requirements for States or sources; requirements which have already undergone OMB review. Rather than impose any new requirements, this action would only extend an existing mechanism. As such, this action is exempted from OMB review.

C. Regulatory Flexibility Act Compliance

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this proposed action would not have a significant economic impact on a substantial number of small entities. In developing the original part 70 regulations, the Agency determined that they would not have a significant economic impact on a substantial number of small entities. Similarly, the same conclusion was reached in an initial regulatory flexibility analysis performed in support of the proposed part 70 revisions. This action would not substantially alter the part 70 regulations as they pertain to small entities and accordingly would not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

The OMB has approved the information collection requirements contained in part 70 under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et. seq. and has assigned OMB control number 2060–0243. The Information Collection Request (ICR) prepared for part 70 would not be affected by the action in this proposed rulemaking action because the part 70 ICR determined burden on a nationwide basis, assuming all part 70 sources were included without regard to the approval status of individual programs. The action in this proposed rulemaking action, which would simply provide for an extension of the interim approval of certain programs, would not alter the assumptions of the approved part 70 ICR used in determining the burden estimate. Furthermore, this proposed action would not impose any additional requirements which would add to the information collection requirements for sources or permitting authorities.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that the action in this proposed rule would not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector, in any one year. Although the part 70 regulations governing State operating permit programs impose significant Federal mandates, this proposed action would not amend the part 70 regulations in a way that would significantly alter the expenditures resulting from these mandates. Therefore, the Agency concludes that it is not required by section 202 of the UMRA of 1995 to provide a written statement to

accompany this proposed regulatory action.

F. Applicability of Executive Order 13045

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that EPA determines (1) ''Economically Significant'' as defined under Executive Order 12866 and (2) Concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to E.O. 13045, because it is not an economically significant regulatory action as defined by Executive Order 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

G. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

If EPA complies by consulting, Executive Order 13132 requires EPA to provide to the Office of Management and Budget (OMB), in a separately identified section of the preamble to the rule, a federalism summary impact statement (FSIS). The FSIS must include a description of the extent of EPA's prior consultation with State and local officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met. Also, when EPA transmits a draft final rule with federalism implications to OMB for review pursuant to Executive Order 12866, EPA must include a certification from the agency's Federalism Official stating that EPA has met the requirements of Executive Order 13132 in a meaningful and timely manner.

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This proposal would not create new requirements but would only extend an existing mechanism to allow permitting authorities to more efficiently revise their operating permits programs. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

H. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

This proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. It does not result in any expenditure of tribal government revenue or have any impact on tribal governments because it applies only to State and local permitting programs. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA), Public Law 104–113, § 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by one or more voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative Practice and Procedure, Air pollution control, Intergovernmental relations.

Dated: February 4, 2000.

Carol M. Browner,

Administrator.

[FR Doc. 00–3206 Filed 2–11–00; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Part 515

[Docket No. 99–23]

In the Matter of a Single Individual Contemporaneously Acting as the Qualifying Individual for Both an Ocean Freight Forwarder and a Non-Vessel-Operating Common Carrier

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rule.

SUMMARY: The Federal Maritime Commission amends its regulations