

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Pennsylvania program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Harrisburg Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by close of business on January 3, 2000. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

If a public hearing is held, it will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons who desire to comment have been heard. Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Harrisburg Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of the meetings will be posted in advance at the locations listed above under **ADDRESSES**. A summary of meeting will be included in the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This proposed rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order

12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the

data and assumptions in the analyses for the corresponding Federal regulations.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Tim L. Dieringer,

Acting Regional Director, Appalachian Regional Coordinating Center.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD07-99-087]

RIN 2115-AA97

OPSAIL 2000, Port of Miami, FL

AGENCY: Coast Guard, DOT.

ACTION: Advanced notice of proposed rulemaking; request for comments.

SUMMARY: The Coast Guard requests public comment on the temporary establishment of several exclusion areas for OPSAIL 2000 in the Port of Miami, Florida, from June 6 through June 10, 2000. The Coast Guard anticipates a rulemaking to establish temporary Limited Access Areas and/or Special Local Regulations to control vessel traffic within the Port of Miami on the last two days of the event, June 9 and 10, 2000. These temporary regulations will be necessary to ensure the safety of persons and property in the vicinity of a fireworks display scheduled for June 9, 2000, in the vicinity of the west turning basin, and in the movement of numerous large sail vessels (Tall Ships) during the parade of sail out of the Port of Miami scheduled for June 10, 2000.

DATES: Comments must be received on or before January 31, 2000.

ADDRESSES: Comments may be mailed to the Port Management and Response Department, Coast Guard Marine Safety Office Miami, 100 MacArthur Causeway, Miami Beach, Florida 33139, or delivered to the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The Port Management and Response Department of Marine Safety Office Miami maintains the public docket for this rulemaking. Documents indicated in this preamble as being available in

the docket, are part of docket [CGD07–99–087] and are available for inspection or copying at the Coast Guard Marine Safety Office Miami, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Joseph Boudrow, Port Management and Response Department, Coast Guard Marine Safety Office Miami, (305) 535–8705, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in the early stages of this rulemaking by submitting written data, views, or arguments. Please explain your reasons for each comment so that we can carefully weigh the consequences and impacts of any future requirements we may propose. Persons submitting comments should include their name and address, identify this rulemaking (CGD07–99–087) and the specific section of this document to which each comment applies. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelop. The Coast Guard will consider all comments received during the comment period.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Port Management and Response Department at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

OPSAIL 2000 is sponsoring a fireworks display and parade of Tall Ships in the Port of Miami and on the waters of Government Cut, on June 9 and 10, 2000 respectively. The Coast Guard expects many spectator craft for this millennium event. The anticipated rulemaking will provide specific guidance on vessel movement controls, and limited access areas that will be in effect at various times in those waters during the period June 9 through 10, 2000. The Coast Guard may seek to establish additional regulated areas,

anchorage grounds, and safety or security zones once confirmation of the exact number of Tall Ships and dignitaries that will be participating in OPSAIL 2000 is available.

Schedule of Events

Current planned marine related events include:

1. Starting June 6, 2000: Tall Ships arrive on individual schedules and moor at Dodge Island.
2. June 9, 2000: Fireworks display scheduled to take place in the west turning basin, which is bounded by the western end of Dodge Island, Watson Island, and Miami's Bicentennial Park.
3. June 10, 2000: Outbound Parade of Sail and departure of the participating Tall Ships through the Port of Miami.

Discussion

The Coast Guard anticipates large numbers of spectator craft and numerous commercial vessels (passenger vessels and charter boats) in the area during June 9 through 10, 2000, to view OPSAIL events. The safety of parade participants and spectators will require that these craft be kept at a safe distance from the parade route. The greatest traffic restrictions will be in place during the outbound Parade of Sail, which will begin the morning of June 10 and end that afternoon. The Parade of Sail restrictions will affect all vessels and will include a limited access area for the vessel parade to provide for maximum safety of the event. The sponsor will designate and appropriately mark the recommended spectator viewing areas. The only other anticipated restriction for marine traffic will be during the fireworks display on the evening of June 9, 2000.

Regulatory Evaluation

At this early stage in what is still just a potential rulemaking, the Coast Guard has not determined whether any future rulemaking may be considered a significant regulatory action under section 3(f) of Executive Order 12866 or the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of any future rulemaking to be minimal. Although the Coast Guard anticipates prohibiting all non-parade traffic from Government Cut and Outer Bar Cut during the Outbound Parade of Sail on Saturday, June 10, 2000, the effect of any future rulemaking will be minimized because of the limited duration of the event and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, facsimile,

the Internet, marine information broadcasts, maritime association meetings, and Miami area newspapers. Mariners and commercial vessels can adjust their plans accordingly. The Coast Guard anticipates that the majority of the maritime industrial activity in the Port of Miami will continue, relatively unaffected by any future rulemaking.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard must consider whether this potential rulemaking will 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.

The Coast Guard does not anticipate that its potential rulemaking will have anything but a minimal impact upon small entities, but expects that comments received on this advance notice will help it determine the number of potentially affected small entities and in weighing the impacts of the various regulatory alternatives for the purpose of drafting any rules.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we will assist small entities in understanding this advance notice and how it affects them. Small entities may call the person identified in **FOR FURTHER INFORMATION CONTACT**. The Coast Guard is particularly interested in how any future rulemaking will affect small entities. If you are a small entity and believe that you may be affected by such a rulemaking, please tell how, and what flexibility or compliance alternatives the Coast Guard should consider to minimize the burden on small entities while promoting port safety.

Collection of Information

The Coast Guard anticipates that any future rulemaking will not require any new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard analyzed this advance notice under Executive Order 13132. From the information currently available, we cannot determine whether this potential rulemaking will have

significant federalism implications under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs 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 unfunded mandate costs. The Coast Guard does not anticipate that any future rulemaking will result in an unfunded mandate.

Taking of Private Property

The Coast Guard anticipates that any potential rulemaking will 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

The Coast Guard anticipates that any potential rulemaking will meet 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

The Coast Guard anticipates that any potential rulemaking will not be economically significant and will not present an environmental risk to health or risk to safety that may disproportionately affect children under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks.

Environment

The Coast Guard anticipates that any potential rulemaking will require an Environmental Assessment due to the advertised size of the event and its proximity to sensitive environmental areas. Further, any potential rulemaking will be designed to minimize the likelihood of maritime accidents and attendant environmental consequences and to enhance the safety of event participants, spectators and other maritime traffic. The Coast Guard invites comments addressing possible effects that any such rulemaking may have on the human environment, or addressing possible inconsistencies with any Federal, State, or local law or administrative determination relating to the environment. The Coast Guard will reach a final determination once it has received a detailed parade of sail plan

and environmental analysis from the sponsor organization.

Dated: December 8, 1999.

L.J. Bowling,

Captain, U.S. Coast Guard, Captain of the Port, Miami Zone.

[FR Doc. 99–32784 Filed 12–16–99; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA074–4094b; FRL–6501–3]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Oxygenated Gasoline Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. The revision makes the oxygenated gasoline program a contingency measure for the five-county Philadelphia area, which means that the oxygenated gasoline program would only be required to be implemented in the five-county Philadelphia area if there is a violation of the carbon monoxide (CO) national ambient air quality standard (NAAQS). The revision also makes technical amendments to the oxygenated gasoline regulation. 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 more detailed description of the state submittal and EPA's evaluation 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. 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 January 18, 2000.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, US 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, US Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and 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: Mrs. Kelly L. Bunker, (215) 814–2177, at the EPA Region III address above, or by e-mail at bunker.kelly@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: November 18, 1999.

A.R. Morris,

Acting Regional Administrator, Region III.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 172–0205; FRL–6511–5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is withdrawing its proposed approval of a revision to the California State Implementation Plan (SIP) and proposing to disapprove the revision. This revision concerns the federal recognition of variances from certain rule requirements. Based on comments received on its proposal to approve this revision, EPA now believes the revision does not meet applicable Clean Air Act requirements and is therefore proposing to disapprove the revision.