

(1) How the proposal addresses issues of national capacity in international education.

(2) What area(s), language(s), and discipline(s) the proposal addresses and the importance of these to U.S. national capacity.

(3) What the applicant is proposing to do.

(4) How the proposal deals with the key characteristics of the NSEP.

(5) Demonstration of thorough knowledge of the state of the art in the particular area of the proposal and how this proposal develops or builds capacity, not duplicates existing capacity.

(g) The applicant must also include a budget estimate. This budget estimate, for the first year of the proposal, must include the following:

(1) A summary of anticipated direct costs including professional salaries, funds for students, travel, materials and supplies, consultants, etc., and how or why these costs are needed.

(2) An estimate of institutional indirect costs. The budget estimate must also indicate whether funding is also being requested for a second year and, if so, an estimate of the amount to be requested.

(h) Panelists will review and rank proposals and forward their recommendations to the NSEPO. NSEPO will review and analyze these recommendations and inform all applicants of decisions.

#### **§ 206.5 Final proposal process.**

NSEPO will provide detailed comments on proposals to all applicants who are invited to prepare a final proposal.

(a) Final proposals should be limited to no more than 25 double-spaced pages. Proposals will be reviewed by national panels constructed similarly to those designed to review preliminary proposals. In addition to a field review process, panelists will be assembled in Washington D.C. to discuss and review the independent and competing merits of proposals.

(b) Proposals will be evaluated in two basic categories:

(1) Proposals that address study abroad infrastructure and

(2) Proposals that address domestic infrastructure. Should proposals deal with both of these issues, they will be evaluated in a third category. This grouping of proposals will ensure that all categories of proposals receive funding consideration.

(c) In general, final proposals will be considered on the following selection criteria:

(1) *Importance of the problem.* Each proposal will be evaluated according to

the merit of how it addresses issue(s) of national capacity. The proposal must articulate the importance of the problem it addresses, how the proposal addresses issues of national capacity in international education, and how it is consistent with the objectives of the NSEP.

(2) *Importance of proposed foreign language(s), foreign area(s), field(s) or discipline(s).* The proposal will be evaluated according to how well it articulates the need for programs in the proposed areas, languages, fields, or disciplines.

(3) *Identification of need and gaps/shortfalls.* The proposal will be evaluated according to its persuasiveness in identifying where the needs exist and where serious shortfalls exist in the capacity to fill the need. The proposal should clearly identify why these gaps exist and provide a strong indication of familiarity with the state of the field in the proposal area.

(4) *Cost effectiveness.* Proposals will be evaluated on the basis of "educational value for the dollar." NSEP is interested in funding proposals in areas where other funding is limited or in areas where NSEP funding can significantly augment or complement other sources. NSEP is not interested in replacing funds available from other sources or in duplicating other efforts. Also, NSEP is interested in projects whose dollar levels and long-range budget plans provide for realistic continuation by the grantee institution and adaptation by other institutions. NSEP is interested in proposed approaches to leveraging other funds against the proposed project.

(5) *Evaluation plans.* Proposals will be evaluated on their approach to measuring impact. What impact will the proposed program have on national capacity? How will the proposed program deal with assessing language and foreign cultural competency? In the case of study abroad programs, how will the success and impact of study abroad experiences be assessed. Proposals should not defer the consideration of these issues to a latter stage of the effort. Evaluation and assessment should be an integral part of the entire proposal effort.

(6) *Prospects for wider impact.* Proposals must address national needs and will be evaluated according to how well they are likely to address these needs. What component of the higher education community does the proposal address? How diverse a student population will the proposed program address? What applications to other institutions will be made available,

either directly or indirectly, because of the proposed program?

(7) *Capacity and commitment of the applicant.* The proposal will be evaluated according to the evidence provided on the commitment of the institution, and other institutions, to the proposed project. What other institutions are involved and what is their commitment. If there are commitments from foreign institutions, what is the evidence of this commitment? Are their plans for the institution to integrate the efforts of the proposed program into the educational process? What plans are there for eventual self-support? As with many other similar programs, NSEP is particularly interested in the degree to which the institution is willing to bear a reasonable share of the direct and indirect costs of the proposed project.

(d) Applicants should also indicate if they currently receive or are seeking support from other sources. Applicants should indicate why support from NSEP is appropriate, if other sources are also being sought.

Dated: May 13, 1994.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94-12172 Filed 5-16-94; 11:14 am]

BILLING CODE 5000-04-M

## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

#### **33 CFR Part 100**

[CGD 05-94-015]

**Special Local Regulations for Marine Events; Blackbeard Pirate Jamboree; Town Point, Elizabeth River, Norfolk and Portsmouth, VA**

AGENCY: Coast Guard, DOT.

ACTION: Notice of Implementation.

**SUMMARY:** This notice implements special local regulations for the Blackbeard Pirate Jamboree to be held on the Elizabeth River at Town Point Park, Norfolk and Portsmouth, Virginia. The regulations are needed to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and the expected congestion at the time of the event. The regulations restrict general navigation in the area for the safety of life and property on the navigable waters during the event.

**EFFECTIVE DATE:** This regulation is effective from 11 a.m. to 3 p.m., July 30, 1994.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen L. Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204, or Commander, Coast Guard Group Hampton Roads (804) 483-8567.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The drafters of this notice are QM2 Gregory C. Garrison, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and LT Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

**Discussion of Regulation**

Norfolk Festevents, Ltd. submitted an application to hold the Blackbeard Pirate Jamboree on the Elizabeth River at Town Point Park, Norfolk and Portsmouth, Virginia. The event will consist of a parade of sail followed by an orchestrated water drama with cannon fire between two vessels. Since many spectator vessels are expected to be in the area to watch the jamboree, the regulations in 33 CFR 100.501 are being implemented for the safety of life and property. The waterway will not be closed for an extended period; therefore, commercial traffic should not be severely disrupted.

In addition to regulating the area for the safety of life and property, this notice of implementation also authorizes the Patrol Commander to regulate the operation of the Berkley drawbridge in accordance with 33 CFR 117.1007, and authorizes spectators to anchor in the special anchorage areas described in 33 CFR 110.72aa. 33 CFR 110.72aa establishes the spectator anchorages in 33 CFR 100.501 as special anchorage areas under Inland Navigation Rule 30, 33 U.S.C. 2030(g). 33 CFR 117.1007 closes the draw of the Berkley Bridge to vessels during and for one hour before and after the effective period under 33 CFR 100.501, except that the Coast Guard Patrol Commander may order that the draw be opened for commercial vessels.

Dated: April 13, 1994.

**W.T. Leland,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 94-11983 Filed 5-18-94; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 100**

[CGD 05-94-01B]

**Special Local Regulations for Marine Events; Norfolk Harborfest 1994; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of Implementation.

**SUMMARY:** This notice implements special local regulation for Norfolk Harborfest 1994, an annual event to be held in the Waterside area of the Elizabeth River between Norfolk and Portsmouth, Virginia. These special local regulations are needed to control vessel traffic within the immediate vicinity of Waterside due to the confined nature of the waterway and the expected vessel congestion during the Norfolk Harborfest 1994 activities. The effect will be to restrict general navigation in the regulated area for the safety of participants and spectators.

**EFFECTIVE DATES:** This regulation is effective for the following periods:

1:30 p.m. to 9 p.m., June 3, 1994

10 a.m. to 11 p.m., June 4, 1994

10 a.m. to 6 p.m., June 5, 1994

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705 (804) 398-6204, or Commander, Coast Guard Group Hampton Roads (804) 483-8559.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The drafters of this notice are QM2 Gregory C. Garrison, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and LT Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

**Discussion of Regulation**

Norfolk Harborfest, Inc. submitted an application to hold Norfolk Harborfest 1994 on June 3, 4, and 5, 1994, in the Waterside area of the Elizabeth River. This area is covered by 33 CFR 100.501 and generally includes the waters of the Elizabeth River between Town Point Park, Norfolk, Virginia, the mouth of the Eastern Branch of the Elizabeth River, and Hospital Point, Portsmouth, Virginia. Since this event is of the type contemplated by this regulation and the safety of the participants and spectators viewing this event will be enhanced by the implementation of special local regulations for the Elizabeth River, 33 CFR 100.501 will be in effect during Norfolk Harborfest 1994. Norfolk

Harborfest 1994 will consist of aerobatic demonstrations, an air/sea rescue demonstration, fireworks, lighted boat parade, and numerous other water events, to include a parade of sailboats and several boat and raft races. Because commercial vessels will be permitted to transit the regulated area between events, commercial traffic should not be severely disrupted. In addition to regulating the area for the safety of life and property, this notice of implementation also authorizes the Patrol Commander to regulate the operation of the Berkley drawbridge in accordance with 33 CFR 117.1007, and authorizes spectators to anchor in the special anchorage areas described in 33 CFR 110.72aa.

Dated: April 13, 1994.

**W.T. Leland,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 94-11982 Filed 5-18-94; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 100**

[CGD 05-94-011]

**Special Local Regulations for Marine Events; Severn River, College Creek, and Weems Creek, Annapolis, MD**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of Implementation.

**SUMMARY:** This notice implements special local regulation for the Blue Angels Airshow to be held on May 21, 22, and 23, 1994. These regulations are necessary to control vessel traffic in the immediate vicinity of this event. The effect of these regulations will be to restrict general navigation in the regulated area for the safety of spectators and participants.

**EFFECTIVE DATES:** This regulation is effective from 2 p.m. until 4:30 p.m., on May 21, 1994, and from 1:30 p.m. until 4:30 p.m., on May 22 and 23, 1994.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The drafters of this notice are QM2 Gregory C. Garrison, project officer, Boating Affairs Branch, Fifth Coast Guard District, and LT John B. Gately, project attorney, Fifth Coast Guard District Legal Staff.

## Discussion of Regulation

The U.S. Naval Academy submitted an application to hold the Blue Angels Airshow on May 21, 22, and 23, 1994. In the past, a Coast Guard patrol was provided during practice sessions and the actual performance, which consists of six high performance jet aircraft flying at low altitudes in various formations over the Severn River. These regulations in 33 CFR 100.518 are necessary to control spectator craft and to provide for the safety of life and property on navigable waters during the event. The Federal Aviation Administration regulations require closing the waterway to vessel traffic as a prerequisite for this event. Historically, commercial traffic has not been severely disrupted, and the Coast Guard does not anticipate any problems in the future.

Dated: April 13, 1994.

W.T. Leland,

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

[FR Doc. 94-11981 Filed 5-18-94; 8:45 am]

BILLING CODE 4910-14-M

## 33 CFR Part 165

[COTP Baltimore 94-005]

### Safety Zone Regulation: Cambridge Triathlon, Hambrooks Bay Section of the Choptank River, Cambridge, MD

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard Marine Safety Office Baltimore is establishing a safety zone for the purpose of the "Cambridge Triathlon" event to be held in the Hambrooks Bay section of the Choptank River, Cambridge, Maryland. The event will consist of participants swimming a two mile loop around Great Marsh Point and support vessels monitoring the participants. This safety zone is necessary to control small craft and commercial vessel traffic and to provide for the safety of life and property on U.S. navigable waters during this event. Entry into this zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATE:** This regulation will be effective from 7:30 a.m. June 5, 1994 until 11 a.m. June 5, 1994.

**FOR FURTHER INFORMATION CONTACT:** Timothy P. Ryan, Chief Warrant Officer, U.S. Coast Guard Marine Safety Office Baltimore, Custom House, 40 South Gay Street, Baltimore, Maryland 21202-4022, (410) 962-2651.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a Notice

of Proposed Rule Making has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. The application to hold this event was not received until February 16, 1994 and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

## Background and Purpose

The Columbia Triathlon Association filed an application with the U.S. Coast Guard, Group Baltimore requesting a safety zone for the "Cambridge Triathlon" event to take place June 5, 1994. As part of their application, the Columbia Triathlon Association requested the Coast Guard provide control of spectator and commercial traffic during the swimming event.

## Discussion of Regulations

This regulation is necessary to ensure the safety of spectator craft, recreational vessels as well as swimmers participating in the event, and to provide for the safety of life and property on U.S. navigable waters during the event. Since Hambrooks Bay will not be closed for an extended period, vessel traffic should not be severely disrupted.

This regulation is issued pursuant to 33 U.S.C. 1231 as set out in the authority citation for all of part 165.

## Drafting Information

The drafters of this regulation are Timothy P. Ryan, Chief Warrant Officer, project officer for the Captain of the Port, Baltimore, Maryland and Christopher A. Abel, Lieutenant Commander, project attorney, Fifth Coast Guard District Legal Staff.

## Regulatory Evaluation

This rule is not a significant regulatory action under Executive Order 12866 and is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a Regulatory Evaluation is unnecessary.

## Small Entities

Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

## Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal

consistent with Section 2.B.2.C. of Commandant Instruction M16475.1B, and actions to protect public safety have been determined to be categorically excluded from further environmental documentation.

## Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

## List of Subjects in 33 CFR Part 165

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

## Regulation

In consideration of the foregoing, subpart F of part 165 of Title 33, Code of Federal Regulations is amended 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- (g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. In part 165 a temporary § 165.T05-022 is added to read as follows:

**§ 165.T05-022 Safety Zone: Cambridge Triathlon, Hambrooks Bay section of the Choptank River, Cambridge MD.**

(a) **Location.** The following area is a safety zone: All waters 500 yards either side of a line connecting the following points beginning at:

| Latitude     | Longitude               |
|--------------|-------------------------|
| 38°35'08" N. | 76°04'55" W., thence to |
| 38°35'20" N. | 76°05'18" W., thence to |
| 38°35'28" N. | 76°04'58" W., thence to |
| 38°34'51" N. | 76°04'15" W., thence to |
| 38°34'40" N. | 76°04'26" W., thence to |
| 38°35'00" N. | 76°04'44" W.            |

(b) **Definitions.** The designated representative of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Baltimore, Maryland to act on his behalf.

(c) **General information.** The Captain of the Port and the Duty Officer at the Marine Safety Office, Baltimore, Maryland can be contacted at telephone number (410) 962-5100. The Coast Guard Patrol Commander and the senior boarding officer on each vessel enforcing the safety zone can be

contacted on VHF-FM channels 13 and 16.

(d) *Regulations.* (1) Entry into this safety zone is prohibited unless authorized by the Captain of the Port or is designated representative.

(2) The operator of any vessel which enters into or operates in this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard Ensign.

(3) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a) of this section, but may not block a navigable channel.

(e) *Effective date.* This section is effective from 7:30 a.m. to 11 a.m. June 5, 1994; unless terminated sooner by the Captain of the Port, Baltimore, Maryland.

Dated: May 5, 1994.

D.B. Crawford,

Commander, U.S. Coast Guard, Acting Captain of the Port, Baltimore, Maryland.  
[FR Doc. 94-11980 Filed 5-18-94; 8:45 am]

BILLING CODE 4910-14-M

## PANAMA CANAL COMMISSION

### 35 CFR Parts 7, 9, 10, 60 and 135

#### Technical Amendments

AGENCY: Panama Canal Commission.

ACTION: Final rule.

**SUMMARY:** The Panama Canal Commission is today amending its regulations in title 35, Code of Federal Regulations in order to reflect mailing address changes, both for the agency headquarters located in the Republic of Panama and the Office of the Secretary located in Washington, DC.

**EFFECTIVE DATE:** May 19, 1994.

#### FOR FURTHER INFORMATION CONTACT:

Barbara A. Fuller, Assistant to the Secretary for Commission Affairs, Office of the Secretary, Panama Canal Commission, International Square, 1825 I Street NW., suite 1050, Washington, DC 20006-5402, (Telephone: (202) 634-6441).

**SUPPLEMENTARY INFORMATION:** In compliance with changes in the military APO postal system, the Panama Canal Commission's correspondence address in the Republic of Panama has been modified to include: A four-digit unit number, the letters "AA" after the APO,

and the addition of a four-digit number to the zip code. The new correspondence address is: Panama Canal Commission, Unit 2300, APO AA 34011-2300. Also, because the Office of the Secretary has relocated from 2000 L Street, NW., suite 550, Washington, DC 20036-4996 to a new address at International Square, 1825 I Street, NW., Suite 1050 Washington, DC 20006-5402, it is necessary to amend title 35, Code of Federal Regulations so that correspondence, publications and other documents will be addressed to both new mailing addresses.

The Commission has been exempted from Executive Order 12866 and, accordingly, the provisions of that directive do not apply to this rule. Even if the Order were applicable, this rule would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

Further, the agency has determined that implementation of the rule will have no adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act, no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

Finally, the Administrator of the Panama Canal Commission certifies that these changes in regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778.

#### List of Subjects

##### 35 CFR Part 7

Claims, Government employees, Panama Canal.

##### 35 CFR Part 9

Freedom of information, Organization and functions (Government agencies), Panama Canal, Statistics.

##### 35 CFR Part 10

Panama Canal, Privacy.

##### 35 CFR Part 60

Classified information, Panama Canal.

##### 35 CFR Part 135

Panama Canal, Reporting and recordkeeping requirements, Vessels.

Accordingly, 35 CFR parts 7, 9, 10, 60, and 135 are amended as follows:

## PART 7—CLAIMS OF EMPLOYEES OF PANAMA CANAL COMMISSION UNDER MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIM ACT OF 1964, AS AMENDED

1. The authority citation for part 7 continues to read as follows:

Authority: Sec. 3, 78 Stat. 767; 31 U.S.C. 241.

### § 7.9 [Amended]

2. In 35 CFR 7.9, remove the words "APO Miami 34011 (or Balboa, Republic of Panama)" and add, in their place, the words "Unit 2300, APO AA 34011-2300 (or Balboa, Republic of Panama)."

## PART 9—ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF RECORDS—PANAMA CANAL COMMISSION

3. The authority citation for part 9 continues to read as follows:

Authority: 5 U.S.C. 552, as amended by Pub. L. 99-570, 100 Stat. 3207; 22 U.S.C. 3611; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

### § 9.2 [Amended]

4. In 35 CFR 9.2, remove the words "The Office of the Secretary of the Panama Canal Commission is located at 2000 L Street, NW., suite 550, Washington, DC 20036-4996" and add, in their place, the words "The Office of the Secretary of the Panama Canal Commission is located at International Square, 1825 I Street, NW., suite 1050, Washington, DC 20006-5402."

5. In 35 CFR part 9 remove the words "APO Miami 34011-5000 (or Balboa, Republic of Panama)" and add, in their place the words "Unit 2300, APO AA 34011-2300 (or Balboa, Republic of Panama)" in the following places:

### §§ 9.4, 9.6, 9.8 [Amended]

- (a) Section 9.4;
- (b) Section 9.6(a)(1); and
- (c) Section 9.8(b)(1).

### § 9.11 [Amended]

6. In section 9.11(e) introductory text and (e)(4) remove the words "APO Miami 34011-5000" and add, in their place the words "Unit 2300, APO AA 34011-2300."

## PART 10—ACCESS TO INFORMATION ABOUT INDIVIDUALS

7. The authority citation for part 10 continues to read as follows:

Authority: 5 U.S.C. 552a.

8. In 35 CFR part 10 remove the words "APO Miami 34011 (or Balboa, Republic

of Panama)" and add, in their place the words "Unit 2300, APO AA 34011-2300 (or Balboa, Republic of Panama)" in the following places:

**§§ 10.5, 10.10, 10.12, 10.14 [Amended]**

- (a) Section 10.5(b)(1);
- (b) Section 10.10(b)(1);
- (c) Section 10.12(a); and
- (d) Section 10.14(b)(1).

**PART 60—CLASSIFIED INFORMATION**

9. The authority citation for part 60 continues to read as follows:

**Authority:** E.O. 12356, 47 FR 14874; 32 CFR part 2001 (Directive No. 1, Information Security Oversight Office), 47 FR 27836; E.O. 10450, 18 FR 2489; 22 U.S.C. 3611.

10. In 35 CFR part 60 remove the zip code number "34011" and add in its place the new zip code number "34011-2300" in the following places:

**§ 60.12 [Amended]**

- (a) Section 60.12(a) and
- (b) Section 60.12(d)(3).

**PART 135—RULES FOR MEASUREMENT OF VESSELS**

11. The authority citation for part 135 continues to read as follows:

**Authority:** Issued under authority of the President by 22 U.S.C. 3791; E.O. 12215; 45 FR 36043.

**§ 135.443 [Amended]**

12. In 35 CFR 135.443 remove the words "APO Miami, Florida 34011" and add in their place the words "Unit 2300, APO AA 34011-2300."

Dated: May 4, 1994.

Gilberto Guardia F.,  
Administrator.

[FR Doc. 94-12005 Filed 5-18-94; 8:45 am]

BILLING CODE 3640-04-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[CT-10-1-5893; A-1-FRL-4885-8]

**Approval and Promulgation of Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program for Connecticut**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut for the purpose of establishing a small

business stationary source technical and environmental compliance assistance program. The SIP revision was submitted by the State to satisfy the Federal mandate to ensure that small businesses have access to technical assistance and regulatory information necessary to comply with the Clean Air Act (CAA). The rationale for the approval is set forth in this action. **DATES:** This final rule will become effective July 18, 1994, unless notice is received within 30 days that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., (6102), Washington, DC 20460; and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.

**FOR FURTHER INFORMATION CONTACT:** Emanuel Souza, Jr., (617) 565-3248.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Implementation of the provisions of the CAA, as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the National ambient air quality standards (NAAQS) and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that States adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the federally approved SIP. In addition, the CAA directs the Environmental Protection Agency (EPA) to oversee these small business assistance programs and report to Congress on

their implementation. The requirements for establishing a PROGRAM are set out in section 507 of title V of the CAA. In February 1992, EPA issued *Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments*, in order to delineate the Federal and State roles in meeting the new statutory provisions and as a tool to provide further guidance to the States on submitting acceptable SIP revisions.

The State of Connecticut has submitted a SIP revision to EPA in order to satisfy the requirements of section 507. In order to gain full approval, the State submittal must provide for each of the following PROGRAM elements: (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP.

**II. Analysis**

Connecticut has met all of the requirements of section 507 by submitting a SIP revision that implements all required PROGRAM elements.

**1. Small Business Assistance Program**

Section 507(a) sets forth six requirements<sup>1</sup> that the State must meet to have an approvable SBAP. The first requirement is to establish adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources, and programs to encourage lawful cooperation among such sources and other persons to further compliance with the Act.

The SBAP will act as an information clearing house by referring small businesses to technical experts, specifically trained to handle specific questions relevant to achieving compliance with the CAA. The State has further met this requirement through proactive and reactive components. The proactive component involves adequate communication with and information outreach to small businesses on technical and compliance issues. The reactive component involves the establishment of a clearinghouse for handling incoming inquiries from small businesses regarding methods for

<sup>1</sup> A seventh requirement of section 507(a), establishment of an Ombudsman office, is discussed in the next section.

achieving compliance with air pollution control requirements under the CAA.

The second requirement is to establish adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution.

The State has met this requirement by including mechanisms to provide assistance which allows the SBAP to coordinate information relating to pollution prevention and accidental release detection with Federal, state and local agencies and by allowing the SBAP clearinghouse to disseminate information on pollution prevention and accidental release prevention and detection. Furthermore, a contact directory will be developed and made available which will include a list of technical experts in the areas of pollution prevention, accidental release prevention and detection and familiarity with pollution prevention technologies and alternatives to reduce pollution.

The third requirement is to develop a compliance and technical assistance program for small business stationary sources which assists small businesses in determining applicable requirements and in receiving permits under the Act in a timely and efficient manner.

The State's SBAP will utilize several mechanisms to provide compliance and technical assistance to small businesses. These include developing industry-specific information packets, providing training to educate small business owners on conducting self-inspections and understanding the compliance requirements, and communicating changes in regulations and policy to small businesses through workshops, flyers and presentations. The SBAP will develop a data base that includes small business stationary sources and associations to attempt to notify affected sources of potential changes or rules that affect them. Additionally, the SBAP will work with trade associations, local agencies, educational facilities, and community leaders to establish environmental partnerships to bring about voluntary compliance with regulations under the CAA through participation and educational activities.

The fourth requirement is to develop adequate mechanisms to assure that small business stationary sources receive notice of their rights under the Act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable

proposed or final regulation or standards issued under the Act.

The State has met this requirement by listing three possible methods. As stated above the SBAP will develop a data base that includes small business stationary sources and associations and will coordinate with appropriate agency staff to attempt to notify affected sources of potential changes or rules that affect them. Additionally, formal public notification procedures will be developed and implemented agency-wide that will attempt to insure timely notice of small businesses of their rights and obligations under the CAA. Finally, as stated earlier, the SBAP will work with trade associations, local agencies, educational facilities, and community leaders to establish environment partnerships to bring about voluntary compliance with regulations under the CAA through participation and educational activities.

The fifth requirement is to develop adequate mechanisms for informing small business stationary sources of their obligations under the Act, including mechanisms for referring such sources to qualified auditors or, at the option of the State, for providing audits of the operations of such sources to determine compliance with the Act.

The State has met this requirement by identifying various mechanisms in the SIP revision. Some of these mechanisms include visits to small businesses, public service announcements, seminars conducted by the CT DEP and the establishment of a clearinghouse to handle inquiries from small businesses. These methods may be utilized to inform small businesses of their obligations under the CAA. Furthermore, the State is designing a program for referring sources to qualified auditors to determine if they are meeting the requirements of the CAA.

The sixth requirement is to develop procedures for consideration of requests from small business stationary sources for modification of: (A) Any work practice or technological method of compliance; or (B) the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source.

The SIP revision states that the DEP will establish approved procedures to provide for the review of requests from small businesses for modification of work practice or technical methods of compliance based on financial and technological capability. A system will be provided for collecting and

coordinating information on compliance methods and technologies. Data bases and experts in different areas will provide definitive guidance information. No such modification may be granted unless it is in compliance with the applicable requirements of the CAA. Additionally, the CT DEP will establish approval procedures for modification requests based on financial and technological capability.

## 2. Ombudsman

Section 507(a)(3) requires the designation of a State office to serve as the Ombudsman for small business stationary sources. The State has met this requirement by placing the office in the Office of the Commissioner of Environmental Protection, fully independent of the Bureau of Air Management. This office will be funded and adequately staffed to carry out its duties. A specific list of Ombudsman duties are listed in the SIP revision. Some of the duties the Ombudsman office will perform includes conducting evaluations of all the programs elements, facilitating and promoting the participation of small businesses in the development of new regulations that impact small businesses, aiding in the dissemination of information to small businesses, participating in and sponsoring meetings and conferences for small businesses, arranging for and assisting in the preparation of guideline documents by the SBAP and interfacing with regional and state offices of the Small Business Administration, the Department of Commerce, and/or state and Federal agencies. The Ombudsman will also be a member of the Compliance Advisory Panel. The Ombudsman will serve as the Secretariat for the development and dissemination of panel reports and advisory opinions.

## 3. Compliance Advisory Panel

Section 507(e) requires the State to establish a Compliance Advisory Panel that must include two members selected by the Governor who are not owners or representatives of owners of small businesses; four members selected by the State legislature who are owners, or represent owners, of small businesses; and one member selected by the head of the agency in charge of the Air Pollution Permit Program. The State has met this requirement by including the ombudsman as a panel member and therefore, establishing an eight member CAP. The CAA requires a minimum of 7 individuals on the Panel. Selection of the panel members is consistent with the CAA requirements and the addition

of the ombudsman does not change the overall makeup of the panel.

In addition to establishing the membership of the CAP, the State PROGRAM delineates four responsibilities of the Panel: (1) To render advisory opinions concerning the effectiveness of the SBAP and the difficulties encountered; (2) to periodically report to EPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act, and the Regulatory Flexibility Act<sup>2</sup>; (3) to review and assure that information for small business stationary sources is easily understandable to the layperson; and (4) the Ombudsman may serve as the Secretariat for the development and dissemination of panel reports and advisory opinions.

#### 4. Eligibility

Section 507(c)(1) of the CAA defines the term "small business stationary source" as a stationary source that:

- (A) Is owned or operated by a person who employs 100 or fewer individuals;
- (B) Is a small business concern as defined in the Small Business Act;
- (C) Is not a major stationary source;
- (D) Does not emit 50 tons per year (tpy) or more of any regulated pollutant; and

- (E) Emits less than 75 tpy of all regulated pollutants.

The SIP revision's eligibility requirements for the PROGRAM is consistent with the CAA.

The State has also provided for the exclusion from the small business stationary source definition, after consultation with EPA and the SBA and upon notice and opportunity for public hearing, those categories of small businesses that the State has determined to have sufficient technical and financial capabilities to comply with the requirements of the CAA. While the State was not clear in the January 12, 1993 SIP revision that the SBA would be consulted, the State submitted a letter to Region I on April 6, 1994 clarifying that EPA and the SBA would be consulted if the State excluded source categories from the small business stationary source definition.

#### III. Final Rulemaking Action

The State of Connecticut has submitted a SIP revision implementing each of the required PROGRAM

elements required by section 507 of the CAA. The State expects all the elements of the PROGRAM to be fully operational by November 15, 1994. EPA is therefore approving the SIP revision submitted by the State of Connecticut.

#### Final Action

EPA is approving the SIP revision implementing each of the required PROGRAM elements required by section 507 of the CAA. The State expects to appoint all the members of the CAP by July 1994 and have a fully operational small business assistance program by November 15, 1994.

Because EPA considers this final rule noncontroversial and routine, we are approving it today without prior proposal. This action will become effective on July 18, 1994 unless by June 20, 1994, notice is received that adverse comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing a subsequent document. That document will simultaneously withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective July 18, 1994.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

By this rule, EPA is approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being approved today does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the State. Therefore, because EPA's approval of this program does not impose any new regulatory

requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

This action has been classified as a Table 2 action by the Acting Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225) as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revision (54 FR 222) from the requirements of section 3 of Executive Order 12991 for a period of 2 years. The EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request is still applicable under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 18, 1994. Filing a petition for reconsideration by the Administrator for this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA.)

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Small business assistance program.

**Note:** Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the *Federal Register* on July 1, 1982.

Dated: May 4, 1994.

John P. DeVillars,  
Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the 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. 7401-7671q.

<sup>2</sup> Section 507(e)(1)(B) requires the CAP to report on the compliance of the SBAP with these three Federal statutes. However, since State agencies are not required to comply with them, EPA believes that the State PROGRAM must merely require the CAP to report on whether the SBAP is adhering to the general principles of these Federal statutes.

**Subpart H—Connecticut**

2. Section 52.370 is amended by adding paragraph (c)(65) to read as follows:

**§ 52.370 Identification of plan.**

\* \* \*

(c) \* \* \*

(65) Revisions to the State Implementation Plan establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program were submitted by the Connecticut Department of Environmental Protection on January 12 and August 9, 1993.

(i) Incorporation by reference.  
(A) Letter from the Connecticut Department of Environmental Protection dated January 12, 1993 submitting a revision to the Connecticut State Implementation Plan.

(B) Revisions to the State Implementation Plan for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program dated January 1993 and effective on January 12, 1993.

(C) Letter from the Connecticut Department of Environmental Protection dated August 9, 1993 clarifying and updating the January 12, 1993 submittal.  
(ii) Additional materials.

(A) Letter from the Connecticut Department of Environmental Protection dated April 6, 1994 clarifying the January 12, 1993 submittal.

(B) Other non-regulatory portions of the State's submittal.

[FR Doc. 94-12158 Filed 5-18-94; 8:45 am]  
BILLING CODE 6560-50-F

**40 CFR Parts 52 and 81**

[CO28-1-6401 and CO36-1-6400; FRL-4883-4]

**Clean Air Act Approval and Promulgation of PM-10 Implementation Plan for Colorado; Designation of Areas for Air Quality Planning Purposes**

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

**ACTION:** Final rule.

**SUMMARY:** In this action, the EPA is approving the State implementation plan (SIP) submitted by the State of Colorado for the purposes of bringing about the attainment of the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10). The SIP was submitted by the State on February 24, 1993 and December 9,

1993 to satisfy certain Federal requirements for an approvable nonattainment area PM-10 plan for Pagosa Springs, Colorado. EPA is also approving the PM-10 contingency measures for the Pagosa Springs nonattainment area, which were included in the State's December 9, 1993 submittal.

In addition, EPA is amending the nonattainment area boundary for the Pagosa Springs nonattainment area to include some of the surrounding suburban area of Pagosa Springs. The revised boundary is based on information submitted with the SIP which provided a SIP equivalent demonstration showing that the revised boundary more accurately represents the Pagosa Springs airshed.

**EFFECTIVE DATE:** This rule will become effective on June 20, 1994.

**ADDRESSES:** Copies of the State's submittals and other information are available for inspection during normal business hours at the following locations: Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466; Air Pollution Control Division, Colorado Department of Health, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530; and Air and Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.  
**FOR FURTHER INFORMATION CONTACT:** Vicki Stamper, 8ART-AP, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466, (303) 293-1765.

**SUPPLEMENTARY INFORMATION:** Pagosa Springs, Colorado was designated nonattainment for PM-10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act (Act) upon enactment of the Clean Air Act Amendments of 1990.<sup>1</sup> (See 56 FR 56694, November 6, 1991; 40 CFR 81.306 (specifying nonattainment designation for Pagosa Springs.)) The air quality planning requirements for moderate PM-10 nonattainment areas are set out in subparts 1 and 4 of part D of title I of the Act. The EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under title I of the Act, including those State submittals containing moderate PM-10

nonattainment area SIP requirements (see generally 57 FR 13498 (April 18, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of title I advanced in this final action and the supporting rationale.

Those states containing initial moderate PM-10 nonattainment areas (i.e., those areas designated nonattainment for PM-10 under section 107(d)(4)(B) of the Act) were required to submit, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology—RACT) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM-10 also apply to major stationary sources of PM-10 precursors except where the Administrator determines that such sources do not contribute significantly to PM-10 levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act.

Some provisions were due at a later date. States with initial moderate PM-10 nonattainment areas were required to submit a permit program for the construction and operation of new and modified major stationary sources of PM-10 by June 30, 1992 (see section 189(a)). Revisions to satisfy these requirements were submitted by the State on January 14, 1993, and EPA will be taking action on these requirements in a separate Federal Register notice. Such States were also required to submit contingency measures by November 15, 1993 which become effective without further action by the State or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM-10 NAAQS by the applicable statutory deadline. (See

<sup>1</sup> The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Public Law No. 101-549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401 et. seq.