

(A) The engine starting controls for the lawn mower are located within 24 inches from the top of the mower's handles, or

(B) The mower has a protective foot shield which extends 360 degrees around the mower housing (see § 1205.4 (b)(1)(ii)(B)).¹

(C) *Starting controls location.* Walk-behind mowers with blades that begin operation when the power source starts shall have their normal starting means located within the operating control zone unless the requirements of paragraph (a)(1)(iv)(A) or paragraph (a)(1)(iv)(B) of this section apply to the mowers.

Dated: October 30, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-32004 Filed 11-4-81; 8:45 am]

BILLING CODE 8355-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 81-084]

Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: Periodically the Coast Guard must issue safety and security zones for limited periods of time in limited areas. These zones are established, for example, around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. The local Captain of the Port (COTP) has been delegated authority to issue these zones. The affected public is informed by means of local notice to mariners, press releases or other means. Actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity.

The local COTP must be immediately responsive to the safety needs of the area. Since these events usually take place without advance notice, this precludes timely publication of notice in the *Federal Register*. Because most

mariners are notified by the local notice to mariners and Coast Guard officials on scene, *Federal Register* notice is not required to place the security zone or safety zone in effect. However, the Coast Guard, by law, must publish in the *Federal Register* notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of temporary security and safety zones which have been established throughout the United States. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the *Federal Register* just as any other rulemaking.

Non-major safety zones, security zones, and regatta regulations have

been exempted from the OMB review requirements because of their emergency nature and temporary effectiveness.

DATES: The following list includes zones that were established between June 23, 1981 and October 29, 1981.

ADDRESS: The complete text may be examined at, and is available upon request from Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Ens. John Williams, (202) 426-1477.

SUPPLEMENTARY INFORMATION: The following list includes zones that were established between June 23, 1981 and October 29, 1981.

Docket No.	Location	Type	Date
1. CGD 1-81-2R	Cape Cod Bay, Plymouth Bay, Massachusetts	Safety Zone	Sept. 19, 1981.
2. CGD 3-81-13-R	Hudson River, Verplanck, New York	Safety Zone	July 26, 1981.
3. CGD 3-81-14R	Liberty Island, Upper New York Bay, New York	Safety Zone	June 23, 1981.
4. CGD 7-81-04	Vicinity Bascule Bridge, Ft. Lauderdale, Florida	Safety Zone	Oct. 29, 1981.
5. CGD 8-81	Vicinity of Berwick Bay, Atchafalaya, Louisiana	Safety Zone	Sept. 6, 1981.
6. CGD 8-81	Vicinity of New Orleans, Lower Mississippi River, Louisiana	Safety Zone	Sept. 7, 1981.
7. CGD 8-81-10	Vicinity of Bayou Chene and the Atchafalaya River, Louisiana	Safety Zone	June 12, 1981 through June 16, 1981.
8. CGD 9-81-04	1981 Coast Guard Festival, Grand Haven, Michigan	Regatta Regulation	Aug. 1, 1981.
9. CGD 9-81-05	St. Joseph Venetian Festival, Michigan	Safety Zone	Aug. 1, 1981 through Aug. 2, 1981.
10. CGD 9-81-06	Chicago Air and Water Show, Illinois	Regatta Regulation	July 24, 1981 through July 27, 1981.
11. CGD 9-81-07	Coral Gables Challenge Cup, Michigan	Safety Zone	Aug. 8, 1981 through Aug. 9, 1981.
12. CGD 9-81-08	U.S.C.O.R.A. Downriver Offshore Classic, Michigan	Safety Zone	Aug. 22, 1981.
13. CGD 9-81-10	Michelob Light 200 Race, Chicago, Illinois	Safety Zone	Sept. 5, 1981 through Sept. 7, 1981.
14. CGD 9-81-11	Stock Outboard Marathon Nationals, Saginaw River, Michigan	Safety Zone	Aug. 22, 1981 through Aug. 23, 1981.
15. CGD 9-81-11	Cleveland National Air Show, Ohio	Safety Zone	Sept. 5, 1981 through Sept. 7, 1981.
16. CGD 09-81-12	Eighth Annual Frostbite Regatta, Niagara River, New York	Safety Zone	Oct. 3, 1981 through Oct. 4, 1981.
17. CGD 11-81-03	San Pedro Bay and Long Beach Harbor, California	Safety Zone	Aug. 6, 1981.
18. CGD 11-81-04	San Pedro Bay and Los Angeles Harbor, California	Safety Zone	Aug. 8, 1981.
19. CGD 11-81-05	Long Beach Harbor, California	Safety Zone	Sept. 1, 1981.
20. CGD 11-81-06	Long Beach Harbor, California	Safety Zone	Sept. 10, 1981.
21. CGD 12-81-1	Diablo Canyon, California	Safety Zone	Sept. 10, 1981.

A. D. Utara,

Commander, Coast Guard Regulations Officer.

[FR Doc. 81-32162 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 115

[CGD 81-076]

Bridge Location and Clearances; Administrative Procedures Advance Approval of Bridges

AGENCY: Coast Guard, DOT.

ACTION: Final rule; revocation.

SUMMARY: The Coast Guard is amending its regulations governing the advance approval of bridge construction projects over waterways that carry only insubstantial navigation by deleting two unnecessary provisions.

EFFECTIVE DATE: This amendment is effective on December 5, 1981.

FOR FURTHER INFORMATION CONTACT: Alfred T. Meschter, Assistant Chief, Bridge Administration Division (G-NBR/24), Room 2418, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: The Coast Guard is authorized under a number of statutes to approve the location and plans of bridges constructed over navigable waters of the United States. Procedures governing the approval process are found in 33 CFR Part 115. Section 115.70 provides a means for advance approval to be given

¹ Paragraphs (A) and (B) of § 1205.5(a)(1)(iv) permitting mowers that stop the blade by stopping the engine but that do not have power restart, were added to the standard as directed by Sec. 1212 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, 95 Stat. 357.

to bridge construction projects over reaches of waterways that are navigable in law, but not actually navigable other than by logs, log rafts, rowboats, canoes, and small motorboats. There is no need for the Coast Guard to approve the locations and plans of bridges constructed over these "advance approval" waterways. The Coast Guard merely verifies that the location in question is over a portion of a waterway that is within the advance approval category. Information on waterways that have been so identified is available from Coast Guard district offices.

Paragraph (a) of § 115.70 reflects the existence of the advance approval program and identifies the Commandant of the Coast Guard as the approving official. The advance approval concept was first developed by the U.S. Army Corps of Engineers, which identified the waterways eligible for designation. In the 14 years that it has administered the bridge laws, the Coast Guard has never designated any other advance approval waterways. Designation procedures in paragraph (b) of § 115.70 have remained unused and are therefore being deleted. Paragraph (c) of § 115.70 defines the term "small motorboat" as it is used in the section. This provision is being redesignated as paragraph (b). Paragraph (d) of § 115.70 limits advance approval designations to "routine and obvious" cases and requires specific approval of a bridge project's location and plans in instances where there is reasonable doubt whether a waterway would qualify for advance approval designation. This provision is also being deleted because the Coast Guard has not been designating advance approval waterways. New procedures for authorizing bridge construction over minor waterways are currently being considered by the Coast Guard.

Because this amendment is concerned solely with a matter of agency practice and procedure, the notice and comment requirements of 5 U.S.C. 553 do not apply. This amendment will only result in the deletion of two unnecessary provisions from the Code of Federal Regulations and will have no economic effect. It has therefore been found not to be a major rule under Executive Order 12291 or significant under the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5), and no final evaluation has been prepared. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act have been

taken into consideration, and for the reason given above, this rule will have no effect on small entities.

DRAFTING INFORMATION: The principal persons involved in drafting this amendment are Alfred T. Meschter, Project Manager, Office of Navigation, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

PART 115—BRIDGE LOCATIONS AND CLEARANCES; ADMINISTRATIVE PROCEDURES

§ 115.70 [Amended]

In consideration of the foregoing, Part 115 of Title 33, Code of Federal Regulations is amended by removing paragraphs (b) and (d) of § 115.70 and redesignating paragraph (c) of § 115.70 as paragraph (b).

(14 U.S.C. 633; 33 U.S.C. 401, 491, and 525; 49 U.S.C. 1655(g); and 49 CFR 1.46(c))

Dated: September 14, 1981.

Peter J. Rots,

*Captain, U.S. Coast Guard Acting Chief,
Office of Navigation.*

[FR Doc. 81-32154 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 78-171]

Drawbridge Operation Regulations; Gulf Intracoastal Waterways, Pinellas County, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is amending the regulations governing the operation of the Clearwater Memorial, Welsh Causeway, Corey Causeway, and Treasure Island Causeway drawbridges across the Gulf Intracoastal Waterway (GIWW), Pinellas County, to provide restricted periods which may assist the flow of vehicular traffic. This action may accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on December 5, 1981.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-NBR/24), Room 2418, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: On February 12, 1979, the Coast Guard published a proposed rule (44 FR 8903) concerning this amendment. The Commander, Seventh Coast Guard

District, also published these proposals as a Public Notice dated February 16, 1979. Interested persons were given until March 16, 1979 to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Navigation, and Lt. Michael Tagg, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

News media coverage, passage of various resolutions favoring regulations and the June 20, 1978 public hearing generated a great deal of public interest regarding the regulation of the Pinellas County bridges. Numerous letters were received from individuals and groups such as the Boaters Drawbridge Committee of Pinellas County. The comments seemed to be evenly distributed between the proponents and opponents of bridge regulations.

The proposal for special drawbridge regulations was published in the *Federal Register* (44 FR 8903) of February 12, 1979, as a Notice of Proposed Rule Making. On February 16, 1979, a Public Notice was issued to all known interested parties and published in the *Local Notice to Mariners* 10-79. This proposal was for openings on the hour and half-hour.

In response to the public notice, a total of 43 comments were received. Eighteen were in support of the proposed regulations and 25 were in opposition. Of the 18 letters of support, seven were from municipalities, four from civic organizations and the remaining seven were from concerned citizens. In addition to expressing general support of the proposal, several specific areas of concern were identified. Commenters felt that the regulations would help solve the traffic problems that plague the beach communities. It is hoped that in reducing the traffic problem two benefits will accrue; first, the reduction of the unnecessary waste of energy in idling vehicles; and second, a reduction in the amount of pollutants in the air.

Supporters of the proposal expressed a feeling that sailboats under power should be treated as powerboats and should be accorded no special privileges to accommodate their masts. Unrestricted bridge openings were addressed as being a special privilege. Finally, the idea of openings every 30 minutes was considered too liberal and should be reduced to once every hour.

Of the 25 letters of opposition, 20 were from concerned citizens, three were from boating organizations and one from a local business. The comments

addressed four major areas of concern. First, numerous hazards to navigation are presented by implementing regulations. These include few if any holding areas in the narrow channel of the Gulf Intracoastal Waterway, the low vertical clearance (8.7 feet at mean high water) on the Treasure Island bridge, swift moving currents making holding difficult for sailboats with relatively small auxiliary engines, and that regulations of these bridges would send more boats out of the safety of the Intracoastal Waterway into the Gulf of Mexico. Second, the regulations present an undue restriction on navigation by severely limiting the times vessels are allowed to pass, and allowing too much exclusive use time to vehicular traffic. Third, Florida has spent many years as a tourist mecca. In promoting this idea, water related activities have been a major drawing card. By continually regulating the Intracoastal Waterway bridges, tourists are being discouraged from coming to Florida. Fourth, there are several alternatives to regulations that would help with the traffic congestion problems and would be more equitable to boaters. These alternatives include the installation of VHF radiotelephone communications, the installation and use of time-sharing clocks and the placement of buoy marked zones upstream and downstream of the bridges. (The buoy zone would serve to identify to the bridge tender those vessels close enough to the bridge to pass through during a single opening).

In addressing the four areas of concern: *First:* The navigation objections have some validity. The Gulf Intracoastal Waterway is a completed federal project with a project width of 100 feet. In some locations, the waterway has shoaled and narrowed the navigable width. The major problems with holding areas is at the Treasure Island bridge. At this point, the waterway provides very narrow approaches with large amounts of unnavigable water on both sides. Vessels holding are limited to between 100 and 125 feet of horizontal clearance before they enter those areas that are not navigable. The swift currents in this area are the most treacherous at the Treasure Island Causeway bridge and the Welch Causeway. At both bridges, it is considered hazardous to cause sailboats to hold against the current for extended periods of time. Low vertical clearance on the Treasure Island Causeway bridge is a recognized fact. Due to the low clearance, it is required to open for almost all types of vessels.

The concern over forcing boaters into the Gulf of Mexico is not substantiated.

It has been proposed to exempt tugboats with tows from regulation and a large number of vessels passing through these bridges are proceeding to the Southern Bays or the Gulf of Mexico for sailing, fishing, and cruising. Transient traffic, due to inexperience with the open waters, is likely to remain in the Intracoastal Waterway with the slight delays of regulations rather than risk the open water passage.

Second: The limitations of the proposed regulations were based upon an evaluation of the available statistical data, conferences with the applicant and municipalities involved, and the navigational concerns in the area. There is some validity to the objection that the regulations are unduly restrictive. Under some conditions, the transit time from the Treasure Island bridge through the Welch Causeway bridge, a distance of 3.8 miles could require one and one-half hours. Most vessels would normally require one and one-half hours to complete a trip from the Corey Causeway bridge through the Welch Causeway, a distance of 5.1 miles. This time frame is a result of delays encountered at the bridges.

Third: There appears to be little basis for the argument that regulation of these bridges will discourage tourists from traveling to Florida with their boats. Although there has been much discussion relating to this problem on the east coast of Florida, the two situations are not the same. The Atlantic Ocean provides numerous alternatives to cruising the inland waters. Those wishing to avoid bridges have the alternative of cruising to the Bahamas, Bermuda, and the Islands south in the Caribbean. The Atlantic Intracoastal Waterway (AIWW) has approximately 30 regulated bridges in Florida. The Gulf of Mexico does not provide the alternative of numerous islands within a few hours or few days sailing distance and the Gulf Intracoastal Waterway (GIWW) does not present the multitude of regulated bridges that are characteristic of the AIWW. These bridges are in a central location effecting only a relatively small portion of the GIWW. It can be argued that by regulating these bridges, tourism in the beach communities of Pinellas County is enhanced due to easier access and fewer traffic problems.

Fourth: The installation of VHF radiotelephone communications will not help to solve the problem of peak-hour usage of the subject bridges. Although their installation might be advantageous by providing an effective means of communication between bridges and vessels, the bridges would still be

required to open upon demand and no solution to the current problems would be reached. At the present time, it is not within the authority of the Coast Guard to require a bridge owner to install timeclocks; this would require legislative action.

Currently, the Florida Department of Transportation considers the cost of installing timeclocks prohibitive. Their current estimate for installation is \$30,000 per bridge. A zone marked by buoys on both sides of each of the bridges might provide an equitable solution. The Coast Guard does not currently have the funds to establish and maintain such a buoy system at these bridges and the state is not willing to absorb these costs.

After a thorough review of the objections, the Coast Guard found that those based on navigational hazards and the regulations being unduly restrictive had some validity. We were unable to resolve these objections to our satisfaction. Although there were valid objections, it was felt that the necessity for regulations existed on these bridges. In an effort to obtain further information to be used in resolving objections the Coast Guard advised the Florida Department of Transportation on 10 April 1980 that temporary special regulations would be placed on the bridges.

The Commander, Seventh Coast Guard District, established special temporary drawbridge regulations on the Clearwater Memorial Drawbridge, Welch Causeway Drawbridge, Treasure Island Causeway Drawbridge, and the Corey Causeway Drawbridge to ascertain their effect and workability. Temporary regulations were advertised by a public notice dated 11 April 1980 and published in Local Notice to Mariners 16-80 which provided for openings on the hour and half-hour. A news release was issued to Associated Press, United Press, United Press International, and 11 newspapers in the Tampa-Clearwater-St. Petersburg area.

In response to the public notice, a total of 67 comments were received. Thirty-nine were in support of the proposed regulations, 26 were in opposition and three were Congressional inquiries. Of the 39 letters of support, 35 were from concerned citizens, 2 were from civic organizations, one from a municipality, and one was a petition with 2,220 signatures. In addition to voicing general support for the regulations, comments identified two specific reasons for support: First, the saving of energy by reducing the number of idling vehicles; and second, the relief of traffic congestion at the bridges.

Of the 26 letters of opposition, 22 were from concerned citizens, three were from boating organizations and one was from a commercial interest. The comments addressed two major areas of concern: One, the navigational hazards to which the mariner is exposed while waiting for bridge openings; two, the regulations unduly restrict navigation by opening only on the hour and half-hour.

Alternatives suggested by objectors included, openings every 15 minutes, openings every 20 minutes and installation of timeclocks on all bridges.

In addressing the two areas of concern:

First: Evaluating the effects of regulations on navigation there appear to be numerous hazards associated with openings every 30 minutes. Numerous reports were received regarding vessels that had run aground in the vicinity of the Treasure Island bridge. The situation at the Treasure Island bridge combines narrow navigable channels with swift currents and extremely low vertical clearances. As a result, opening the Treasure Island bridge on the hour and half-hour only creates a highly congested area. Problems in the area are compounded during summer squalls and on windy days.

The objections on navigational grounds are justified at the Treasure Island bridge. There appears to be little basis for objection at the remaining three bridges. These bridges provide vertical clearances from 23.5 feet to 25.0 feet above mean high water. As a result, much of the vessel traffic required to wait at the Treasure Island bridge can proceed under these bridges. Additionally, the currents are not as strong, the holding areas are larger and there is room to anchor. On this basis, navigational objections at the Clearwater Memorial bridge, Welch Causeway bridge, and Corey Causeway bridge are not considered justified.

Second: The evaluation of the data gathered during the period of temporary regulations showed occasions when 8 to 12 vessels were waiting at the Clearwater Memorial and Corey Causeway bridges for a single opening. For this number of vessels to transit a bridge requires that bridge remain open from two to three minutes longer than a normal passage of one to four vessels. Depending on the bridge and time of day, these longer openings can delay an average of 50 additional vehicles per minute.

To require this number of vessels to routinely wait for bridge openings is considered unduly restrictive to navigation on the Clearwater Memorial and Corey Causeway bridges. Although the total number of vessels that pass

through the bridges averages out to a reasonable number of vessels per opening, the vessel flow is not even due to weather and currents.

The heavy vessel backup at the Corey and Clearwater bridges is reflective of an undue restriction on the free flow of navigation.

The alternatives provided by objectors to the temporary regulations provide solutions to the problems faced by mariners at the four bridges. The cost of installing time clocks on the bridges remains prohibitive in the eyes of the Florida Department of Transportation. The alternative of opening every quarter-hour does provide a solution to the navigational problems at the Treasure Island bridge. The longest that a vessel would be required to wait would be 14 minutes with an average wait of about 10 minutes. The shortened holding time means fewer vessels in a confined area and a greatly reduced time to hold against the wind and currents.

Opening the Clearwater Memorial and Corey Causeway bridges every quarter-hour is considered to be excessive to the needs of navigation; however, opening the bridge every 20 minutes will meet the needs of navigation while still helping to alleviate the traffic problems on these bridges. For the ease of vessel passage on the waterway, it is advantageous for the Welch Causeway bridge to open every 20 minutes, in conjunction with the Clearwater Memorial and Corey Causeway bridges.

Due to objections to 20-minute intervals received from the City of Clearwater, the Clearwater Memorial Causeway was placed on temporary regulations from 13 May 1981 through 27 May 1981. This was done to evaluate the impact on traffic of opening the bridge every 20 minutes. Based on an on-site investigation and traffic flow information, it has been determined that openings at 20-minute intervals on weekends and legal holidays from 2 p.m. to 6 p.m. are not in the best public interest.

A review of the proposed regulations, the justifying data and the navigational considerations showed that restrictions are not advantageous to the mariner past 6 p.m. at any time. During winter months, darkness occurs at approximately 6 p.m. and to require vessels to hold in the waterway during hours of darkness is considered by the Coast Guard to be hazardous to prudent navigation.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be

nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5/22/80). An economic evaluation has not been conducted since its impact is expected to be minimal.

In accordance with § 805(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

These regulations will be reviewed at a later date to determine their effect on navigation and vehicular traffic.

Part 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.466 to read as follows:

§ 117.466 Gulf Intracoastal Waterway (GIWW), Pinellas County, FL.

(a) Clearwater Harbor, GIWW, mile 136.0, Clearwater Memorial Causeway, S.R. 60, Clearwater, Florida. From 9 a.m. to 6 p.m., the draw need not open except on the hour, 20 minutes past the hour, and 40 minutes past the hour to allow any accumulated vessels to pass. From 2 p.m. to 6 p.m. Saturdays, Sundays, and legal holidays, the draw need open only on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(b) Boca Ciega Bay, GIWW, mile 122.8, Welch Causeway bridge, S.R. 699, Madeira Beach, Florida. From 9:30 a.m. to 6 p.m., on Saturdays, Sundays, and legal holidays, the draw need not open except on the hour, 20 minutes after the hour and 40 minutes after the hour, to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(c) Boca Ciega Bay, GIWW, mile 117.7, Corey Causeway bridge, S.R. 693, South Pasadena, Florida. From 8 a.m. to 7 p.m., Monday through Friday, and 10 a.m. to 7 p.m., Saturdays, Sundays, and legal holidays, the draw need not open except on the hour, 20 minutes after the hour, and 40 minutes after the hour, to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(d) Boca Ciega Bay, GIWW, mile 119.0, Treasure Island Causeway bridge, Central Avenue, Treasure Island, Florida. From 3 p.m. to 6 p.m., Monday through Friday, and from 11 a.m. to 6 p.m., Saturdays, Sundays, and legal holidays, the draws need not open except on the hour, quarter-hour, half-

hour, and three-quarter hour, to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(e) The draws of these bridges shall open at any time for the passage of public vessels of the United States, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, other sound producing device, or by shouting.

(f) The owner of or agency controlling the bridges shall post notices containing the substance of these regulations both upstream and downstream, on the bridges or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: September 24, 1981.

R. A. Bauman,
Rear Admiral, U.S. Coast Guard Chief, Office
of Navigation.

[FR Doc. 81-32153 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-1975-6]

Approval and Promulgation of Implementation Plans; Receipt of Inventories To Meet Massachusetts Conditions

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of receipt of submittal to
satisfy conditions of plan approval.

SUMMARY: The purpose of this Notice is to announce the receipt of State Implementation Plan (SIP) revisions for Massachusetts. The revisions were submitted on September 3, 1981, to satisfy conditions of EPA's approval of Massachusetts' Attainment Plan SIP revisions, which were required under Part D of the Clean Air Act. EPA's rulemaking enumerating the conditions was published on September 16, 1980 (45 FR 61293).

DATES: See Supplementary Information.

ADDRESSES: Copies of the Massachusetts submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; and the Division of Air Pollution Control, 8th

Floor, One Winter Street, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT:
Cynthia Greene, Air Branch, Region I,
Room 1903, JFK Building, Boston,
Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: EPA published a Final Rulemaking Notice in the Federal Register on September 16, 1980 (45 FR 61293), conditionally approving Massachusetts' Attainment Plan SIP revisions submitted on December 31, 1978 and May 16, 1979. The revisions were submitted to comply with the requirements of Part D of the Clean Air Act by implementing new measures for controlling air pollution which are designed to achieve attainment of the primary and secondary National Ambient Air Quality Standards by December 31, 1982. EPA's conditional approval was based on a commitment by the state to meet several conditions. One specified that by December 1, 1980 the state must submit a stationary source inventory including sources emitting under 100 tons per year. Another condition required submission of a comprehensive mobile source inventory.

Massachusetts has submitted these revisions, and EPA is presently reviewing the state's submittals to determine compliance with Clean Air Act requirements. The Agency intends to publish a Final Rulemaking Notice in the Federal Register by February 28, 1982. The conditional approval of Massachusetts' attainment plan is continued pending EPA's final action on the September 3, 1981 submittal.

Dated: October 16, 1981.

Lester A. Sutton,
Regional Administrator.

[FR Doc. 81-32181 Filed 11-4-81; 8:45 am]

BILLING CODE 6560-36-M

40 CFR Part 52

[A-10-FRL 1958-8]

Approval and Promulgation of Implementation Plans; Revision to Oregon Implementation Plan

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to delete all of EPA's conditions of approval published June 24, 1980 (45 FR 42265) on portions of Oregon's State Implementation Plan (SIP). The SIP was submitted on June 20, 1979 to satisfy Part D (Plan Requirements for Nonattainment Areas) of the Clean Air Act as amended in 1977 (hereafter

referred to as the Act) (42 U.S.C. 1857 et seq.).

EFFECTIVE DATE: November 5, 1981.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-79-2),

West Tower Lobby, Gallery I,

Environmental Protection Agency, 401

M Street SW., Washington, D.C. 20460

Air Programs Branch, Environmental
Protection Agency, 1200 Sixth Avenue,
Seattle, Washington 98101

State of Oregon, Department of

Environmental Quality, 522 S.W. Fifth,

Yeon Building, Portland, Oregon 97207

The Office of the Federal Register, 1100
L Street, Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Clark Gauding, Air Programs Branch,

M/S 629, Environmental Protection

Agency, 1200 Sixth Avenue, Seattle,

Washington 98101; Telephone No. (206)

442-1275, (FTS) 399-1275.

SUPPLEMENTARY INFORMATION: On September 8, October 16, December 5 and December 19, 1980 the Department of Environmental Quality (DEQ) submitted SIP revisions to satisfy all the conditions of approval published by EPA on June 24, 1980 (45 FR 42265). On April 28, 1981 (46 FR 23770) EPA proposed to approve the revisions submitted as satisfying the conditions of approval and requested comments.

The proposed rulemaking provided several clarifications as to how the submitted materials satisfied the conditions of approval. Since no comments were received on the proposed rulemaking, EPA is now taking final approval action on the same basis as set forth in Section II of the April 28, 1981 Notice of Proposed Rulemaking with the following additional clarification:

Conditions 2 and 5—DEQ was to submit approvable source test procedures for Volatile Organic Compounds (VOC) sources in the Salem/Portland and Medford/Ashland areas. In the proposed rulemaking EPA indicated that DEQ had submitted its source test manual for VOC sources, that it was substantially approvable and that any remaining improvements in the manual could be the subject of further negotiation with DEQ.

DEQ submitted additional revisions to their source test procedures on May 29, 1981. All corrections requested by EPA were made. EPA is approving these source test rule procedures. However, DEQ inadvertently omitted reference in the rule to test method 24 for determining volatile matter content, water content, density, volume solids

and weight solids of surface coatings. DEQ and EPA have agreed that DEQ test method 24 will be used in conjunction with DEQ method 25 until the rule is revised to refer to method 24.

Additionally, OAR 340-22-107(1) requires proof of compliance to be determined "in most cases," by methods described in the source test manual. DEQ provided assurance that this section is intended to allow determination of compliance at 1200 gasoline service stations by observing whether specific emission control equipment, selected from an approved list on file at DEQ, is in place and operating properly. EPA and DEQ agreed that this interpretation adequately explains the operation of the phrase in question.

Conditions 7 and 8—The Oregon new source review (NSR) regulations (OAR-340-22-190 through 197) are to be modified to include an adopted emission offset program. Also, the Oregon NSR regulation (OAR 340-22-192(3)) governing multiple sources under single ownership is to be modified to require that other sources owned by the company applying for the permit be in compliance "with all applicable emission limitations and standards under the Act."

As noted in the proposed rulemaking, Oregon's draft revised NSR regulations would satisfy these two conditions. On August 28, the State adopted the proposed revisions, which corrected the SIP to meet the requirements of Section 173 of the Act. These corrections to the NSR procedure were submitted to EPA on September 9, 1981. Therefore, EPA considers conditions 7 and 8 satisfied.

EPA finds that good cause exists for making the action taken in this notice immediately effective for the following reasons: (1) implementation plan revisions are already in effect under State law and EPA approval poses no additional regulatory burden, and (2) EPA has a responsibility under the Clean Air Act to take final action on the portion of the SIP which addresses Part D regulations by July 1, 1979 or as soon thereafter as possible.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that the SIP approvals

under 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not major because EPA is approving an action taken by the State and, therefore, not establishing new requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110 and 172 of the Clean Air Act as amended (42 U.S.C. 7410(a) and 7502))

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

1. In Section 52.1970, paragraph (c)(36) is added as follows:

§ 52.1970 Identification of plan.

(c) * * *

(36) On September 8, October 16, December 5, December 19, 1980, May 29, 1981 and September 9, 1981, DEQ submitted revisions to the SIP designed to satisfy the conditions of approval published by EPA on June 24, 1980 (45 FR 42265).

2. Section 52.1982 is revised as follows:

§ 52.1982 Control strategy: Ozone.

(a) Part D—Approval. (1) The Salem/Portland and Medford/Ashland area attainment plans are approved as satisfying Part D requirements with the following clarification as to their implementation:

(i) DEQ source test method 24 will be used in conjunction with method 25 for determining compliance of surface coating operations.

(ii) The phrase "in most cases" in rule OAR 340-22-107(1) applies to approximately 1,200 gasoline service stations where compliance is determined by observing whether specific emission control equipment, selected from a specific list on file at DEQ, is in place and operating properly.

3. Section 52.1985 is revised as follows:

§ 52.1985 Rules and regulations.

(a) Part D—Approval

(1) The paper coating rule is RACT. Due to enforceability questions introduced by the last sentence of OAR 340-22-170(5) EPA is approving this rule with the exception of the last sentence.

Dated: October 30, 1981.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Oregon was approved by the Director of the Federal Register on July 1, 1981.

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BILLING CODE 6560-38-M

40 CFR Part 52

[A-4-FRL-1953-6]

Approval and Promulgation of Implementation Plans; Georgia: Lead Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: As required by section 110 of the Clean Air Act and the October 5, 1978 promulgation of a National Ambient Air Quality Standard for Lead (43 FR 46246), the State of Georgia has submitted for approval to EPA a State Implementation Plan (SIP) for lead. The lead SIP provides for the attainment of the National Ambient Air Quality Standard (NAAQS) for lead in all areas of the State. EPA hereby approves the SIP. Copies of the SIP are available to the public as noted below. This action will be effective January 4, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective January 4, 1982.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the material submitted by Georgia may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street SW., Washington, D.C. 20460
Georgia Department of Natural
Resources, Environmental Protection
Division, 270 Washington Street SW.,
Atlanta, Georgia 30334
Library, Environmental Protection
Agency, Region IV, 345 Courtland
Street NE., Atlanta, Georgia 30365