

information to a number of individuals by telephone.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about enforcement by Federal agencies. The Ombudsman will annually evaluate enforcement and rate each agency's responsiveness to small business. If you wish to comment on enforcement by the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

### Collection of Information

The Final Rule calls for no collection of information under the Paperwork Reduction Act of 1995 [44 U.S.C. 3501 *et seq.*].

### Impact on Federalism

This rule would revise the rules at 33 CFR 165.100(d)(1)(iii) that address navigational safety, and voyage planning for towing vessels. We have analyzed this rule in accordance with the principles and criteria contained in Executive Order 13132. It is well settled that States are preempted from establishing any requirements for tank vessels and the vessels that tow them in the categories of design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning. See the decision of the Supreme Court in the consolidated cases of *United States v. Locke* and *Intertanko v. Locke* \_\_\_\_\_ U.S. \_\_\_\_\_, 2000 U.S. LEXIS 1895 (March 6, 2000). Thus, this entire rule falls within preempted categories. Because States may not promulgate rules the categories set out, preemption is not an issue under that Order.

### Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A "Federal mandate" is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This Final Rule would not impose Federal mandates on any State, local, or tribal governments, or the private sector.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2-1, paragraphs 34(g) and (i) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A "Determination of Categorical Exclusion" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 165

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

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

### PART 165 [AMENDED]

1. The citation of authority for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, 160.5; 49 CFR 1.46.

2. Revise § 165.100(d)(1)(iii) to read as follows:

#### § 165.100 Regulated Navigation Area: Navigable Waters within the First Coast Guard District

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(iii) The cognizant Captain of the Port (COTP), upon written application, may authorize an exemption from the requirements of paragraph (d)(1)(i) of this section for—

(A) Any tank barge with a capacity of less than 25,000 barrels, operating in an area with limited depth or width such as a creek or small river; or

(B) Any tank barge operating on any waters within the COTP Zone, if the operator demonstrates to the satisfaction of the COTP that the barge employs an equivalent level of safety to that provided by the positive control provisions of this section. Each request for an exemption under this paragraph must be submitted in writing to the cognizant COTP no later than 7 days before the intended transit.

\* \* \* \* \*

Dated: May 26, 2000.

**Robert F. Duncan,**

*Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.*

[FR Doc. 00-14110 Filed 6-5-00; 8:45 am]

**BILLING CODE 4910-15-U**

### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### 33 CFR Part 165

[CGD05-00-018]

RIN 2115-AA97

#### Safety Zone; Ocean View Beach Park, Chesapeake Bay, VA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Shore Thing Independence Day Celebration fireworks display to be held at the Ocean View Beach Park, Chesapeake Bay, Virginia. This action will restrict vessel traffic on the Chesapeake Bay within a 500-foot radius of the fireworks display, which will be fired from shore. The safety zone is necessary to protect mariners and spectators from the hazards associated with the fireworks display.

**DATES:** This rule is effective from 9 p.m. until 10 p.m. on July 1, 2000.

**ADDRESSES:** You may mail comments and related material to USCG Marine Safety Office Hampton Roads, 200 Granby Street, Norfolk, VA, or deliver them to the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. USCG Marine Safety Office Hampton Roads maintains the public docket for this rulemaking. Comments and materials received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Chief Petty Officer Roddy Corr, project officer, USCG Marine Safety Office Hampton Roads, telephone number (757) 441-3290.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

Although this rule is being published as a temporary final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure the rule is both reasonable and workable. Accordingly, we encourage you to submit comments and related material. If you do so, please include your name and address, identify the docket number for the rulemaking (CGD05-00-018), indicate the specific section of this document to which each comment applies, and give the reason

for each comment. Please submit all comments and related material in an unbound format, no larger than 8.5 by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope.

#### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. We were not notified of this event in sufficient time to publish an NPRM, allow for comments, and publish a final rule in sufficient time to allow notice to the public for the fireworks display. In previous years, this event and similar ones have been held without incident and without comment from the public regarding the Coast Guard's establishment of limited safety zones around the fireworks display.

#### Background and Purpose

The Coast Guard is establishing a temporary safety zone for the Shore Thing Independence Day Celebration fireworks display to be held at Ocean View Beach Park, Chesapeake Bay, Virginia. The safety zone will restrict vessel traffic within a 500-foot radius of the fireworks display, which will be fired from land, in approximate position 36° 57.30' N, 076° 15.00' W. The safety zone is necessary to protect mariners and spectators from the hazards associated with the fireworks display.

The safety zone is effective from 9 p.m. until 10 p.m. on the July 1, 2000. Additional public notifications will be made prior to the event via marine information broadcasts.

#### Regulatory Evaluation

This 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. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This temporary final rule only affects a limited area for one hour, alternative routes exist for maritime traffic, and advance notification via marine information broadcasts will enable mariners to plan their transit to avoid entering the restricted area. The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation under paragraph

10(e) of the regulatory policies and procedures of the DOT is unnecessary.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to operate or anchor in portions of the Chesapeake Bay, Virginia within 500 feet of a shoreside fireworks display at Ocean View Beach Park located in approximate position 36° 57.30' N, 076° 15.00' W.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This temporary final rule only affects a limited area for one hour, alternative routes exist for maritime traffic, and advance notification via marine information broadcasts will enable mariners to plan their transit to avoid entering the restricted area.

#### Collection of Information

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

#### Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism 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. This rule will not impose an unfunded mandate.

#### Taking of Private Property

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

#### Civil Justice Reform

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

#### Protection of Children

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

#### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This regulation will have no impact on the environment.

#### List of Subjects in 33 CFR Part 165

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

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

#### PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Add temporary § 165.T05–018 to read as follows:

#### § 165.T05–018 Safety Zone; Ocean View Beach Park, Chesapeake Bay, Virginia.

(a) *Location.* The following area is a safety zone: All waters of the Chesapeake Bay, within a 500-foot radius of a shoreside fireworks display in approximate position 36° 57.30' N, 076° 15.00' W.

(b) *Captain of the Port.* Captain of the Port means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer

who has been authorized to act on his behalf.

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing safety zones found in section 165.23 of this part.

(2) Persons or vessels requiring entry into or passage through this safety zone must first request authorization from the Captain of the Port. The Coast Guard representative enforcing the safety zone can be contacted on VHF marine band radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (757) 484-8192.

(3) The Captain of the Port will notify the public of changes in the status of this safety zone by marine information broadcast on VHF marine band radio, channel 22 (157.1 MHz).

(d) *Effective Date.* This section is in effect from 9 p.m. until 10 p.m. on July 1, 2000.

Dated: May 26, 2000.

**J. E. Schrinner,**

*Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.*

[FR Doc. 00-14153 Filed 6-5-00; 8:45 am]

BILLING CODE 4910-15-U

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### 36 CFR Part 1280

RIN 3095-AA06

#### Public Use of NARA Facilities; Correction

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Final rule; correction.

**SUMMARY:** NARA published in the *Federal Register* of June 1, 2000 a final rule revising its regulations for use of its facilities. Inadvertently, we omitted a qualification that NARA employees may use the NARA shuttle between the National Archives Building and the College Park facility for official purposes only. This document provides the correct text.

**DATES:** Effective on July 1, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Shawn Morton at (301) 713-7360, extension 253.

**SUPPLEMENTARY INFORMATION:** NARA published a final rule document in the *Federal Register* of June 1, 2000, (65 FR 34977) revising 36 CFR part 1280, Public Use of NARA Facilities. Section 1280.14 provides the conditions under which NARA employees, other Government employees, and the public may use the NARA shuttle. NARA has had a long-standing policy that NARA

employees may use the shuttle only for official purposes, but this limitation was omitted from the final rule. This correction provides that text.

In the document FR 00-13810 published on June 1, 2000, (65 FR 34977) make the following correction:

#### § 1280.14 [Corrected]

1. On page 34979, in the second column, in § 1280.14, correct the fifth line of that section to read "intended for NARA employees' use for official purposes. Other".

Dated: June 1, 2000.

**Nancy Y. Allard,**

*Federal Register Liaison Officer.*

[FR Doc. 00-14117 Filed 6-5-00; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[PA 153-4100a; FRL-6702-3]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Nitrogen Oxides Allowance Requirements

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania State Implementation Plan (SIP). The revision consists of amendments to Pennsylvania's Nitrogen Oxides (NO<sub>x</sub>) Allowance Requirements. The revisions implement the Ozone Transport Commission's (OTC) September 27, 1994 Memorandum of Understanding (MOU) in the Commonwealth of Pennsylvania. In accordance with the MOU, the revisions implement the Pennsylvania portion of a regional NO<sub>x</sub> cap and trade program that significantly reduces NO<sub>x</sub> emissions generated within the Ozone Transport Region (OTR). EPA is approving these revisions in accordance with the requirements of the Clean Air Act.

**DATES:** This rule is effective on August 7, 2000 without further notice, unless EPA receives adverse written comment by July 6, 2000. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the *Federal Register* and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments may be mailed to David L. Arnold, Chief, Ozone & Mobile Sources Branch, Mailcode 3AP21, U.S. EPA, Region III, 1650 Arch

Street, Philadelphia, PA 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103 and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, PA 17105.

#### FOR FURTHER INFORMATION CONTACT:

Cristina Fernandez, (215) 814-2178, or by e-mail at fernandez.cristina@epa.gov.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

On December 19, 1997, the Pennsylvania Department of Environmental Protection (DEP) submitted a revision to its SIP. The revision consists of amendments to Title 25 of the Pennsylvania Code including Chapter 121—Definitions and Chapter 123—NO<sub>x</sub> Allowance Requirements. On December 27, 1999, DEP submitted a subsequent revision to its SIP amending Chapter 121—Definitions and Chapter 123—NO<sub>x</sub> Allowance Requirements. This regulation is part of a regional NO<sub>x</sub> reduction program based upon an MOU drawn between the member states of the OTC. The OTC adopted a MOU on September 27, 1994, committing the signatory states to the development and implementation of a two phase region-wide reduction in NO<sub>x</sub> emissions by 1999 and 2003, respectively. As reasonably available control technology (RACT) to reduce NO<sub>x</sub> emissions was required to be implemented by May of 1995, the MOU refers to the reduction in NO<sub>x</sub> emissions to be achieved by 1999 as Phase II; and the reduction in NO<sub>x</sub> emissions to be achieved by 2003 as Phase III. The OTC member states include Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, the northern counties of Virginia, and the District of Columbia. All of the OTC members, with the exception of the Commonwealth of Virginia, signed the September 27, 1994 MOU. The OTC MOU requires a reduction in ozone season NO<sub>x</sub> emissions from utility and large industrial combustion facilities within the OTR in order to further the effort to achieve the health-based National Ambient Air Quality Standard (NAAQS) for ozone. In the MOU, the OTC states agreed to propose regulations for the control of NO<sub>x</sub> emissions in accordance with the following guidelines:

1. The level of NO<sub>x</sub> required would be established from a 1990 baseline emissions level.