

This action necessitates redesignating the regulations listed in 33 CFR 117.821(a) (3), (4), (5), and (6) for the drawbridges at Surf City, Figure Eight, Wrightsville Beach, and Sunset Beach along the Atlantic Intracoastal Waterway within North Carolina.

Regulatory Evaluation

This final 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 final rule to be non-existent, therefore, 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. 601-612), the Coast Guard must consider whether this final rule 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).

This final rule does not affect vessel navigation on this waterway since it merely removes regulations for a bridge which no longer exists. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b), that this final 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 requirement under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under section 2.B.2.b. and item (32)(e) of Figure 2-1 of Commandant Instruction M16475.1C

dated November 14, 1997, this final rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

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

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 § 117.821, paragraph (a)(2) is removed and paragraphs (a) (3), (4), (5), and (6) are redesignated as paragraphs (a) (2), (3), (4), and (5), respectively.

Dated: April 23, 1998.

J. Carmichael,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 98-11774 Filed 5-1-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 207

Navigation Regulations

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps is amending the navigation regulations for the Red River Waterway, Louisiana and the Yazoo Diversion Canal at Vicksburg, Mississippi. The Red River Waterway navigation regulation is amended to prescribe the maximum length, width, and draft of vessel tows that are allowed to enter the lock chamber for each lockage. The Yazoo Diversion Canal navigation regulation is amended to establish procedures and location for mooring of vessels along the west bank. The maximum length of allowable vessel tow that may enter the lock chamber for each lockage on the Red River Waterway, is increased from 685 feet to 705 feet. The maximum allowable width and draft of tow remains the same at 80 feet and 9 feet, respectively. Increasing the usable tow

length to 705 feet will increase the efficiency of lock operations by reducing the number of tow breakups during a locking operation. The navigation regulation for the Yazoo Diversion Canal will clarify vessel mooring locations along the canal west bank for various river stages and provide that fairways will be established by the Vicksburg District Engineer. Establishing fairways and specifying locations along the west bank where vessels may moor during various river stages will control indiscriminate vessel moorings and improve navigation safety.

DATES: The final rule is effective June 3, 1998.

ADDRESSES: HQUSACE, ATTN: CECW-OD, Washington, D.C. 20314-1000.

FOR FURTHER INFORMATION CONTACT:

Mr. Jim Hilton, Dredging and Navigation Branch (CECW-OD) at (202) 761-8830 or Mr. Jim Jeffords, Vicksburg District, Operations Division at (601) 631-5274.

SUPPLEMENTARY INFORMATION: The notice of proposed rulemaking was published on Wednesday, March 5, 1997, Vol. 62, No. 43, pages 9996-9997.

Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1), the Corps is amending the regulations in 33 CFR Part 207. The Commanding Officer, Lower Mississippi Valley Division, Vicksburg, Mississippi has requested an amendment to the regulations in 33 CFR 207.249(b)(5)(iv) and 33 CFR 207.260 (c) and (g). The 685 feet maximum tow length currently allowed in the Red River Waterway lock chamber is based on the design vessel tow length. Increasing the tow length that may safely enter the lock chamber for each lockage to 705 feet, will not affect the safety of either the lock structure or the tow in the chamber during a filling or emptying operation, if the tow is properly secured and positioned.

Discussion of Public Comments and Changes

Section 207.249(b)(5)(iv). Two comments were received to the March 5, 1997, **Federal Register** notice to increase the tow length. These individuals supported the proposed increase in vessel tow length from 685 feet to 705 feet for vessels attempting to pass through the lock during normal pool stages in a single passage.

Section 207.260 (c) and (g). Five comments were received to the proposed amendment to regulate mooring along the east and west banks of the Yazoo Diversion Canal based on water level stages at the Vicksburg gage.

All individuals recognized the danger of mooring along the banks in close proximity to the confluence of the Yazoo Diversion Canal and the Mississippi River. However, there was no consensus on what distance from the confluence vessels could be safely moored along the banks of the canal. Several individuals requested that the proposed mooring location on the west bank be modified, since restricting mooring would cause economic hardship to adjacent property owners. A meeting with the five affected parties resulted in a resolution satisfactory to all. All agreed that no vessel or raft shall be moored along the east bank of the Yazoo Diversion Canal at any stage for approximately 750 feet from the mouth of the canal where it enters into the Mississippi River. Mooring along the west bank would be regulated as follows: At stages below 20 feet on the Vicksburg Gage, no vessel or raft shall be moored along the west bank of the canal between points Latitude 32°21'16", Longitude 90°53'05" and Latitude 32°20'55", Longitude 90°53'18", which is approximately 1200 feet above and 1200 feet below the public boat launch (foot of Clay Street) at Vicksburg City Front. No vessel or raft shall be moored along the west bank of the canal at any stage from the mouth of the Yazoo Diversion Canal where it enters into the Mississippi River to Latitude 32°20'21", Longitude 90°53'44", which is approximately 1200 feet from the mouth.

Procedural Requirements

A. Executive Order 12866

This final rule is not a significant regulatory action under E.O. 12866. The economic impact of this rule is so minimal that further regulatory evaluation is unnecessary. We conclude this because the change benefits the commercial towing industry.

B. Review Under the Regulatory Flexibility Act

These final rules were reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small Governments). The economic impact of the change to the tow length on the Red River Waterway and mooring locations on the Yazoo Diversion Canal, will have a positive affect on the towing industry and the general public, with no anticipated navigational safety or interference with existing waterway

traffic and accordingly certifies that this final rule has no significant economic impact on small entities.

C. Review Under the National Environmental Policy Act

An environmental assessment has been prepared for this action. We concluded, based on the Red River Waterway increase in tow length and Yazoo Diversion Canal mooring locations, that there is no significant impact to the human environment, and preparation of an environmental impact statement is not required. The environmental assessment was available for review during the public comment period at the Corps Vicksburg District Office, Vicksburg, Mississippi.

D. Collection of Information

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

E. Federalism

The Corps has analyzed this final rule under principles and criteria in E.O. 12612 and determined that this final rule has no sufficient federalism implications to warrant preparation of a Federalism Assessment.

F. Unfunded Mandates Act

This final rule does not impose an enforceable duty among the private sector and therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We also found, under Section 203 of the Act, that small Governments are not significantly and uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 207

Navigation (water), Transportation, and Lockages.

For the reasons set out in the preamble, 33 CFR Part 207 is amended, as follows:

PART 207—NAVIGATION REGULATIONS

1. Authority citation for Part 207 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1).

2. Section 207.249 is amended by revising paragraphs (b)(5)(iv) to read as follows:

§ 207.249 Ouachita and Black Rivers, Ark. and La. Mile 0.0 to Mile 338.0 (Camden, Ark.) above the mouth of the Black River; the Red River, La., Mile 6.7 (Junction of Red, Atchafalaya and Old Rivers) to Mile 228.0 (Shreveport, La.); use, administration, and navigation.

* * * * *

(b) * * *

(5) * * *

(iv) The maximum dimensions on the Red River Waterway of a vessel tow attempting to pass through the lock during normal pool stages in a single passage are 80 feet wide, 705 feet long, and 9 feet draft. Tows requiring breaking into two or more sections to pass through the lock may transit the lock at such time as the lockmaster/lock operator determines that they will neither unduly delay the transit of craft of lesser dimensions, nor endanger the lock structure and appurtenances because of wind, current, or other adverse conditions. These craft are also subject to such special handling requirements as the lockmaster/lock operator finds necessary at the time of transit.

* * * * *

3. Section 207.260 is amended by revising paragraphs (c) and (g) to read as follows:

§ 207.260 Yazoo Diversion Canal, Vicksburg, Miss., from its mouth to the entrance of the upper Vicksburg Harbor Extension.

* * * * *

(c) *Mooring.* At stages below 20 feet on the Vicksburg Gage, no vessel or raft shall be moored along the west bank of the canal between points Latitude 32°21'16", Longitude 90°53'05" and Latitude 32°20'55", Longitude 90°53'18", which is approximately 1200 feet above and 1200 feet below the public boat launch (foot of Clay Street) at Vicksburg City Front. No vessel or raft shall be moored along the west bank of the canal at any stage from the mouth of the Yazoo Diversion Canal where it enters into the Mississippi River to Latitude 32°20'21", Longitude 90°53'44", which is approximately 1200 feet from the mouth of the canal. No vessel or raft shall be moored along the east bank of the canal at any stage from the mouth of the Yazoo Diversion Canal where it enters into the Mississippi River to Latitude 32°20'12", Longitude 90°53'41", which is approximately 750 feet from the mouth of the canal. When tied up, boats, barges, or rafts shall be moored by bow and stern lines parallel to the bank and as close in as practicable. Lines shall be secured at sufficiently close intervals to insure the vessel or raft will not be drawn away from the bank by winds, current, or other passing vessels. No vessel or raft shall be moored along the banks of the canal for a period longer than five (5) calendar days without written permission from the District Engineer, Corps of Engineers, Vicksburg District

Office, 4155 E. Clay St., Vicksburg, Mississippi 39180-3435.

* * * * *

(g) *Fairway*. A clear channel not less than 175 feet wide as established by the District Engineer shall be left open at all times to permit free and unobstructed navigation by all types of vessels.

Dated: March 25, 1998.

Approved:

Robert W. Burkhardt,

Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc. 98-11689 Filed 5-1-98; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 85

[AMS-FRL-6007-3]

RIN 2060-AE19

IM Program Requirement—On-Board Diagnostic Checks; Amendment to the Final Rule

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Today's action revises the federal vehicle inspection and maintenance (I/M) rules relating to the implementation deadline by which states are required to begin On-Board Diagnostic Checks (OBD) as a routine part of basic and enhanced I/M programs. This rule change delays to January 1, 2001, the required implementation date for OBD in basic and enhanced I/M program areas in the Ozone Transport Region (OTR) and in all other areas. During this time extension the Agency will generate, collect and analyze the data necessary to accord OBD checks the appropriate level of emission reduction credits. Additionally, certain clarifying amendments are being made to this rule to allow for updates to the Code of Federal Regulations which are cross-referenced in the OBD rule.

DATES: This rule change is effective May 4, 1998.

ADDRESSES: Materials relevant to this rulemaking are contained in the Public Docket No. A-94-21. The docket is located at the Air Docket, Room M-1500 (6102), Waterside Mall SW, Washington, DC 20460. The docket may be inspected between 8:30 a.m. and 12 noon and between 1:30 p.m. until 5:30 p.m. on weekdays. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT:

Buddy Polovick, Office of Mobile Sources, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan, 48105. Telephone (734) 741-7928.

SUPPLEMENTARY INFORMATION: The preamble, regulatory language and a regulatory announcement are available electronically from the EPA internet Web site. This service is free of charge, except for any cost one may already incur for internet connectivity. An electronic version is made available on the day of publication on the primary Web site listed below. The EPA Office of Mobile Sources also publishes these notices on the secondary Web site listed below.

<http://www.epa.gov/EPA-AIR/> (either select desired date or use Search feature)

<http://www.epa.gov/OMSWWW/> (look in What's New or under the specific rulemaking topic)

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, minor changes in format, pagination, etc. may occur. The version published in the **Federal Register** is the official version of this document.

Regulated Entities

Entities potentially regulated by the minor amendment to the I/M rule are those which adopt, approve, fund or implement I/M programs. Regulated categories and entities include:

Category	Examples of regulated entities
Local government	Local air quality agencies.
State government	State air quality agencies responsible for I/M programs.
Federal government ..	DOT.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities of which EPA is now aware that could potentially be regulated by this I/M amendment. Other types of entities not listed in the table could also be regulated. To determine whether your organization is regulated by this action, you should carefully examine the applicability criteria of 40 CFR 51.350 of the I/M rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. Summary of Rule

Under the Clean Air Act as amended in 1990 (the Act), 42 U.S.C. 7401 *et seq.*, the U.S. Environmental Protection Agency (EPA) published in the **Federal Register** on November 5, 1992, (40 CFR part 51, subpart S) rules relating to motor vehicle inspection and maintenance (I/M) programs (hereafter referred to as the I/M rule; see 57 FR 52950). Subsequent to that rule, the EPA published in the **Federal Register** on August 6, 1996, (40 CFR parts 51 and 85) rules relating to the implementation of On-Board Diagnostic (OBD) checks as a routine part of I/M programs (hereafter referred to as the I/M OBD rule; see 61 FR 40940). EPA published a proposed rulemaking proposing changes to those rules in the **Federal Register** on December 22, 1997 (62 FR 66841). For a full description of all relevant background information please see that notice. EPA today takes final action to amend those OBD rules to delay to January 1, 2001, the deadline by which OBD checks must be implemented in I/M programs.

Today, EPA amends 40 CFR 51.373 to delay the implementation deadline for OBD checks in all I/M areas, including OTR low enhanced areas. Additionally, certain clarifying amendments have been made to allow for updates to Part 86 of the Code of Federal Regulations which are cross-referenced in the OBD rule. The requirement shall remain that states revise their I/M SIPs by August 6, 1998, to include the requirement to implement OBD checks by the January 1, 2001 deadline. For further information on this issue please see the **Public Participation** section of this rule.

Additionally, EPA amends here today two sections of the I/M OBD rule which were not proposed to be amended in the notice of proposed rulemaking for this rule. Those sections, 40 CFR 51.357(b)(4) and 85.2222(c), were inadvertently not identified as sections which also had dates that needed to be realigned with the new testing deadline of January 2001. Those sections indicated that by January 1, 2000, an incomplete readiness evaluation of the automobile's OBD system or a failure of the OBD diagnostic check were required to result in failure of the I/M test. Both of these sections should be amended to require failure under these circumstances by January 1, 2001, to be consistent with the change of the start of OBD testing. EPA regards this late addition to the rules to be amended as noncontroversial because such a timeline was implied by moving the start dates for those tests to January 1, 2001. Obviously vehicles could not be