

will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632); Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principals and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e(32)(2) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Final Regulations

In consideration of the foregoing, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g) section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In § 117.997, paragraph (g) is redesignated as (h) and a new paragraph (g) is added to read as follows:

§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.

* * * * *

(g) The draw of the Albemarle & Chesapeake Railroad bridge, mile 13.9, in Chesapeake, Virginia, shall be maintained in the open position; the draw may close only for the crossing of trains and maintenance of the bridge. When the draw is closed, a bridgetender shall be present to reopen the draw after the train has cleared the bridge.

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Dated: June 15, 1995.

W.J. Ecker,
Rear Admiral, U.S. Coast Guard, Commander,
Fifth Coast Guard District.

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33 CFR Part 117

[CGD05-94-103]

RIN 2115-AE47

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Chesapeake, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is adopting as final the interim rule published in the **Federal Register** on December 30, 1994, changing the regulations governing the drawbridge across the Southern Branch of the Elizabeth River, Atlantic Intracoastal Waterway, mile 5.8, at Chesapeake, Virginia, by limiting bridge openings during the morning and evening rush hours. This rule will allow commercial cargo vessels, tugs, and tugs with tows passage through the bridge during morning and evening rush hours, provided a 2-hour advance notice is given to the Gilmerton Bridge. This rule also includes a provision that allows public vessels of the United States, vessels in distress, commercial vessels carrying liquefied flammable gas or other harmful substances, and commercial or public vessels assisting in an emergency situation passage through the bridge at any time. All other commercial and recreational vessel traffic will be denied draw openings during the morning and evening rush hours. This new rule is intended to provide regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge while providing for the reasonable needs of navigation.

EFFECTIVE DATE: This rule is effective on August 21, 1995.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Section, and CDR Christopher A. Abel, Project Counsel, Fifth Coast Guard District Legal Office.

Regulatory History

On December 30, 1994, the Coast Guard published an interim final rule with request for comments entitled Atlantic Intracoastal Waterway, Chesapeake, Virginia, in the **Federal Register** (59 FR 67630). The comment period ended March 30, 1995. The Coast Guard received no comments on the interim final rule. The Commander, Fifth Coast Guard District, also published the interim rule as a public notice on January 13, 1995, with the comment period ending March 30, 1995, and no comments were received as a result of this notice. A public hearing was not requested and one was not held.

Background and Purpose

The City of Chesapeake, Virginia, requested that the regulations for the operation of the drawbridge across the Southern Branch of the Elizabeth River, Atlantic Intracoastal Waterway, mile 5.8, at Chesapeake, Virginia, be changed by limiting bridge openings during the morning and evening rush hours, from 6:30 a.m. to 8 a.m. and from 3:30 p.m. to 5 p.m., Monday through Friday, except Federal holidays, year-round. This will help reduce highway traffic congestion problems, and respond to public safety and welfare concerns associated with frequent bridge openings caused by recreational boat traffic. This also will help reduce the wear and tear that is already apparent on the bridge's mechanical machinery. Prior to the publication of the interim rule in the **Federal Register**, the drawbridge operated by opening on demand.

In addition to restricting bridge openings during the morning and evening rush hours, commercial cargo vessels, tugs and tugs with tows will be allowed passage through the bridge during the hours of restriction provided a 2-hour advance notice is given to the Gilmerton Bridge. Public vessels of the United States, vessels in distress, commercial vessels carrying liquefied flammable gas or other harmful substances, and commercial or public vessels assisting in an emergency situation will be able to pass through the bridge at any time.

Further explanation of the interests considered was provided in the

preamble to the Interim Final Rule. The Coast Guard has not received any complaints from the boating community on the new operating schedule of the Gilmerton drawbridge.

Regulatory Evaluation

This 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 been exempted from review 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the U.S. Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the regulatory flexibility requirements. Although exempt, the Coast Guard has reviewed this rule for potential impact on small entities.

Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and

concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist have been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Final Regulations

In consideration of the foregoing, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Accordingly, the interim rule amending 33 CFR part 117 which was published at 59 FR 67630 on December 30, 1994, is adopted as a final rule without change.

Dated: June 15, 1995.

W.J. Ecker,

*Rear Admiral, U.S. Coast Guard Commander,
Fifth Coast Guard District.*

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI42-03-7123; FRL-5260-7]

Determination of Attainment of Ozone Standard by Grand Rapids and Muskegon, Michigan; Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: On June 2, 1995 the USEPA published a direct final and proposed rulemaking determining that the Grand Rapids (Kent and Ottawa Counties) and Muskegon (Muskegon County), Michigan moderate ozone nonattainment areas were attaining the ozone National Ambient Air Quality Standard (NAAQS). Based on this determination, the USEPA also determined that certain reasonable further progress and attainment demonstration requirements, along with certain other related requirements, of part D of Title 1 of the Clean Air Act

(Act) are not applicable to the areas so long as the areas continue to attain the ozone NAAQS. The 30-day comment period concluded on July 3, 1995. During this comment period, the USEPA received two comment letters in response to the June 2, 1995 rulemaking. This final rule summarizes all comments and USEPA's responses, and finalizes the USEPA's determination that these areas have attained the ozone standard and that certain reasonable further progress and attainment demonstration requirements as well as other related requirements of part D of the Act are not applicable to these areas as long as these areas continue to attain the ozone NAAQS.

EFFECTIVE DATE: This action will be effective July 20, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for inspection at the following address: (It is recommended that you telephone Jacqueline Nwia at (312) 886-6081 before visiting the Region 5 Office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Jacqueline Nwia, Regulation Development Section (AT-18J), Air Toxics and Radiation Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 886-6081.

SUPPLEMENTARY INFORMATION:

I. Background Information

On June 2, 1995, the USEPA published a direct final rulemaking (60 FR 28729) determining that the Grand Rapids and Muskegon moderate ozone nonattainment areas have attained the NAAQS for ozone. In that rulemaking, the USEPA determined that the Grand Rapids and Muskegon ozone nonattainment areas have attained the ozone standard and that the requirements of section 182(b)(1) concerning the submission of a 15 percent reasonable further progress plan and ozone attainment demonstration and the requirements of section 172(c)(9) concerning contingency measures are not applicable to these areas so long as the areas do not violate the ozone standard. In addition, the USEPA determined that the sanctions clocks started on January 21, 1994, for these areas for failure to submit the section 182(b)(1) reasonable further progress requirements and section 172(c)(9) contingency measures would