

In 1991, Coast Guard Marine Safety Office Tampa temporarily amended the transit requirements for Anhydrous Ammonia (NH<sub>3</sub>) vessels, through Port Community Information Bulletin (PCIB) 6-91 which allowed NH<sub>3</sub> vessels to enter and transit the Port of Tampa during the nighttime with a minimum of three mile visibility. It also replaced the safety zone extending 150 feet waterside while the vessel is moored, with a requirement calling for vessels over 5000 gross tons to provide a 30 minute notification allowing the NH<sub>3</sub> vessel time to take appropriate safety precautions. PCIB 6-91 has been replaced with a case by case waiver from the current regulations, utilizing the operational restriction initially identified in the PCIB. The Captain of the Port is now incorporating these proven operational guidelines into the permanent regulations.

In the late 1980's and early 1990's, many safety changes were made to the port, including the widening and deepening of the shipping channels, installation of centerline range marks, inbound and outbound, an increased brightness in range lights and a new Vessel Traffic Advisory System (VTAS). These changes have enhanced the level of safety on the navigable waters of Tampa Bay.

### 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 the order. It has been exempted from review 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). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This regulation already exists. The amended rule will have minimal effects on vessel traffic as it will only extend the hours of operation to include the nighttime.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their

field and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) that this rule will not have a significant effect upon a substantial number of small entities, as this regulation will only be in effect approximately twice a week for two hours in a limited area of the Port of Tampa.

### Collection of Information

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

### Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, and it has been determined that the rulemaking does not have sufficient Federalism implications under that order.

### Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined under Figure 2-1, paragraph (34)(g) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination has been prepared and is available in the docket for inspection and copying.

### List of Subjects in 33 CFR Part 165

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

### Final Regulations

In consideration of the foregoing, the Coast Guard amends Part 165 of Title 33, Code of Federal Regulations 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.

2. Revise § 165.703 (b) and (g) to read as follows:

#### § 165.703 Safety Zone; Tampa Bay, Florida.

\* \* \* \* \*

(b) All vessels over 5000 gross tons intending to pass anhydrous ammonia vessels moored in Port Sutton, and all vessels intending to moor in the R. E. Knight facilities at Hookers Point while an anhydrous ammonia vessel is moored in this facility, must give 30

minutes notice to the anhydrous ammonia vessel so it may take appropriate safety precautions.

\* \* \* \* \*

(g) Vessels carrying anhydrous ammonia are permitted to enter and transit Tampa and Hillsborough Bay and approaches only with a minimum of three miles visibility.

\* \* \* \* \*

Dated: February 8, 2000.

A.L. Thompson, Jr.,

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[Region VII Tracking No 089-1089; FRL-6518-7]

### Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Correction

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

**ACTION:** Direct final rule; correcting amendment.

**SUMMARY:** This document corrects an error in the amendatory instruction in a direct final rule pertaining to the Buffalo, Iowa, PM<sub>10</sub> control plan regulation.

**EFFECTIVE DATE:** February 24, 2000.

**FOR FURTHER INFORMATION CONTACT:** Edward West at (913) 551-7330.

**SUPPLEMENTARY INFORMATION:** EPA published a document on March 18, 1999 (64 FR 13343), inadvertently omitting a revision to the nonregulatory table in paragraph (e). This document adds that revision.

### Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), or require prior consultation with state officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this corrective rulemaking action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the United States Senate, the United States House

of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This amendment to the PM<sub>10</sub> control plan for Buffalo, Iowa, is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations.

Dated: November 9, 1999.

**Dennis Grams, P.E.,**  
*Regional Administrator, Region VII.*

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

**PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

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

**Subpart Q—Iowa**

2. Section 52.820 is amended by adding an entry at the end of the table in paragraph (e) as follows:

**§ 52.820 Identification of plan.**

\* \* \* \* \*

(e) \* \* \*

EPA-APPROVED IOWA NONREGULATORY PROVISIONS

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date       | Explanation |
|-------------------------------------|---|----------------------|-------------------------|-------------|
| * * *                               | * * *                                       |                      | *                       | *           |
| PM <sub>10</sub> control plan ..... | Buffalo, Iowa .....                         | 10/1/98              | 03/18/99<br>64 FR 13346 |             |