

§ 140.605 Approval actions.

(a) Authorization to proceed with preliminary engineering and acquisition of rights-of-way shall be issued in the same manner as for regularly financed Federal-aid projects.

(b) Authorization of physical construction shall be given in the same manner as for regularly financed Federal-aid projects. The total cost and Federal funds required, including interest, shall be indicated in the plans, specifications, and estimates.

(c) Projects subject to the reimbursable schedule shall be identified as an "E" project when the SHA is authorized to proceed with all or any phase of the work.

(d) Concurrence in the award of contracts shall be given.

§ 140.606 Project agreements.

Project Agreements, Form PR-2, shall be prepared and executed. Agreement provision 8 on the reverse side of Form PR-2¹ shall apply for bond issue projects.

§ 140.607 Construction.

Construction shall be supervised by the SHA in the same manner as for regularly financed Federal-aid projects. The FHWA will make construction inspections and reports.

§ 140.608 Reimbursable bond interest costs of Interstate projects.

(a) Bond interest earned on bonds actually retired may be reimbursed on the Federal pro rata basis applicable to such projects in accordance with § 140.602(b) and (c).

(b) No interest will be reimbursed for bonds issued after November 6, 1978, used to retire or otherwise refinance bonds issued prior to that date.

§ 140.609 Progress and final vouchers.

(a) Progress vouchers may be submitted for the Federal share of bonds retired or about to be retired, including eligible interest on Interstate Bond Issue Projects, the proceeds of which have actually been expended for the construction of the project.

(b) Upon completion of a bond issue project, a final voucher shall be submitted by the SHA. After final review, the SHA will be advised as to the total cost and Federal fund participation for the project.

§ 140.610 Conversion from bond issue to funded project status.

(a) At such time as the SHA elects to apply available apportioned Federal-aid funds to the retirement of bonds,

including eligible interest earned and payable on Interstate Bond Projects, subject to available obligational authority, its claim shall be supported by appropriate certifications as follows: "I hereby certify that the following bonds, (list), the proceeds of which have been actually expended in the construction of bond issue projects authorized by United States Code, Title 23, Section 122, (1) have been retired on —, or (2) mature and are scheduled for retirement on —, which is — days in advance of the maturity date of —." Eligible interest claimed on Interstate Bond Projects shall be shown for each bond and the certification shall include the statement: "I also certify that interest earned and paid or payable for each bond listed has been determined from the date on and after which the respective bond proceeds were actually expended on the project."

(b) The SHA's request for full conversion of a completed projects, or partial conversion of an active or completed project(s), may be made by letter, inclusive of the appropriate certification as described in § 140.610(a) making reference to any progress payments received or the final voucher(s) previously submitted and approved in accordance with § 140.609.

(c) Approval of the conversion action shall be by the Division Administrator.

(d) The SHA's request for partial conversion of an active or completed bond issue project shall provide for: (1) Conversion to funded project status of the portion to be financed out of the balance of currently available apportioned funds, and (2) retention of the unfunded portion of the project in the bond program.

(e) Where the SHA's request involves the partial conversion of a completed bond issue project, payment of the Federal funds made available under the conversion action shall be accomplished through use of Form PR-20, Voucher for Work Performed under Provisions of the Federal-aid and Federal Highway Acts, prepared in the division office and appropriately cross-referenced to the Bond Issue Project final voucher previously submitted and approved. The final voucher will be reduced by the amount of the approved reimbursement.

§ 140.611 Determination of bond retirement.

Division Administrators shall be responsible for the prompt review of the SHA's records to determine that bonds issued to finance the projects and for which reimbursement has been made, including eligible bond interest expense, have been retired pursuant to the State's certification required by § 140.610(a),

and that such action is documented in the project file.

§ 140.612 Cash management.

By July 1 of each year the SHA will provide FHWA with a schedule, including the anticipated claims for reimbursement, of bond projects to be converted during the next two fiscal years. The data will be used by FHWA in determining liquidating cash required to finance such conversions.

Appendix—Reimbursable Schedule for Converted "E"

Time in months following conversion from "E" (bond issue) project to regular project	Cumulative amount reimbursable (percent of Federal funds obligated)
1	1
2	2
3	5
4	9
5	13
6	18
7	23
8	29
9	34
10	39
11	44
12	49
13	54
14	58
15	61
16	64
17	67
18	70
19	73
20	75
21	77
22	79
23	81
24	83
25	85
26	87
27	89
28	91
29	93
30	94
31	95
32	96
34	97
35	99
36	100

[FR Doc. 83-32636 Filed 12-7-83; 8:45 am]

BILLING CODE 4910-22-M

23 CFR Part 630

[FHWA Docket No. 83-21]

Advance Construction of Federal-Aid Projects; Revision

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This document revises existing FHWA regulations that prescribe policies and procedures for the construction of projects by State highway agencies (SHAs) in advance of

¹ The text of FHWA Form PR-2 is found in 23 CFR 630, Subpart C, Appendix A.

apportionment of Federal-aid funds, or in lieu of apportioned funds for the Interstate system only, and for the subsequent reimbursement to the SHAs of the Federal share of the cost of the project, including the payment of interest on bonds of eligible Interstate projects. The major purpose of this action is to incorporate statutory changes resulting from the passage of the Surface Transportation Assistance Act (STAA) of 1978 (Pub. L. 95-599, 92 Stat. 2698) which made interest on bonds eligible for reimbursement as amended by the STAA of 1982 (Pub. L. 97-424, 96 Stat. 2097).

DATES: This final rule is effective December 8, 1983. Comments must be received by February 6, 1984.

ADDRESS: Anyone wishing to submit written comments may do so. Comments should be sent to FHWA Docket No. 83-21, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey C. Wood, Office of Fiscal Services (202) 426-0562, or Mr. S. James Wiese, Office of the Chief Counsel (202) 426-0762, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This revision is necessary to incorporate the provisions of the STAA of 1978 (Pub. L. 95-599), as amended by section 4 of the STAA of 1978, Amendment (Pub. L. 96-106, 93 Stat. 797), and section 113 of the STAA of 1982 (Pub. L. 97-424). These provisions allow Federal participation of interest costs on bonds issued by a State, the proceeds of which have been expended on the advance construction of projects on the Interstate system: (1) Which were under construction on January 1, 1983, and converted to a regularly funded project after January 1, 1983, or (2) bonds issued after January 6, 1983, to the extent such bond proceeds were expended in the advance physical construction of Interstate projects after January 6, 1983, the total amount of which is limited to the excess of the estimated cost of the physical construction at the time of conversion to a regularly funded project, over the actual cost of construction (excluding interest). The FHWA will participate in the amount of interest expense that (1)

was incurred on bonds the proceeds of which were expended on the project, and (2) applies to the amount of the bond proceeds expended on the project. In addition to the changes allowing reimbursement for eligible bond interest on advance Interstate construction projects, Pub. L. 97-424 extended the advance construction provisions to bridge projects under 23 U.S.C. 144, and to highway substitute projects under 23 U.S.C. 103(e)(4). These new provisions have been included in §§ 630.701 and 630.702 (a) and (b).

The new provisions regarding the reimbursement of bond interest costs as described above are contained in § 630.702 (d) and (e). Paragraph (b) of § 630.702 is added to clarify that advance construction approval is made similar to a regularly funded project. Paragraphs (b), (c), and (d), in § 630.702 of the former regulation are redesignated as (b)(1), (b)(2), and (b)(3), respectively. Former paragraph (e) is redesignated as (c) and language has been added to include references to the appropriate section of title 23, U.S.C., and new paragraph (f) has been added to clarify that Federal funds are not committed until the project is converted to a regular Federal funded project.

Existing § 630.704 in the former regulation relating to conversion to regular funded projects has been redesignated as § 630.708.

Provisions for submitting programs and making project designations for advance construction projects now comprise § 630.703. Section 630.703 in the former regulation relating to approval actions has been redesignated as § 630.705.

New § 630.704 (a) and (b) provides for identification of projects on which bond proceeds will be expended, amounts to be expended, and estimated bond interest payable. A certification by the SHA is required setting forth this information, and the Division Administrator is directed to perform reviews of the SHA's records to provide assurance that bond proceeds have been or will be expended on the projects.

New § 630.706 providing for preparation and submission of project agreements, § 630.707 providing for construction supervision and inspection, and § 630.709 providing for submission of progress or final vouchers are added to the regulatory requirements. These provisions have previously been in effect for administrative purposes although they were not codified. They are now made regulatory. Reimbursements will still be made in accordance with the fiscal requirements of FHWA. In addition § 630.709(c) is

added to provide for a certification that bond proceeds were expended on the project in accordance with § 630.704, and to provide a computation of the eligible interest costs in accordance with § 630.702.

Section 630.710 has been added to require a notification on July 1 of each year of anticipated claims for reimbursement of converted projects during the next two fiscal years. This data will be used to assist FHWA in determining liquidating cash requirements.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory policies and procedures. The economic impact of this rulemaking action will be minimal inasmuch as it is expected to affect fewer than ten SHAs in any fiscal year. Interest costs have not previously been eligible for participation and are expected to be only a minor amount of reimbursable costs when compared with total available highway funds. Accordingly, a full regulatory evaluation is not required.

The primary objective of this rulemaking action is to incorporate statutory provisions mandated by section 4 of the STAA of 1978 and section 113 of the STAA of 1982 which would allow the States to expedite highway construction. For the foregoing reasons, and since the regulation imposes no additional burdens on the States, the FHWA finds good cause to make this regulation effective without prior notice and opportunity for comment and without a 30-day delay in effective date. Neither a general notice of proposed rulemaking nor a 30-day delay of the effective date is required under the Administrative Procedure Act because the matters relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2). Accordingly, the regulation is effective upon publication. However, the FHWA gives notice that comments on the procedures promulgated to administer the statutory provisions will be accepted and evaluated in determining the need for future revisions.

While the FHWA does now anticipate that there will be any useful public comment on the general issue of the statutory provisions themselves, there may be procedural comments on some provisions of the final rule. For this reason, publication of this final rule without an opportunity for prior comments, but with a request for comments following publication, is

consistent with the Department of Transportation's regulatory policies.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental review of Federal programs and activities apply to this program.)

List of Subjects in 23 CFR Part 630

Bonds, Finance, Grant programs—transportation, Highways and roads.

Issued on: November 30, 1983.

L. P. Lamm,

Deputy Administrator, Federal Highway Administration.

In consideration of the foregoing, the FHWA revises Part 630, Subpart G of Chapter 1 of Title 23, Code of Federal Regulations, to read as set forth below.

PART 630—PRECONSTRUCTION PROCEDURES

Subpart G—Advance Construction of Federal-Aid Projects

Sec.

- 630.701 Purpose.
- 630.702 Requirements and conditions.
- 630.703 Programs.
- 630.704 Bond proceeds expended on projects.
- 630.705 Approval actions.
- 630.706 Project agreements.
- 630.707 Construction.
- 630.708 Conversion from advance construction status to regular Federal-Aid funded status.
- 630.709 Progress and final vouchers.
- 630.710 Cash management.

Authority: 23 U.S.C. 104, 113, 115, and 315; 49 CFR 1.48(b).

Subpart G—Advance Construction of Federal-Aid Projects

§ 630.701 Purpose.

To prescribe procedures for the construction of projects by a State highway agency (SHA) on any highway substitute, Federal-aid system, or bridge project, in advance of apportionment of Federal-aid funds, or in lieu of apportioned funds for the Interstate System only, and for the subsequent reimbursement to the SHA of the Federal share of the cost of the project, including the payment of interest on bonds of eligible Interstate projects for which proceeds of bonds were expended in the construction of the projects.

§ 630.702 Requirements and conditions.

(a) The SHA must have obligated all funds apportioned or allocated to it under 23 U.S.C. 103(e)(4), 104, or 144, other than Interstate funds, of the

particular class of funds for which the project is proposed.

(b) The SHA may proceed to construct without the aid of Federal funds any highway substitute, Federal-aid system, or bridge project in the same manner and to the same extent as a regularly funded federally participating project, subject to the following provisions:

(1) Any such project shall conform to the applicable standards adopted for roads on that system on which the project is located.

(2) The plans and specifications shall be approved prior to construction in the same manner as for other projects on the Federal-aid system involved.

(3) The prevailing wage rate provisions of 23 U.S.C. 113, as amended, shall apply.

(c) Advance construction projects are limited to the SHA's expected apportionments for 23 U.S.C. 103(e)(4), 104, or 144 of Federal-aid funds authorized by the Congress but not yet apportioned to the States.

(d) Any interest earned and payable on bonds issued by a State, county, city, or other political subdivision, the proceeds of which were expended on a project on the Interstate system under physical construction on January 1, 1983, and converted to a regularly funded project after January 1, 1983, is an eligible cost of construction as provided for in 23 U.S.C. 115(b)(2) to the extent that the bond proceeds were actually expended in the construction of an Interstate project. The amount of interest eligible for participation will be based on: (1) The date the proceeds were expended on the project, (2) amount expended, and (3) the date of conversion to a regularly funded project or the date of bond maturity, whichever is earlier.

(e) Interest earned and payable on bonds issued by a State after January 6, 1983, to the extent such bond proceeds were actually expended in the advance physical construction of Interstate projects may be considered an eligible cost of construction in accordance with 23 U.S.C. 115(b)(3). Eligibility for participation will be based on: (1) The date the bond proceeds were expended on the project, (2) amount expended, and (3) the date of bond maturity. The amount of interest allowable as a cost of construction is limited to the excess of the estimated cost of the physical construction of the project as if it were to be constructed at the time of conversion to a regularly funded project over the actual cost of construction of the project (excluding interest). Construction cost indices will be used to determine the cost of construction at the

time of conversion to a regularly funded project.

(f) The authorization of an advance construction project does not constitute a commitment of Federal funds until the project is converted to a regular Federal-aid project as provided for in § 630.708.

§ 630.703 Programs.

Programs for advance construction projects shall be prepared and submitted in the manner prescribed for Federal-aid projects. Project designations shall be the same as for regular Federal-aid projects except that until the project is converted to a regular Federal-aid project, the prefix letters "AC" for advance construction shall be used as the first letters of each project designation.

§ 630.704 Bond proceeds expended on projects.

(a) The SHA shall include with its request for conversion action in accordance with § 630.708 a certification which provides a listing of bonds the proceeds of which have been expended on a project on the Interstate system under physical construction on January 1, 1983, and converted to a regularly funded project after January 1, 1983. The certification will show the bond amounts, maturity dates and bond interest payable.

(b) The SHA shall indicate in its request for approval of plans, specifications, and estimates (PS&E) for Interstate projects if bond proceeds will be expended on the project, for bonds issued after January 6, 1983, amount to be expended, and estimated bond interest payable. A certification which provides a listing of the bonds expended or to be expended on the projects showing bond amounts, maturity dates, and bond interest payable shall be furnished either as a part of the PS&E submission or in a separate letter to the Division Administrator.

(c) The Division Administrator shall perform adequate reviews of the SHA's records to provide assurance that bond proceeds have been or will be expended on the projects in accordance with the listing in § 630.704 (a) and (b).

§ 630.705 Approval actions.

(a) Authorizations to proceed with preliminary engineering and acquisition of rights-of-way shall be issued in the same manner as for regularly financed Federal-aid projects.

(b) Authorization of physical construction shall be given in the same manner as for regularly financed Federal-aid projects, subject to the provisions of § 630.704(a).

(c) Concurrence in the award of contracts shall be given.

§ 630.706 Project agreements.

Project agreements, Form PR-2, Federal-aid Project Agreement, shall be prepared and executed. Agreement provision 8 on the reverse side of Form PR-2¹ shall apply for advance construction projects.

§ 630.707 Construction.

Construction shall be supervised by the SHA in the same manner as for regularly financed Federal-aid projects. The Federal Highway Administration (FHWA) will make construction inspections and reports.

§ 630.708 Conversion from advance construction status to regular Federal-aid funded status.

An advance construction project may be converted to a regularly financed Federal-aid project by approval of a SHA's written request whenever sufficient obligational authority and apportioned Federal-aid funds of the particular class are available to cover the Federal pro rata share of the cost. Approval of the conversion action shall be by the Division Administrator.

§ 630.709 Progress and final vouchers.

(a) Progress or final vouchers may be submitted for the Federal share of construction costs incurred on advance construction projects after conversion action including eligible interest costs on Interstate projects.

(b) Although reimbursement cannot be made until after conversion action is completed, a final voucher shall be submitted by the SHA upon completion of an advance construction project which has not been converted to a regularly funded project. After final review, the SHA will be advised as to the total cost and Federal fund participation in the project when conversion is accomplished. Such final vouchers shall be retained until conversion of the project is accomplished.

(c) The final voucher shall contain a certification that bond proceeds were expended in the construction of the project as described in § 630.704 (a) or (b) and shall include a computation of the eligible interest costs in accordance with § 630.702 (d) or (e).

§ 630.710 Cash management.

By July 1 of each year, the SHA will provide FHWA with a schedule, including the anticipated claims for reimbursement, of advance construction

projects to be converted during the next two fiscal years. The data will be used by FHWA in determining liquidating cash required to finance such conversions.

[FR Doc. 83-32035 Filed 12-7-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 55, 56, 57, 75, and 77

Wire Rope Standards

Correction

In FR Doc. 83-31500 beginning on page 53228 in the issue of Friday, November 25, 1983, make the following corrections:

1. On page 53233, first column, thirteenth line from the top, "load and attachment" should have read "load end attachment".

2. On page 53234, third column, second complete paragraph, sixteenth line, "rope requirement" should have read "rope retirement".

3. On page 53236, third column, § 56.19a, Standard 56.19a-21, in the last line on the page, "Minimum Value-Static Load" should have read "Minimum Value=Static Load".

4. On page 53239, first column, in the table of contents for Subpart O to Part 75, the entry numbered "75.1401-1" should have read "75.1404-1".

5. On page 53240, first column, § 75.1431(a), in the equation, "(7.0=0.001L)" should have read "(7.0-0.001L)".

6. In the same section, paragraph (b), in the equation, "(7.0=0.0005L)" should have read "(7.0-0.0005L)".

7. On page 53241, first column, the table of contents for Subpart O to Part 77, all the entries beginning "17.* * *" should have read "77.* * *", and the entry "77.1401-1" should have read "77.1402-1".

8. Also on page 53241, third column, § 77.1431, paragraph (a), in the equation, fourth and fifth lines, "For rope lengths less than 3,000 feet or greater" should have read "For rope lengths 3,000 feet or greater".

9. On page 53242, first column, § 77.1433(b), third line, "rope that has been" should have read "rope that has not been".

10. Also on page 53242, third column, § 77.1903(a), first line, "Hoists and used" should have read "Hoists used".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 1-83-04]

Drawbridge Operation Regulations; Kennebunk River, Maine

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Maine Dept. of Transportation the Coast Guard is changing the regulations governing the operation of the Dock Square drawspan, across the Kennebunk River, to require advance notice for an opening of the drawspan except from 7 a.m. to 5 p.m. from April 15 through October 15. This action will permit the bridge owner to provide less drawtender service while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This rule becomes effective on January 9, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, Boston, MA, 02114 (617-223-0645).

SUPPLEMENTARY INFORMATION: On 2 May 1983 the Coast Guard published the proposed rule in the *Federal Register* (48 FR 19741). The First Coast Guard published the proposal in a Public Notice on 21 March 1983 and as an item in the Local Notice to Mariners No. 14 on 29 March 1983. Interested persons were given until 13 June 1983 to submit comments.

Drafting Information

The principal persons involved in drafting this proposal are: William J. Naulty, Chief Bridge Branch, First Coast Guard District, and Lieutenant Susan M. Krupanski, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of Comments

There were no responses to any of the public notifications and this proposal is therefore adopted at this time.

PART 117—[AMENDED]

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.28 to read as follows:

§ 117.28 Kennebunk River, Maine

The draw of the Maine Dock Square Highway Bridge between Kennebunk and Kennebunkport shall open promptly on signal from 7 a.m. to 5 p.m. (local time) from April 15 through October 15. From 5 p.m. to 7 a.m. from April 15

¹ The text of FHWA Form PR-2 is found in 23 CFR Part 30, Subpart C, Appendix A.

through October 15 the draw need not open except on advance notice given to the drawtender during hours he is on duty. At all other times, the draw need not open unless at least 24 hour advance notice is given in person, in writing or by telephone to the Maine Department of Transportation Division Office, Scarborough, Maine.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: November, 14, 1983.

R. A. Bauman,

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

[FR Doc. 83-32701 Filed 12-7-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 08-83-06]

Drawbridge Operation Regulations; Lavaca River, Texas

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Missouri Pacific (MOPAC) Railroad and the Texas Department of Highways and Public Transportation (TDHPT), the Coast Guard is changing the regulations governing the swing span railroad bridge and the removable span bridge on FM 616 highway, both across the Lavaca River, mile 11.2, near Vanderbilt, Texas. The bridges presently are required to open on signal if at least 48 hours advance notice is given.

The change will require that at least ten days notice be given for opening the bridges.

This action is being taken because of the absence of requests to open the bridges in recent years. This action is designed to relieve the bridge owners of the burden of maintaining the capability of opening the bridges on 48 hours notice, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: January 9, 1984.

FOR FURTHER INFORMATION CONTACT:

Perry Haynes, Bridge Administration Branch, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130; (504) 589-2965.

SUPPLEMENTARY INFORMATION: On 25 August 1983, the Coast Guard published a proposed rule (48 FR 38655) concerning this amendment. The Eighth Coast Guard District also published this proposal as a Public Notice dated 25 August 1983. Interested persons were given until 10 October 1983 to submit comments.

The advance notice for opening the draw would be given by placing a collect call, as follows:

MOPAC bridge—Spring, Texas (713) 350-7581

TDHPT bridge—Yoakum, Texas (512) 293-3535

Drafting Information

The principal persons involved in drafting this rule are: Perry Haynes, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of Comments

The only responses to the Public Notice were letters of no objection from the National Marine Fisheries Service and the U.S. Fish and Wildlife Service.

Economic Assessment and Certification

This final regulation has been reviewed under provisions of Executive Order 12291 and has been determined not to be a major rule. It is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedure for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 1980). An economic evaluation has not been conducted since the impact is expected to be minimal for the reasons discussed above. In accordance with § 605(d) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, § 117.245(j)(38), Part 117, Title 33 Code of Federal Regulations, is revised to read as follows:

§ 117.245 [Amended]

• • • • •
(j) • • •

(38) Lavaca River, TX: The draws of the Missouri Pacific Railroad bridge and the Texas FM 616 highway bridge, both at mile 11.2, at Vanderbilt, shall open on signal if at least 10 days notice is given.

(33 U.S.C. 449, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: November 21, 1983.

W. H. Stewart,

Rear Admiral, U.S. Coast Guard, Commander,
Eighth Coast Guard District.

[FR Doc. 83-32702 Filed 12-7-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD13 83-05]

Drawbridge Operation Regulations; North Fork Willapa River, Washington

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Washington State Department of Transportation, the Coast Guard is changing the regulations governing the highway drawbridge across the North Fork Willapa River, at Raymond, Washington, to provide that the draw need not open. This change is being made because no requests have been made to open the draw since December 1980. This action will relieve the bridge owner of the burden of maintaining the machinery and of having a person available to open the draw and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: January 9, 1984.

FOR FURTHER INFORMATION CONTACT:

John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch (Telephone: (206) 442-5864).

SUPPLEMENTARY INFORMATION: On March 24, 1983 the Coast Guard published a proposed rule (48 FR 12399) concerning this change. The Commander, Thirteenth Coast Guard District, also published this proposal as a Public Notice dated March 21, 1983. In each notice interested persons were given until May 9, 1983 to submit comments.

Drafting Information

The drafters of this notice are John E. Mikesell, project officer, and Lieutenant Commander D. Gary Beck, project attorney.

Discussion of Comments

Three responses were received to the Federal Register and Coast Guard Public Notice. The responses offered either no objection or no comment to the proposal.

Other than the Washington State Department of Transportation and the City of Raymond, there are no known businesses, including small entities, that would be affected by this change. There are only minimal economic impacts on navigation or other interests. Therefore, an economic evaluation has not been prepared for this action. The Washington State Department of Transportation, would benefit because it would be relieved of the burden of providing a salaried operator and

maintaining machinery for a bridge for which no openings are required.

Economic Assessment and Certification

These final regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major rules. They 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). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by removing and reserving § 117.770(b)(1)(i) and revising § 117.770(b)(2) and adding a new § 117.770(b)(3) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.770 Willapa Harbor and navigable tributaries, Wash.; bridges.

(b) * * *

(1) * * *

(i) [Reserved]

(2) Vessels requiring openings of the Washington State highway bridge across the Naselle River about 6 miles downstream from Naselle shall give at least 2 hours advance notice for openings between 8 a.m. and 5 p.m. on all days except Saturdays, Sundays, and federal holidays, and at least 8 hours advance notice for openings at any other time. Vessels requiring openings of the Burlington Northern railroad bridge across the South Fork Willapa River at Raymond shall give at least 24 hours advance notice. The owners of these bridges shall keep conspicuously posted on both the upstream and downstream sides, in such a manner that they can be easily read at any time, summaries of the regulations of this section, together with notices stating exactly how the bridge operators may be reached to obtain openings of the bridges, including names, addresses, and telephone numbers.

(3) The draw of the Washington State highway bridge across the North Fork Willapa River at Raymond need not open. However, the draw shall be returned to an operable condition within six months after notification by the Commandant, U.S. Coast Guard, to take such action.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: November 17, 1983.

H. W. Parker,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 83-32703 Filed 12-7-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Parts 151 and 155

[CGD 75-124a]

Pollution Prevention; Implementation of Outstanding MARPOL 73/78 Provisions

Correction

In FR Doc. 83-27243 beginning on page 45704 in the issue of Thursday, October 6, 1983, make the following corrections:

§ 151.05 [Corrected]

1. On page 54710, column two, § 151.05(h), second line from the bottom, "Eastto" should read "East to".

§ 151.07 [Corrected]

2. On page 45711, column one, § 151.07(a)(4), line two, "withness" should read "witness".

§ 151.13 [Corrected]

3. On page 45712, column one, § 151.13(d), line one, "(d)(1)" should read "(b)(1)".

4. On the same page, column two, § 151.13(f), line two, delete "compliance".

5. On the same page, column two, § 151.13(g), in line three "are" should read "area", at the end of the line "a" should be deleted, and in line four "arew" should read "area".

§ 151.25 [Corrected]

6. On page 45714, column one, § 151.25(d)(2), line two, "tank" should read "tanks".

§ 155.390 [Corrected]

7. On page 45716, column three, § 155.390, in the heading, "Ocean going" should read "Oceangoing".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 1, 2, 3, 4, 5, 6, 7, 9, 12, and 13

General and Special Regulations for Areas Administered by the National Park Service

AGENCY: National Park Service, Interior.

ACTION: Final rule; delay in effective date.

SUMMARY: On June 30, 1983, the National Park Service published final rules containing regulations for areas administered as part of the National Park System. These rules provide guidance and controls for public use and recreation activities such as camping, fishing, boating, hunting and winter sports. On September 22, 1983, the National Park Service delayed the effective date of these final regulations from October 3 to December 19, 1983, to allow for the promulgation of additional special regulations to implement certain sections of the final regulations. This notice further delays implementing these final regulations from December 19 to March 2, 1984. This additional delay is necessary to allow public comment following deliberations by the National Park Service and the Department regarding scope and effect and to correct certain errors in the final regulations.

EFFECTIVE DATE: The effective date of the regulations is changed from December 19, 1983 to March 2, 1984.

FOR FURTHER INFORMATION CONTACT: Weston P. Kreis, Acting Chief, Branch of Ranger Activities, National Park Service, Washington, D.C. 20240 Telephone (202) 343-5607.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 1983, the National Park Service published final regulations for areas administered as part of the National Park System (48 FR 30252). These rules provide guidance and controls for public use and recreation activities. Certain provisions of these rules required the promulgation of special rules before the final rules could be implemented. On September 22, 1983, the National Park Service published a notice in the *Federal Register* (48 FR 43174) delaying the effective date of the final rules until December 19, 1983. It is now necessary to again delay the effective date since the special rules were not ready for publication in October as announced on September 22.

The special rules are now ready for publishing in the *Federal Register* as proposed rulemaking. It is necessary to delay the effective date of the final rules in order for the special rules to take effect simultaneously with the final general regulations. The special rules are expected to be published within the next several weeks.

Dated: December 2, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-32657 Filed 12-7-83; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[A-7-FRL 2483-5]

Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); Delegation of Authority to the State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule related notice.

SUMMARY: This notice announces an extension of a delegation of authority that was initially issued to the State of Missouri by the Environmental Protection Agency on December 18, 1980, regarding the requirements of the Federal Standards of Performance for New Stationary Sources (NSPS), 40 CFR Part 60, and the National Emission Standards for Hazardous Air Pollutants (NESHAPS), 40 CFR Part 61. The extension was requested by the State of Missouri. The extension action added two (2) NSPS source categories to the delegation. The delegation of authority now includes all delegable requirements of the federal NSPS and NESHAPS regulations as promulgated by the agency through July 1, 1982.

EFFECTIVE DATE: December 8, 1983.

ADDRESSES: All requests, reports, applications, submittals and such other communications that are required to be submitted under 40 CFR Part 60 or 40 CFR Part 61 (including the notifications required under Subpart A of the regulations) for facilities in Missouri affected by the revised delegation should be sent to the Missouri Department of Natural Resources, P.O. Box 178, Jefferson City, Missouri 65102. A copy of all Subpart A related notifications must also be sent to the

attention of the Director, Air and Waste Management Division, U.S. EPA, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Charles W. Whitmore, Chief, Technical Analysis Section, Air Branch, U.S. EPA, Region VII, at the above address (816-374-6525 or FTS-758-6525).

SUPPLEMENTARY INFORMATION: Sections 111(c) and 112(d) of the Clean Air Act, respectively, allow the Administrator of the Environmental Protection Agency (i.e., EPA or the agency) to delegate to any state government the authority to implement and enforce the requirements of the federal NSPS and NESHAPS regulations. When a delegation is issued, the agency retains concurrent authority to implement and enforce the requirements of said regulations. The effect of a delegation is to shift the primary responsibility for implementing and enforcing the standards for the affected categories (and the affected activities) from the agency to the state government.

On December 18, 1980, the agency delegated to the State of Missouri the authority to implement and enforce the standards as promulgated by the agency through December 1, 1979 (see 46 FR 27392, May 19, 1981). On November 6, 1981, and June 17, 1982, the agency extended the initial delegation to include all requirements of said regulations as amended by the agency through July 1, 1980, and July 1, 1981, respectively (see 47 FR 36422, August 20, 1982).

On September 20, 1983, the State of Missouri requested an extension of the delegation to reflect an updating of its NSPS and NESHAPS rules. The State of Missouri has revised 10 CSR 10-6.070 (NSPS-related) and 10 CSR 10-6.080 (NESHAPS-related) to incorporate by reference the standards of 40 CFR Parts 60 and 61 as amended by the agency through July 1, 1982.

In consideration of the information contained in the above-mentioned letter, the agency granted the extension request on October 7, 1983.

The latest action by the agency extended the delegation to include the following additional provisions:

NSPS

Subpart KK—Lead Acid Battery Manufacturing Plants;

Subpart NN—Phosphate Rock Plants;

Reference Method 12—Determination of Inorganic Lead Emissions from Stationary Sources; and,

Revisions made to Subpart GG (Stationary Gas Turbines).

NESHAPS

Reference Method 101A—Determination of Particulate and Gaseous Mercury Emissions from Sewage Sludge Incinerators; and,

Revisions made to Subpart A (General Provisions), Subpart E (National Emission Standard for Mercury), and Reference Methods 101 and 102 of Appendix B.

Effective immediately, all reports, correspondence, and such other submittals required under the NSPS or NESHAPS regulations for sources affected by the revised delegation should be sent to the Missouri Department of Natural Resources at the above address rather than the EPA Region VII office, except as noted below.

A copy of each notification required under 40 CFR Part 60, Subpart A, or under 40 CFR Part 61, Subpart A, must also be sent to the attention of the Director, Air and Waste Management Division, EPA, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Each document and letter mentioned in this notice is available for public inspection at the EPA regional office.

This notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 7411 and 7412).

Dated: November 8, 1983.

Morris Kay,

Regional Administrator.

[FR Doc. 83-32572 Filed 12-7-83; 8:45 am]

BILLING CODE 5560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6456

[AA-50218]

Alaska; Modification of Public Land Order No. 6329

Correction

In FR Doc. 83-23577 appearing on page 39066 of the issue of Monday, August 29, 1983, make the following correction. In the second column, the thirteenth line, "2,696,659", should read "2,969,659".

BILLING CODE 1505-01-M