

## Discussion of Changes

### *Section 72.502(c) Requirements for Nonpermissible Light-Duty Diesel-Powered Equipment Other than Generators and Compressors*

Section 72.502 establishes diesel particulate matter emission limits for certain light-duty diesel-powered equipment in underground coal mines. Paragraph (c) exempts all diesel-powered ambulances and fire fighting equipment being used in accordance with the required fire fighting and evacuation plan, and cites § 75.1101–23 as the authority for the plan. This document replaces the reference to § 75.1101–23 with the correct reference to existing § 75.1502 and has no substantive impact on § 72.502(c).

### *Section 75.383(c) Escapeway Maps and Drills*

Section 75.383 establishes requirements for posting escapeway maps and conducting escapeway drills underground. Paragraph (c) states that these drills “may be used to satisfy the evacuation specifications of the fire drills required by § 75.1101–23.” This document replaces the reference to § 75.1101–23 with the correct reference to § 75.1502 and has no substantive impact on § 75.383(c).

### *Section 75.1908(d) Nonpermissible Diesel-Powered Equipment; Categories*

Section 75.1908 categorizes non-permissible diesel-powered equipment used in underground coal mines for the purpose of determining engine performance and exhaust emissions requirements under part 7 and design requirements under §§ 75.1909 and 75.1910. Paragraph (d) exempts diesel-powered ambulances and other rescue equipment from these requirements, provided this equipment is used only for rescue activities in accordance with the mine’s emergency evacuation and fire fighting plan, and cites § 75.1101–23 as the authority for this plan. This document replaces the reference to § 75.1101–23 with the correct reference to existing § 75.1502 and has no substantive impact on § 75.1908(d).

### *Section 75.1912(c) Fire Suppression Systems for Permanent Underground Diesel Fuel Storage Facilities*

Section 75.1912 establishes requirements for fire suppression systems on permanent underground diesel fuel storage facilities. Paragraph (c) requires audible and visual alarms at the protected area and at the surface to warn of fire and system faults. These alarms are intended primarily to warn people in the immediate area and to

alert persons at the surface who are monitoring the fire suppression system. Paragraph (c) reflects this intent by specifying that in the event of a mine fire “personnel shall be warned in accordance with the provisions set forth in § 75.1101–23.” This document replaces the reference to § 75.1101–23 with the correct reference to existing § 75.1502 and has no substantive impact on § 75.1912(c).

Dated: June 16, 2005.

**David G. Dye,**

*Acting Assistant Secretary of Labor for Mine Safety and Health.*

## List of Subjects in 30 CFR Parts 72 and 75

Coal mines, Underground coal mining, Fire prevention, Mine safety and health.

■ Accordingly, 30 CFR parts 72 and 75 are corrected by the following correcting amendments:

### **PART 72—HEALTH STANDARDS FOR COAL MINES**

■ 1. The authority citation for part 72 continues to read as follows:

**Authority:** 30 U.S.C. 811, 813(h), 957, 961.

#### **§ 72.502 [Corrected]**

■ 2. In paragraph (a), in the first sentence, remove the word “part” and add “chapter” in its place.

■ 3. In paragraph (c), in the last sentence, remove the term “§ 75.1101–23” and add “§ 75.1502” in its place.

### **PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES**

■ 4. The authority citation for part 75 continues to read as follows:

**Authority:** 30 U.S.C. 811.

#### **§ 75.383 [Corrected]**

■ 5. In paragraph (c), remove the term “§ 75.1101–23” and add “§ 75.1502” in its place.

#### **§ 75.1908 [Corrected]**

■ 6. In paragraph (d), remove the term “§ 75.1101–23” and add “§ 75.1502” in its place.

#### **§ 75.1912 [Corrected]**

■ 7. In paragraph (c), remove the term “§ 75.1101–23” and add “§ 75.1502” in its place.

[FR Doc. 05–12371 Filed 6–22–05; 8:45 am]

**BILLING CODE 4510–43–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

**33 CFR Parts 88, 101, 117, 151, 154, 155, 159, and 161**

**USCG–2005–21531**

**RIN 1625–ZA04**

### Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule makes non-substantive changes throughout Title 33 of the Code of Federal Regulations. The purpose of this rule is to make conforming amendments and technical corrections to Coast Guard navigation and navigable water regulations. This rule will have no substantive effect on the regulated public.

**DATES:** This final rule is effective June 23, 2005.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2005–21531 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call Mr. Ray Davis, Coast Guard, telephone 202–267–6826. If you have questions on viewing the docket, call Ms. Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202–366–0271.

### **SUPPLEMENTARY INFORMATION:**

#### **Regulatory History**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under both 5 U.S.C. 553(b)(A) and (b)(B), the Coast Guard finds that this rule is exempt from notice and comment rulemaking requirements because these changes involve agency organization and practices, and good cause exists for not publishing an NPRM for all revisions in the rule because they are all non-substantive changes. This rule consists only of corrections and editorial, organizational, and conforming amendments. These changes will have

no substantive effect on the public; therefore, it is unnecessary to publish an NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

#### **Background and Purpose**

Each year Title 33 of the Code of Federal Regulations is updated on July 1. This rule, which becomes effective June 23, 2005, makes other technical and editorial corrections throughout title 33. This rule does not create any substantive requirements.

#### **Regulatory Evaluation**

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. As this rule involves internal agency practices and procedures and non-substantive changes, it will not impose any costs on the public.

#### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises 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. This rule does not require a general NPRM and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. Although this rule is exempt, we have reviewed it for potential economic impact on small entities.

#### **Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### **Federalism**

A rule has implications for federalism under Executive Order 13132,

Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### **Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in an expenditure of this magnitude, we do discuss the effects of this rule elsewhere in this preamble.

#### **Taking of Private Property**

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### **Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### **Protection of Children**

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

#### **Indian Tribal Governments**

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### **Energy Effects**

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant

energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### **Technical Standards**

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### **Environment**

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(a) and (b), of the Instruction from further environmental documentation because this rule involves editorial, procedural, and internal agency functions. A final “Environmental Analysis Check List” and a final “Categorical Exclusion Determination” are available in the docket where indicated under

#### **ADDRESSES.**

#### **List of Subjects**

*33 CFR Part 88*

Navigation (water), Waterways.

*33 CFR Part 101*

Harbors, Maritime security, Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

*33 CFR Part 117*

Bridges.

**33 CFR Part 151**

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

**33 CFR Part 154**

Alaska, Fire prevention, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

**33 CFR Part 155**

Alaska, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

**33 CFR Part 159**

Alaska, Reporting and recordkeeping requirements, Sewage disposal, Vessels.

**33 CFR Part 161**

Harbors, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 88, 101, 117, 151, 154, 155, 159, and 161.

**Title 33—Navigation and Navigable Waters****PART 88—ANNEX V: PILOT RULES**

■ 1. Revise the authority citation for part 88 to read as follows:

**Authority:** 33 U.S.C. 2071.

■ 2. Revise § 88.05 to read as follows:

**§ 88.05 Copy of rules.**

The operator of each self-propelled vessel 12 meters or more in length shall carry on board and maintain for ready reference a copy of the Inland Navigation Rules.

**PART 101—MARITIME SECURITY: GENERAL**

■ 3. The authority citation for part 101 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 192; Executive Order 12656, 3 CFR 1988 Comp., p. 585; 33 CFR 1.05–1, 6.04–11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.1.

**§ 101.305 [Amended]**

■ 4. In 101.305(a), remove the words “fax: 202–267–2165” and add, in their place, the words “fax: 202–267–1322”.

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

■ 5. Revise the authority citation for part 117 to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1(g); Department of Homeland Security Delegation

No. 0170.1; section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat.5039.

**§ 117.389 [Amended]**

■ 6. In § 117.389, remove the words “The draws of the Conrail bridges, miles 1.4 and 1.5” and add, in their place, the words “The draws of the Norfolk Southern railroad bridges, miles 1.32 and 1.36”.

**§ 117.631 [Amended]**

■ 7. In § 117.631—

■ a. In paragraph (a), remove the words “(Grosse Ile Parkway)” and add, in their place, the words “(Bridge Road)”; and

■ b. In paragraph (b), remove the words “(Bridge Road)” and add, in their place, the words “(Grosse Ile Parkway)”.

**§ 117.997 [Amended]**

■ 8. In § 117.997(g)(2)(i), remove the characters “(f)(2)(ii)” and add, in their place, the characters “(g)(2)(ii)”.

**§ 117.1093 [Amended]**

■ 9. In § 117.1093—

■ a. In paragraph (c)(3)(i), remove the words “The Chicago and Northwestern bridge, mile 0.3,” and add, in their place, the words “The Union Pacific railroad bridge, mile 0.59,”;

■ b. In paragraph (d)(1), remove the value “0.1” and add, in its place, the value “1.08”;

■ c. In paragraph (d)(3), remove the words “The opening signal for the Chicago, Milwaukee, St. Paul and Pacific railroad bridge across the Menomonee River, mile 0.1,” and add, in their place, the words “The opening signal for the Canadian Pacific railroad bridge across the Menomonee River, mile 1.05,”;

■ d. In paragraph (e)(2), remove the words “The draws of the Chicago, Milwaukee, St. Paul and Pacific railroad bridge, mile 1.5, and the Chicago and Northwestern Railway bridge, mile 1.52,” and add, in their place, the words “The draws of the Canadian Pacific railroad bridge, mile 1.67, and the Union Pacific railroad bridge, mile 1.71,”; and

■ e. In paragraph (e)(4), remove the words “The opening signal for the Chicago and Northwestern bridge, mile 1.0,” and add, in their place, the words “The opening signal for the Union Pacific railroad bridge, mile 1.19,”.

**PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER**

■ 10. Revise the authority citation for part 151 to read as follows:

**Authority:** 33 U.S.C. 1321 and 1903; Pub. L. 104–227 (110 Stat. 3034), E.O. 12777, 3 CFR, 1991 Comp. p. 351.

**PART 151—[AMENDED]**

■ 11. In Part 151, Subpart D, Appendix, in the last paragraph of the instructions titled “Where to send this form.”, remove the value “(2115–0598)” and add, in its place, the value “(1625–0069)”.

12. In Part 151, Subpart D, Appendix, in the last sentence of the appendix, remove the value “(2115–0598)” and add, in its place, the value “(1625–0069)”.

**PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK**

■ 13. The authority citation for part 154 continues to read as follows:

**Authority:** 33 U.S.C. 1231, 1321(j)(1)(C),(j)(5), (j)(6), and (m)(2); sec. 2, E.O. 12777, 56 FR 54757; Department of Homeland Security Delegation No. 0170.1; Subpart F is also issued under 33 U.S.C. 2735.

■ 14. In Part 154, Appendix C, Table 5, in the “Tier 1” column, remove the value “6.35K” and add, in its place, the value “6.25K”.

**PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS**

■ 15. The authority citation for part 155 continues to read as follows:

**Authority:** 33 U.S.C. 1231, 1321(j); E.O. 11735, 3 CFR, 1971–1975 Comp., p. 793. Sections 155.100 through 155.130, 150.350 through 155.400, 155.430, 155.440, 155.470, 155.1030(j) and (k), and 155.1065(g) are also issued under 33 U.S.C. 1903(b). Sections 155.480, 155.490, 155.750(e), and 155.775 are also issued under 46 U.S.C. 3703. Section 155.490 also issued under section 4110(b) of Pub. L. 101–380.

**§ 155.1035 [Amended]**

■ 16. In § 155.1035(c)(5)(i), remove the word “marine” and add, in its place, the word “Marine”.

■ 17. In Part 155 Appendix B, Table 6, in the “Tier 2” column, remove the value “12.3K” and add, in its place, the value “12.5K”.

**PART 159—MARINE SANITATION DEVICES**

■ 18. Revise the authority citation for part 159 to read as follows:

**Authority:** 33 U.S.C. 1322(b)(1); 49 CFR 1.45(b). Subpart E also issued under authority of sec. 1(a)(4), Pub. L. 106–554, 114 Stat. 2763; Department of Homeland Security Delegation No. 0170.1.

**§ 159.309 [Amended]**

■ 19. In § 159.309(b)(4), remove the words “milligrams per liter (mg/l);” and add, in their place, the words “micrograms per liter (µg/l);”.

**PART 161—VESSEL TRAFFIC MANAGEMENT**

■ 20. The authority citation for part 161 continues to read as follows:

**Authority:** 33 U.S.C. 1223, 1231; 46 U.S.C. 70114, 70117; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

**§ 161.5 [Amended]**

■ 21. In § 161.5(b), in the first and third sentences of paragraph (b), remove the words “Commanding Officer” and add, in their places, the word “Director”.

Dated: June 17, 2005.

**Stefan G. Venckus,**

*Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.*

[FR Doc. 05–12441 Filed 6–22–05; 8:45 am]

**BILLING CODE 4910–15–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 271**

[FRL–7927–1]

**Vermont: Final Authorization of State Hazardous Waste Management Program Revision**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule.

**SUMMARY:** The State of Vermont has applied to EPA for Final authorization of certain changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State’s changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we receive written comments that oppose this authorization during the comment period, the decision to authorize Vermont’s changes to its hazardous waste program will take effect. If we receive comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect and a separate document published today in the

proposed rules section of this **Federal Register** will serve as the proposal to authorize the changes.

**DATES:** This Final authorization will become effective on August 22, 2005, unless EPA receives adverse written comment by July 25, 2005. If EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

**ADDRESSES:** Submit your comments by one of the following methods:

1. Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

2. E-mail: *leitch.sharon@epa.gov*.

3. Mail: Sharon Leitch, Hazardous Waste Unit, EPA Region 1, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–2023.

4. Hand Delivery or Courier: Deliver your comments to Sharon Leitch, Hazardous Waste Unit, EPA Region 1, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–2023.

Instructions: We must receive your comments by July 25, 2005. Do not submit information that you consider to be CBI or otherwise protected through *regulations.gov*, or e-mail. The *regulations.gov* website is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

You can view and copy the State of Vermont’s revision application and the materials which the EPA used in evaluating the revision at the following two locations: (i) EPA Region 1 Library, One Congress Street–11th Floor, Boston, MA 02114–2023; business hours Monday through Thursday 10 a.m.–3 p.m., tel: (617) 918–1990; and (ii) the Agency of Natural Resources, 103 South

Main Street–West Office Building, Waterbury, Vermont 05671–0404; tel. (802) 241–3888; Business Hours: 7:45 a.m. to 4:30 p.m. Monday through Friday. These documents are available for inspection during these business hours.

**FOR FURTHER INFORMATION CONTACT:**

Sharon Leitch, Hazardous Waste Unit, EPA Region 1, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–2023; tel: (617) 918–1647, e-mail: *leitch.sharon@epa.gov*.

**SUPPLEMENTARY INFORMATION:****A. Why Are Revisions to State Programs Necessary?**

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA’s regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

**B. What Decisions Have We Made in This Rule?**

We have concluded that Vermont’s application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Vermont Final authorization to operate its hazardous waste program with the changes described in the authorization application. Vermont has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement any such requirements and prohibitions in Vermont, including issuing permits, until the State is granted authorization to do so.