

those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

#### *Public Meeting*

If only one person requests an opportunity to speak at a hearing, we may hold a public meeting, rather than a public hearing. If you wish to meet with us to discuss the amendment, request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will also make a written summary of each meeting part of the Administrative Record.

### **IV. Procedural Determinations**

#### *Executive Order 12866*

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

#### *Executive Order 12988*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and published by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

#### *National Environmental Policy Act*

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

#### *Paperwork Reduction Act*

This rule does not contain information collection requirements that

require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

#### *Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

#### *Unfunded Mandates*

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

#### **List of Subjects in 30 CFR Part 943**

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 4, 1999.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 99-3435 Filed 2-11-99; 8:45 am]

BILLING CODE 4310-05-P

### **DEPARTMENT OF TRANSPORTATION**

#### **Coast Guard**

#### **33 CFR Part 165**

[CGD01-98-175]

RIN 2121-AA97

#### **Safety Zone: New York Super Boat Race, Hudson River, New York**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a permanent safety zone that will be enacted annually for the New York Super Boat Race. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel

traffic in the lower Hudson River, New York.

**DATES:** Comments must be received on or before April 13, 1999.

**ADDRESSES:** Comments may be mailed to the Waterways Oversight Branch (CGD01-98-175), 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 (CGD01-98-175) 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**.

##### **Background and Purpose**

Super Boat International Productions sponsors this annual high-speed power

boat race with approximately 40 powerboats, 24 to 50 feet in length, racing on an 8-mile oval course at speeds in excess of 100 mph. An average of 100 spectator craft view this event each year. The safety zone encompasses all waters of the Lower Hudson River south of a line drawn from the northwest corner of Pier 76 in Manhattan to a point in Weehawken, New Jersey at approximate position 40°45'52"N 074°01'01"W (NAD 1983) and north of a line connecting the following points (all coordinates are NAD 1983):

Latitude	Longitude
40°42'16.0"N	074°01'09.0"W, then south to
40°41'55.0"N	074°01'16.0"W, then south-west to
40°41'47.0"N	074°01'36.0"W, then north-west to
40°41'55.0"N	074°01'59.0"W, then to shore at
40°42'20.5"N	074°02'06.0"W.

The safety zone area encompasses approximately four nautical miles of the Lower Hudson River from Pier 76, Manhattan to approximately 650 yards northwest of the Governors Island Light (LLNR 35010) in approximate position 40°42'20.5"N, 074°01'11"W (NAD 1983).

The proposed regulation is effective annually from 11:30 a.m. until 4:00 p.m. on the Sunday following Labor Day. The race boats will be competing at high speeds with numerous spectator crafts in the area, creating an extra or unusual hazard in the navigable waterway. The proposed regulation prohibits all vessels not participating in the event, swimmers, and personal watercraft from transiting this portion of the Lower Hudson River during the race. It is needed to protect the waterway users from the hazards associated with high-speed powerboats racing in confined waters.

#### Discussion of Proposed Rule

The proposed safety zone is for the annual New York Super Boat Race held on the Lower Hudson River between Battery Park and Pier 76, Manhattan. This event is held annually on the Sunday following Labor Day. This rule is being proposed to provide for the safety of life on navigable waters during the event, to give the marine community the opportunity to comment on this event, and to decrease the amount of annual paperwork required for this event.

#### 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. Although this regulation prevents traffic from transiting a portion of the Lower Hudson River during the race, the effect of this regulation will not be significant for several reasons: it is an annual event with local support, the volume of commercial vessel traffic transiting the Lower Hudson River on a Sunday is less than half of the normal daily traffic volume; pleasure craft desiring to view the event will be directed to designated spectator viewing areas outside the safety zone; pleasure craft can take an alternate route through the East River and the Harlem River; the duration of the event is limited to four and one-half hours; the extensive advisories which will be made to the affected maritime community by Local Notice to Mariners, Safety Voice Broadcast, and facsimile notification. Additionally, commercial ferry traffic will be authorized to transit around the perimeter of the safety zone for their scheduled operations at the direction of the Patrol Commander.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, 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 the reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

#### 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 considered the environmental impact of this proposed rule and concluded that under figure 2-1, paragraph 34(g), 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 Part 165

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

#### Proposed Regulation

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

#### PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Add § 165.162 to read as follows:

**§ 165.162 Safety Zone: New York Super Boat Race, Hudson River, New York.**

(a) *Regulated Area.* The following area is a safety zone: All waters of the Lower Hudson River south of a line drawn from the northwest corner of Pier 76 in Manhattan to a point on the New Jersey shore in Weehawken, New Jersey at approximate position 40°45'52"N 074°01'01"W (NAD 1983) and north of a line connecting the following points (all coordinates are NAD 1983):

Latitude	Longitude
40°42'16.0"N	074°01'09.0"W, then south to
40°41'55.0"N	074°01'16.0"W, then west to
40°41'47.0"N	074°01'36.0"W, then north-west to
40°41'55.0"N	074°01'59.0"W, then to shore at
40°42'20.5"N	074°02'06.0"W.

(b) *Regulations.*

(1) Vessels not participating in this event, swimmers, and personal watercraft of any nature are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(c) *Effective period.* This section is in effect annually from 11:30 a.m. until 4:00 p.m. on the Sunday following Labor Day.

Dated: January 21, 1999.

**R.E. Bennis,**

*Captain, U.S. Coast Guard, Captain of the Port, New York.*

[FR Doc. 99-3514 Filed 2-11-99; 8:45 am]

BILLING CODE 4910-15-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[FRL-6301-1]

RIN 2060-AE08

**National Emission Standards for Hazardous Air Pollutants for Source Categories: Ferroalloys Production, Mineral Wool Production, Primary Lead Smelting, and Wool Fiberglass Manufacturing; Supplement To Proposed Rules**

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

**ACTION:** Supplement to proposed rules; Notice of public hearing.

**SUMMARY:** Today's proposal would alter the national emission standards for hazardous air pollutants (NESHAP) previously proposed for the source categories of ferroalloys production, mineral wool production, primary lead smelting, and wool fiberglass manufacturing. Today's action proposes changes to the approach for determining compliance for owners or operators of fabric filters (i.e., baghouses) with bag leak detection systems, proposes changes to the approach for determining compliance through the use of defined monitoring parameters for air pollution control equipment and/or manufacturing processes, and proposes to add performance evaluation requirements for temperature monitoring devices. To determine which of these proposed changes would affect specific source categories, see the appropriate *Summary of Proposed Changes* section for each source category.

Under section 112(j)(2) of the Clean Air Act (Act), the "hammer" date is the date by which affected facilities will be required to apply for a case-by-case emission limitation if the EPA has not promulgated a generally applicable emission standard. For these source categories, that date is May 15, 1999. The comment period for this action is 30 days. If a public hearing is held, the comment period for this action will be extended to 45 days. The comment period for this action is shorter than the normal comment period of 60 days so that these NESHAP may be promulgated by the May 15, 1999 "hammer" date.

**DATES:** Comments are requested only on information presented in this action. Comments on today's supplementary proposal must be received on or before March 15, 1999, unless a request to speak at a public hearing is received by February 22, 1999. If a hearing is held,

written comments must be received by March 29, 1999. If held, the hearing will take place at 10 a.m. on February 26, 1999.

**ADDRESSES:** *Comments.* Comments should be submitted (in duplicate) to the docket for the source category being addressed, Air and Radiation Docket and Information Center (6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Docket numbers are as follows: ferroalloys production—Docket No. A-92-59; mineral wool production—Docket No. A-95-33; primary lead smelting—Docket No. A-97-33; and wool fiberglass manufacturing—Docket No. A-95-24. The EPA requests that a separate copy of the comments also be sent to the appropriate contact person for the specific source category listed below in the **FOR FURTHER INFORMATION CONTACT** section. Comments and data may also be submitted electronically by following the instructions provided in the **SUPPLEMENTARY INFORMATION** section. No confidential business information should be submitted through electronic mail.

*Docket.* The dockets, which contain supporting information used in developing the NESHAP, are located at the above address in Room M-1500, Waterside Mall (ground floor), and may be inspected from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. Copies of this information may be obtained by request from the Air Docket by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:**

*Ferroalloys production.* Mr. Conrad Chin, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919)541-1512, electronic mail address "chin.conrad@epamail.epa.gov".

*Mineral wool production.* Ms. Mary Johnson, Minerals and Inorganic Chemicals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919)541-5025, electronic mail address "johnson.mary@epamail.epa.gov".

*Primary lead smelting.* Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919)541-2364, electronic mail address "cavender.kevin@epamail.epa.gov".