

mineral resources, Public lands-rights-of-way, Reporting and recordkeeping requirements, Surety bonds.

Dated: March 23, 1999.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, Minerals Management Service (MMS) proposes to amend 30 CFR part 256 as follows:

PART 256—LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 256 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*

2. In § 256.46, revise paragraph (b) to read as follows:

§ 256.46 Submission of bids.

* * * * *

(b) MMS requires a deposit for each bid. The notice of sale will specify the bid deposit amount and method of payment.

* * * * *

[FR Doc. 99-7894 Filed 3-30-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701, 724, 773, 774, 778, 842, 843, and 846

RIN 1029-AB94

Application and Permit Information Requirements; Permit Eligibility; Definitions of Ownership and Control; the Applicant/Violator System; Alternative Enforcement Actions

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; reopening and extension of comment period.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is reopening and extending the comment period for the proposed rule published on December 21, 1998 (63 FR 70580). The comment period originally closed on February 19, 1999, and was extended to March 25, 1999 (64 FR 8763; February 23, 1999). We are again reopening and extending the comment period for an additional 15 days.

DATES: We will accept written comments on the proposed rule until 5 p.m., Eastern time, on April 15, 1999.

ADDRESSES: You may mail or hand-deliver comments to the Office of

Surface Mining Reclamation and Enforcement, Administrative Record, Room 101, 1951 Constitution Avenue, NW, Washington, D.C. 20240. You may also submit comments to OSM via the Internet at: osmrules@osmre.gov.

FOR FURTHER INFORMATION CONTACT: Earl D. Bandy, Jr., Office of Surface Mining Reclamation and Enforcement, Applicant/Violator System Office, 2679 Regency Road, Lexington, Kentucky 40503. Telephone: (606) 233-2796 or (800) 643-9748. E-Mail: ebandy@osmre.gov.

SUPPLEMENTARY INFORMATION: In response to requests from members of the public, we are reopening and extending the public comment period for the proposed rule published on December 21, 1998 (63 FR 70580). We are extending the comment period an additional 15 days. In the rule, we are proposing revised permit eligibility requirements for surface coal mining operations under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). In particular, we propose to revise how ownership and control of mining operations is determined under section 510(c) of SMCRA so that applicants who are responsible for unabated violations do not receive new permits. We have designed this proposal to be effective, fair, and consistent with a 1997 decision by the U.S. Court of Appeals for the D.C. Circuit addressing ownership and control issues.

In addition, we are proposing other changes to other aspects of our regulations in response to comments we received when we sought public participation in developing this proposed rule. Our intent is to improve, clarify, and simplify current regulations as well as to reduce duplicative and burdensome permit information requirements.

Dated: March 25, 1999.

Stephen Sheffield,

Acting Assistant Director, Program Support.

[FR Doc. 99-7874 Filed 3-30-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD01-97-086]

Anchorage Grounds: Hudson River, Hyde Park, NY

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes a change to proposed Anchorage 19-A in the Hudson River near Hyde Park, NY. This supplemental proposal is the result of comments received on the Notice of Proposed rulemaking. This proposal restricts vessels less than 20 meters in length from using Anchorage Ground 19-A without prior approval from the Captain of the Port, New York.

DATES: Comments must reach the Coast Guard on or before June 1, 1999.

ADDRESSES: Comments may be mailed to the Waterways Oversight Branch (CGD01-97-086), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, or deliver them to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4193.

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 (CGD01-97-086) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Waterways Oversight Branch at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will

aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Regulatory History

On July 20, 1998, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Anchorage Grounds; Hudson River, Hyde Park, NY in the **Federal Register** (63 FR 37297). The Coast Guard received two letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

Background and Purpose

The Hudson River Pilots Association requested that the Coast Guard establish a federal anchorage ground in the Hudson River near Hyde Park, New York. The closest anchorage to the requested anchorage is down river to anchorage number 17, the northern boundary of which lies between the Yonkers municipal pier and the pilot station just to the north. The area that the Pilots Association has suggested for consideration is bound by the following coordinates:

NW corner 41° 48' 35"N 073° 57' 00"W.
NE corner 41° 48' 35"N 073° 56' 44"W.
SE corner 41° 47' 32"N 073° 56' 50"W.
SW corner 41° 47' 32"N 073° 57' 10"W.
(NAD 1983)

The Coast Guard received two letters commenting on the proposed rule. Comments received prompted the Coast Guard to reevaluate the proposal.

One comment recommended that a minimum size of 65 feet in length be established for vessels authorized to use the anchorage because the smaller vessels would be less visible at anchor, even if they displayed the required lights or day shapes, and pose a potential hazard to mariners. The comment noted that the entire anchorage area, including the area outside the designated navigation channel, is routinely transited by vessels of various sizes and that the Special Anchorage Area at Hyde Park, NY, (33 CFR 110.60(p-3)) is available for use by vessels less than 65 feet in length. This Special Anchorage Area at Hyde Park, NY that the comment referred to was disestablished on June 1, 1998 (63 FR 23663). However, in response to these safety concerns, the Coast Guard re-evaluated the proposed rule. Upon further analysis, the Coast Guard also believes that safety concerns warrant a minimum vessel length restriction. The safety concerns stem from the high number of vessels that transit the area of the proposed anchorage and from background lighting

on shore that will interfere with smaller vessel's anchorage lights. The Coast Guard is now proposing additional regulations to restrict vessels less than 20 meters in length from using this anchorage ground without prior approval from the Captain of the Port, New York. The Coast Guard believes this proposed restriction is reasonable given the noted safety concerns and that there are over 75 transient berths at 8 marinas within approximately 15 nautical miles of this anchorage ground for use by vessels less than 20 meters in length. Additionally, the Coast Guard is aware that transient vessels anchor to the east of Esopus Island in order to use the island as a breakwater to block the wake action caused by commercial shipping transiting the Hudson River. This protected area may be easily used by vessels less than 20 meters in length as an alternative to Anchorage 19-A because Esopus Island is approximately 500 yards north of Anchorage 19-A.

The comment also stated the anchorage ground is in a "No Discharge Zone", designated by the United States Environmental Protection Agency, and the discharge of waste from any marine sanitation device on board a vessel is prohibited. The Coast Guard agrees. However, the Coast Guard considers this to be purely informational and it does not need to be further addressed in this regulation.

Finally, the comment noted that masters of vessels at anchor in this anchorage ground should be aware that a Water Transportation Permit under Article 15 of the New York State Environmental Conservation Law is required for taking on water for ballast or any other uses within the waters of the State of New York. The information regarding Water Transportation Permits is not being addressed in this regulation as it already applies to all waters of New York State.

The second comment received in response to the NPRM agreed with the Coast Guard's determination that establishment of this anchorage ground is consistent with New York's Coastal Zone Management Plan. No changes to the proposed rule were suggested.

Discussion of Proposed Rule

The Coast Guard proposes to change the regulations governing proposed Anchorage Ground 19-A. Safety concerns regarding the size of vessels authorized to use the proposed anchorage ground were raised by one of the comments to the NPRM. The Coast Guard, after further analyzing the safety concerns associated with proposed Anchorage Ground 19-A, is proposing additional regulations to restrict vessels

less than 20 meters in length from using this anchorage ground without prior approval from the Captain of the Port, New York.

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. It has not been reviewed 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 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 finding is based on the following reasons: due to icing of the river in winter months, the anchorage will be seasonal in nature, recreational traffic can still traverse the anchorage when necessary, there are over 75 transient berths at 8 marinas within approximately 15 nautical miles of this anchorage ground for vessels less than 20 meters in length to tie up in, and the anchorage ground permits unobstructed navigation in the western 350 yards of the Hudson River.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this proposed rule will have a significant economic impact on 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.

For reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this proposed rule will not have a significant impact on a substantial number of small entities.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant

the preparation of a Federalism Assessment.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of \$100 million (adjusted annually for inflation). If so, the act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No state, local, or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate costs of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Environment

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

List of Subjects in 33 CFR 110

Anchorage grounds.

Regulation

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

PART 110—[AMENDED]

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

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. In § 110.155, add paragraph (c)(6) to read as follows:

§ 110.155 Port of New York.

* * * * *

(c) * * *

(6) Anchorage No. 19-A. An area located west of Hyde Park enclosed by the coordinates starting at 41° 48' 35"N, 073° 57' 00"W; to 41° 48' 35"N, 073° 56' 44"W; to 41° 47' 32"N, 073° 56' 50"W; to 41° 47' 32"N, 073° 57' 10"W; thence back to 41° 48' 35"N, 073° 57' 00"W (NAD 1983).

(i) No vessel may anchor in Anchorage 19-A from December 16 to

the last day of February without permission from the Captain of the Port, New York.

(ii) No vessel less than 20 meters in length may anchor in Anchorage 19-A without prior approval of the Captain of the Port, New York.

* * * * *

Dated: March 22, 1999.

R.M. Larrabee,

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

[FR Doc. 99-7838 Filed 3-30-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS-400136; FRL-6051-1]

Combustion for Energy Recovery Toxic Release Inventory Reporting; Notice of Receipt of Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of petition and request for comments.

SUMMARY: This document announces the receipt of a petition from Safety Kleen Corporation (Safety Kleen) requesting that EPA modify its current interpretation of combustion for energy recovery under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). The petition was submitted pursuant to sections 553(e) and 555(e) of the Administrative Procedure Act (APA). Also, as part of this document, EPA is publishing the main text of the petition. Finally, EPA is seeking comments from interested or potentially affected parties concerning issues associated with the current interpretation of combustion for energy.

DATES: Written comments in response to this request for comments must be received on or before June 1, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit II. of this document.

FOR FURTHER INFORMATION CONTACT: For specific information regarding this document contact: Sara Hisel McCoy at (202) 260-7937, e-mail: hisel-mccoy.sara@epa.gov. For further information on EPCRA section 313, contact the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St. SW., Washington

DC 20460, Toll-free: 1-800-424-9346, in Virginia and Alaska: 703-412-9877 or Toll free TDD: 800-553-7672.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Document Apply To Me?

This document does not make any changes to existing regulations, however you may be interested in this document if you combust toxic chemicals in waste on-site or transfer these toxic chemicals off-site for this purpose. Potentially interested categories and entities may include, but are not limited to the following:

Category	Examples of Potentially Interested Entities
Industry; facilities that manufacture, process, or otherwise use certain chemicals	Manufacturing, Metal mining, Coal mining, Electric utilities, Commercial hazardous waste treatment, Chemicals and allied products-wholesale, Petroleum bulk terminals and plants wholesale, and Solvent Recovery services
Facilities with hazardous waste incinerators	Facilities regulated under Subtitle C of the Resource Conservation and Recovery Act

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be interested in this document. Other types of entities not listed in this table may also be interested in this document. Additional businesses that may be interested in this document are those covered under 40 CFR part 372, subpart B. If you have any questions regarding whether a particular entity is covered by this section of the CFR, consult the technical person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information or Copies of This Document or Other Support Documents?

1. **Electronically.** You may obtain electronic copies of this document as well as the appendices to the petition from the EPA Internet Home Page at <http://www.epa.gov/>. 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/>. You may also obtain electronic copies of the complete