

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 for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 13, 1999.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD07-99-023]

RIN 2115-AA98

Special Anchorage Areas; St. Johns River, Jacksonville, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the Anchorage Regulations for the St. Johns River in Jacksonville, FL. The amendment will improve the safety of vessels anchoring within and transiting these anchorage areas by imposing additional notification and VHF-FM channel monitoring requirements.

DATES: Comments must be received on or before July 19, 1999.

ADDRESSES: Comments may be mailed to Commanding Officer Coast Guard Marine Safety Office Jacksonville, 7820 Arlington Expressway, Suite 400, Jacksonville, Florida 32211, or may be delivered to above address between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (904) 232-2640. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: LT Zachary Pickett, Coast Guard Marine Safety Office Jacksonville, at (904) 232-2640, ext. 128.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD07-99-023] and the specific section of this proposal to which each comment applies and give the reason for each comment.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to 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, it will hold a public hearing at a time and place announced by a notice in the **Federal Register**.

Background and Purpose

A natural working group established by the Jacksonville Waterways Management Council proposed additional safety requirements for vessels using Anchorage Areas A and B within the St. Johns River. The Captain of the Port agreed with the finding of the Council and has proposed regulations to improve the safety of vessels anchoring within and transiting the anchorage areas. The amended regulations will require all vessels intending to anchor to notify the Captain of the Port, and all anchoring vessels will be required to monitor Channels 13 and 16 VHF-FM at all times. Also, while in the anchorage area, all vessels transferring petroleum products and all vessels over 300 feet in length will be required to have a pilot or dock master on board and will be required to employ sufficient tugs to ensure safety.

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. 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and

procedures of DOT is unnecessary as these regulations will only economically effect approximately 30 vessels a year.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule, if adopted will have a significant economic effect upon 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 fields, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities as the tug employment and pilot requirements will only effect approximately 30 vessels each year in the waters of the St. Johns River, and the other changes are only minor in nature.

If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

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

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

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

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulation: In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations as follows:

PART 110—[AMENDED]

1. The Authority citation for Part 110 continues to read as follows:

Authority: 93 U.S.C. 471, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a is also issued under 33 U.S.C. 1223 and 1231.

2. Revise paragraph (b) of § 110.183 to read as follows:

§ 110.183 St. Johns River, Florida.

* * * * *

(b) *The regulations.* (1) Except in cases of emergency, only vessels meeting the conditions and restrictions of this subsection will be authorized by the Captain of the Port to anchor in the St. Johns River, as depicted on NOAA chart 11491, between the entrance buoy (STJ) and the Main Street Bridge (in approximate position 30–19.20N, 81–39–32W). Vessels unable to meet any of the following conditions and restrictions must obtain specific authorization from the Captain of the Port prior to anchoring in Anchorage A or B.

(2) All vessels intending to enter and anchor in Anchorage A or B shall notify the Captain of the Port prior to entering.

(3) Anchorages A and B are temporary anchorages. Additionally, Anchorage B is used as a turning basin. Vessels may not anchor for more than 24 hours in either anchorage without specific written authorization from the Captain of the Port.

(4) All vessels at anchor must maintain a watch on VHF–FM channels 13 and 16 by a person fluent in English, and shall make a security broadcast on channel 13 upon anchoring and every 4 hours thereafter.

(5) Anchorage A is restricted to vessels less than 250 feet in length.

(6) Anchorage B is restricted to vessels with a draft of 24 feet or less, regardless of length.

(7) Any vessel transferring petroleum products within Anchorage B shall have a pilot or Docking Master aboard, and employ sufficient assist tugs to assure the safety of the vessel at anchor and any vessels transiting the area.

(8) Any vessel over 300 feet in length within Anchorage B shall have a Pilot or Docking Master aboard, and employ sufficient assist tugs to assure the safety of the vessel at anchor and any vessels transiting the area.

Dated: April 29, 1999.

G.W. Sutton,

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

[FR Doc. 99–11682 Filed 5–19–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 260

[Docket No. FRA 1999–5663]

RIN 2130–AB26

Railroad Rehabilitation and Improvement Financing Program; Proposed Revisions

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: Section 7203 of the Transportation Equity Act for the 21st Century (“TEA 21”) amends Title V of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (“Act”) by replacing the railroad financing programs (the purchase of preference shares and the issuance of loan guarantees) with a new loan and loan guarantee program. Section 7203 authorizes the Secretary of Transportation (“Secretary”) to provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least one railroad. The Secretary has delegated his authority to the FRA Administrator. The following types of projects are eligible for financing under Title V, as revised: acquisition, improvement or rehabilitation of intermodal or rail equipment or facilities (including tracks, components of tracks, bridges, yards, buildings, and shops), refinancing outstanding debt incurred for these purposes, or development or establishment of new intermodal or railroad facilities. The aggregate unpaid principal amounts of obligations cannot exceed \$3.5 billion at any one time and not less than \$1 billion is to be available solely for projects benefiting freight railroads other than Class I carriers.

The NPRM would strike the language in existing part 260 (the Title V loan guarantee program), and replace it with new procedures and requirements to cover applications of financial assistance in the form of direct loans and loan guarantees consistent with the

changes in Title V made by section 7203.

DATES: (1) *Written comments:* Written comments must be received no later than June 21, 1999. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

(2) *Hearing:* Because the NPRM tracks the statutory language, FRA does not intend to schedule a public hearing.

(3) *Proposed effective date:* The revisions to part 260 are proposed to become effective thirty days after date of publication of the final rule.

ADDRESSES: The public is invited to submit written comments on the NPRM. The proposals contained in the NPRM may be changed in light of the comments received. Written comments should refer to the docket number of this notice and be submitted in duplicate to: DOT Central Docket Management Facility located in room PL–401 at the Plaza level of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. All docket material will be available for inspection at this address and on the Internet at <http://dms.dot.gov>. Docket hours at the Nassif Building are Monday–Friday, 10 a.m. to 5 p.m., excluding Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: JoAnne M. McGowan, Chief of Freight Programs Division, RDV–12, Office of Passenger and Freight Services, FRA, 1120 Vermont Avenue, NW, Mailstop 20, Washington, D.C. 20590 (telephone 202–493–6336), or Joseph R. Pomponio, Senior Attorney, Office of Chief Counsel, FRA, 1120 Vermont Avenue, NW, Mailstop 10, Washington, D.C. 20590 (telephone 202–493–6336).

SUPPLEMENTARY INFORMATION:

Background

Prior to the enactment of TEA 21, Title V of the Act, 45 U.S.C. 821 *et seq.*, authorized FRA to provide railroad financial assistance through the purchase of preference shares (45 U.S.C. 825), and the issuance of loan guarantees (45 U.S.C. 831). The FRA regulations implementing the preference share program were eliminated on February 9, 1996, due to the fact that the authorization for the program expired (28 FR 4937). The FRA regulations implementing the loan guarantee provisions of Title V of the Act are contained in 49 CFR Part 260.

Section 7203 of TEA 21, Pub. L. No. 105–178 (June 9, 1998), replaces the existing Title V financing programs.