

actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves changing the size of anchorage grounds resulting in a reduction in the overall size of the anchorage area. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1.

2. Amend § 110.155, by revising paragraph (c)(5) to read as follows:

§ 110.155 Port of New York.

* * * * *

(c) * * *

(5) Anchorages No. 19 East and 19 West.

(i) Anchorage No. 19 East. All waters of the Hudson River bound by the following points: 40°49'42.6" N, 073°57'14.7" W; thence to 40°49'45.9" N, 073°57'22.0" W; thence to 40°49'52.0" N, 073°57'22.0" W; thence to 40°50'08.3" N, 073°57'10.8" W; thence to 40°50'55.4" N, 073°56'59.7" W; thence to 40°51'02.5" N, 073°56'57.4" W; thence to 40°51'00.8" N, 073°56'49.4" W; thence along the shoreline to the point of origin (NAD 83).

(ii) Anchorage No. 19 West. All waters of the Hudson River bound by the following points: 40°46'56.3" N, 073°59'42.2" W; thence to 40°47'36.9" N, 073°59'11.7" W; thence to 40°49'31.3" N, 073°57'43.8" W; thence to 40°49'40.2" N, 073°57'37.6" W; thence to 40°49'52.4" N, 073°57'37.6" W; thence to 40°49'57.7" N, 073°57'47.3" W; thence to 40°49'32.2" N, 073°58'12.9" W; thence to 40°49'00.7" N, 073°58'33.1" W; thence to 40°48'28.7" N, 073°58'53.8" W; thence to 40°47'38.2" N, 073°59'31.2" W; thence to 40°47'02.7" N, 073°59'57.4" W; thence to the point of origin.

(iii) The following regulations apply to 33 CFR 110.155(c)(5)(i) and (ii):

(A) No vessel may conduct lightering operations in these anchorage grounds without permission from the Captain of the Port. When lightering is authorized, the Captain of the Port New York must be notified at least four hours in

advance of a vessel conducting lightering operations as required by § 156.118 of this title.

(B) Any vessel conducting lightering or bunkering operations shall display by day a red flag (Pub 102; International Code of Signals; signaling instructions) at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night the flag must be illuminated by spotlight. These signals shall be in addition to day signals, lights and whistle signals as required by rules 30 (33 U.S.C. 2030) and 35 (33 U.S.C. 2035) of the Inland Navigation Rules when at anchor in a general anchorage area.

(C) Within an anchorage, fishing and navigation are prohibited within 500 yards of an anchored vessel displaying a red flag by day or a red light by night.

(D) These anchorage grounds are only authorized for use by tugs and/or barges.

(E) No vessel may occupy this anchorage ground for a period of time in excess of 96 hours without prior approval of the Captain of the Port.

(F) All coordinates referenced use datum: NAD 83.

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Dated: July 23, 2009.

Dale G. Gabel,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. E9-22457 Filed 9-17-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2005-0463; FRL-8957-2]

Approval and Promulgation of State Implementation Plans; State of Colorado; Revisions to the Denver Emergency Episode Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions to the Denver Emergency Episode Plan submitted by the State of Colorado on September 16, 1997. EPA has determined that the Denver Emergency Episode Plan revisions meet the requirements for the prevention of air pollution emergency episodes with ambient concentrations of air pollutants that may endanger public health and welfare. In the "Rules and Regulations" section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal

because the Agency views this as a non-controversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. 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 must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

DATES: Written comments must be received on or before October 19, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R08-OAR-2005-0463, by one of the following methods:

- http://www.regulations.gov. Follow the on-line instructions for submitting comments.
• E-mail: videtich.callie@epa.gov and mastrangelo.domenico@epa.gov.
• Fax: (303) 312-6064 (please alert the individual listed in the FOR FURTHER INFORMATION CONTACT if you are faxing comments).

• Mail: Callie Videtich, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop, Denver, Colorado 80202-1129.

• Hand Delivery: Callie Videtich, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop, Denver, Colorado 80202-1129. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules section of this Federal Register for detailed instruction on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Domenico Mastrangelo, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P-AR, 1595 Wynkoop, Denver, Colorado 80202-1129, (303) 312-6436, mastrangelo.domenico@epa.gov.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final

action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

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

Dated: September 4, 2009.

Carol Rushin,

Acting Regional Administrator, Region 8.

[FR Doc. E9-22281 Filed 9-17-09; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 367

[Docket No. FMCSA-2009-0231]

RIN-2126-AB19

Fees for the Unified Carrier Registration Plan and Agreement

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of Proposed Rulemaking; extension of comment period.

SUMMARY: FMCSA extends the time for submitting comments for an additional ten days in response to the notice of proposed rulemaking (NPRM) proposing fees for the Unified Carrier Registration Plan and Agreement published on September 3, 2009. The FMCSA received a request to extend the comment period from the five industry representatives on the Board of Directors of the Unified Carrier Registration Agreement (Board), which was supported by several other interested parties. The extension of the comment period will allow all interested parties additional time to submit comments to the proposed rule.

DATES: The comment period for the proposed rule published September 3, 2009 (74 FR 45583) is extended. Comments must be received on or before September 28, 2009.

ADDRESSES: You may submit comments, identified by docket number FMCSA-2009-0231 and/or RIN 2126-AB19, by any of the following methods—Internet, facsimile, regular mail, or hand-deliver.

Federal eRulemaking Portal: Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov>. The FDMS is the preferred method for submitting comments, and we urge you to use it. In the “Comment” or “Submission” section, type Docket ID Number “FMCSA-2009-0231”, select “Go”, and then click on “Send a Comment or Submission.” You will receive a tracking number when you submit a comment.

Fax: 1-202-493-2251.

Mail, Courier, or Hand-Deliver: U.S. Department of Transportation, Docket Operations (M-30), West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

Docket: Comments and material received from the public, as well as background information and documents mentioned in this preamble, are part of docket FMCSA-2009-0231, and are available for inspection and copying on the Internet at <http://www.regulations.gov>. You may also view and copy documents at the U.S. Department of Transportation’s Docket Operations Unit, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

Privacy Act: All comments will be posted without change including any personal information provided to the FDMS at <http://www.regulations.gov>. Anyone can search the electronic form of all our dockets in FDMS, by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc). The Department of Transportation’s (DOT) complete Privacy Act Statement was published in the **Federal Register** on April 11, 2000 (65 FR 19476), and can be viewed at <http://docketsinfo.dot.gov>. Comments received after the comment closing date will be included in the docket, and we will consider late comments to the extent practicable. FMCSA may, however, issue a final rule at any time after the close of the comment period.

FOR FURTHER INFORMATION CONTACT: Ms. Julie Otto, Office of Enforcement and Program Delivery, (202) 366-0710, FMCSA, Department of Transportation, 1200 New Jersey Ave., SE., Washington, DC 20590 or by e-mail at: FMCSAregs@dot.gov.

SUPPLEMENTARY INFORMATION:

On September 8, 2009, the five industry representatives on the Board of Directors of the Unified Carrier Registration Agreement sent a request on behalf of themselves and their respective organizations including the American Trucking Associations, the National Private Trucking Council, the Owner Operator Independent Drivers Association, the Transportation Intermediaries Association, and Walmart for an extension of the comment period in the subject rulemaking proceeding.

Requests for extension of time to comment in a rulemaking proceeding

before FMCSA are governed by the provisions of 49 CFR 389.19. Extensions require a showing of good cause, and are granted if consistent with the public interest.

Petitioners contend that the agency is required to provide an extension because of the provisions of Executive Order No. 12866, 58 FR 51733 (Oct. 4, 1993), as amended by Executive Order No. 13258, 67 FR 9383 (Feb. 28, 2002). Section 6 of E.O. 12866 provides that:

Each agency shall (consistent with its own rules, regulations, or procedures) provide the public with meaningful participation in the regulatory process. In particular, before issuing a notice of proposed rulemaking, each agency should, where appropriate, seek the involvement of those who are intended to benefit from and those expected to be burdened by any regulation (including, specifically, State, local, and tribal officials). In addition, each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days.

In this matter, after the Board submitted its initial proposal for an adjustment of the UCR fees on April 3, 2009, FMCSA’s designated member of the Board responded by conducting a telephone conference on April 23 with the Board’s chairman and the chairman of Board’s revenue and fees subcommittee to discuss several issues presented by the proposal. Those issues were explained in more detail in a written set of questions to the Board transmitted immediately after the conference.

Over the next few months, in the course of public meetings of the board of directors in May 14, June 16 and 17, and July 9, the issues raised by FMCSA were discussed. At its June meeting, the Board voted by a majority to reconsider the proposal submitted on April 3. The revenue and fees subcommittee of the Board, which has members from the motor carrier industry, met thereafter to consider alternative proposals that might address the issues raised by FMCSA. Two such proposals to replace the April 3 proposal were put to a vote by the Board at its meeting on July 9; both proposals failed to be adopted because of a tie vote among the members of the Board present and voting. On July 15, the Board submitted a letter advising the agency of these facts and, in effect, requesting FMCSA to proceed with the rulemaking proceeding contemplated by 49 U.S.C. 14504a(d)(7). As indicated in that letter, the Board and FMCSA both consider that the 90-day statutory time period for completion of the proceeding commenced on July 15. Petitioners’