

Dated: August 31, 1999.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

[FR Doc. 99-23279 Filed 9-8-99; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[DE101-1025b; FRL-6434-7]

#### Approval and Promulgation of Air Quality Implementation Plans; Delaware; Proposed Approval of Miscellaneous Revisions

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the State of Delaware to various State rules and definitions which have historically been State-enforceable, and which Delaware had formally submitted as SIP revisions, but which EPA had not yet taken formal action. Provisions include control of particulate matter from petroleum refining operations, control of sulfur dioxide emissions from sulfuric acid manufacturing operations, and definitions and provisions associated with source monitoring, recordkeeping and reporting. In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. 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 If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.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 on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by October 12, 1999.

**ADDRESSES:** Written comments should be addressed to Marcia L. Spink, Associate Director, Office of Air Programs, Mailcode 3AP20, 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 Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

#### FOR FURTHER INFORMATION CONTACT:

Harold A. Frankford, (215) 814-2108, at the EPA Region III address above, or by e-mail at frankford.harold@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: August 20, 1999.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

[FR Doc. 99-23275 Filed 9-8-99; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR 151

[USCG-1999-5117]

RIN 2115-AF77

#### Barges Carrying Bulk Liquid Hazardous Material Cargoes

**AGENCY:** Coast Guard, DOT.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Coast Guard requests comments on the type and scope of any necessary revisions to the barges carrying bulk liquid hazardous material cargoes regulations. The regulations are almost 30 years old and do not include current safety issues, technology standards, and industry practices. At this early stage of the rulemaking process we need information to help us identify potential regulatory revisions. **DATES:** Comments and related material must reach the Docket Management Facility on or before March 7, 2000.

**ADDRESSES:** To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG-1999-5117), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By hand delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza Level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

A copy of the Chemical Transportation Advisory Committee's (CTAC) recommended changes to the Coast Guard carriage regulations for barges carrying bulk liquid hazardous material cargoes is available in the public docket at the above address, on the Internet at <http://dms.dot.gov>, or you may obtain a copy by contacting the project manager at the number in **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** For questions on this advance notice of proposed rulemaking, call Mr. Thomas Felleisen, Hazardous Materials Standards Division, Coast Guard, telephone 202-267-0085. For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages 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 advance notice (USCG-1999-5117), indicate the specific section or question in this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by

mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period when developing our proposed changes to the regulations.

#### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility 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**.

#### Purpose

We need your comments and information on the issues contained in this advance notice to help us define the scope of any necessary revisions to the barges carrying bulk liquid hazardous material cargoes regulations in 46 CFR part 151. The regulations are almost 30 years old and do not include current safety issues, technology standards, and industry practices. At this early stage of the rulemaking process we need information to help us identify potential regulatory revisions.

#### Background

The existing barges carrying bulk liquid hazardous material cargoes regulations were published in 1970 and only minor changes have been made to them since then. In 1993, the Chemical Transportation Advisory Committee (CTAC) submitted recommended regulatory changes to the Coast Guard and requested that we revise our regulations accordingly. A complete copy of their 1993 recommendations is available in the public docket. These recommendations included changes to the regulations to—

- Reduce chemical spills;
  - Formalize policy;
  - Reflect changes to industry practices; and
  - Clarify regulatory text.
- Since these recommendations are over five years old the Coast Guard will request CTAC to review them. The Coast Guard will consider these recommendations when developing its proposed revisions to the barges carrying bulk liquid hazardous material cargoes regulations, but would like to receive your comments on CTAC's recommendations. A copy of CTAC's recommendations is also available by

contacting the Coast Guard project manager under **FOR FURTHER INFORMATION CONTACT** or on the Internet at <http://dms.dot.gov>.

The Louisiana Governor's Maritime Task Force has identified a need for revised cargo identification signs on barges carrying hazardous liquid cargoes in bulk. Louisiana emergency responders have indicated a preference for the placarding system used by trucking and rail transportation. The current warning sign system used on barges might not be satisfactory for emergency responders who have been trained to recognize the trucking and rail placarding system. Also, the current signs might not assist responders to rapidly identify contents and compatibility of barge cargoes from remote locations. The Coast Guard would like to receive your comments about whether we should require placarding used by trucking and rail transportation on barges carrying bulk liquid hazardous material.

#### Preliminary Regulatory Assessment

This rulemaking is not likely to be classified as a significant regulatory action under section 3(f) of Executive Order 12866 and is not likely to be significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). A draft regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of the Department of Transportation would be prepared to support any future Notice of Proposed Rulemaking (NPRM).

The Coast Guard will not prepare a benefit-cost analysis until we have identified the regulatory changes we wish to propose. We do not have any cost figures on CTAC's recommendations, however, if you have cost data concerning CTAC's recommendations, as well as other relevant cost data, please forward it to the Docket Management Facility listed under **ADDRESSES**.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard must consider whether a potential rulemaking would have significant economic impacts 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.

Some barge companies subject to our regulations may be small entities. Because we have not yet proposed

specific revisions and because the number of affected small entities has not been identified, we cannot accurately estimate the potential impact on small entities at this time. As part of the required 5 U.S.C. 610 review of regulations affecting small entities, we are requesting information at this early stage about the aspects of this rulemaking which may affect small entities, so we can evaluate and minimize the impact of proposed changes on them.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–21), we want to assist small entities in understanding this advance notice so they can better evaluate the potential effects of any future rulemaking on them and participate in the rulemaking process. If you believe this rulemaking may affect your small business, organization, or agency, please explain how you could be affected, and tell us what flexibility or compliance alternatives the Coast Guard should consider to minimize the burden on you while promoting safety measures for barges carrying bulk liquid hazardous material cargoes. If you have questions concerning this advance notice, you may call the Coast Guard project manager designated in **FOR FURTHER INFORMATION CONTACT**. We also maintain a small business regulatory assistance Web Page at <http://www.uscg.mil/hq/g-m/regs/reghome.html> that has current information on small entity issues and proposed Coast Guard regulations. To help small entities become more involved in this rulemaking, we will mail copies of this advance notice to Small Business Development Center (SBDC) State Directors nationwide for distribution to local SBDC offices and interested small businesses.

#### Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501–3520), the Office of Management and Budget (OMB) reviews each proposed rule that contains a collection of information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. As defined in 5 CFR 1320.3(c), “collection of information” comprises reporting, record-keeping, monitoring, posting, labeling, and other, similar actions. Current collection of information requirements, approved under OMB Control Number 2115–0541, are shown in the following table.

Rule cite	Type of document submitted	Frequency
151.01–10(c) .....	For tank barges. Application for inspection .....	Every 2 years.
151.01–10(c)(1) .....	For new vessels > 300'. Loading information .....	Prior to first voyage.
151.10–15 .....	For new or modified barges. Stability calculations .....	As needed.
151.15–3(b)(8) .....	For new pressure vessel tank barges. Calculations showing stress level in tanks under dynamic loading condition or grounding conditions.	As needed.
151.15–3(d)(4) .....	For barges. Heat transmission tests and studies .....	As needed.
151.45–2(e) .....	For barges. Warning signs and cargo info cards .....	When brought into service and replaced when needed.
151.45–3 .....	For personnel who will man barges. Letter .....	As needed.
151.45–4(a)(2) .....	For qualified personnel. Letter that person on duty qualified to handle cargo .....	As needed.
151.45–7 .....	For all vessels. Shipping papers for all cargoes .....	Per trip.
151.50–6(d) .....	For barges. Notification of internally inspecting tanks used for Motor fuel antiknock compounds (MKAFC).	As needed.
151.50–12(b) .....	For barges. Chemical composition of all steel used in construction of tanks that will carry ethylene oxide.	As needed.
151.50–20(i) .....	For barges. Notification tanks approved for acid cargoes to be used for other cargoes.	As needed.
151.50–22 and 23 .....	For responsible personnel. Request to ship spent hydrochloric acid, phosphoric acid adulterates by other chemicals, inhibitors, etc.	As needed.
151.50–30(e) .....	For responsible personnel. Request to deviate from filling density limits in requirements for compressed gasses.	As needed.
151.50–31(d) .....	For company. Request to use welded or other unions for chlorine transfer lines .....	As needed.
151.50–50(n) .....	For owner/operator. Request to transport cargo other than phosphorous in phosphorous cart tanks or another cargo when transporting phosphorous in another tank.	As needed.

We will review these collection requirements to validate, reduce, or eliminate existing burdens that are no longer necessary. We request comments on how we may reduce or eliminate any of the current information collection requirements.

### Questions

We request your comments and any data or information that would answer the following questions, as well as comments on any other part of the current regulations that should be revised. In responding to a question, please explain your reasons for each answer so that we can carefully weigh the consequences and impacts of any future requirements we may propose. In addition, please provide relevant data (data on operational incidents resulting in personal injury, property damage, or pollution would be particularly useful), if possible, that will support the need for a revision to the barges carrying bulk liquid hazardous material cargoes regulations.

1. The Coast Guard is considering a major update of the regulations in 46 CFR part 151, which are almost 30 years old. Do you think those regulations are adequate to protect against hazards to life and property, to ensure navigation and vessel safety, or to protect the marine environment? If not, why are they not adequate and which sections in 46 CFR part 151 need to be changed? How should these sections be changed? How can the sections in 46 CFR part 151 be clarified?

2. The recommendations from the Chemical Transportation Advisory Committee (CTAC) mentioned in the Background section of the preamble, if adopted, would change the organization of the regulations for tank barges carrying hazardous cargoes. Should 46 CFR part 151 be organized differently than it is now? If so, how should it be organized? Should 46 CFR parts 151 and 153 (Ships Carrying Bulk Liquid, Liquefied Gas, or Compressed Gas Hazardous Materials) be organized similarly? What benefit(s) would there be if these parts were organized similarly?

3. The United States is attempting to convert regulations to the metric system. What measurement system should be used in the regulations? Standard? Metric? Or both? What benefits are there to using one measurement system instead of the other or both?

4. The following incorporation by reference standards are cited in 46 CFR 151.01–2:

a. ASNT Recommended Practice No. SNT–TC–1A (1998), Personnel Qualification and Certification in Nondestructive Testing (§ 151.04–7(c)(2)).

b. ASME Boiler and Pressure Vessel Code section V, Nondestructive Examination (1986) (§ 151.04–7(a)(1)). Are these standards still useful? Should either be updated? Are there any new standards that should be incorporated into these regulations? If so, what are they? Why should they be used?

5. The current regulations may include terms that are unclear or define

terms that are no longer used. Which definitions in 46 CFR 151.03 should be updated or deleted? Please explain. Are there other terms that the Coast Guard should define in that section? Please explain.

6. Barges transferring hazardous cargoes have traditionally been required to display the red flag under 46 CFR 151.45–9. Should the Coast Guard continue to require the red flag to indicate cargo transfer operations?

7. The Louisiana Governor's Maritime Task Force has identified a need for cargo identification signs on barges carrying hazardous liquid cargoes in bulk. We would like your comments about whether we should require placarding used by trucking and rail transportation on barges carrying bulk liquid hazardous material. What other considerations apply to placarding on barges carrying bulk liquid hazardous material for purposes of identifying cargoes?

8. Certain waterways may have special needs. Are there any geographic or seasonal concerns that are not currently addressed in 46 CFR part 151? If so, please explain.

9. The current rules in 46 CFR part 151 have requirements for cargo-specific materials of construction. Do the following sections still represent engineering practices adequate to protect against hazards to life and property, to ensure navigation and vessel safety, or to protect the marine environment:

a. 46 CFR 151.55—Special Requirements for Materials of Construction?

b. 46 CFR 151.56—Prohibited Materials of Construction?

c. 46 CFR 151.58—Required Materials of Construction?

If not, how should they be changed to meet adequate engineering practices?

10. Currently, the Commandant of the Coast Guard approves carriage of new types of cargoes. Should the Coast Guard improve its procedures for assigning requirements for chemical cargoes in 46 CFR 151.01–5? Please explain.

11. Should the Coast Guard exempt existing barges carrying bulk liquid hazardous material from possible revisions to these regulations? Please explain. Should retrofitting any equipment to existing barges carrying liquid hazardous material be required? If so, what equipment should be retrofitted? Why? Should the regulations include a phase-in period for any new requirements? If so, how long should the period be?

12. The Coast Guard expresses no opinion regarding the merit of CTAC's recommendations discussed in the preamble. However, based on your

review of CTAC's submission to the Coast Guard, which recommendations should the Coast Guard include in a proposed rule? Which CTAC recommendations should the Coast Guard not include in a proposed rule? Which CTAC recommendations should the Coast Guard revise and include in a proposed rule? Why?

13. The Coast Guard seeks information about the following subjects to assist in evaluating CTAC's recommendations and developing the most appropriate revisions to 46 CFR part 151:

- a. Accident data detailing deaths.
- b. Injuries.
- c. Property damage.
- d. Environmental damage.
- e. Cost estimates of new barge construction.

14. What are the costs of the following CTAC recommended equipment modifications:

- a. Changes in construction standards.
- b. Addition of high level alarms.
- c. Installation of tanks with high velocity vents.
- d. Perforation of ullaging tubes.

15. The Coast Guard seeks cost data associated with recent technological improvements in the barge industry for carriage of liquid hazardous material.

Those recent technological improvements may be proposed by this rulemaking. Please identify the improvements and their associated costs.

16. For almost three decades current rules in 46 CFR part 151 have had no change in their recordkeeping burden. These recordkeeping requirements are discussed in the Collection of Information section of the preamble. Should the current collection of information requirements be reduced or revised? If so, how should the requirements be changed? Should the Coast Guard allow for electronic submissions and/or recordkeeping?

17. If you believe a small entity will be affected by potential changes to the barges carrying bulk liquid hazardous material cargoes regulations, then please explain what flexibility or compliance options the Coast Guard should consider and how these options would minimize the burden on small entities.

Dated: September 1, 1999.

**Joseph J. Angelo,**

*Acting Assistant Commandant for Marine Safety and Environmental Protection.*

[FR Doc. 99–23421 Filed 9–8–99; 8:45 am]

BILLING CODE 4910–15–P