be better? Should the training be held in conjunction with fire fighting and evacuation drills?

c. Is the content of the current training appropriate? Should training include: expectations when wearing self-rescuers; donning procedures for all types of self-rescuers present in the mine; ways to maximize the useful life of a self-rescuer during an emergency; and effective techniques for transferring from one unit to another?

d. Should miners be trained using a breathing-resistance simulator, for example, a mouthpiece?

2. Some of the concerns with self-rescue devices were discovered only after the units were deployed in mines. The self-rescue devices are subjected to harsh in-mine use conditions and stored in a rugged environment that could contribute to a device not functioning as intended.

a. How can we ensure that miners continue to have confidence in self-rescue devices so that they will be used successfully in an emergency?

b. How should we improve the reliability of self-rescue devices?

c. What should we do to reasonably ensure that all devices function as intended?

d. Should the current service life requirements be modified?

e. If the allowable service life is reduced, would 5 years be an appropriate service life? If not, what would be an acceptable service life?

f. Should manufacturers periodically examine all of their self-rescue devices deployed in mines, including both external and internal components? How often? Should manufacturers certify that the examinations and tests have been conducted?

g. Should manufacturers develop and perform nondestructive tests that can be used in the field to detect degradation of self-rescuers?

h. Should mine operators be required to conduct more frequent examinations? If so, how frequent?

i. NIOSH and MSHA, in the long-term field evaluation program, work with mine operators to periodically obtain and test self-rescue devices that are deployed in mines. How should the sampling and testing methodology in this program be improved?

j. How should we involve interested parties in the early stages of problem identification and the subsequent problem resolution?

3. International Standards

Self-rescuer manufacturers sell their products in international markets. Yet, each country has its own approval criteria which limits the potential for a free market.

a. Should NIOSH/MSHA have as a goal to integrate international standards into the self-rescuer device approval process?

b. Are there other approaches to inspection of self-rescue devices or to service life issues that other countries implement and that we should consider for our nation's mines?

c. Should we allow the use of self-rescue devices that are approved by other countries?

4. There have been questions about the interpretation of the existing rule as it relates to storage plans and how the rule is being applied in the various MSHA Districts.

a. Are there areas of the rule which should be clarified?

b. Should the rule explicitly require the cache of additional self-rescuers in accordance with a plan that MSHA approves?

c. Should MSHA require operators applying for a storage plan to submit any additional information, such as the travel distance and time to the storage cache?

5. Over the years questions have come up concerning the distance from the miner that self-rescuers are stored in coal mines and the ability of the miners to reach the devices in a timely manner in the event of an emergency.

a. What should be the appropriate time necessary to reach the stored units?

b. Should we reduce the permitted travel time to caches?

c. Should we require the use of short-term duration SCSRs (anything less than 60 minutes) in lieu of using a FSR to reach a cache?

d. Where escape will take longer than 1 hour, should the standard for coal mines be revised to require caches of an adequate number of self-rescue devices to allow all miners to escape to the surface or a safe location?

e. MSHA and NIOSH, in conjunction with the MSHA state grants program, conducted a series of studies at various underground mines which determined the effect of heart rate as an indicator of workload during a mine escape. Should MSHA take this data into account in determining the location of these additional escape devices?

6. The devices currently required in metal and nonmetal mines are FSRs. SCSRs can be successfully used in a wider variety of mine emergencies than FSRs, and therefore are considered superior to FSRs. In 1987, MSHA began to require SCSRs in certain category V-A gassy metal and nonmetal mines (§ 57.22315).

a. Should SCSR requirements be expanded to other mines such as gassy metal and nonmetal mines categories I through V (approximately 20 mines and 4,800 miners), the group of metal and nonmetal mines that have the highest risk of fire and explosion from methane?

b. If expanded to these mines, should SCSR cache provisions be excluded where there are refuge chambers in metal and nonmetal mines?

III. Impact

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of intended regulations, and propose regulations on the basis that the benefits justify the costs. Regulatory agencies also are required to base decisions on the best reasonably obtainable scientific, technical, economic, and other data and information concerning the need for and the consequences of the proposed regulations.

We are exploring the development of a proposed rule addressing self-rescue devices. We anticipate that the benefit would be the prevention of fatalities which may occur if these devices are not used or not used as intended.

IV. Public Participation

We request comments on the specific issues addressed in this ANPRM. You are encouraged to be as specific as possible in addressing the issues and in suggesting alternatives. We also request that you include specific examples and cost estimates where possible to support your rationale. This will assist us in evaluating and analyzing your comments.

List of Subjects in 30 CFR Part 75

Mine safety and health, Underground mining.

Dated: June 29, 1999.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 99–17092 Filed 7–6–99; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–094]

RIN 2115–AA97

Safety Zone: Staten Island Fireworks, Lower New York Bay and Raritan Bay

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish two temporary safety zones for Staten Island fireworks displays located on Lower New York Bay and Raritan Bay. This action is necessary to provide for the safety of life on navigable waters during the events. This action is intended to restrict vessel traffic in a portion of Lower New York Bay and in one of Raritan Bay.

DATES: Comments must reach the Coast Guard on or before August 23, 1999.

ADDRESSES: Comments may be mailed to the Waterways Oversight Branch (CGD01–99–094), 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 (CGD01–99–094) 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

The fireworks programs are being sponsored by the Borough of Staten Island. This proposed rule would establish two temporary safety zones. First, in all waters of Lower New York Bay within a 360-yard radius of the fireworks barge located in approximate position 40°35′11″N, 074°03′42″W (NAD 1983), about 350 yards east of South Beach, Staten Island. The safety zone would be in effect from 8:30 p.m. until 10 p.m. on August 28, 1999. The rain date for this event would be August 29, 1999, at the same time and place. Second, in all waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge in approximate position 40°30′04″N, 074°15′35″W (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595). The safety zone would be effective from 8:30 p.m. until 10 p.m. on September 4, 1999. The rain date of this event would be September 5, 1999, at the same time and place. The safety zones would prevent vessels from transiting a portion of lower New York Bay and Raritan Bay in the vicinity of the Raritan River Cutoff, Ward Point Bend (West). The safety zones are needed to protect boaters from the hazards associated with fireworks launched from two barges in the area. Marine traffic would still be able to transit through Lower New York Bay during the event off South Beach on September 4, 1999. Marine traffic would still be able to transit through the eastern 140 yards of the 230-yard wide Ward Point Bend (West) during the event on September 4, 1999. Traffic that could not transit through the closed Raritan River Cutoff would transit through Ward Point Bend (West) by using South Amboy Reach, Great Beds Reach, Ward Point Secondary Channel, and Ward Point Bend (East). Additionally, vessels would not be precluded from mooring at or getting underway from any marinas or piers at Perth Amboy, New Jersey, during the display in the Raritan River Cutoff. Public notifications will be made before the event by the Local Notice to Mariners and marine information broadcasts. The Coast Guard is limiting the comment period for this NPRM to 45 days because the proposed safety zones are only for one-and-a-half-hour-long local events.

Discussion of Proposed Rule

The proposed safety zones are for Staten Island Summer fireworks displays held on Lower New York Bay and Raritan Bay. These events will be held on August 28, 1999, on Lower New York Bay and on September 4, 1999, on Raritan Bay. If the events are cancelled for inclement weather, then the events will be held on the following day. This rule is being proposed to provide for the safety of life on navigable waters during the events and to give the marine community the opportunity to comment on these events.

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 minimal time that vessels will be restricted from and zone and on the facts that vessels would not be precluded from getting under way, or mooring at, the marinas and piers in Perth Amboy, New Jersey; that marine traffic could still be able to transit through Lower New York Bay during the display on August 28, 1999; that marine traffic would safely transit to the east of the zone on September 4, 1999; and that advance notifications which will be made to be local maritime community by the Local Notice to Mariners and marine information broadcasts.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider 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 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.

Colleciton 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

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A ''Federal mandate'' is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, $100 million or more in any one year, the UMRA analysis is required. This proposed rule would not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A written 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 set out 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, 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Add temporary § 165.T01–094 to read as follows:

§ 165.T01–094 Safety Zone: Staten Island Fireworks, Lower New York Bay and Raritan Bay.

(a) *Safety Zone A:*

(1) *Location.* All waters of Lower New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°35′11″ N., 074°03′42″ W. (NAD 1983), about 350 yards east of South Beach, Staten Island.

(2) *Effective period.* This paragraph (a) is effective from 8:30 p.m. until 10 p.m. on August 28, 1999. If the event is canceled for inclement weather, then this paragraph is effective from 8:30 p.m. until 10 p.m. on August 29, 1999.

(b) *Safety Zone B:*

(1) *Location.* All waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge in approximate position 40°30′04″ N., 074°15′35″ W. (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595).

(2) *Effective period.* This paragraph (b) is effective from 8:30 p.m. until 10 p.m. on September 4, 1999. If the event is canceled for inclement weather, then this paragraph is effective from 8:30 p.m. until 10 p.m. on September 5, 1999.

(c) *Effective Period.* This section is effective from 8:30 p.m. on August 28, 1999, until 10 p.m. on September 5, 1999.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(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. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 23, 1999.

R.E. Bennis,

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

[FR Doc. 99–17186 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE039–1021; FRL–6372–4]

Approval and Promulgation of Air Quality Implementation Plans; Delaware Enhanced Motor Vehicle Inspection and Maintenance (I/M) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Delaware. This action proposes approval of revisions to the enhanced motor vehicle inspection and maintenance (I/M) SIP submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC). Because EPA has determined that the conditions of its May 19, 1997 conditional approval of Delaware's enhanced I/M SIP have now been satisfied, this action proposes to remove those conditions and to grant full approval of the enhanced I/M SIP.

DATES: Written comments must be received on or before August 6, 1999.

ADDRESSES: Written comments may be mailed to David Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, 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; Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Jill Webster, (215) 814–2033, or by e-mail at Webster.Jill@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The information in this section is organized as follows:

A. What is today's action?
B. Why is EPA taking this action?
C. Why did Delaware make these changes?