

49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105-383.

2. Add temporary § 165.T05-047 to read as follows:

**§ 165.T05-047 Safety Zone; Strategic Booming Exercise in the Cape May Harbor, Cape May, NJ.**

(a) Definitions. (1) *Captain of the Port* means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Coast Guard Representative* is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commanding Officer, Coast Guard Marine Safety Office/Group Philadelphia.

(b) *Location*. This rule establishes a safety zone to include all waters 100 feet in any direction from all booming equipment and any vessels participating in the strategic booming exercise. One end of the boom will start from the Coast Guard Buoy Yard (approximate position 38° 56' 90" N, 074° 53' 30" W) on the south side of the entrance to the North end of the Cape May Harbor and will extend out near the green can buoy number "3". From the green can marker buoy "3", the boom will extend across the navigable channel and be attached to the red flashing (2+1) day marker "C". From the day marker, the boom will extend to the north side of the north entrance to the Cape May Harbor and end near Snow's Fish Processing Plant (approximate position 38° 57' 20" N, 74° 53' 00" W). All coordinates reference Datum NAD 1983.

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

(2) No person or vessel may enter or navigate within this safety zone unless authorized to do so by the Coast Guard Representative. Any person or vessel authorized to enter the safety zone must operate in strict conformance with any directions given by the Coast Guard Representative and leave the safety zone immediately if the Coast Guard Representative so orders.

(3) The Coast Guard vessels enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (215) 271-4940.

(4) The Coast Guard Representative will notify the public of any changes in the status of this safety zone by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22 (157.1 MHz).

(d) *Effective dates*. These regulations are effective from 7 a.m. to 1 p.m. on October 19, 2000.

Dated: September 20, 2000.

**G.F. Adams,**

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

[FR Doc. 00-26772 Filed 10-17-00; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD11-00-007]

RIN 2115-AE84

#### Regulated Navigation Area; San Pedro Bay, California

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising the Regulated Navigation Area for San Pedro Bay, California. Due to port expansion projects in the Ports of Los Angeles and Long Beach, the Coast Guard conducted a Port Access Route Study (PARS) which recommended, among other things, changes to the San Pedro Bay Regulated Navigation Area (RNA). The Coast Guard is also making minor changes to some vessel operational procedures and requirements to reflect the necessary modifications with respect to traffic management due to the port construction and expansion projects.

**DATES:** This rule is effective as of October 18, 2000.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD11-00-007] and are available for inspection or copying at Commander (Pmc-3), USCG PACAREA/D11, Bldg 50-6, Coast Guard Island, Alameda, CA 94501-5100, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Patricia Springer, Chief Vessel Traffic Management Section, 11th Coast Guard District, telephone (510) 437-2951; e-mail pspringer@d11.uscg.mil.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

In 1999, the Coast Guard conducted a Port Access Route Study (PARS), which we announced in a document published in the **Federal Register** on March 11,

1999 (63 FR 12140). A PARS was needed to evaluate the effects of port improvement projects for the ports of Los Angeles and Long Beach on navigational safety and vessel traffic management efficiency, and to recommend any necessary changes to existing routing measures. The Coast Guard completed the study in July 1999 and announced the results of this study in a Notice published in the **Federal Register** on May 19, 2000 (65 FR 31856). Among other things, this study recommended modifications to the precautionary areas, existing TSS's, and aids to navigation.

On July 21, 2000, we published a notice of proposed rulemaking (NPRM) entitled Regulated Navigation Area; San Pedro Bay, California, in the **Federal Register** (65 FR 45328). The comment period ended September 5, 2000. We did not receive any comments on the proposed rule. No public hearing was requested, and none was held.

During the drafting of this Final Rule, a few minor changes were made to items discussed in the NPRM. The Coast Guard expects that these minor changes from the content of the NPRM will not impose a burden on the public.

1. In the Discussion of Regulation section of the NPRM, it correctly states that the length of the Long Beach Pilot area will be expanded approximately 1.7 nm to the south. Subsequently, in the same section, it states incorrectly that the Long Beach Pilot Area will be expanded to the south approximately 1.6 nm. This error in the NPRM is corrected in this final rule to reflect that the length of the Long Beach Pilot Area will be expanded approximately 1.7 nm to the south.

2. The second change corrects an error in the last paragraph of the Discussion of Regulation section of the NPRM. The sentence, "When a vessel drawing more than 50 feet \* \* \*" is corrected to read, "When a vessel 50 feet and greater \* \* \*"

3. The third change deals with the nomenclature used to designate the geographical coordinates of the RNA, Pilot Areas, Deep Water Routes, and the Middle Breakwater Area. The format used in the NPRM described the latitudes and longitudes in degrees, minutes and seconds. In contrast, the format used in the final rule describes latitudes and longitudes in degrees, minutes, and tenths of minutes. The format used in the final rule is easier to read and the NAD 1983 datum is accounted for throughout the regulation. Also, describing the coordinates for the RNA in this manner is consistent with the way the coordinates are published in the Los Angeles/Long Beach Traffic

Separation Scheme. See 65 FR 53,911 (Sep. 6, 2000) (to be codified at 33 CFR pt. 167).

4. The fourth and final change deals with the terms of the Proposed Regulation at § 165.1109(e)(5). The NPRM published "No vessel may enter the waters between Commercial Anchorage G and the Middle Breakwater \* \* \*" This Final Rule now refers to the specific vessels described in paragraph (d), General Regulations, which may not enter the waters between Commercial Anchorage G and the Middle Breakwater.

#### Regulatory Information

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. On September 6, 2000 the Coast Guard amended the Los Angeles/Long Beach Traffic Separation Scheme (TSS) to route commercial vessels farther offshore for safety and environmental protection reasons in the San Pedro Bay area. See 65 FR 53911. One of the amendments to the TSS expanded the Precautionary Area to match the shifted coordinates of the western and southern traffic lanes. This new Precautionary Area also coincides with the expanded coordinates for the RNA.

The RNA and the Precautionary Area establish the manner in which vessels transit through San Pedro Bay. As explained in the NPRM, the RNA has specific vessel operation requirements which are necessary because of hazardous conditions in the area. In order to enforce such requirements within the RNA, which now must have the expanded boundaries to match the TSS amendments, we are making this rule effective on the date of publication so that the RNA is in place as close as possible to the effective date of the TSS.

Also, because of these changes to the TSS and the RNA, a complete update of several local charts is required. Chart publication cannot occur until the RNA rule becomes final. Since these charts are essential to safe navigation in San Pedro Bay and the approaches of the Ports of Los Angeles—Long Beach, there is good cause to implement this final rule upon publication in the **Federal Register**.

#### Background and Purpose

The Commander, Eleventh Coast Guard District is modifying the San Pedro Bay RNA. As previously discussed, this change makes the RNA geographically the same as the precautionary area. A Precautionary Area is an internationally recognized

routing measure comprising an area within defined limits where ships must navigate with particular caution. By itself, a precautionary area does not impose specific maneuvering requirements on vessels. A Regulated Navigation Area (RNA) is a regulatory measure that defines an area, in which the Coast Guard has imposed specific vessel operating requirements because of the existence of hazardous conditions. Due to the quantity of vessel traffic and diversity of types of vessels transiting the approach to Los Angeles and Long Beach harbors, the Coast Guard thinks that the general guidance of a Precautionary Area is insufficient to ensure safe transit of the area. Therefore, in addition to establishing the Precautionary Area, the Coast Guard is also establishing an RNA, which covers the same area of waters and includes specific vessel operating procedures.

The following is a summary of the specific changes to the RNA:

- The southern boundary of the RNA is moved to the south approximately 2.2 nm to align with the new western traffic separation scheme. The southeastern corner of the RNA is shifted to the west approximately 1.8 nm on a bearing on 220 degrees T from the easterly most point of the existing Precautionary Area, to align with the new southern traffic separation scheme.
- The Los Angeles Pilot Area is expanded approximately 0.4 nm to the south-southeast.
- The Long Beach Pilot Area is expanded approximately 1.7 nm to the south.
- A Deep Water Traffic Lane approximately 3.27 nm long is established in the Los Angeles approach channel.
- A Deep Water Traffic Lane approximately 1.9 nm long is established in the Long Beach approach channel.
- A Deep Water Pilot Area is established just south of the Los Angeles Deep Water Traffic Lane. It is centered on position 33°39.00N, 118°13.19W, approximately 0.5 nm south of the southern terminus of the Los Angeles Channel and will be 1.0 nm in diameter.

In addition, this rule codifies the amended RNA into Title 33 Part 165 of the Code of Federal Regulations.

#### Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and did not require an assessment of potential costs and benefits under section 6(a)(3) of that 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 (44 FR 11040; February 26, 1979). The economic impact of this rule is so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of Department of Transportation was unnecessary.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include small businesses and not-for-profit organizations that are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on any substantial number of entities, regardless of their size.

#### Assistance for Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard offered to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rule making process. No concerns or questions from small businesses were brought to our attention on this rule.

#### Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### Federalism

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 13132 and has determined that this regulation does not have federalism implications under that Order.

#### Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard considered whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of \$100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome

alternative that achieves the objective of the rule be selected. No state, local, or tribal government entities are affected by this rule, so it will not result in annual or aggregate costs of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

**Taking of Private Property**

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

**Civil Justice Reform**

This rule meets applicable standards in section 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 proposed rule does not concern an environmental risk to safety disproportionately affecting children.

**Environmental Assessment**

The Coast Guard has considered the environmental impact of this regulation and concluded that under Chapter 2.B.2. of Commandant Instruction M16475.1C, Figure 2-1, paragraph (34)(g), it has no significant environmental impact and it is categorically excluded from further environmental documentation.

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

Harbors, 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—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

1. The authority citation for 33 CFR 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 § 165.1109 to read as follows:

**§ 165.1109 San Pedro Bay, California—Regulated Navigation Area.**

(a) *Applicability.* This section applies to all vessels unless otherwise specified. (Note: All geographic coordinates are defined using North American Datum 1983 (NAD 83)).

(b) *Deviations.* The Captain of the Port of Los Angeles-Long Beach or his or her designated representative may authorize a deviation from the requirements of this regulation when it is deemed necessary in the interests of safety.

(c) *Location.* (1) The San Pedro Bay Regulated Navigation Area (RNA) 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:

Latitude	Longitude
33°35.50' N .....	118°17.60' W
33°35.50' N .....	118°09.00' W
33°37.70' N .....	118°06.50' W
33°43.40' N .....	118°10.80' W

(2) The San Pedro Bay RNA consists of the following named sub-areas, defined by lines connecting their respective geographic coordinates:

(i) *The Los Angeles Pilot Area:*

Latitude	Longitude
33°42.50' N .....	118°15.10' W (Los Angeles Light)
33°42.62' N .....	118°14.70' W
33°41.30' N .....	118°13.50' W
33°40.85' N .....	118°14.90' W
33°42.50' N .....	118°15.10' W

(ii) *The Long Beach Pilot Area:*

Latitude	Longitude
33°43.40' N .....	118°11.20' W (Long Beach Light)
33°43.40' N .....	118°10.80' W
33°41.50' N .....	118°10.22' W
33°40.52' N .....	118°10.22' W
33°40.52' N .....	118°11.82' W
33°41.50' N .....	118°11.82' W
33°43.40' N .....	118°11.20' W

(iii) *The Los Angeles Deep Water Traffic Lane:*

Latitude	Longitude
33°42.47' N .....	118°14.95' W
33°42.56' N .....	118°14.75' W
33°39.48' N .....	118°13.32' W
33°39.42' N .....	118°13.55' W
33°42.47' N .....	118°14.95' W

(iv) *The Long Beach Deep Water Traffic Lane:*

Latitude	Longitude
33°43.43' N .....	118°11.15' W
33°43.39' N .....	118°10.90' W
33°41.51' N .....	118°10.71' W
33°41.50' N .....	118°10.95' W
33°43.43' N .....	118°11.15' W

(v) *Los Angeles Deep Water Pilot Area:* A 0.5nm radius around 33°39.00' N, 118°13.19' W.

(d) *General Regulations.* The following regulations contained in paragraphs (d)(1) through (d)(3) of this section apply to power driven vessels of 1600 or more gross tons, a towing vessel of 8 meters (approximately 26 feet) or over in length engaged in towing, or vessels of 100 gross tons and upward carrying one or more passengers for hire.

(1) A vessel shall not exceed a speed of 12 knots through the water within the RNA.

(2) A vessel navigating within the RNA, shall have its engine(s) ready for immediate maneuver and shall operate its engine(s) in a control mode and on fuel that will allow for an immediate response to any engine order, ahead or astern, including stopping its engine(s) for an extended period of time.

(3) A vessel navigating within the RNA shall maintain a minimum separation from other vessels of at least 0.25 nm.

(e) *Specific Regulations—(1) Los Angeles Pilot Area.* (i) No vessel may enter the Los Angeles Pilot Area unless it is entering or departing Los Angeles Harbor entrance (Angels Gate).

(ii) Vessels entering the Los Angeles Pilot Area shall pass directly through without stopping or loitering except as necessary to embark or disembark a pilot.

(2) *Long Beach Pilot Area.* (i) No vessel may enter the Long Beach Pilot Area unless it is entering or departing Long Beach Harbor entrance (Queens Gate).

(ii) Vessels entering the Long Beach Pilot Area shall pass directly through without stopping or loitering except as necessary to embark or disembark a pilot.

(iii) Every vessel shall leave Long Beach Approach Lighted Whistle Buoy "LB" to port when entering and departing Long Beach Channel and departing vessels shall pass across the southern boundary of the Long Beach Pilot Area.

(3) *Los Angeles and Long Beach Deep Water Traffic Lanes.* When a vessel of 50 foot draft or greater is using the Los Angeles or Long Beach Deep Water Traffic Lane no other vessel shall enter the Deep Water Traffic Lane if it will result in a meeting, crossing or overtaking situation.

(4) *Los Angeles Deep Water Pilot Area.* When a vessel of 50 foot draft or greater is embarking or disembarking a pilot in the Los Angeles Deep Water Pilot Area no other vessel shall enter the Deep Water Pilot Area.

(5) Vessels described in paragraph (d) of this section may not enter the waters between Commercial Anchorage G and the Middle Breakwater as defined by an area enclosed by the line beginning at Los Angeles Main Channel Entrance Light 2 (33°42.70' N, 118°14.70' W), thence east along the Middle Breakwater to Long Beach Light (33°43.40' N, 118°11.20' W), thence south to (33°43.08' N, 118°11.26' W), thence westerly to (33°43.08' N, 118°12.26' W), thence southwesterly parallel to the breakwater to (33°42.43' N, 118°14.30' W), thence to the point of origin, unless such vessel is:

- (i) In an emergency;
- (ii) Proceeding to anchor in or departing Commercial Anchorage G;
- (iii) Standing by with confirmed pilot boarding arrangements; or,
- (iv) Engaged in towing vessels to or from Commercial Anchorage G, or to or from the waters between Commercial Anchorage G and the Middle Breakwater.

Dated: October 2, 2000.

**C.D. Wurster,**

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

[FR Doc. 00-26773 Filed 10-17-00; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[MO 114-1114a; FRL-6885-6]

**Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Dent Township**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is announcing the redesignation of the lead nonattainment area in western Iron County, Missouri, to attainment of the National Ambient Air Quality Standards (NAAQS). We are approving the maintenance plan for this area including a consent order which was submitted with the redesignation request, and we are also approving the revision to Missouri's Restriction of Emissions of Lead From Specific Lead Smelter-Refinery Installations rule which ensures the permanent and enforceable emission reductions by clarifying the emissions limits for the Doe Run Resource Recycling Facility, and removes the text which could have allowed this facility to resume operation as a primary smelter.

**DATES:** This rule is effective on December 18, 2000 without further notice, unless EPA receives adverse written comment by November 17, 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 must be submitted to Kim Johnson, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of documents relative to this action are available for public inspection during normal business hours at the above listed Region 7 location. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Kim Johnson at (913) 551-7975.

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we, us, or our" is used, we mean EPA. This section provides additional information by addressing the following questions:

What Is a State Implementation Plan (SIP)?  
What is the Federal approval process for a SIP?

What does Federal approval of a state regulation mean to me?

What requirements must be followed for redesignations to attainment?

What is being addressed in this document?

Have the requirements for approval of a SIP revision and redesignation to attainment been met?

What action is EPA taking?

**What Is a State Implementation Plan (SIP)?**

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to EPA for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

**What Is the Federal Approval Process for a SIP?**

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled "Approval and Promulgation of Implementation Plans." The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are "incorporated by reference," which means that we have approved a given state regulation with a specific effective date.

**What does Federal approval of a state regulation mean to me?**

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

**What requirements must be followed for redesignation to attainment?**

Under section 307(d) of the CAA, we are required to promulgate designations of areas identifying their status with respect to attainment of the ambient standards described previously. We are required to determine whether each area is attaining the standard, not attaining the standard, or cannot be designated based on available information. Once an area is designated as nonattainment for a standard, it cannot be redesignated to attainment until the requirements of section 107(d)(3)(E) of the CAA are met. These requirements are discussed below, and include a revision to the SIP