

then the provisions of § 155.3070(c), (d), and (f) apply.

§ 155.3066 What are the procedures for submitting a request for acceptance of alternative planning criteria?

If you believe that national planning criteria contained elsewhere in this part are not applicable to your vessel for the areas in which you wish to operate, then you may request the Coast Guard to accept alternative planning criteria. Your request must be made 90 days before your vessel operates under the proposed alternative, and must be forwarded via the COTP of the geographic area(s) affected.

§ 155.3067 How do I submit an appeal if my response plan is not approved?

If you have been notified that your plan is not approved, then you have 21 days following notification to submit a written appeal of the Coast Guard's decision. Your appeal must be submitted to Commandant (G-M), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

§ 155.3070 What are the procedures for plan review, revision, resubmission, and appeal?

(a) You must review your plan—

(1) Annually within one month of the anniversary date of the Coast Guard's approval of your plan; and

(2) After a drill or hazardous substance discharge to evaluate and validate the plan's effectiveness.

(b) After review of your plan, you must submit any amendments or revisions to the Coast Guard for information or approval. A cover page that provides a summary of the changes and the pages affected must be included with the revisions. The revised pages must be annotated with the revision number and effective date of the revision. You must note on the record of changes page what changes were made and the date they were made. You must also note the completion of the annual review on the record of changes page.

(c) You must submit revisions or amendments to your plan whenever any of the following occur:

(1) A change in the owner or operator if that person is not the one who provided the certifying statement required by § 155.3055(a) or § 155.3065(a);

(2) A change in your vessel's operating area that is not covered by your plan. Your vessel may operate in this new area once you have received confirmation from the Coast Guard that you have submitted a new geographic-

specific appendix for approval and the certification required in § 155.3026(a);

(3) A significant change in your vessel's configuration that affects the information in your response plan;

(4) A change in the cargo your vessel carries, except when you are authorized by the COTP to carry this cargo as a result of assisting in a discharge response activity;

(5) A change in response resources required by § 155.3050;

(6) A significant change in your vessel's emergency response procedures;

(7) A change in the qualified individual or alternate;

(8) The addition of a vessel to your plan. You must submit the vessel-specific appendix and certification required in § 155.3026(a); or

(9) Any other changes that affect the implementation of the plan.

(d) At least 30 days in advance of hazardous substance operations, you must submit any revisions or amendments identified in paragraph (c) of this section. You must submit certification as required by § 155.3055(a) or § 155.3065(a) with the revisions or amendments.

(e) You must resubmit your entire plan to the Coast Guard for approval—

(1) Six months before the end of the current approval period identified in § 155.3065(b); and

(2) When the owner or operator changes, if that owner or operator provided the certifying statement required by § 155.3065(a) a new certifying statement must be submitted.

(f) The Coast Guard may require you to revise your response plan if it is determined that your plan does not meet the requirements of this subpart. The Coast Guard will provide to you written notification of any deficiencies and any operating restrictions. Deficiencies must be corrected and submitted for acceptance within the specified timeframe provided by the Coast Guard or your plan will be declared invalid. If you conduct any hazardous substance operations after your plan has been declared invalid, then you will be in violation of the Clean Water Act (CWA) (33 U.S.C. 1321(j)(5)(E)).

(g) If you disagree with a deficiency determination, you may submit a petition for reconsideration to Commandant (G-M), U. S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, within the time period required for compliance or within 7 days from the date of receipt of the Coast Guard notice of a deficiency determination, whichever is less. After considering all relevant material

presented, the Coast Guard will notify you in writing of the final decision.

(1) Unless you petition for reconsideration of the Coast Guard's decision, you must correct the response plan deficiencies within the period specified in the Coast Guard's initial determination.

(2) If you petition the Coast Guard for reconsideration, the effective date of the Coast Guard notice of deficiency determination may be delayed pending their decision. Petitions to the Coast Guard must be submitted in writing, via the Coast Guard official who issued the requirement to amend the response plan, within 7 days of receipt of the notice.

(h) You must advise the Coast Guard and all other holders of the response plan of any revisions to personnel and telephone numbers and provide a copy of these revisions. Amendments to personnel and telephone number lists included in the response plan do not require prior Coast Guard approval, except as required in paragraph (c) of this section.

Dated: February 16, 1999.

James M. Loy,

Admiral, U.S. Coast Guard Commandant.

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ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1190 and 1191

Accessibility Guidelines for Outdoor Developed Areas; Meeting of Regulatory Negotiation Committee

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Regulatory negotiation committee meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has established a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for newly constructed and altered outdoor developed areas covered by the Americans with Disabilities Act and the Architectural Barriers Act. This document announces the dates, times, and location of the next meeting of the committee, which is open to the public. **DATES:** The committee will meet from Tuesday, April 27, 1999, to Friday, April 30, 1999, 8:30 a.m. to 5:00 p.m. each day.

ADDRESSES: The committee will meet at the National Highway Institute, Training

and Conference Center, 4600 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Peggy Greenwell, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC, 20004-1111. Telephone number (202) 272-5434 extension 34 (Voice); (202) 272-5449 (TTY). This document is available in alternate formats (cassette tape, braille, large print, or computer disc) upon request. This document is also available on the Board's web site (<http://www.access-board.gov/rules/outdoor.htm>).

SUPPLEMENTARY INFORMATION: In June 1997, the Access Board established a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for newly constructed and altered outdoor developed areas covered by the Americans with Disabilities Act and the Architectural Barriers Act. (62 FR 30546, June 4, 1997). The committee will hold its next meeting on the dates and at the location announced above. The meeting is open to the public. The meeting site is accessible to individuals with disabilities. Individuals with hearing impairments who require sign language interpreters should contact Peggy Greenwell by April 9, 1999, by calling (202) 272-5434 extension 34 (voice) or (202) 272-5449 (TTY).

Lawrence W. Roffee,
Executive Director.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE011/021-1031; FRL-6313-1]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonably Available Control Technology Requirements for Nitrogen Oxide Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing conditional limited approval of a State Implementation Plan (SIP) revision submitted by the State of Delaware. This revision requires major sources of nitrogen oxides (NO_x) in the State of Delaware to implement reasonably available control technology (RACT). The intended effect of this action is to propose conditional limited approval of

Delaware regulation for imposing RACT on major sources of NO_x.

DATES: Comments must be received on or before April 21, 1999.

ADDRESSES: Comments may be mailed to David L. Arnold, Chief, Ozone & 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, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20460; and Delaware Department of Natural Resources & Environmental Control, Richardson & Robins, 89 Kings Highway, Dover, Delaware 19901.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814-2182, at the EPA Region III address above, or via e-mail at quinto.rose@epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the EPA Region III address in accordance with the procedures provided above.

SUPPLEMENTARY INFORMATION: On January 11, 1993, the Delaware Department of Natural Resources and Environmental Control (DNREC) submitted Regulation No. 12 CONTROL OF NITROGEN OXIDE EMISSIONS as a revision to its SIP. On November 26, 1993 (58 FR 62307), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Delaware. The NPR proposed limited approval/limited disapproval of Regulation No. 12 pertaining to the control of NO_x emissions at major sources in the state. On January 20, 1994, DNREC submitted a SIP revision which amended Regulation No. 12. EPA is hereby withdrawing the NPR published on November 26, 1993 and repropounding conditional limited approval of this Delaware SIP revision. This action is being taken under Section 110 of the Clean Air Act (CAA).

I. Background

Pursuant to Part D, Sections 182 and 184 of the CAA, RACT is to be implemented at all major NO_x sources by no later than May 31, 1995. A major source of NO_x is defined by the classification of the ozone nonattainment area in which it is located and/or whether it is located in the ozone transport region (OTR)

established by the CAA. The entire State of Delaware is located in the OTR, and RACT applies statewide. New Castle and Kent Counties are part of the Philadelphia-Wilmington-Trenton ozone nonattainment area which is classified as severe. For New Castle and Kent Counties, CAA Section 182 defines all stationary sources with the potential to emit 25 tons per year (TPY) or more of NO_x as major and requires that RACT be implemented at such sources by no later than May 31, 1995. For Sussex County, CAA Section 184 defines all stationary sources with the potential to emit 100 TPY or more of NO_x as major and requires that RACT be implemented at such sources by no later than May 31, 1995.

II. Description of the Delaware Regulation No. 12 Imposing RACT on Major Sources of NO_x

NO_x Emission Standards Requirements

Delaware Regulation No. 12, Section 3.2 contains specific emission limits for fuel burning equipment with a rated heat capacity of 100 million BTU (MMBTU) per hour or greater. Gas fired face and tangential units are required to meet an emission limit of 0.20 lbs of NO_x/MMBTU input. Oil or gas fired face and tangential units are required to meet an emission limit of 0.25 lbs of NO_x/MMBTU input. Oil or gas fired cyclones are required to meet an emission limit of 0.43 lbs of NO_x/MMBTU input. Dry bottom coal fired face and tangential units are required to meet an emission limit of 0.38 lbs of NO_x/MMBTU input. Dry bottom coal fired stokers are required to meet an emission limit of 0.40 lbs of NO_x/MMBTU input. These numerical emission limits are supported by data gathered by the State and Territorial Air Pollution Program Administrators (STAPPA) and Association of Local Air Pollution Control Officials (ALAPCO).

All emission limits are required to be met on a 24-hour rolling averaging period. For sources with a rated heat input capacity of 250 MMBTU/hr or more compliance shall be determined using continuous emission monitoring systems (CEMs) approved by DNREC. For sources with a rated heat input of greater than 150 MMBTU/hr but less than 250 MMBTU/hr compliance shall be determined using continuous emission monitoring systems (CEMs) approved by DNREC, or by an enhanced monitoring program approved by DNREC which identifies and correlates various operating parameters with NO_x emission levels thorough source testing. These parameters will be used as surrogates to monitor NO_x emissions.