

Proposed Regulation

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

**PART 110—[AMENDED]**

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in it are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.60, is amended by revising paragraph (c)(2) to read as follows:

**§ 110.60 Port of New York and vicinity.**

\* \* \* \* \*

(x) \* \* \*

(2) *Northern Area.* South of the established U.S. pier head line on the north side of the bay; west of a line parallel to and 80 feet west of the prolonged west line of Coyle Street; north of a line ranging from a point 125 feet south of said pier head line in said line parallel to and 80 feet west of the prolonged west line of Coyle Street to the intersection of the south line of Shore Boulevard and the west line of Kensington Street; north of a line parallel to and 325 feet north of the bulkhead wall along the north side of Shore Boulevard; northeast of a line ranging from the point of intersection of the last-mentioned line with the prolonged east line of East 28th Street, toward a point on the prolonged east line of East 27th Street and 245 feet south of the established U.S. pier head line on the north side of the bay; and east of the prolonged east side of East 27th Street.

\* \* \* \* \*

Dated: December 6, 1996.

J.L. Linnon,

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

[FR Doc. 96–32839 Filed 12–26–96; 8:45 am]

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**33 CFR Part 117**

[CGD08–95–026]

RIN 2115–AE47

**Drawbridge Operation Regulation; Bonfouca Bayou, LA**

AGENCY: Coast Guard, DOT.

**ACTION:** Notice of supplemental proposed rulemaking; Notice of temporary deviation.

**SUMMARY:** The Coast Guard is revising its proposal concerning the operation of the swing span drawbridge across Bonfouca Bayou, mile 7.0, at Slidell, St. Tammany Parish, Louisiana. This supplemental proposal is the result of comments on the notice of proposed rulemaking. The revised proposal would provide that the draw need not open for passage of vessels during peak vehicular traffic periods. This change will allow for the timely passage of school busses and relieve vehicular traffic congestion that has increased dramatically during recent years and still provide for the reasonable needs of navigation.

In order to test the revised schedule and closing times in this supplemental proposal, the District Commander authorized a temporary deviation in drawbridge operation regulations for the Bonfouca Bayou drawbridge effective through December 21, 1996. The Coast Guard requests comments on the test schedule.

**DATES:** Comment must be received on or before January 10, 1997.

**ADDRESSES:** Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396, or may be delivered to Room 1313 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phil Johnson, Bridge Administration Branch, at the address and telephone number given above.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

Interested parties are invited to participate in the proposed rulemaking and to comment on the temporary deviation by submitting written views, comments, or arguments. Persons submitting comments should include their names and addresses, identify the bridge and give reasons for concurrence with or any recommended change in this supplemental proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Eighth Coast Guard District at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it is determined 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.

The Commander, Eighth Coast Guard District, will evaluate all comments received and determine a course of final action on this proposal. The supplemental proposal may again be changed in the light of comments received.

The temporary deviation is effective for 90 days from September 23, 1996 through December 21, 1996.

**Discussion of Proposed Rules**

The Bonfouca Bayou, swingspan bridge at mile 7.0, at Slidell, St. Tammany Parish, Louisiana, has 3.5 feet vertical clearance above high tide in the closed to navigation position and 6.7 feet above low tide at the pivot pier, and 8.2 feet clearance above high tide and 11.4 feet above low tide at the rest pier. Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft. Annualized data provided by the Louisiana Department of Transportation and Development (LDOTD) show that from September 1994 through September 1995, a total of 207 vessels passed the bridge between 6 a.m. and 9 a.m. throughout the year and a total of 406 vessels passed the bridge between 3 p.m. and 6 p.m. throughout the year. The data also shows that on average 1532 vehicles cross the bridge between 6 a.m. and 9 a.m. each day and 2261 vehicles cross the bridge between 3 p.m. and 6 p.m. each day.

Reduced to a monthly rate, the above data reflects the fact that on average, 17 vessels pass and 45,960 vehicles cross the bridge each month during the morning period and 34 vessels pass and 67,830 vehicles cross the bridge during the afternoon period.

The Louisiana Department of Transportation and Development with the support to Congressman Robert L. Livingston and many other parish and city officials, previously requested that the bridge remain closed from 6 a.m. to

9 a.m. and from 3 p.m. to 6 p.m. in order to expedite passage of vehicular traffic, that crosses the bridge during the peak traffic periods. A notice of proposed rulemaking was published in 61 Federal Register 19223 dated Wednesday, May 1, 1996 which announced the original proposed rulemaking and solicited comments of support or opposition. Mariners and business owners, located upstream of the bridge commented on the proposal, stating that their businesses would suffer if vessels were not permitted to transit above the bridge for periods of three continuous hours. Additionally, local commercial marine interests, requested that the draw open on demand from 9 p.m. to 5 a.m. if at least 4 hours advance notice is given, in lieu of 12 hours notice. A meeting was held in Slidell, Louisiana on June 19, 1996 attended by the Greater Slidell Chamber of Commerce, City of Slidell officials, maritime industry members, and concerned citizens to discuss this proposal. The proposed rule is being revised to reflect these comments, concerns and suggested changes.

#### Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost 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 proposal 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 Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

Since the proposed rule also considers the needs of local commercial fishing vessels, the economic impact of this proposal is expected to be minimal. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

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

#### Federalism Implications

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

#### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2.g(5) of Commandant Instruction M16475.1B, this proposal 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 117

##### Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, 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).

2. Section 117.433 is revised to read as follows:

##### **§ 117.433 Bonfouca Bayou.**

The draw of the S433 bridge, mile 7.0, at Slidell, shall operate as follows:

(a) The draw need not open for passage of vessels from 7 a.m. to 8 a.m. and from 1:45 p.m. to 2:45 p.m., Monday through Friday except Federal holidays.

(b) The draw need open only on the hour and half-hour from 6 a.m. to 7 a.m. and from 3 p.m. to 6 p.m., Monday through Friday except Federal holidays.

(c) The draw shall open on signal from 9 p.m. to 5 a.m., if at least 4 hours notice is given to the LDOTD Security Service at (504) 375-0100.

(d) At all other times the draw shall open on signal.

Dated: November 26, 1996.

T.W. Josiah,  
Rear Admiral, U.S. Coast Guard, Commander,  
Eighth Coast Guard District.

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[MO-010-1010; FRL-5671-3]

#### **Approval and Promulgation of Implementation Plans; State of Missouri**

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve revisions to Missouri's State Implementation Plan (SIP) concerning Missouri rules 10 CSR 10-2.260 and 10 CSR 10-5.220, "Control of Petroleum Liquid Storage, Loading, and Transfer." The purpose of these revisions is to modify the required testing periods for delivery vessels in the Kansas City metropolitan area and in the St. Louis nonattainment area. These revisions are designed to reduce volatile organic compound emissions from the loading and unloading of gasoline delivery vessels. The reduction in emissions is part of the state's plan under the Clean Air Act to reduce ozone levels in the St. Louis nonattainment area. This action will also ensure progress toward improved air quality in Kansas City.

**DATES:** Comments must be received on or before January 27, 1997.

**ADDRESSES:** Comments may be mailed to Stan Walker, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Stan Walker at (913) 551-7494.