

Any parties interested in commenting must do so at this time.

DATES: We must receive your comments on this proposed rule in writing, by August 9, 1999.

ADDRESSES: You should send your written comments to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PDL) at the address given below. You may inspect copies of the State's SIP revision and other relevant information during normal business hours at the following locations. If you wish to examine these documents, you should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL),
Multimedia Planning and Permitting
Division, Environmental Protection
Agency, Region 6, 1445 Ross Avenue,
Dallas, Texas 75202, Telephone: (214)
665-7214.

Air Pollution Control Division,
Albuquerque Environmental Health
Department, City of Albuquerque,
One Civic Plaza, Albuquerque, New
Mexico 87102, Telephone: (505) 768-
2600.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P. E.; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665-7247.

SUPPLEMENTARY INFORMATION:

If you wish to obtain additional information, you should read the Direct Final Rule which is located in the Rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Transportation conformity, Transportation-air quality planning, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671 *et seq.*

Dated: June 10, 1999.

W. B. Hathaway,

Acting Regional Administrator, Region 6.
[FR Doc. 99-17205 Filed 7-7-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX-56-1-7391b; FRL-6372-5]

Approval and Promulgation of Implementation Plan for Texas: Transportation Conformity Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We, the EPA, are proposing to approve a revision to the Texas State Implementation Plan (SIP) that contains transportation conformity rules. If we approve this transportation conformity SIP revision, the State will be able to implement and enforce the Federal transportation conformity requirements at the State level per 40 CFR part 51, subpart T and 40 CFR part 93, subpart A—Conformity to State or Federal Implementation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. of the Federal Transit Laws. Our proposed action would streamline the conformity process and allow direct consultation among agencies at the local levels. Our proposed approval is limited to 40 CFR part 51, subpart T and 40 CFR part 93, subpart A (Transportation Conformity). We approved the SIP revision for conformity of general Federal actions (under 40 CFR part 51, subpart W) on March 11, 1998 (63 FR 11833).

We are proposing to approve this SIP revision under sections 110(k) and 176 of the Clean Air Act. We have given our rationale for the proposed approval and other information in the Final Rules section of this **Federal Register**.

In the "Rules and Regulations" section of **Federal Register**, we are approving the State's SIP revision as a direct final rule without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this approval in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: We must receive your comments on this proposed rule in writing, postmarked by August 9, 1999.

ADDRESSES: You should send your written comments to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PDL) at the address given below. You may inspect copies of the State's SIP revision and other relevant information during normal business hours at the following locations. If you wish to examine these documents, you should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL),
Multimedia Planning and Permitting
Division, Environmental Protection
Agency, Region 6, 1445 Ross Avenue,
Dallas, Texas 75202, Telephone: (214)
665-7214.

Texas Natural Resource Conservation
Commission, 12124 Park 35 Circle,
Austin, Texas 78753, Telephone: (512)
239-1749.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P. E.; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665-7247.

SUPPLEMENTARY INFORMATION: If you wish to obtain additional information, you should read the Direct Final rule which is located in the Rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Transportation conformity, Transportation-air quality planning, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671 *et seq.*

Dated: June 9, 1999.

W.B. Hathaway,

Acting Regional Administrator, Region 6.
[FR Doc. 99-17203 Filed 7-7-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 388

[Docket No. MARAD-1999-5915]

RIN 2133-AB39

Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Maritime Administration (MARAD, or we, our or us) is seeking public comment on a proposed rule to implement Title V of the Coast Guard Authorization Act of 1998. The new law authorizes the Secretary of Transportation to waive the U.S.-build and other requirements of the Passenger Services Act and Section 27 of the Merchant Marine Act, 1920, for eligible vessels to be documented with appropriate endorsement for employment in the coastwise trade as small passenger vessels or uninspected passenger vessels authorized to carry no more than 12 passengers for hire. This administrative process will improve the responsiveness of the Federal Government in meeting the needs of many vessel-operating small businesses.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than September 7, 1999.

ADDRESSES: You should mention the docket number that appears at the top of this document. You should submit your written comments to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW, Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket. You may call Docket Management at (202) 366-9324. You may visit the docket room to inspect and copy comments at the above address between 10 a.m. and 5 p.m., EDT. Monday through Friday, except Federal holidays. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: You may call Michael Hokana, Office of Ports and Domestic Shipping, Maritime Administration, at (202) 366-0760, or you may write to him at the following address: MAR-832 Room 7201, 400 Seventh Street, SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: By this notice of proposed rulemaking, MARAD seeks public comment on an implementation plan for its Small Passenger Vessel Waiver Administration Program and related information collection requirements. Title V of the Coast Guard Authorization Act of 1998 (Public Law 105-383) authorizes the Secretary of Transportation to grant waivers of certain requirements for the smallest of passenger vessels (those carrying twelve or fewer passengers) to operate in the coastwise trade.

Within the Department of Transportation there are two agencies

with responsibilities related to the coastwise trade laws. The Coast Guard issues the vessel documents and endorsements that authorize vessels to engage in the coastwise trade. However, the Secretary of Transportation has delegated to MARAD the authority to process applications for waivers of the coastwise laws and to determine the effect of waivers of the coastwise trade laws on United States vessel builders and United States-built vessel coastwise trade businesses. We are outlining the procedures to be followed in processing applications for waivers, or revoking waivers previously granted. Upon grant of a waiver, MARAD will notify the applicant and the Coast Guard. Thereafter, you may register the vessel so waived with the Coast Guard under the Coast Guard's normal procedures, provided the vessel is otherwise eligible.

Vessels eligible for a waiver of the coastwise trade laws will be limited to foreign-built or foreign rebuilt small passenger vessels and uninspected passenger vessels as defined by section 2101 of Title 46, United States Code. Additionally, vessels requested for consideration must be greater than three (3) years old. We will not grant waivers in instances where such waiver activity will have an unduly harmful impact on U.S. shipyards or U.S.-flag ship operators. Specifically, and in order to meet the public comment provisions of Title V, it is our intention to publish waiver requests for comment in the **Federal Register**. After a period of time to evaluate comments and assess the impact that the proposed waivers will have on the U.S.-flag shipping and shipbuilding industry, we will issue a determination.

In assessing the adverse effect of grant of a particular waiver, we may consider sales of vessels of the same type and size and for the same trade by domestic shipbuilders. As an example, the grant of a waiver for a motor vessel might not have an adverse effect on sales by a builder of sailboats. As for adverse effects on coastwise trade businesses, we may look at the type of service and geographic location of the applicant and the objector. An intended service providing day trips for whale watching might not affect a service providing weeklong trips on a sailing ship. A charter service in Maine might not affect a charter service in California. Each decision will be made on the facts of the individual circumstances, including the degree of competition in a proposed market.

We do not have the authority to waive citizenship requirements for vessel ownership and documentation. The

Coast Guard will ascertain whether the shipowner is qualified as a citizen to register a vessel. In addition, the Coast Guard, not MARAD, will determine whether a particular vessel will be considered a small passenger vessel or an uninspected passenger vessel. However, we may refuse to process an application if the vessel is not the type eligible for a waiver. Prospective applicants for a coastwise trade law waiver may wish to consult with the Coast Guard prior to initiating the waiver application process with MARAD.

Under Title V, MARAD also has the authority to revoke coastwise endorsements under the limited circumstances where a foreign-built or foreign-rebuilt passenger vessel, previously allowed into service, substantially changes that service and the vessel is employed other than as a small passenger vessel or an uninspected passenger vessel and the vessel is having an unduly harmful impact on U.S. vessel builders or persons who employ U.S.-built vessels in the domestic trade. The procedure for revocation of a MARAD waiver will include the publication of a notice in the **Federal Register** seeking public comments on the proposed revocation. Secondly, we will determine the extent of the allegedly detrimental activity and, if an undue impact is found, we will issue a formal letter of waiver revocation with an appropriate grace period. This determination will be sent to the Coast Guard for revocation of the vessel's coastwise endorsement.

MARAD's decisions to grant or deny a waiver and to revoke or not revoke a waiver will not be final until after time for review has expired. Applicants and persons who submitted comments in response to a **Federal Register** notice may petition the Maritime Administrator to review a waiver determination, or request the Maritime Administrator not to review a waiver determination. Relatively short time periods are provided for this review process.

Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number that appears at the top of this document in your comments. We encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your

comments. There is no limit on the length of the attachments. Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**. Comments may also be submitted by electronic means via the Internet at <http://dmses.dot.gov/submit/>.

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, Maritime Administration, MAR-220, 400 7th Street, SW, Washington, DC 20590. In addition, you should submit two copies, *from which you have deleted the claimed confidential business information*, to Docket Management at the address given above under **ADDRESSES**. When you send comments containing information claimed to be confidential business information, you should include a cover letter setting forth with specificity the basis for any such claim.

Will The Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider it in developing a final rule, we will consider that comment as an informal suggestion for future rulemaking action.

How Can I Read the Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket Room are indicated above in the same location. You may also see the comments on the Internet. To read the comments on the Internet, take the following steps: Go to the Docket Management System (DMS) Web

page of the Department of Transportation (<http://dms.dot.gov/>). On that page, click on "search." On the next page (<http://dms.dot.gov/search/>), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were "MARAD-1999-1234," you would type "1234." After typing the docket number, click on "search." On the next page, which contains docket summary information for the docket that you selected, click on the desired comments. You may download the comments.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket, as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

May I Comment on MARAD's Use of Plain Language?

This NPRM is one of our first published rulemaking documents under the plain language directives. We welcome any comments and suggestions on the use and effectiveness of plain language techniques in this document or other suggestions on improving our use of plain language.

Rulemaking Analysis and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 26, 1979). This rule is not an economically significant regulatory action under section 3(f) of E.O. 12866, because it would not have an effect on the economy of \$100 million or more. We do not anticipate that a preliminary regulatory evaluation will be prepared.

Federalism

MARAD has analyzed this notice of proposed rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has determined that it would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), MARAD must consider whether a notice of proposed rulemaking would have a significant economic impact on a substantial number of small entities. Based on a review of this proposed rule, MARAD certifies that this proposed rule will not have a significant economic impact on

a substantial number of small entities because this regulation does not impose any significant burdens on small entities, and we do not expect that a substantial number of small entities will be applicants.

Environmental Assessment

This rule would not significantly affect the environment because the small number and small size of vessels admitted to U.S. registry under this waiver program would have little or no effect on the environment. Accordingly, an Environmental Impact Statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This proposed rulemaking establishes a new requirement for the collection of information. The Office of Management and Budget (OMB) will be requested to review and approve the information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501, et seq.).

In accordance with the Paperwork Reduction Act this document announces MARAD's intentions to request approval for three years of information collection to allow processing of applications for waivers. Copies of this request may be obtained from the Division of Domestic Shipping at MAR-832 Room 7201, 400 7th Street, SW, Washington, DC 20590.

Title of Collection: Application for Waiver of the Coastwise Trade Laws for Small Passenger Vessels, 46 CFR Part 388.

Type of Request: New request for information collection.

OMB Control Number: 2133-NEW.

Form Number: None.

Expiration Date of Approval: Three years following approval by the Office of Management and Budget.

Summary of Collection of Information: Persons desiring waiver of the coastwise trade laws affecting small passenger vessels will be required to file a written application. No form or particular format will be required for the application. However, a minimal amount of information about the applicant and the vessel proposed for a waiver will be necessary to properly make the determinations required to grant a waiver.

Need for and Use of the Information: The information collected will be used to process applications for waiver of the coastwise trade laws for small passenger vessels. Without the information it would be impossible to know who wants a waiver and whether they qualify for a waiver.

Description of Respondents: Owners of small passenger vessels.

Annual Responses: Responses will be a one-time requirement of up to approximately 100 respondents per year.

Annual Burden: 100 hours.

Unfunded Mandates Reform Act

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule.

Consultation and Coordination with Indian Tribal Governments

MARAD believes that regulations evolving from this NPRM would have no significant or unique effect on the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order would not apply. Nevertheless, this NPRM specifically requests comments from affected persons, including Indian tribal governments, as to its potential impact.

Impact on Business Processes and Computer Systems (Year 2000)

Many computers that use two digits to keep track of dates may, on January 1, 2000, recognize "double zero" not as 2000 but as 1900. This glitch, the Year 2000 problem, could cause computers to stop running or start generating erroneous data. The Year 2000 problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 Conversion, Federal agencies are reaching out to increase awareness of the problem and to offer support. We do not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 problem.

This NPRM does not propose business process changes or require modification to computer systems. Because the NPRM apparently does not affect organizations' ability to respond to the Year 2000 problem, we do not intend to delay the effectiveness of the proposed requirements in the NPRM.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 46 CFR Part 388

Administrative practice and procedure, Maritime carriers, Passenger vessels, Reporting and recordkeeping requirements.

Accordingly, the Maritime Administration proposes to add a new Part 388 to 46 CFR chapter II, subchapter J, to read as follows:

PART 388—ADMINISTRATIVE WAIVERS OF THE COASTWISE TRADE LAWS

Sec.

- 388.1 Purpose.
- 388.2 Definitions.
- 388.3 Applications; fees.
- 388.4 Criteria for grant of a waiver.
- 388.5 Criteria for revocation of a waiver.
- 388.6 Process.
- 388.7 Sunset provision.

Authority: 46 App. U.S.C. 1114(b); Public Law 105-383, 112 Stat. 3445 (46 U.S.C. 12106 note); 49 CFR 1.66.

§ 388.1 Purpose.

This part prescribes regulations implementing the provisions of Title V of Public Law 105-383, 112 Stat. 3445, which grants the Secretary of Transportation authority to review and approve applications for waiver of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more, built or rebuilt outside the United States, and grants authority for revocation of those waivers.

§ 388.2 Definitions.

For the purposes of this part:

(a) *Coastwise Trade Laws* include:

- (1) The Coastwise Endorsement Provision of the Vessel Documentation Laws, (46 U.S.C. 12106);
- (2) The Passenger Services Act, section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289); and
- (3) The Jones Act, section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883).

(b) *Eligible Vessel* means a vessel of five or more tons that is either a small passenger vessel or an uninspected passenger vessel that—

- (1) Was not built in the United States and is at least 3 years of age; or

(2) If rebuilt, was rebuilt outside the United States at least 3 years before the certification requested would become effective.

(c) *Secretary* means the Secretary of Transportation.

(d) The terms, *small passenger vessel*, *uninspected passenger vessel* and *passenger for hire* have the meaning given such terms by section 2101 of title 46, United States Code.

§ 388.3 Applications; fees.

(a) You may apply in writing to the Secretary, Maritime Administration (MARAD), MAR-120 Room 7210, 400 7th St., SW, Washington, DC 20590, for an administrative waiver of the coastwise laws of the United States for an Eligible Vessel to carry no more than twelve passengers for hire. The application need not be in any particular format, but must be signed and contain the following information:

- (1) Name of vessel and owner for which waiver is requested.
- (2) Size, capacity and tonnage of vessel (state whether tonnage is measured pursuant to 46 U.S.C. 14502, or otherwise, and if otherwise, how measured).
- (3) Intended use for vessel, including geographic region of intended operation and trade.
- (4) Date and place of construction and (if applicable) rebuilding. (If applicant is unable to determine origins of vessel, foreign construction will be assumed).
- (5) Name, address, and telephone number of applicant and vessel owner (if different from applicant).
- (6) A statement on the impact this waiver will have on other commercial passenger vessel operators, including a statement describing the operations of existing operators.
- (7) A statement on the impact this waiver will have on U.S. shipyards.
- (b) You must enclose an application fee for each waiver requested, in the form of a check for \$300, made out to the order of "Treasurer of the United States."

§ 388.4 Criteria for grant of a waiver.

(a) *General criteria.* (1) A waiver of the foreign build and/or foreign rebuild prohibition in the coastwise trade laws will be granted for an Eligible Vessel if we determine that the employment of the vessel in the coastwise trade will not unduly adversely affect—

- (i) United States vessel builders; or
- (ii) The coastwise trade business of any person who employs vessels built in the United States in that business.

(2) We may evaluate the expected impact of the proposed waiver on the basis of the information received from

all sources, including public comment, internal investigation and analysis, and any other sources of information deemed appropriate.

(b) *Impact on U.S. shipbuilders.* We may use the following criteria to determine the effect on U.S. shipbuilders: Whether a potentially impacted U.S. vessel builder has a history of construction of similar vessels, or can demonstrate the capability and capacity to build a similar vessel, for use in the same geographic region of the United States, as the proposed vessel of the applicant.

(c) *Impact on coastwise trade operators.* We may use the following criteria to determine the effect on existing operators of U.S.-built vessels in coastwise trade:

(1) Whether the proposed vessel of the applicant and the vessel(s) of an existing operator(s) (or the vessel(s) of an operator that can demonstrate it has taken definite steps to begin operation):

- (i) Are of similar size;
- (ii) Are of similar characteristics;
- (iii) Would provide similar commercial service; and
- (iv) Would operate in the same geographic area.

(2) The number of similar vessels operating or proposed to operate in the same market with the same or similar itinerary, relative to the size of the market.

§ 388.5 Criteria for revocation of a waiver.

(a) We may revoke a waiver previously granted under this part if we determine that the employment of the vessel in the coastwise trade has substantially changed since the issuance of the endorsement, and—

(1) The vessel is employed other than as a small passenger vessel or an uninspected passenger vessel; or

(2) The employment of the vessel unduly adversely affects—

- (i) United States vessel builders; or
- (ii) The coastwise trade business of any person who employs vessels built in the United States.

(b) We may evaluate the effects of the employment of the waived vessel in the coastwise trade on the basis of the information received from all sources, including public comment, internal investigation and analysis, and any other sources of information deemed appropriate.

§ 388.6 Process.

(a) *Initial process.* We will review each application for completeness as received. We will notify the applicant if additional information is necessary or if the application does not meet the initial eligibility requirements for a waiver. All

applications that pass the initial screening will be available for public inspection in the Department of Transportation Docket Room following publication in the **Federal Register**. We will publish a notice of such applications in the **Federal Register**. Interested parties will be given an opportunity to comment on whether introduction of any of the proposed vessels would adversely affect them. In the absence of duly filed objections to an application, and in the absence of undue market impact on vessel operators or vessel builders otherwise discovered by us, we will assume that there will be no adverse effect. If an objection to an application is received, additional information may be sought from the objector. The applicant will be given a sufficient amount of time to respond. The Director, Office of Ports and Domestic Shipping, will then either make a decision based on the written submissions and all available information or may, as a matter of discretion, hold a hearing on the application. The decision will be communicated to the applicant, commenters and the Coast Guard. If the Maritime Administration grants a waiver, the applicant must thereafter contact the Coast Guard to obtain the necessary documentation for domestic operation, provided the vessel and its owner otherwise qualify.

(b) *Revocation.* We may, upon the motion of an interested party, or upon our own motion, publish a notice in the **Federal Register** proposing to revoke a waiver granted under this part. We may request additional information from any respondent to the notice. The Director, Office of Ports and Domestic Shipping, will then either make a decision based on the written submissions and additional publicly available information or may, as a matter of discretion, refer the request for revocation to a hearing. The Maritime Administration will communicate its decision to the applicant and the Coast Guard. If MARAD revokes a waiver, the Coast Guard shall revoke the vessel's coastwise endorsement.

(c) *Review of determinations.* (1) The decisions by the Director, Office of Ports and Domestic Shipping, to grant a waiver, deny a waiver or revoke a waiver will not be final until after time for discretionary review by the Maritime Administrator has expired. Applicants and persons who submitted comments in response to a **Federal Register** notice may petition the Maritime Administrator to review a waiver, waiver denial, or waiver revocation within five (5) days of such determination. Each petition for review

should state the petitioner's interest and the reasons review is being sought, clearly pointing out any alleged errors of fact or misapplied points of law. Within three (3) days of submission of a petition for review, applicants for a waiver and persons who submitted comments in response to a **Federal Register** notice may request the Maritime Administrator not to review a waiver, waiver denial or waiver revocation.

(2) Such petitions and responses may be sent by facsimile to the Secretary, Maritime Administration, at (202) 366-9206. To the extent possible, each petitioner or respondent should send a copy of their petition or response to other interested parties by facsimile at the same time the submission is made to MARAD. The Maritime Administrator will decide whether to take review within two (2) days following the time for submission of a request that the Maritime Administrator not take review. If the Maritime Administrator takes review, the determination by the Director, Office of Ports and Domestic Shipping, will be stayed until final disposition. If review is not taken, the determination by the Director, Office of Ports and Domestic Shipping, will become final two (2) days after the time for submission of requests that the Maritime Administrator not take review. If the last day of a time limit falls on a Saturday, Sunday or Federal holiday, the time is extended to the next business day. In the absence of any petition for review, the determination by the Director, Office of Ports and Domestic Shipping, will become final within ten (10) days. The Secretary, MARAD, may extend any of the time limits for good cause shown.

§ 388.7 Sunset provision.

We will grant no waivers after September 30, 2002, unless the statutory authority to grant waivers is extended beyond that date. Any waiver granted prior to September 30, 2002 will continue in effect until otherwise invalidated or revoked under chapter 121 of title 46, United States Code.

By order of the Maritime Administrator.

Dated: June 30, 1999.

Joel C. Richard,

Secretary.

[FR Doc. 99-17045 Filed 7-7-99; 8:45 am]

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