

DEPARTMENT OF DEFENSE**Office of the Secretary****32 CFR Part 199**

RIN 0720-AA50

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed rule.

SUMMARY: This proposed rule clarifies our double coverage policy for non-institutional claims for beneficiaries with primary health insurance. TRICARE network, non-network but participating, and non-participating providers are all reimbursed differently under current procedures. This has had the unintended effect of discouraging TRICARE network participation since non-network but participating providers receive the most favorable treatment with respect to double coverage calculations. The Department proposes to revise double coverage reimbursement calculations by reimbursing all providers up to 100 percent of the CHAMPUS Maximum Allowable Charge after the primary health insurance has paid or 115 percent for nonparticipating providers.

DATES: Public comments must be received by August 16, 1999.

ADDRESSES: TRICARE Management Activity (TMA), Program Development Branch, Aurora, CO 80045-6900.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Kathleen Larkin, Office of the Assistant Secretary of Defense (Health Affairs)/TRICARE Management Activity, telephone (703) 681-1745.

Questions regarding payment of specific claims under the CHAMPUS allowable charge method should be addressed to the appropriate TRICARE/CHAMPUS contractor.

SUPPLEMENTARY INFORMATION:**I. Overview of the Rule**

This proposed rule clarifies our double coverage policy for non-institutional claims for beneficiaries with primary health insurance. TRICARE network, non-network but participating, and non-participating providers are all reimbursed differently under current procedures and this has had the unintended effect of discouraging TRICARE network participation since non-network but participating providers receive the most favorable treatment with respect to double coverage calculations. The Department proposes to revise double

coverage reimbursement calculations by reimbursing all providers up to 100 percent of the CHAMPUS Maximum Allowable Charge after the primary health insurance has paid or up to 115 percent for nonparticipating providers.

II. Rulemaking Procedures

Executive Order 12866 requires certain regulatory assessments for any significant regulatory action, defined as one which would result in an annual effect on the economy of \$100 million or more, or have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This is not a significant regulatory action under the provisions of Executive Order 12866, and it would not have a significant impact on a substantial number of small entities.

The proposed rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 55).

A discussion of the major issues received by public comments will be included with the issuance of the final rule, anticipated approximately 60 days after the end of the comment period.

List of Subjects in 32 CFR Part 199

Claims, Health insurance, Individuals with disabilities, Military Personnel.

Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.8 is amended by adding a new paragraph (c)(4) to read as follows:

§ 199.8 Double coverage.

* * * * *

(c) *Application of double coverage provisions.* * * *

(4) *Effect of Network Participation.* For non-institutional claims, providers receive TRICARE/CHAMPUS payment up to 100 percent of the CMAC (established under § 199.14(h)(1)(i)(B)) after the primary health insurance has paid. For nonparticipating providers, CHAMPUS will pay the difference between the amount paid by the other health insurance and the 115 percent

balance billing limit established in § 199.14(h)(1)(i)(C).

* * * * *

Dated: June 10, 1999.

L.M. Bynum,

*Alternate Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 99-15185 Filed 6-16-99; 8:45 am]

BILLING CODE 1001-10-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 167**

[USCG-1999-5700]

RIN 2115-AF84

Traffic Separation Schemes: Off San Francisco, in the Santa Barbara Channel, in the Approaches to Los Angeles-Long Beach, California

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes amending the existing Traffic Separation Scheme (TSS) off San Francisco and the TSS in the Santa Barbara Channel. The proposed amendments are adopted by the International Maritime Organization and have been validated by several recent vessel routing studies. Once implemented, the amended TSSs would route commercial vessels farther offshore, providing an extra margin of safety and environmental protection in the Monterey Bay National Marine Sanctuary and adjacent waters. Additionally, this proposed rulemaking would incorporate descriptions of these TSSs, as well as a description of the existing TSS in the approaches to Los Angeles-Long Beach, into the Code of Federal Regulations.

DATES: Comments and related materials must reach the Docket Management Facility on or before August 16, 1999.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, (USCG-1999-5700), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By hand delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in this docket, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You can also find this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this proposed rule, call the Project Officer, Lieutenant Commander Brian Tetreault, Vessel Traffic Management Officer, Eleventh Coast Guard District at Building 50-6, Coast Guard Island, Alameda, California 94501, telephone 510-437-2951; Mike Van Houten, Aids to Navigation Section Chief, Eleventh Coast Guard District, telephone 510-437-2968; or Project Manager, Barbara Marx, Coast Guard, Office of Vessel Traffic Management (G-MOV), at 202-267-0574. For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (USCG-1999-5700), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of the comments.

Public Meeting

We do not now plan to hold a public meeting. But you may request one by submitting a request to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

A traffic separation scheme (TSS) is an internationally recognized routing measure used to minimize the risk of collision by separating vessels, by means of traffic lanes, into opposing streams of traffic. The International Maritime Organization (IMO) must adopt a TSS for it to be internationally recognized. IMO adopts TSSs only if a proposed TSS complies with IMO principles and guidelines on ship routing. Vessels are not required to use TSSs; but, if they do so and the TSSs are IMO-adopted, they must comply with Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). Rule 10 requires vessels using an IMO-adopted TSS to proceed in the appropriate traffic lane and to follow the general traffic flow for that lane. It also prohibits vessels from entering a separation zone or crossing a separation line. Fishing vessels are allowed some latitude to operate in the separation zone, but they must not impede the passage of any vessel following a traffic lane.

The Ports and Waterways Safety Act (33 U.S.C. 1221-1232) (PWSA) authorizes the Coast Guard (by authority delegated from the Secretary of Transportation) to establish TSSs, where necessary, to provide safe access routes for vessels proceeding to or from U.S. ports. Before implementing new TSSs or modifying existing TSSs, we must conduct a port access route study. Through the study process, we consult with affected parties to reconcile the need for safe access routes with the need to accommodate other reasonable uses of the waterway, such as oil and gas exploration, deepwater port construction, establishment of marine sanctuaries, and recreational and commercial fishing. If a study recommends a new or modified TSS, the U.S. requests IMO adoption of the proposed routing measure. After IMO adoption, we must initiate a rulemaking implementing the adopted routing measures. Once a TSS is established, the right of navigation is considered paramount within the TSS.

Existing California TSSs. There are three internationally adopted TSSs off the coast of California. They are reflected on National Oceanic and Atmospheric Administration (NOAA) nautical charts. They are the—

1. TSS off San Francisco—a three-pronged TSS in the approaches to San Francisco Bay adopted by IMO in 1968;
2. TSS in the Santa Barbara Channel—a TSS through the Santa Barbara Channel adopted by IMO in 1969; and
3. TSS in the approaches to Los Angeles-Long Beach—a two-pronged TSS in the approach to Los Angeles-Long Beach adopted by IMO in 1975 that abuts the Santa Barbara Channel TSS.

IMO-adopted Amendments to the TSSs. Consistent with the PWSA, we initiated a port access route study of the California coast in 1979. Study results were published in the early to mid 1980's. The study evaluated potential traffic density patterns, waterways use conflicts, and the need for safe access routes in offshore areas. The study recommended several improvement measures, including amendments to the existing TSSs. Based on these recommendations, the U.S. requested and received IMO adoption of the following amendments, as reflected in "Ships Routeing," Sixth Edition 1991, International Maritime Organization.

1. In 1985, IMO adopted an 18-mile westward extension of the northwest end of the TSS in the Santa Barbara Channel. The extension was designed to increase safety of transit through oil exploration and development zones and encourage coastwise transits at greater distances from shore, reducing the risk of allisions and groundings. One of IMO's conditions of adoption was the installation of a radar beacon (RACON) on Platform Harvest to alert mariners of the structure. We installed the RACON and a white light that flashes once every ten seconds with a nominal range of 17 nautical miles in January of 1991.

2. In 1990, IMO adopted an amendment that rotated the southern approach lane of the TSS off San Francisco westward (seaward) to provide a true north-south alignment. Shifting the southern approach to the west would encourage vessels in this area to transit farther offshore when entering or departing San Francisco Bay from or to the south.

Previous Rulemaking. In 1989, we published a notice of proposed rulemaking (NPRM) entitled "Traffic Separation Schemes and Shipping Safety Fairways Off the Coast of California" (CGD 83-032; 54 FR 18258). The NPRM proposed implementing several IMO-adopted modifications to

the existing TSSs and establishing a shipping safety fairway along the California coast. We elected to postpone implementation of the IMO-adopted TSS amendments until the studies on the Monterey Bay National Marine Sanctuary (MBNMS) and on oil tanker routing along the California coast (the "Tanker Free Zone" study mandated by the Oil Pollution Act of 1990) were complete.

Monterey Bay National Marine Sanctuary (MBNMS) Issues. In 1992, Congress established the MBNMS in recognition of the area's environmental importance and its unique, sensitive, and abundant bio-diversity. The MBNMS is also located in an area of critical importance to maritime commerce. Vessel traffic within the MBNMS was a major concern raised during the Sanctuary designation. Although the spill history in the region shows a small number of spills, many consider the environmental risk significant given the number and volume of vessels transiting in the area and the potential size of a spill and the unique resources at risk.

As part of the MBNMS designation, Congress directed the Secretaries of Commerce and Transportation to evaluate potential threats from spills of oil or other hazardous materials to MBNMS resources and identify possible ways to reduce those threats. To help complete this tasking, the Coast Guard and NOAA established the Monterey Bay Panel of the Navigation Safety Advisory Council (NAVSAC). The panel was made up of key stakeholders (industry, non-governmental organizations and government agencies) and was tasked with reviewing existing practices and hazards and recommending improvement strategies. The panel relied on extensive public involvement to help complete its task and held public workshops in June of 1998.

The Coast Guard and NOAA published the panel's final report, "Monterey Bay National Marine Sanctuary Vessel Management," in October 1998. The report recommended implementing the IMO-adopted amendments to the TSSs off San Francisco and in the Santa Barbara Channel. A copy of this report is included in the public docket (See ADDRESSES).

Recent Port Access Route Study. From 1993 through 1996, we conducted a port access route study to analyze vessel routing measures in the approaches to California ports. The study considered the results and findings of several related studies. We published the study

results in the **Federal Register** on October 25, 1996 (61 FR 55248).

The study recommended shifting the southern approach lanes of the existing TSS off San Francisco westward (seaward) and extending the existing TSS in the Santa Barbara Channel from Point Conception to Point Arguello. These findings validated the IMO-adopted amendments we are proposing in this rulemaking. The study concluded that no changes to the TSS in the approaches to Los Angeles-Long Beach were necessary at the time.

Los Angeles-Long Beach Port Access Route Study. In 1995, the Ports of Los Angeles and Long Beach initiated major port improvement projects. They will complete these projects by early 2000. We are currently conducting a study of port access routes for the approaches to Los Angeles and Long Beach (notice of study published on March 11, 1999, 64 FR 12139). The study will evaluate potential effects of these recent port improvement projects on navigational safety and vessel traffic management efficiency. We may recommend changes to the existing TSS as a result of the study. Any recommended changes would require adoption by IMO before domestic implementation. Since it may take years to implement any changes to the TSS in the approaches to Los Angeles-Long Beach, it is practical to codify the existing TSS now.

Discussion of Proposed Rule

This rulemaking would implement IMO-adopted amendments to the TSSs off San Francisco and in the Santa Barbara Channel (adopted in 1990 and 1985 respectively) reflected in "Ships Routing," Sixth Edition 1991, International Maritime Organization. These changes have not been implemented domestically because we were awaiting the completion of studies analyzing the effects of oil tanker routing along the California coastline and the risks of vessel transits through the Monterey Bay National Marine Sanctuary. The proposed amendments to the TSSs off San Francisco and in the Santa Barbara Channel would—

- a. Shift the southern leg of the TSS off San Francisco westward to provide a true north/south alignment; and
- b. Extend the existing TSS in the Santa Barbara Channel 18 nautical miles beyond Point Conception.

The modifications to the existing TSSs off San Francisco and in the Santa Barbara Channel would encourage vessels to transit further offshore when entering or departing the southern approach lanes of the TSS off San Francisco or the northwestern end of the TSS in the Santa Barbara Channel.

Additionally, this proposed rulemaking would incorporate these TSSs, as well as the existing TSS in the approaches to Los Angeles-Long Beach, into Title 33 part 167 of the Code of Federal Regulations. It also proposes adding the IMO definition of "area to be avoided" to the list of definitions in 33 CFR 167.5.

TSS off San Francisco. We propose amending the TSS as currently charted on NOAA nautical charts by rotating the southern approach lanes of the charted TSS westward (seaward) to provide a true north/south alignment.

Currently, vessels entering or departing San Francisco Bay via the southern approach lanes of the TSS pass within 3 nautical miles of the closest point of land (just south of Point Montara). By shifting the approach lanes west (seaward), vessels would transit farther offshore when entering or departing San Francisco Bay, increasing the closest point from land to approximately 6 nautical miles. This increased distance provides an added margin of safety for vessels experiencing a loss of power or steering and provides more time for response vessels to reach a disabled vessel before it drifts ashore.

Furthermore, the shift would help eliminate conflicts between large commercial vessels and the concentrated fleets of fishing vessels operating closer to shore. Finally, the shift would "line up" the southern leg of the TSS with the proposed amended TSS in the Santa Barbara Channel.

TSS in the Santa Barbara Channel. We propose amending the TSS as currently charted on NOAA nautical charts by extending the northwestern leg of the TSS 18 nautical miles westward.

Currently, vessels departing the northwestern end of the TSS in the Santa Barbara Channel near Point Conception come in close proximity to the offshore oil platforms Hidalgo, Harvest, and Hermosa. Extending the TSS westward would route vessels farther away from these oil platforms and Point Conception, decreasing the risk of allisions and groundings. Further, it will provide an increased margin of safety in light of anticipated future development in this area. In January of 1991, we installed a radar beacon (RACON) and a white light that flashes once every ten seconds with a nominal range of 17 nautical miles on Platform Harvest to comply with IMO's conditions outlined in the 1985 adoption for the Santa Barbara Channel extension.

Codification of TSSs off San Francisco, in the Santa Barbara Channel, and in the approaches to Los

Angeles-Long Beach and Precautionary Areas. We propose adopting the TSSs and associated precautionary areas off San Francisco, in the Santa Barbara Channel, and in the approaches to Los Angeles-Long Beach published in "Ships Routing," Sixth Edition 1991, International Maritime Organization, and incorporating them into 33 CFR part 167. The IMO coordinates for the TSSs and precautionary areas are consistent with current NOAA nautical charts, except for an error in the northern leg of the TSS off San Francisco.

When the NOAA charts are reprinted, they should accurately reflect the coordinates adopted by IMO for the northern leg of the TSS, providing greater clearance from Point Reyes and increasing the safety of navigation.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The costs and benefits of this proposed rulemaking are summarized below.

Costs

The proposed amendments to the TSS in the Santa Barbara Channel and the TSS off San Francisco would result in a slight increase in transit times and operating costs for vessels using the TSSs. Most of the vessels using the TSS are large commercial vessels such as container ships. The northbound transit distance through the TSSs will increase by 2.4 nautical miles (nm) and the southbound transit distance will increase by 4.1 nautical miles (nm). The time per transit would increase by approximately 8 minutes (.14 hours) northbound and 14 minutes (.23 hours) southbound. This corresponds to northbound $219.43 (1 \text{ hour}/17.5 \text{ nm} \times 2.4 \text{ nm} \times 1600 \text{ transits/year})$ and southbound $374.86 (1 \text{ hour}/17.5 \text{ nm} \times 4.1 \text{ nm} \times 1600 \text{ transits per year})$ additional hours per year. Assuming a fuel cost of approximately \$600 per hour, the estimated increase in costs for industry would be \$356,574 per year $((219.43 \text{ hours} + 374.86 \text{ hours}) \times \$600/\text{hour})$.

Vessel operators would incur the minimal cost of plotting new coordinates on their existing charts or purchasing updated charts, when available.

Benefits

Amendments to the TSS in the Santa Barbara Channel. Currently, vessels departing the northwestern end of the TSS near Point Conception come in close proximity to several oil platforms. The proposed 18-mile extension of the TSS would route vessels farther away from these oil platforms and Point Conception, decreasing the risk of allisions and groundings.

Allisions and groundings could result in injuries, pollution, and property damage. Furthermore, the proposed extension will provide an increased margin of safety in light of anticipated future development in this area.

Amendments to the TSS off San Francisco. Currently, vessels entering or departing San Francisco Bay via the southern approach lane of the TSS pass within 3 nautical miles of the closest point of land. The proposed westward shift of the approach lanes would result in vessels transiting farther offshore when entering or departing San Francisco Bay, increasing the closest point from land to approximately 6 nautical miles. This increased distance provides an added margin of safety for vessels experiencing casualties (e.g. loss of power or steering) and provides more time for response vessels to reach a disabled vessel before it drifts ashore. The proposed shift would also help eliminate conflicts between large commercial vessels and the fleets of fishing vessels operating closer to shore. As a result, the proposed rule should reduce the risk of collisions and groundings and resulting injuries, pollution, and property damage.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this proposed 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 proposed rule should have a minimal economic impact on vessels operated by small entities. The proposal amends two existing TSSs. This action improves safety for vessels using the TSSs by reducing the risk of collisions, allisions, and groundings. Vessels

transiting the TSS in the Santa Barbara Channel will have to transit an additional 2 to 4 nautical miles per trip, depending on the direction traveled. This additional transit distance results in increased vessel operating costs ranging from approximately \$80 to \$140 per trip. Most of the vessels that will incur these additional costs are large commercial vessels such as container ships. For these vessels, an additional \$80 to \$140 per trip represents an insignificant increase in voyage expenses.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under ADDRESSES. In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want 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 the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Ms. Barbara Marx, Coast Guard, Marine Transportation Specialist, at 202-267-0574.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

We have analyzed this proposed rule under E.O. 12612 and have determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and E.O. 12875, Enhancing the Intergovernmental Partnership, (58 FR 58093; October 28, 1993) govern the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

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

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (34)(I) of Commandant Instruction M16475.IC, it is categorically excluded from further environmental documentation. This rule proposes adjusting two existing traffic separation schemes. These adjustments would enhance safety in the Monterey Bay National Marine Sanctuary and adjacent waters by allowing additional response time for a vessel that is adrift thus preventing groundings, and by routing vessels away from sensitive areas. A "Categorical Exclusion Determination" is available in the docket where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 167

Harbors, Marine safety, Navigation (water), Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 167 as follows:

PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

1. The authority citation for part 167 continues to read as follows:

Authority: 33 U.S.C. 1223; 49 CFR 1.46.

2. In § 167.5, redesignate paragraphs (a) through (e) as paragraphs (b) through (f), respectively, and add new paragraph (a) to read as follows:

§ 167.5 Definitions.

(a) *Area to be avoided* means a routing measure compromising an area within defined limits in which either navigation is particularly hazardous or it is exceptionally important to avoid casualties and which should be avoided by all ships or certain classes of ships.

* * * * *

3. Following § 167.350, add the undesignated center heading "Pacific West Coast" and §§ 167.400 through 167.405, 167.450, 167.452, and 167.500 through 167.503 to read as follows:

Pacific West Coast

Sec.

167.400 TSS off San Francisco: General.

167.401 TSS off San Francisco: Precautionary area.

167.402 TSS off San Francisco: Northern approach.

167.403 TSS off San Francisco: Southern approach.

167.404 TSS off San Francisco: Western approach.

167.405 TSS off San Francisco: Main ship channel.

167.450 TSS in the Santa Barbara Channel: General.

167.452 TSS in the Santa Barbara Channel: Between Point Vincente and Point Arguello.

167.500 TSS in the approaches to Los Angeles-Long Beach: General.

167.501 TSS in the approaches to Los Angeles-Long Beach: Precautionary area.

167.502 TSS in the approaches to Los Angeles-Long Beach: Western approach.

167.503 TSS in the approaches to Los Angeles-Long Beach TSS: Southern approach.

Pacific West Coast

§ 167.400 TSS off San Francisco: General.

The Traffic Separation Scheme off San Francisco consists of a precautionary area under § 167.401, a northern approach under § 167.402, a western approach under § 167.403, a southern approach under § 167.404, and a main ship channel under § 167.405. The geographic coordinates in

§§ 167.400 through 167.405 are defined using North American Datum 1983 (NAD 83).

§ 167.401 TSS off San Francisco: Precautionary area.

(a) A circular precautionary area is established bounded to the west by an arc of a circle with a radius of six miles centering upon geographical position 37°45.00' N, 122°41.50' W and connecting the following geographical positions:

Latitude	Longitude
37°42.70' N	122°34.60' W.
37°50.30' N	122°38.00' W.

(b) The precautionary area is bounded to the east by a line connecting the following geographic positions:

Latitude	Longitude
37°42.70' N	122°34.60' W.
37°45.90' N	122°38.00' W.
37°50.30' N	122°38.00' W.

(c) A circular area to be avoided, with a radius of half of a nautical mile, is centered upon the following geographic position:

Latitude	Longitude
37°45.00' N	122°41.50' W.

(d) A pilot boarding area is located near the center of the precautionary area described in paragraph (b) of this section. Due to heavy vessel traffic, mariners are advised not to anchor or linger in this precautionary area except to pick up or disembark a pilot.

§ 167.402 TSS off San Francisco: Northern approach.

(a) A separation zone is bounded by a line connecting the following geographical positions:

Latitude	Longitude
37°48.40' N	122°47.60' W.
37°56.70' N	123°03.70' W.
37°55.20' N	123°04.90' W.
37°47.70' N	122°48.20' W.

(b) A traffic lane for north-westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
37°49.20' N	122°46.70' W.
37°58.00' N	123°02.70' W.

(c) A traffic lane for south-eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
37°53.90' N	123°06.10' W.
37°46.70' N	122°48.70' W.

§ 167.403 TSS off San Francisco: Southern approach.

(a) A separation zone is bounded by a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
37°39.10' N	122°40.40' W.
37°27.00' N	122°40.40' W.
37°27.00' N	122°43.00' W.
37°39.10' N	122°43.00' W.

(b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
37°39.30' N	122°39.20' W.
37°27.00' N	122°39.20' W.

(c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
37°27.00' N	122°44.30' W.
37°39.40' N	122°44.30' W.

§ 167.404 TSS off San Francisco: Western approach.

(a) A separation zone is bounded by a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
37°41.90' N	122°48.00' W.
37°38.10' N	122°58.10' W.
37°36.50' N	122°57.30' W.
37°41.10' N	122°47.20' W.

(b) A traffic lane for south-westbound traffic is established between the separation zone and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
37°42.80' N	122°48.50' W.
37°39.60' N	122°58.80' W.

(c) A traffic lane for north-eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
37°35.00' N	122°56.50' W.
37°40.40' N	122°46.30' W.

§ 167.405 TSS off San Francisco: Main ship channel.

(a) A separation line connects the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
37°45.90' N	122°38.00' W.
37°47.00' N	122°34.30' W.
37°48.10' N	122°31.00' W.

(b) A traffic lane for eastbound traffic is established between the separation line and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
37°45.80' N	122°37.70' W.
37°47.80' N	122°30.80' W.

(c) A traffic lane for westbound traffic is established between the separation line and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
37°46.20' N	122°37.90' W.
37°46.90' N	122°35.30' W.
37°48.50' N	122°31.30' W.

§ 167.450 TSS in the Santa Barbara Channel: General.

The Traffic Separation Scheme in the Santa Barbara Channel is described in § 167.452. The geographic coordinates in § 167.452 are defined using North American Datum 1983 (NAD 83).

§ 167.452 TSS in the Santa Barbara Channel: Between Point Vicente and Point Arguello.

(a) A separation zone is bounded by a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
33°44.90' N	118°35.70' W.
34°04.00' N	119°15.90' W.
34°25.70' N	120°51.75' W.
34°23.75' N	120°52.45' W.
34°02.20' N	119°17.40' W.
33°43.20' N	118°36.90' W.

(b) A traffic lane for north-westbound traffic is established between the separation zone and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
33°45.80' N	118°35.10' W.
34°04.80' N	119°15.10' W.
34°26.60' N	120°51.45' W.

(c) A traffic lane for south-eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
34°22.80' N	120°52.70' W.
34°01.40' N	119°18.20' W.
33°42.30' N	118°37.50' W.

§ 167.500 TSS in the approaches to Los Angeles-Long Beach: General.

The Traffic Separation Scheme in the approaches to Los Angeles-Long Beach consists of a precautionary area under § 167.501, a western approach under § 167.502, and a southern approach under § 167.503. The geographic coordinates in §§ 167.501 through 167.503 are defined using North American Datum 1983 (NAD 83).

§ 167.501 TSS in the approaches to Los Angeles/Long Beach: Precautionary area.

(a) The precautionary area consists of the water area enclosed by the Los Angeles-Long Beach breakwater and a

line connecting Point Fermin Light at 33°–42.30' N, 118°–17.60' W, with the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
33°37.70' N	118°17.50' W.
33°37.70' N	118°06.50' W.
33°43.40' N	118°10.80' W.

(b) A pilot boarding area is located near the center of the precautionary area. Due to heavy vessel traffic, mariners are advised not to anchor or linger in this precautionary area except to pick up or disembark a pilot.

§ 167.502 TSS in the approaches to Los Angeles-Long Beach: Western approach.

(a) A separation zone is bounded by a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
33°39.70' N	118°17.50' W.
33°38.70' N	118°17.50' W.
33°38.70' N	118°27.60' W.
33°43.20' N	118°36.90' W.
33°44.90' N	118°35.70' W.
33°39.70' N	118°24.90' W.

(b) A traffic lane for northbound coastwise traffic is established between the separation zone and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
33°40.70' N	118°17.50' W.
33°40.70' N	118°24.60' W.
33°45.80' N	118°35.10' W.

(c) A traffic lane for southbound coastwise traffic is established between the separation zone and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
33°37.70' N	118°17.50' W.
33°37.70' N	118°28.00' W.
33°42.30' N	118°37.50' W.

§ 167.503 TSS in the approaches to Los Angeles-Long Beach TSS: Southern approach.

(a) A separation zone, two miles wide, is centered upon the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
33°37.70' N	118°08.9' W.
33°19.70' N	118°03.4' W.

(b) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
33°37.70' N	118°11.30' W.
33°19.10' N	118°06.30' W.

(c) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

<i>Latitude</i>	<i>Longitude</i>
33°37.70' N	118°06.50' W.
33°20.30' N	118°00.50' W.

Dated: June 8, 1999.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99-15139 Filed 6-16-99; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 133-4087b; FRL-6355-1]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the latest revision to the Pennsylvania State Implementation Plan (SIP) consisting of the plan the Commonwealth will use to conduct the ongoing evaluation of its enhanced inspection and maintenance (I/M) program. With the submission of this program evaluation plan, Pennsylvania has remedied all conditions that EPA had placed upon approval of the Commonwealth's enhanced I/M program. Therefore, EPA is today also proposing to convert its conditional approval of Pennsylvania's enhanced I/M program SIP revisions to full approval, in accordance with the requirements of the Clean Air Act. In the "Rules and Regulations" section of this **Federal Register**, EPA is both approving the SIP submittal and converting its conditional approval to a full approval as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. Details of EPA's evaluation of the Commonwealth's SIP revisions are included in a technical support document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the

direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by July 19, 1999.

ADDRESSES: Written comments must be addressed and sent in hard copy to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies are also available at the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Brian Rehn, (215) 814-2176, at the EPA Region III address above, or by e-mail at Rehn.Brian@epa.gov.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: May 27, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 99-15164 Filed 6-16-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD-3039b; FRL-6357-6]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions From Decorative Surfaces, Brake Shoe Coatings, Structural Steel Coatings, and Digital Imaging

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve revisions to the Maryland State

Implementation Plan (SIP). The revisions concern the control of volatile organic compound (VOC) emissions from decorative surface manufacturing, brake shoe coating operations, structural steel coating operations, and digital imaging. EPA is proposing these revisions to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act.

In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect.

EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by July 19, 1999.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Carolyn M. Donahue, (215) 814-2095, at the EPA Region III address above, or by e-mail at donahue.carolyn@epa.gov.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: May 27, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 99-15160 Filed 6-16-99; 8:45 am]

BILLING CODE 6560-50-P