

a designated anchorage ground nor special anchorage area and was seldom used as an anchorage site as it is relatively unprotected water immediately adjacent the harbor entrance.

Therefore, 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 rule contains no new collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Analysis

The Coast Guard has considered the environmental impact of this rule and has concluded that, under figure 2-1, paragraph (34)(g), of COMDTINST M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A Categorical Exclusion is provided for regulations establishing Regulated Navigation Areas. This particular regulated navigation area is proposed for the purpose of preserving the remediation efforts at an USEPA Superfund Site. The proposed rule itself will not cause nor introduce any environmental impacts and will be transparent in all regards except for prohibiting activities which could disturb the seabed within the established boundaries of the site.

The USEPA has determined that there will be no significant environmental impact arising from the creation of an RNA designed to protect the sediment cap. The actual placement of the cap in Eagle Harbor was determined by USEPA to provide an environmental benefit to the area by allowing organisms to colonize the clean sediments of the cap ("The Proposed Plan for Cleanup of Eagle Harbor"—December 16, 1991).

USEPA's authority to place the cap is expressed in a publicly available document known as a "Removal Action Memorandum" dated June 15, 1993, and additional information is available at the Marine Safety Office at the address under ADDRESSES.

List of Subjects in 33 CFR Part 165

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

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend part 165 of Title 33, Code of Federal Regulations, 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. A new § 165.1309 is added to read as follows:

§ 165.1309 Eagle Harbor, Bainbridge Island, WA.

(a) *Regulated area.* A regulated navigation area is established on that portion of Eagle Harbor bounded by a line beginning at: 47° 36' 56" N, 122° 30' 36" W; thence to 47° 37' 11" N, 122° 30' 36" W; thence to 47° 37' 25" N, 122° 30' 17" W; thence to 47° 37' 24" N, 122° 30' 02" W; thence to 47° 37' 16" N, 122° 29' 55" W; thence to 47° 37' 03" N, 122° 30' 02" W; thence returning along the shoreline to point of origin. [Datum NAD 1983].

(b) *Regulations.* All vessels and persons are prohibited from anchoring, dredging, laying cable, dragging, seining, bottom fishing, conducting salvage operations, or any other activity which could potentially disturb the seabed in the designated area. Vessels may otherwise transit or navigate within this area without reservation.

(c) *Waiver.* The Captain of the Port, Puget Sound, upon advice from the USEPA Project Manager and the DNR, may, upon written request, authorize a waiver from this section if it is determined that the proposed operation supports USEPA remedial objectives, or can be performed in a manner that ensures the integrity of the sediment cap. A written request must describe the intended operation, state the need, and describe the proposed precautionary measures. Requests should be submitted in triplicate, to facilitate review by EPA, Coast Guard, and Washington State Agencies. USEPA managed remedial

design, remedial action, habitat mitigation, or monitoring activities associated with the Wyckoff/Eagle Harbor Superfund Site are excluded from the waiver requirement. USEPA is required, however, to alert the Coast Guard in advance concerning any of the above-mentioned activities that may, or will, take place in the Regulated Area.

Dated: January 13, 1999.

Paul M. Blayney,

Rear Admiral, USCG, 13th District Commander.

[FR Doc. 99-4431 Filed 2-22-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE036-1018b; FRL-6303-5]

Approval and Promulgation of Air Quality Implementation Plans; State of Delaware—Transportation Conformity Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is taking direct final action to approve a revision to the Delaware State Implementation Plan (SIP). The revision consists of the addition of Delaware's transportation conformity regulation for the purpose of assuring conformity of Delaware transportation plans, programs and projects to related requirements in the SIP. EPA is proposing to approve Delaware's transportation conformity regulation as a SIP revision in accordance with the requirements of the Clean Air Act.

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 more detailed description of the State submittal 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 EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. In the latter case, EPA will address all public comments 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 March 25, 1999.

ADDRESSES: Written comments should be addressed to Robert Kramer, Chief, Energy, Radiation and Indoor Environment Branch; Mailcode 3AP23; 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: Larry Budney, (215) 814-2184, at the EPA Region III address above, or by e-mail at budney.larry@epamail.epa.gov. While clarifying questions and requests for additional information may be transmitted via e-mail, comments on this rulemaking must be submitted in writing in accordance with the procedures provided earlier in this document.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action to approve the Delaware Regulation 32—Transportation Conformity that is located in the “Rules and Regulations” section of this **Federal Register** publication.

Dated: February 5, 1999.
W. Michael McCabe,
Regional Administrator, EPA Region III.
 [FR Doc. 99-3991 Filed 2-22-99; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS-400132A; FRL-6061-7]
RIN 2070-AD09

Persistent Bioaccumulative Toxic (PBT) Chemicals; Amendments to Proposed Addition of a Dioxin and Dioxin-Like Compounds Category; Community Right-to-Know Toxic Chemical Release Reporting; Notice of Availability and Clarification of Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and clarification of proposed rule.

SUMMARY: On January 5, 1999, EPA issued a proposed rule to lower the reporting thresholds for certain persistent bioaccumulative toxic (PBT) chemicals that are subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). The proposed rule also included the addition of certain PBT chemicals, amendments to the proposed rule to add a dioxin and dioxin-like compounds category, as well as other related reporting changes. The purpose of this document is to inform interested parties of the availability of an additional document concerning one of the reporting threshold options discussed in the proposed rule. This

document also contains clarifications to the discussion concerning the reporting limitation for certain metals when contained in alloys.

DATES: Written comments, identified by the docket control number OPPTS-400132, must be received by EPA on or before March 8, 1999.

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

The document entitled “Analysis of Potential Small Entity Impacts Associated with Option 1 of the TRI PBT Proposal” is now available from the public docket. Refer to Unit I.B.2. of this document for the location and hours of operation for the public docket.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Petitions Coordinator, 202-260-3882, e-mail: bushman.daniel@epamail.epa.gov, for specific information on the proposed rule, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, in Virginia and Alaska: 703-412-9877 or Toll free TDD: 1-800-553-7672.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, process, or otherwise use any of the chemicals listed under Table 1 in Unit V.C.1. of the January 5, 1999 proposed rule (64 FR 688) (FRL-6032-3). Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities
Industry	Facilities that: incinerate or otherwise treat, store or dispose of hazardous waste or sewage sludge; operate chlor-alkali processes; manufacture chlorinated organic compounds, pesticides, other organic or inorganic chemicals, tires, inner tubes, other rubber products, plastics and material resins, paints, Portland cement, pulp and paper, asphalt coatings, or electrical components; operate cement kilns; operate metallurgical processes such as steel production, smelting, metal recovery furnaces, blast furnaces, coke ovens, metal casting and stamping; operate petroleum bulk terminals; operate petroleum refineries; operate industrial boilers that burn coal, wood, petroleum products; and electric utilities that combust coal and/or oil for distribution of electricity in commerce.
Federal Government	Federal facilities that: burn coal, wood, petroleum products; burn wastes; incinerate or otherwise treat, store or dispose of hazardous waste or sewage sludge.

This table is not intended to be exhaustive, but rather provides a guide

for readers regarding entities likely to be affected by this action. Other types of

entities not listed in the table could also be affected. To determine whether your