

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-CE-26-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Cessna Aircraft Company, Models 172N, 172P, R172K, 172RG, F172N, F172P, FR172J, and FR172K Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); Extension of the comment period.

**SUMMARY:** This document provides additional time for the public to comment on a proposal to supersede Airworthiness Directive (AD) 80-04-08, which currently requires inspecting (one-time) the fuel line and map light switch in the left hand forward door post for chafing or arcing and repairing any damage found on certain Cessna Aircraft Company (Cessna) Model 172N, R172K, F172N, and FR172K airplanes. AD 80-04-08 also required providing at least a 0.50-inch clearance between the map light switch and the fuel line; and installing a switch cover (insulator) over the map light switch. The proposed AD would extend the inspections and installation of the switch cover requirement to certain 172N, 172P, R172K, 172RG, F172N, F172P, FR172J, and FR172K series airplanes, would require replacement of the fuel line, if damaged; and would make the switch cover inspection and replacement repetitive. Comments received on the original NPRM (66 FR 1273, January 8, 2001) specify additional time to respond to the proposed action. The actions specified by the proposed AD are intended to detect and correct any chafing between the map light switch and the bordering fuel line, which could result in a fuel leak and an in-flight fire. **DATES:** The Federal Aviation Administration (FAA) must receive any

comments on this proposed rule by April 13, 2001. This is extended from February 12, 2001.

**ADDRESSES:** Send three copies of comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-26-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may read comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

You may get the service information referenced in the proposed AD from the Cessna Aircraft Company, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 941-7550, facsimile: (316) 942-9008. You may look at this information at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Clyde Erwin, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209, telephone: (316) 946-4149; facsimile: (316) 946-4407.

Issued in Kansas City, Missouri, on January 23, 2001.

**David R. Showers,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-3570 Filed 2-8-01; 12:29 pm]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD13-01-001]

RIN 2115-AE47

#### **Drawbridge Operations Regulations; Lake Washington Ship Canal, Seattle, WA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to temporarily change the operating regulations for the Ballard Bridge across the Lake Washington Ship Canal, mile 1.1, at Seattle, Washington. This change limits double-leaf opening of the draw daily to 5 a.m., 12:30 p.m., and 8 p.m. contingent upon five hours notice being given. Single-leaf openings would be provided in accordance with the currently established operating schedule

and would be unaffected by this rulemaking. This temporary change is needed for 15 months to accommodate a major refurbishment project to the operating and drive systems of the bridge by the City of Seattle.

**DATES:** Comments and related material must reach the Coast Guard on or before April 13, 2001.

**ADDRESSES:** You may mail comments and related material to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174-1067 or deliver them to room 3510 between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays. The Aids to Navigation and Waterways Management Office maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying.

**FOR FURTHER INFORMATION CONTACT:** Austin Pratt, Project Officer, Thirteenth Coast Guard District, (206) 220-7282.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD or COTP docket number), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

##### **Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Commander Thirteenth Coast Guard District (oan) at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time

and place announced by a later notice in the **Federal Register**.

### Background and Purpose

The City of Seattle proposes to replace the aged operating and drive systems of the bascule drawspan of the Ballard Bridge across the Lake Washington Ship Canal, mile 1.1, at Seattle, Washington. To minimize interference with navigation, only one leaf will be temporarily disabled at a time. The disabled draw leaf will be powered by a winch system that will not perform at the usual speed for this drawbridge. In order to avoid lengthy inoperative periods, the bridge owner proposes three daily periods during which the draw will open fully for vessels unable to safely pass through one-half of the span. With five hours notice, both leaves of the draw would open at 5 a.m., 12:30 p.m., and 8 p.m. on any day of the week. During the project, single-leaf openings would be available according to the operating schedule currently in effect. This rulemaking would provide that both draw leaves need not be opened for the passage of vessels, including vessels engaged in towing operations, from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday, except federal holidays, for any vessel under 1000 gross tons.

### Discussion of Proposed Rule

The Coast Guard proposes that double-leaf openings be required only three times daily after no less than five hours notice for a requested opening. These three scheduled openings would be at 5 a.m., 12:30 p.m., and 8 p.m. Single-leaf openings would be available whenever openings are currently required by the normal operating regulations of the bridge. Unless a vessel is 1000 gross tons or over, it need not receive an opening of the Ballard Bridge from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday (federal holidays excepted). With a single leaf open the Ballard Bridge provides 62.5 feet of horizontal clearance (125 feet with both leaves open) with unrestricted vertical clearance. In the closed position, the drawbridge provides 45 feet of vertical clearance above the mean regulated lake level (Lake Washington). Shorter periods of single-span opening operations have been authorized in the past. The majority of vessels on the related reach of the waterway can safely pass through a single-leaf draw opening.

### Regulatory Evaluation

This proposed 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. The Office of Management and Budget has not reviewed it 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).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that most vessels will be able to pass the bridge with little change from normal operations and that all vessels can be accommodated three times a day.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. Some vessel owners might be temporarily inconvenienced by the change, if effected, but the delay should not be significant, especially after vessel operators learn of the change and can therefore plan their trips on the canal accordingly.

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

### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this 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 proposed rule would not impose an unfunded mandate.

### Taking of Private Property

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

### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this proposed rule under Executive Order 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 proposed rule and concluded that, under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.IC, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 117

Bridges

### Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1–(g); section 117.255 also issued

under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. From 5 a.m. on June 4, 2001, through 8 p.m. on September 30, 2002, § 117.1051 is temporarily amended by adding paragraph (d)(4) as follows:

**§ 117.1051 Lake Washington Ship Canal.**

\* \* \* \* \*

(d) \* \* \*

(4) From 5 a.m. on June 4, 2001, to 8 p.m. September 30, 2002, the Ballard Bridge, mile 1.1, need not open both draw leaves for the passage of vessels, including those engaged in towing operations, except at 5 a.m., 12:30 p.m., and 8 p.m., if at least five hours notice is given.

\* \* \* \* \*

Dated: February 2, 2001.

**Erroll Brown,**

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

[FR Doc. 01-3550 Filed 2-9-01; 8:45 am]

**BILLING CODE 4910-15-U**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[MD105-3054b; FRL-6916-5]

**Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Opacity Recodifications and Revisions to Visible Emissions COMAR 26.11.06.02**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the State of Maryland for the purposes of recodifying Maryland's general opacity regulations and for providing procedures whereby a source may apply for and be granted a federally enforceable alternative visible emission standard. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittals as a direct final rule without prior proposal because the Agency views these as noncontroversial submittals and anticipates no adverse comments. A more detailed description of the state submittals and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in

response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by March 14, 2001.

**ADDRESSES:** Written comments should be addressed to Denis Lohman, Acting Chief, Technical Assessment Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

**FOR FURTHER INFORMATION CONTACT:** Ruth E. Knapp, (215) 814-2191, at the EPA Region III address above, or by e-mail at knapp.ruth@epa.gov.

**SUPPLEMENTARY INFORMATION:** For further information regarding the recodifications to Maryland's general opacity regulations and the procedures by which a source may apply for and be granted an alternative visible emission standard, please see the information provided in the direct final action, with the same title, located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: November 30, 2000.

**Bradley M. Campbell,**

*Regional Administrator, Region III.*

[FR Doc. 01-3379 Filed 2-9-01; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 261**

[FRL-6932-8]

**Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule and request for comment.

**SUMMARY:** The Environmental Protection Agency (EPA or Agency) today is proposing to grant a petition submitted

by BMW Manufacturing Corporation, Greer, South Carolina (BMW), to exclude (or "delist") a certain hazardous waste from the list of hazardous wastes. BMW will generate the petitioned waste by treating wastewater from BMW's automobile assembly plant when aluminum is one of the metals used to manufacture automobile bodies. The waste so generated is a wastewater treatment sludge that meets the definition of F019. BMW petitioned EPA to grant a generator-specific delisting, because BMW believes that its F019 waste does not meet the criteria for which this type of waste was listed. EPA reviewed all of the waste-specific information provided by BMW, performed calculations, and determined that the waste could be disposed in a landfill without harming human health and the environment. Today's proposed rule proposes to grant BMW's petition to delist its F019 waste, and requests public comment on the proposed decision. If the proposed delisting becomes a final delisting, BMW's petitioned waste will no longer be classified as F019, and will not be subject to regulation as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The waste will still be subject to local, State, and Federal regulations for nonhazardous solid wastes.

**DATES:** EPA is requesting public comments on this proposed decision. Comments will be accepted until March 29, 2001. Comments postmarked after the close of the comment period will be stamped "late." These "late" comments may not be considered in formulating a final decision.

Any person may request a hearing on this proposed decision by filing a request with Richard D. Green, Director of the Waste Management Division, EPA, Region 4, whose address appears below, by February 27, 2001. The request must contain the information prescribed in section 260.20(d).

**ADDRESSES:** Send two copies of your comments to Jewell Grubbs, Chief, RCRA Enforcement and Compliance Branch, U.S. Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia 30303. Send one copy to Cindy Carter, Appalachia III District, South Carolina Department of Health and Environmental Control, 975C North Church Street, Spartanburg, South Carolina 29303. Identify your comments at the top with this regulatory docket number: R4-00-01-BMWP. Comments may also be submitted by e-mail to *sophianopoulos.judy@epa.gov*. If files are attached, please identify the format.