

advance maritime advisories will be made.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considered whether this temporary final rule would have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard certifies that this rule will not have a significant impact on a substantial number of small entities.

### Collection of Information

This temporary final rule contains no collection-of-information requirements under Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

### Federalism

The Coast Guard has analyzed this temporary final rule in accordance with the principles and criteria contained in Executive Order 12612, and has determined that it does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104), the Coast Guard must consider whether this temporary final rule will result in an annual expenditure by State, local, and tribal governments, in aggregate, of \$100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives to be considered, and that, from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No State, local, or tribal governments will be affected by this rule, so this rule will not result in annual or aggregate costs of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

### Environment

The Coast Guard has considered the environmental impact of this temporary final rule and concluded that under Figure 2-1, paragraph 34(g), of Commandant Instruction M 16475.C, this rule is categorically excluded from further environmental documentation. A written Categorical Exclusion

Determination is available in the docket for inspection or copying where indicated under ADDRESSES.

### Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this temporary final rule and reached the following conclusions:

*E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.* This final rule will not effect a taking of private property or otherwise having taking of private property or otherwise have taking implications under this order.

*E.O. 12875, Enhancing the Intergovernmental Partnership.* This final rule meets applicable standards in section 3(a) and 3(b)(2) of this order to minimize litigation, eliminate ambiguity, and reduce burden.

*E.O. 13405, Protection of Children from Environmental Health Risks and Safety Risks.* This final rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

### List of Subjects in 33 CFR Part 165

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

### Regulation

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

### PART 165—[AMENDED]

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. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105-383.

2. Add temporary § 165.T01-CGD1-040 to read as follows:

**§ 165.T01-CGD1-040 4th-of-July Celebration Fireworks Display, Great South Bay Sayville, NY.**

(a) *Location.* The safety zone includes all waters of Great South Bay within a 800-foot radius of the launch site located in approximate position 40°40'.25 N, 073°04'.25 W (NAD 1983).

(b) *Effective date.* This section is effective on July 3, 1999, from 9:30 p.m. until 10:35 p.m., with a rain date of July 10, 1999, at the same time.

(c) *Regulations.* (1) The general regulations covering safety zones contained in § 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Among those personnel are 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.

**P.K. Mitchell,**

*Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.*

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BILLING CODE 4910-15-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 9

[FRL-6348-8]

### OMB Approvals Under the Paperwork Reduction Act; Technical Amendment

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

**ACTION:** Final rule.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for Cooperative Agreements and Superfund Contracts for Superfund Response Actions, 40 CFR part 35, Subpart O. The amendment also revises the introductory paragraph to 40 CFR 9.1.

**EFFECTIVE DATE:** This final rule is effective May 24, 1999.

**FOR FURTHER INFORMATION CONTACT:** Lynn Johnson at (202) 260-2964, Office of Policy, Mailcode 2137, 401 M Street, SW, Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** EPA is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. The amendment updates the table to reflect a change in the OMB control number for information collection requirements codified at 40 CFR part 35, Subpart O, Cooperative Agreements and Superfund State Contracts for Superfund Response Actions. The OMB control number was changed from 2010-0020 to 2030-0038 to reflect that the ICR is managed by the EPA Office of Administration and Resources Management rather than the EPA Office of Policy. The list of CFR

citations is also being revised to correct typographic errors. The information collection requirements in 40 CFR part 35, Subpart 0 have not changed, only the OMB control number has changed.

This amendment also makes editorial changes to the introductory paragraph of Section 9.1 by removing the last sentence and replacing it with the following: "No person is required to respond to an information collection request regulated by the PRA unless a valid control number assigned by OMB is displayed in either this part, another part of the Code of Federal Regulations, a valid **Federal Register** notice, or by other appropriate means."

EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists CFR citations with reporting and/or recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

This ICR was previously subject to public notice and comment prior to OMB approval. Due to the technical nature of the table, EPA finds that further notice and comment is unnecessary. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), to amend this table without prior notice and comment.

### I. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655 (May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act

or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

### Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of May 24, 1999. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

### List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: May 19, 1999.

**Joseph Retzer,**

*Director, Regulatory Information Division,  
Office of Policy.*

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

### PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241,

242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. Section 9.1 is amended by revising the introductory text and the table is amended: a. By revising the entries for 35.6055(a)(2), 35.6055(b)(1), 35.6055(b)(2)(i)-(ii), 35.6105(a)(2)(i)-(v), (vii), 35.6110(b)(2), 35.6120, 35.6145, 35.6230(a), (c), 35.6300(a)(3), 35.6315(c), 35.6320, 35.6340(a), 35.6350, 35.6500, 35.6550(a)(1)(ii), 35.6550(b)(1)(iii), 35.6550(b)(2)(i), 35.6585, 35.6600(a), 35.6650, 35.6655, 35.6660, 35.6700, 35.6705, 35.6710, 35.6805; b. By removing entries 35.6595(a), 35.6665(a), and 35.6815(a), (d), (e); and c. By adding entries in numerical order for 35.6595(a), (b), 35.6665(a), (b), and 35.6815(a), (c), (d) to read as follows:

### §9.1 OMB approvals under the Paperwork Reduction Act.

This part consolidates the display of control numbers assigned to collections of information in certain EPA regulations by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). No person is required to respond to an information collection request regulated by the PRA unless a valid control number assigned by OMB is displayed in either this part, another part of the Code of Federal Regulations, a valid **Federal Register** notice, or by other appropriate means.

40 CFR citation	OMB Control No.
* * * * *	* * * * *
State and Local Assistance	
* * * * *	* * * * *
35.6055(a)(2) .....	2030-0038
35.6055(b)(1) .....	2030-0038
35.6055(b)(2)(i)-(ii) .....	2030-0038
35.6105(a)(2)(i)-(v), (vii) .....	2030-0038
35.6110(b)(2) .....	2030-0038
35.6120 .....	2030-0038
35.6145 .....	2030-0038
35.6155(a), (c) .....	2030-0038
35.6230(a), (c) .....	2030-0038
35.6300(a)(3) .....	2030-0038
35.6315(c) .....	2030-0038
35.6320 .....	2030-0038
35.6340(a) .....	2030-0038
35.6350 .....	2030-0038
35.6500 .....	2030-0038
35.6550(a)(1)(ii) .....	2030-0038
35.6550(b)(1)(iii) .....	2030-0038
35.6550(b)(2)(i) .....	2030-0038
35.6585 .....	2030-0038
35.6595(a), (b) .....	2030-0038
35.6600(a) .....	2030-0038
35.6650 .....	2030-0038

40 CFR citation	OMB Control No.
35.6655 .....	2030-0038
35.6660 .....	2030-0038
35.6665(a), (b) .....	2030-0038
35.6700 .....	2030-0038
35.6705 .....	2030-0038
35.6710 .....	2030-0038
35.6805 .....	2030-0038
35.6815(a), (c), (d) .....	2030-0038
* * * * *	

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**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety  
Administration****49 CFR Part 575**

[Docket No. 99-5697]

RIN 2127-AG67

**Consumer Information Regulations;  
Uniform Tire Quality Grading  
Standards**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).  
**ACTION:** Final rule.

**SUMMARY:** This final rule amends the agency's consumer information regulations and the Uniform Tire Quality Grading Standards (UTQGS) by rescinding the requirement that passenger car manufacturers provide general UTQGS information to purchasers and potential purchasers at the point of sale of new vehicles, requiring instead that such information be included in owners' manuals. In addition, this rule removes the requirement that manufacturers supply copies of UTQGS information to the agency, and removes a number of obsolete definitions. Finally, this rule amends the existing exclusion of tires with nominal rim diameters of 10-12 inches from the UTQGS to now exclude tires with nominal rim diameters of 12 inches or less.

This action is being taken because the agency believes that elimination of the point-of-sale requirement will relieve a significant burden on vehicle manufacturers and dealers, yet will have little effect on consumers. The agency believes that UTQGS information is of little value to consumers at the point of sale of new vehicles because new vehicles are typically sold with tires selected by the manufacturer based on vehicle model, weight, and options.

Further, consumers have shown little interest in UTQGS when shopping for or purchasing new vehicles. The agency believes that consumers will be better served by requiring such information to be included in owners' manuals for the future reference of those consumers when shopping for replacement tires.

**DATES:** *Effective date:* The amendments in this final rule are effective September 1, 1999. *Compliance date:* Optional early compliance is permitted beginning on the date of publication of this final rule in the **Federal Register**.

Petitions for reconsideration of this final rule must be received by NHTSA not later than July 8, 1999.

**ADDRESSES:** Petitions for reconsideration should be submitted to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20950.

**FOR FURTHER INFORMATION CONTACT:**

*For technical issues:* Mr. P. L. Moore, Safety Standards Engineer, Office of Planning and Consumer Programs, Office of Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; telephone (202) 366-5222.

*For legal issues:* Mr. Walter K. Myers, Attorney-Advisor, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366-2992.

**SUPPLEMENTARY INFORMATION:****A. Background**

Section 30123(e) of Title 49, U.S. Code, requires the Secretary of Transportation to prescribe a uniform quality grading system for motor vehicle tires to help consumers make an informed choice when purchasing tires. NHTSA implemented this statutory mandate by issuing the UTQGS at 49 CFR 575.104, applicable to new passenger car tires. The UTQGS require passenger car and tire manufacturers and tire brand name owners to provide consumers with tire grading information with respect to the tires' relative performance in treadwear, traction, and temperature resistance characteristics. Excluded from the UTQGS are deep-tread, winter-type snow tires, space-saver or temporary-use spare tires, tires with nominal rim diameters of 10 to 12 inches, and limited production tires as described in 49 CFR 575.104(c)(2).

Section 575.6(a) of Title 49, CFR, requires that at the time a motor vehicle is delivered to the first purchaser for purposes other than resale, the vehicle manufacturer must provide, in writing

and in the English language, the information specified in §§ 575.103 and 575.104 that is applicable to that vehicle and its tires. The information required for tires is specified in § 575.104(d)(1)(iii), which requires vehicle manufacturers to list all possible grades for traction and temperature resistance and restate verbatim the explanation of each of the 3 performance areas. The information must also contain a statement referring the reader to the tire sidewall for the specific grades of the tires with which the vehicle is equipped. Section 575.6(c) requires each vehicle manufacturer, brand name owner of tires, and manufacturer of tires for which there is no brand name owner to provide the information specified in subpart B of Part 575 to prospective purchasers at each location at which its vehicles or tires are offered for sale.

**B. Notice of Proposed Rulemaking.**

The agency received a petition for rulemaking from the Association of International Automobile Manufacturers (AIAM) to rescind the UTQGS requirements on motor vehicle manufacturers. In response to that petition, the agency published a Notice of Proposed Rulemaking (NPRM) on May 21, 1998. The NPRM proposed:

(1) To amend § 575.6(a)(1) by requiring vehicle manufacturers to include the UTQGS information prescribed in § 575.104, Figure 2, Part II, in each vehicle's owner's manual rather than requiring them to provide UTQGS information to purchasers and prospective purchasers at the point of sale of new vehicles. This action would delete the requirement that manufacturers provide UTQGS information at the point of sale, but would instead make that information available to vehicle purchasers in their owners' manuals;

(2) To amend § 575.104(c)(1) to exclude tires with nominal rim diameters of 12 inches or less, rather than tires with nominal rim diameters of 10-12 inches. This change would eliminate any ambiguity about grading tires smaller than 10 inches;

(3) To delete the definition of "brake power unit," "lightly loaded vehicle weight," "maximum loaded vehicle weight," and "maximum sustained vehicle speed" from § 575.2(c) because they are no longer pertinent to part 575; and

(4) To revise Example 2 in § 575.6(a)(1) to reflect the changes made in that section.

In addition to the above proposals, NHTSA requested comments on a series of 7 questions soliciting comments on