

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 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 E.O. 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 E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under E.O. 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

We 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 rule will have no affect on the environment.

List of Subjects in 33 CFR Part 165

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

Regulation

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. 1225 and 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. Add temporary § 165.T05–004 to read as follows:

§ 165.T05–004 Safety Zone; Transit of S/V Amerigo Vespucci, Chesapeake Bay, Baltimore, MD.

(a) *Definitions:* *Captain of the Port* means the Commander, Coast Guard Activities Baltimore or any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on his behalf.

(b) *Location.* The following area is a moving safety zone: All waters within 150 yards ahead of or 50 yards abeam or astern of the sailing vessel *Amerigo Vespucci*, while the vessel is operating on the Chesapeake Bay or its tributaries, north of the Maryland-Virginia border and south of latitude 39°35'00".

(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 the regulated areas unless authorized to do so by the Captain of the Port. Any person or vessel authorized to enter the regulated areas must operate in strict conformance with any directions given by the Captain of the Port and leave the regulated area immediately if the Captain of the Port 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 (410) 576–2521 or 2693.

(4) The Captain of the Port will notify the public of any changes in the status of this zone by a Marine Safety Radio Broadcast on VHF–FM marine band radio, channel 22 (157.1 MHz).

(d) *Enforcement period.* These regulations are enforced from 6 a.m. to 6 p.m. on June 21, 2000 and June 24, 2000 respectively.

Dated: May 16, 2000.

C.L. Miller,

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

[FR Doc. 00–13025 Filed 5–19–00; 12:38 pm]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 031–0237; FRL–6704–1]

Revision to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; correction.

SUMMARY: In this direct final action, EPA is removing final limited approval and limited disapproval of revisions to the California State Implementation Plan (SIP) that were published on January 13, 2000 (65 FR 2052).

DATES: This rule is effective July 24, 2000, without further notice unless EPA receive adverse comments by June 22, 2000. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

ADDRESSES: Comments may be mailed to: Andrew Steckel, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

Environmental Protection Agency, Air Docket (6102), 401 "M" Street SW, Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

South Coast AQMD, 21865 E. Copley Dr., Diamond Bar, CA 91765–4182.

FOR FURTHER INFORMATION CONTACT: Ed Addison, Rulemaking Office, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105; Telephone: (415) 744–1160.

SUPPLEMENTARY INFORMATION: On August 5, 1988, South Coast Air Quality Management District (SCAQMD) adopted Rule 1109, Emissions of Oxides of Nitrogen from Process Heaters and Boilers in Petroleum Refineries. On March 26, 1990, California Air Resources Board (CARB) submitted Rule 1109 to EPA Region IX. On February 28, 1997 at 62 FR 9138, EPA proposed limited approval and limited disapproval of Rule 1109. On December 7, 1999, CARB sent EPA a request to withdraw the March 26, 1990 submittal because all the affected sources are now regulated instead by SCAQMD Regulation XX (Reclaim). EPA believes this is a reasonable request. Unfortunately, before receiving this request, EPA signed an action finalizing the limited approval and limited disapproval, which was published on January 13, 2000 at 65 FR 2052.

Therefore, the purpose of today's Direct Final action is to correct this error pursuant to section 110(k)(6) of the

Clean Air Act. Today's correction has no bearing on the other three rules that were finalized in our January 13, 2000 action. We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations.

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).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 9, 2000.

Keith Takata,

Acting Regional Administrator, Region IX.

Subpart F of part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart F—California

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

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

§ 52.220 [Amended]

2. Section 52.220 is amended by removing paragraph (c)(179)(H).

[FR Doc. 00-12785 Filed 5-22-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300507A FRL-6556-2]

RIN 2070-AB78

Vinclozolin; Order Denying Objections to Issuance of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final order.

SUMMARY: EPA is denying the objections filed by the Natural Resources Defense Council to a final rule issued July 18, 1997, which announced the issuance of a tolerance for use of vinclozolin on succulent (snap) beans under section 408 of the Federal Food, Drug, and Cosmetic Act. The objections are denied because the tolerances have expired and consequently the objections are now moot.

DATES: This denial of the objections is effective on May 23, 2000.

FOR FURTHER INFORMATION CONTACT: Deanna Scher, Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-7043; fax number: (703) 308-7042; e-mail address: scher.deanna@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

This action is directed to the public in general. However, this action is of particular interest to Earthjustice Legal Defense Fund, the organization that filed objections to the vinclozolin tolerance granted for snap beans in 1997 on behalf of Natural Resources Defense Council, American Federation of Labor and Congress of Industrial Organizations, Environmental Working Group, Pineros y Campesinos Unidos del Noroeste, and Northwest Coalition for Alternatives to Pesticides. This action is also of interest to BASF Corporation, the manufacturer of vinclozolin, as well as users of vinclozolin products. Since various different entities may be interested in this action, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section."

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the Federal Register listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-300507A. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

II. Background

A. What Action Is the Agency Taking?

On September 15, 1997, the Natural Resources Defense Council ("NRDC") filed a series of objections and hearing requests in regard to EPA's issuance of a tolerance for the pesticide vinclozolin on succulent (snap) beans under section 408 of the Federal Food, Drug, and Cosmetic Act ("FFDCA"), 21 U.S.C. 346a. Because that tolerance expired on October 1, 1999, those objections are now moot and are denied on that ground.

B. What Is the Agency's Authority for Taking This Action?

Section 408 of the FFDCA authorizes the establishment by regulation of maximum permissible levels of pesticides in foods. Such regulations are