

succession of sharp, short blasts by whistle or horn from a designated patrol vessel shall be the signal to stop. Failure or refusal to stop or comply with orders of the Patrol Commander may result in expulsion from the area, citation for failure or refusal to comply, or both.

(3) The Patrol Commander may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

(4) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

(5) The Patrol Commander will terminate enforcement of the special regulations at the conclusion of the marine event if earlier than the announced termination time.

(c) *Effective dates.* These regulations are effective daily from 9 p.m. to 10:30 p.m. local time on July 3, 1993 and July 4, 1993.

Dated: June 3, 1993.

J.J. Lantry,

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

[FR Doc. 93-14701 Filed 6-16-93; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 100

[CGD1 93-041]

#### Special Local Regulations; Newburyport Grand Prix, Newburyport, MA

AGENCY Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations for the Newburyport Grand Prix offshore powerboat race. The race will be held on Saturday, June 19, 1993, in the waters of the Atlantic Ocean between the Southern end of Plum Island and the Merrimack River inlet, Massachusetts. This regulation is needed to restrict access to the area of the race course and provide for the safety of life on navigable waters during the event.

**EFFECTIVE DATE:** This temporary regulation is effective from 10 a.m. to 4 p.m. on June 19, 1993. In case of inclement weather, the regulations will be effective between the hours of 12 a.m. and 4 p.m. on June 20, 1993.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Eric G. Westerburg, Chief Boating Safety Affairs Branch, (617) 223-8311.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The drafters of these regulations are LT E.G. Westerberg, Project Officer, First Coast Guard District Boating Safety Affairs Branch, and LCDR J.D. Stieb, Project Attorney First Coast Guard District Legal Office.

##### Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) has not been published for these regulations and good cause exists for making them effective less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold the event was not received until April 15, 1993. After adjusting the position of the race course and exclusionary zone to best accommodate the needs of the boating public, insufficient time remained to publish proposed rules prior to the event or to provide for a delayed effective date. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to any potential hazards associated with this type of marine event. The Newburyport Grand Prix has been conducted annually for the past five years. The event is of such local popularity that delay or cancellation to provide for a NPRM would be against the public interest.

##### Background and Purpose

The Newburyport Grand Prix is a high speed powerboat race which will be held in the waters of Ipswich Bay, Massachusetts adjacent to Plum Island. This event will include up to 25 powerboats competing on a rectangular course at speeds approaching 100 mph. This regulation establishes an exclusionary zone for the race course and an anchorage area for spectator craft. The regulated area will be patrolled by the Coast Guard, Coast Guard Auxiliary, sponsor-provided patrols, and state and local law enforcement officials. No vessel, other than participants, spectator craft or those vessels authorized by the Coast Guard Patrol Commander, shall enter the regulated area. Other vessels will be able to transit around the regulated area without interference or delay. The potential hazards to participants, spectators, and transiting vessels are such that in the interest of safety, the Coast Guard District Commander is issuing special local regulations governing the regatta. The circumstances requiring this regulation result from the desire to protect the

maritime public from possible hazards associated with high speed powerboat racing.

##### Regulatory Evaluation

These regulations are not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The regulated area does not obstruct commercial shipping lanes or harbor entrances. The Merrimack River will remain accessible to vessel traffic. The Coast Guard will attempt to minimize any delays for commercial vessels transiting the area. The economic impact of this rule is expected to be so minimal that a Regulatory Evaluation is unnecessary.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this 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). For the reasons outlined above in the Regulatory Evaluation section, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

##### Collection of Information

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

##### Federalism

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

##### Environment

The Coast Guard has considered the environmental impact of this regulation and has concluded under section 2.B.2.c of Commandant Instruction M16475.1B, that it will have no significant impact and is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket.

**List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

**Regulations**

In consideration of the foregoing, 33 CFR part 100 is amended as follows:

**PART 100—[AMENDED]**

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35T01-041 is added to read as follows:

**§ 100.35T01-041 Newburyport Grand Prix, Plum Island and Merrimack River Inlet, MA.**

(a) *Regulated area.* The regulated area includes the coastal Atlantic waters between the Merrimack River Inlet and the Southern end of Plum Island, with a northern boundary extending from the South bank of Merrimack River Inlet Eastward to 42°-49'-00" N, 70°-48'-07" W, a southerly boundary extending from the southern most point of Plum Island to 42°-41'-01" N and 70°-41'-05" W. The eastern boundary of the regulated area consists of a North/South line between the end points of the northern and southern boundaries. The western boundary of the regulated area is the shoreline of Plum Island. The race course will be located within the regulated area approximately 2 nautical miles off the shore of Plum Island. The designated area inshore of the race course will serve as a spectator area.

(b) *Special local regulations.* (1) Commander, U.S. Coast Guard Group Boston reserves the right to delay, modify or cancel the race as conditions or circumstances require.

(2) The regulated area will be closed to all traffic except participants, patrol craft, and spectator vessels. The Commanding Officer, Coast Guard Group Boston or designee may, at his discretion, allow vessels to enter the regulated area between races. Transiting and spectating vessels are exempted from this requirement as follows:

(i) Transiting vessels exiting the Merrimack River Inlet must proceed in a northerly or Easterly direction only; navigation through the regulated area is prohibited unless specifically authorized by Coast Guard patrol vessels.

(ii) Spectator Vessels. The spectator fleet will remain West of the race course adjacent to Plum Island. The sponsor shall provide a readily identifiable means to mark the spectator area. The boundaries of the spectator area are subject to the approval of the

Commander, Coast Guard Group Boston. Spectator vessels may operate in the designated spectator area only.

(3) All persons and vessels shall comply with the instructions of Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and of other applicable laws.

(c) *Effective period.* This regulation will be effective between the hours of 12 a.m. and 4 p.m. on June 19, 1993. In case of inclement weather, the regulations will be effective between the hours of 12 a.m. and 4 p.m. on June 20, 1993.

Dated: June 7, 1993.

J.D. Sipes,

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

[FR Doc. 93-14072 Filed 6-16-93; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 100**

[CGD2 93-15]

**Special Local Regulations; Wheeling Symphony Fireworks Display**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Special local regulations are being adopted for the Wheeling Symphony Regatta. This event will be held on the Ohio River from mile 90.0 to mile 91.0, near Wheeling from 9:30 p.m. to 11 p.m. on July 4, 1993. These regulations are needed to provide for the safety of life on navigable waters during the event.

**EFFECTIVE DATE:** These regulations become effective at 9:30 p.m. local time on July 4, 1993, and terminate at 11 p.m. local time.

**FOR FURTHER INFORMATION CONTACT:** Ensign D.R. Dean, Chief, Boating Affairs Branch, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103-2832. The telephone number is (314) 539-3971, Fax (314) 539-2685.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations. Following normal rulemaking procedures would have been impracticable. The information concerning this event was not received until May 24, 1993 and there was not

sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

**Drafting Information**

The drafters of these regulations are Ensign D.R. Dean, Project Officer, Second Coast Guard District Boating Safety Division and Captain L.I. McClelland, Project Attorney, Second Coast Guard District Legal Officer.

**Discussion of Regulations**

The Wheeling Symphony Regatta is a Fireworks Display that is being shot from the Municipal Wharf in Wheeling, West Virginia, on July 4, 1993, from 9:30 p.m. until 11 p.m. local time. These regulations are required to protect the boating public from possible dangers and hazards associated with the event. In order to provide for the safety of spectators and participants, the Coast Guard will restrict vessel movement in the regatta area. The river will be closed during all or part of the effective period to all vessel traffic except participants, official regatta vessels, and patrol craft. These regulations are issued pursuant to 33 U.S.C. 1233 and 33 CFR 100.35.

**List of Subjects in 33 CFR Part 100**

Marine safety, navigation (water).

**Regulations**

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35

2. A temporary § 100.35-T0215 is added, to read as follows:

**§ 100.35-T0215 Wheeling Symphony Fireworks Display:**

(a) *Regulated area.* Ohio River from mile 90.0 to mile 91.0.

(b) *Special local regulations.* (1) The U.S. Coast Guard will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander". Vessels desiring to transit the regulated area may do so only with the prior approval and direction of the Patrol Commander.

(2) The Patrol Commander may direct the anchoring, mooring or movement of any vessel within the regulated area. A succession of sharp, short blasts by whistle or horn from a designated patrol vessel shall be the signal to stop. Failure or refusal to stop or comply with orders of the Patrol Commander may result in

expulsion from the area, citation for failure or refusal to comply, or both.

(3) The Patrol Commander may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

(4) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

(5) The Patrol Commander will terminate enforcement of the special regulations at the conclusion of the marine event if earlier than the announced termination time.

(c) *Effective dates.* These regulations are effective from 9:30 p.m. to 11 p.m. local time on July 4, 1993.

Dated: June 3, 1993.

J.J. Lantry,

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

[FR Doc. 93-14073 Filed 6-16-93; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 117

CGD 11-93-04

#### Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** At the request of the Contra Costa County Public Works Department, the Coast Guard is establishing a temporary drawbridge operation regulation to allow the Waterfront Road Avon Bridge and adjacent Southern Pacific Railroad Bridge immediately upstream to remain in the closed to navigation position from June 1, 1993 through September 30, 1993. Both bridges cross Pacheco (Walnut) Creek in Martinez, Contra Costa County, California. This temporary regulation is being established to enable rehabilitation of the Avon Bridge. This action should enable Contra Costa County to improve the mechanical condition of the Avon Bridge, and should also accommodate the needs of marine traffic.

**EFFECTIVE DATE:** This rule becomes effective on June 1, 1993 and terminates on September 30, 1993. Comments are encouraged during the entire period the temporary regulation is in force.

**ADDRESSES:** Comments may be mailed to Commander (oan-br), Eleventh Coast Guard District, Building 10, room 214, Coast Guard Island, Alameda, CA 94501-5100, or may be delivered to room 214 at the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The

telephone number is (510) 437-3514. Commander (oan-br), Eleventh Coast Guard District maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at Bldg. 10, room 214, Coast Guard Island Alameda.

**FOR FURTHER INFORMATION CONTACT:** Jerry P. Olmes, Bridge Management Specialist, Eleventh Coast Guard District at (510) 437-3514.

**SUPPLEMENTARY INFORMATION:** A notice of proposed rule making has not been published for this regulation and it is being made effective in less than 30 days from the date of publication. Following normal rulemaking procedure would have been contrary to the public interest. The bridge has not been opened except for tests during the past ten years. The county has obtained state funds for rehabilitating and seismically upgrading the bridge and may lose the funding source if work is not begun by 1 July 1993. The regulation also authorizes closure of the adjacent Southern Pacific Transportation Company railroad bridge which cannot be opened unless the Avon Bridge is opened at the same time.

#### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. A comment period is being provided during the entire period the temporary regulation is in force. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 11-93-04), and give the reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. The Commander, Eleventh Coast Guard District will also evaluate all communications received during this comment period. A local Notice to Mariners and local Coast Guard Public Notice have also been issued. The regulation may be changed in light of comments received.

The Coast Guard plans no public hearing.

#### Drafting Information

The principal persons involved in drafting this rule are Jerry P. Olmes, Project Officer, and Lieutenant Commander Craig M. Juckniess, Project Attorney, Eleventh Coast Guard District Legal Office.

#### Background and Purpose

The Avon Bridge was built in 1948 as a swing bridge. It was built as a

manually operated, movable bridge to allow for the infrequent passage of dredges and shallow draft marine construction equipment. There are no navigation facilities upstream of the bridge. The bridge needs maintenance and seismic upgrading.

#### Discussion of Regulation

The temporary drawbridge operating regulation would eliminate the requirement that the bridge open for waterway traffic between June 1, 1993 and September 30, 1993. Vertical clearances under both bridges, when closed, are 4 ft. at Mean High Water, and 9 ft. at Mean Lower Low Water. Horizontal clearance past the highway bridge is 40 ft. and 41 ft. past the railroad bridge. Any vessel exceeding these clearances would be unable to pass beneath either the highway bridge or the railroad bridge during that period.

#### Economic Assessment And Certification

This rule is not major under Executive Order 12291 on Federal Regulation and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). The economic impact of this rule is expected to be so minimal that a full regulatory evaluation is unnecessary. Since the economic impact of this rule is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant impact on a substantial number of small entities.

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

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

#### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications

to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement is available in the docket for inspection or copying where indicated under "ADDRESSES."

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR part 117 as follows:

### PART 117—DRAWBRIDGE OPERATION REQUIREMENTS

#### Subpart B—Specific Requirements

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

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; and 33 CFR 1.05-1(g).

2. Section 117.185 is temporarily revised to read as follows:

#### § 117.185 Pacheco Creek

During the period June 1, 1993 to September 30, 1993, the draw of the Contra Costa Highway Bridge, mile 1.0, and the Southern Pacific Railroad Bridge, mile 1.1, both near Martinez, need not open for the passage of vessels.

Dated: May 21, 1993.

M. E. Gilbert,

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

[FR Doc. 93-14066 Filed 6-16-93; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 117

[CGD 11-92-10]

#### Drawbridge Operation Regulations; Mokelumne River, Sacramento County, CA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** At the request of the California Department of Transportation (CALTRANS), the Coast Guard is revising the regulations governing the Mokelumne River Bridge near Isleton, California. This change is being made because of serious highway traffic congestion during periods of peak highway and waterway use. This action

will reduce highway congestion and will still provide for the reasonable needs of navigation.

**EFFECTIVE DATE:** This rule becomes effective on July 19, 1993.

**FOR FURTHER INFORMATION CONTACT:** Susan Worden, Bridge Section, Aids to Navigation and Waterways Management Branch, Eleventh Coast Guard District at (510) 437-3514.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information:

The drafters of this rule are Susan Worden, project manager, and Lieutenant Commander Craig M. Juckniess, project counsel, Eleventh Coast Guard District Legal Office.

##### Background and Purpose:

Highway 12 is the major east-west arterial in the Sacramento-San Joaquin River Delta. Traffic has been increasing on the roadway for many years and, in some locations near the Mokelumne River Bridge, peak traffic volumes exceed 1,000 vehicles per hour. The highway crosses three major recreational waterways on drawbridges, and peak highway periods often coincide with peak waterway use periods. Traffic backups on this two lane road are sometimes 8 miles long, and drawbridge openings exacerbate the highway traffic congestion. The Mokelumne River Bridge provides only 7 feet vertical clearance when closed and must open for most of the vessels using the waterway. Prior to the tests of this regulation, the bridge was sometimes open for vessels more than 30 minutes each hour. The revised regulation will limit openings for recreational vessels to three times an hour during peak highway traffic periods on summer weekends and holidays. Openings for commercial vessels are infrequent on weekends and holidays, and it is not safe for commercial vessels to maneuver or stop in the channel. Accordingly, commercial vessels are excluded from the regulation and will be provided openings upon signal.

##### Regulatory History

On February 8, 1993 the Coast Guard published a Notice of Proposed Rulemaking in the *Federal Register* (58 FR 7499) concerning this proposal. The Commander, Eleventh Coast Guard District also published the proposal as a Public Notice 11-65d dated February 16, 1993. In each notice interested persons were given until March 25, 1993 to submit comments.

As early as 1988, regulations similar to the permanent regulation were tested

to determine whether vessels could safely wait for openings spaced 20 minutes apart. In 1990, a temporary regulation was enacted for the summer boating period 1 May-31 October. The regulations were published in the *Federal Register* on June 7, 1990 (55 FR 23202) and in the local area, by a Public Notice. Comments were solicited during the period the regulations were in effect. In 1991, another similar regulation was published in the *Federal Register* on May 8, 1991 (56 FR 21301) and in the local area, by a Public Notice. Comments were solicited during the period the regulation was in effect. In 1992, another similar regulation was published in the *Federal Register* on April 22, 1992 (57 FR 14644) and in the local area, by a Public Notice. Again comments were solicited during the period the regulation was in effect.

##### Discussion of comments

As discussed in the NPRM, during the 1988 test and the 1990-1992 temporary regulation implementations, the Coast Guard received seven comments—four in support and three in opposition. During the most recent advertisement, three comments were received, all supporting the regulation. The commenters opposing the regulation expressed concern for vessels waiting for openings and vessels using a fuel dock near the bridge, and asked for a 15 minute opening interval instead of a 20 minute interval. The Coast Guard observed bridge operations under the new regulation and concluded that there is adequate room in the channel for pleasure vessels to await bridge openings and maneuver safely. The adjacent levees shelter waiting vessels from strong winds. The regulation had no noticeable effect on vessels using a nearby fuel dock. The opening interval appears to be a reasonable compromise between highway and waterway traffic.

##### Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). The economic impact of this rule is expected to be so minimal that a full regulatory evaluation is unnecessary. Vehicular traffic flow will be enhanced and no vessels will be prevented from using the waterway. Since the economic impact of this rule is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant impact on a substantial number of small entities.

**Paperwork Reduction Act**

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

**Federalism**

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

**Environment**

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.(5) of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

**List of Subjects in 33 CFR Part 117**

Bridges.

In consideration of the foregoing, part 117 of title 33 of the Code of Federal Regulations is amended as follows:

**PART 117—DRAWBRIDGE OPERATION REQUIREMENTS**

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

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05-1(g).

**Subpart B—Specific Requirements**

2. Section 117.175 is amended by revising paragraph (a) to read as follows:

**§ 117.175 Mokelumne River.**

(a) The draw of the California Department of Transportation highway bridge, the Mokelumne River Bridge, mile 3.0, at East Isleton shall open upon signal as follows:

(1) From November 1 through April 30 from 9 a.m. to 5 p.m.

(2) From May 1 through October 31 from 6 a.m. to 10 p.m., except that during the following periods the draw need only open for recreational vessels on the hour, 20 minutes past the hour, and 40 minutes past the hour:

Saturdays 10 a.m. until 2 p.m.

Sundays 11 a.m. until 6 p.m.

Memorial Day; 4th of July; and Labor Day 11 a.m. until 6 p.m.

(3) At all other times the draw shall open on signal if at least 4 hours notice is given to the drawtender at Rio Vista bridge over the Sacramento River, mile 12.8.

(4) Emergency vessels of the United States, state or commercial vessels engaged in rescue or emergency salvage operations, and vessels in distress shall be passed as soon as possible but no later than one hour after notice is given.

\* \* \* \* \*

Date: May 21, 1993.

M.E. Gilbert,

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

[FR Doc. 93-14068 Filed 6-16-93; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 165**

[COTP Baltimore, MD Regulation 93-05-02]

**Safety Zone Regulation; Hammerman Area of Gunpowder Falls State Park, Baltimore County, MD**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the purpose of the Maryland "Swim For Life", at the request of the Maryland "Swim For Life" Committee of Baltimore, MD. The "Swim For Life" event will consist of a two and a one half mile swim from the Hammerman area beach number five, to the Maxwell Point buoy, thence to Oliver Point buoy and thence to Hammerman area beach numbers one and two. The safety zone is necessary to control small craft and recreational vessel traffic, and to provide for the safety of life and property on U.S. navigable waters from the hazards associated with this swimming event. Entry into this zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATE:** This regulation will become effective at 7 a.m. June 19, 1993, and terminate at 1 p.m. June 19, 1993, unless sooner terminated by Captain of the Port, Baltimore, Maryland. The alternate event date will be June 20, 1993, encompassing the same area description and running from 7 a.m. to 1 p.m., unless sooner terminated by the Captain of the Port, Baltimore, Maryland.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Junior Grade Mark Williams at U.S. Coast Guard Marine Safety Office Baltimore, 40 S. Gay Street, Baltimore, Maryland, (410) 962-5100.

**SUPPLEMENTARY INFORMATION:** As allowed by 5 U.S.C. 553(b), the Coast Guard has not published a notice of proposed rulemaking on this regulation because it would be contrary to the public interest to cancel the event or to hold the event without appropriate

regulatory safeguards for the participants.

**Drafting Information**

The drafters of this regulation are Lieutenant Junior Grade Mark R. Williams, project officer for the Captain of the Port, Baltimore, Maryland and Lieutenant Commander Keith B. Letourneau, project attorney, Fifth Coast Guard District Legal Staff.

**Background and Purpose**

The Maryland "Swim For Life" Committee filed an application with the U.S. Coast Guard, Group Baltimore requesting a safety zone for the Maryland "Swim For Life" event, to take place on June 19, 1993. The alternate event date will be June 20, 1993, encompassing the same area description and time frame. As part of their application, the Maryland "Swim For Life" Committee requested the Coast Guard provide control of spectator and commercial traffic during the swimming event.

**Discussion of Regulations**

The event will start at the Gunpowder Falls State Park, Baltimore County Maryland, Hammerman area beach number five, and proceed southeast to the Maxwell Point buoy, thence north to the Oliver Point buoy, and return southwest to the Hammerman beach areas one and two, at Gunpowder Falls State Park. This safety zone will encompass all waters 500 yards on either side of lines drawn from a point at Hammerman area beach number five, located at latitude 39° 21.8' N., longitude 76° 20.4' W., to the Maxwell Point buoy, located at latitude 39° 21.6' N., longitude 76° 19.9' W., thence north to the Oliver Point buoy, located at latitude 39° 22.6' N., longitude 76° 20.2' W., and finally south to a point at the Hammerman area beach numbers one and two at latitude 39° 21.8' N., longitude 76° 20.4' W. This regulation is necessary to ensure the safety of spectator craft, recreational vessels as well as swimmers participating in the event, and to provide for the safety of life and property on U.S. navigable waters during the event. Since the Gunpowder Falls river will not be closed for an extended period, vessel traffic should not be severely disrupted.

**Economic Assessment and Certification**

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic

impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary.

The Coast Guard also considered the impact of this regulation on small entities and concluded that such impact is expected to be minimal. Therefore the Coast Guard certifies under 5 U.S.C. 605(b), that this regulation will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

#### Temporary Regulations

In consideration of the foregoing, the Coast Guard is amending part 165 of title 33, Code of Federal Regulations as follows:

#### PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05—(g), 6.04—1, 6.04—6, and 160.5; 49 CFR 1.46.

2. A temporary section 165.15102 is added to read as follows:

§ 165.15102 Safety Zone: Hammerman Area of the Gunpowder Falls State Park, Gunpowder State Park, MD.

(a) *Location.* The following area is a safety zone. All waters 500 yards either side of a line connecting the following points beginning at

Latitude	Longitude
39°21.6' N.	76° 20.4' W., thence to
39°21.6' N.	76° 19.9' W., thence to
39°22.6' N.	76° 20.2' W., thence to
39°21.8' N.	76° 20.4' W.

(b) *Designated COTP representative.*

The designated representative of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Baltimore, Maryland to act on his behalf. The following officers are designated by the Captain of the Port: the Coast Guard Patrol Commander, the senior boarding officer on each vessel enforcing the safety zone, and the Duty Officer at the Marine Safety Office Baltimore, Maryland.

(c) *Local Regulations.* Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(1) The operator of any vessel in this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(2) The Captain of the Port and the Duty Officer at the Marine Safety Office, Baltimore, Maryland can be contacted at telephone number (410) 962-5100.

(3) The Coast Guard Patrol Commander and the senior boarding officer on each vessel enforcing the safety zone can be contacted on VHF-FM channels 16 and 81.

(4) Any spectator vessel may anchor outside of the regulated areas specified in paragraph (2)(a) of these regulations, but may not block a navigable channel.

(d) *Effective dates:* This regulation is effective from 7 a.m. June 19, 1993, to 1 p.m. June 19, 1993; the alternate day will be June 20, 1993, encompassing the same area description and time frame; unless sooner terminated by the Captain of the Port, Baltimore, Maryland.

Dated: May 25, 1993.

R.L. Edmiston,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 93-14074 Filed 6-16-93; 8:45 am]

BILLING CODE 4910-14-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[IN03-2-5848; FRL-4667-3]

#### Approval and Promulgation of Implementation Plans; Indiana

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

**SUMMARY:** USEPA is disapproving a State submittal of a revision to the Indiana State Implementation Plan (SIP) for ozone. On April 10, 1989, the Indiana Department of Environmental Management (IDEM) submitted a new rule, that applies to only one source, Jeffboat, Incorporated (jeffboat), located in Clark County, Indiana, which is designated non-attainment for ozone. This rule was developed in response to a May 26, 1988, SIP call issued under the Clean Air Act (Act).

**DATES:** This final rulemaking becomes effective on July 19, 1993.

**ADDRESSES:** Copies of the SIP revision request and other materials relating to this rulemaking are available for inspection at the following address: (It is recommended that you telephone Randolph O. Cano, at (312) 886-6036, before visiting the Region 5 office.) U.S. Environmental Protection Agency,

Region 5, Regulation Development Branch, 77 West Jackson, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Randolph O. Cano, Regulation Development Branch (5AR-18J), U.S. Environmental Protection Agency, 77 West Jackson, Chicago, Illinois 60604.

**SUPPLEMENTARY INFORMATION:** On February 24, 1993 (58 FR 11200), USEPA published a proposed rule on this requested SIP revision, as summarized below. For a detailed explanation, the proposed rule should be consulted.

Section 172 of the Act, as amended in 1977, requires that an approvable SIP include legally enforceable requirements reflecting the application of reasonably available control technology (RACT) for stationary sources of volatile organic compounds (VOC) emissions. In partial response to the requirement for RACT VOC rules, Indiana submitted rules covering many of the applicable sources in the Indiana ozone nonattainment areas. Some source categories, however, were not covered by these rules. Because the State failed to adopt and submit to USEPA RACT level emission controls for all the required source categories, including marine vessel surface coating, section 110(a)(2)(H) of the Act required a SIP call.

On May 26, 1988, USEPA issued a SIP call, notifying the Governor of Indiana, pursuant to section 110(a)(2)(H) of the Act, that the Indiana SIP for ozone was substantially inadequate to attain the NAAQS. On June 17, 1988, USEPA sent a letter detailing the SIP inadequacies, including the absence of a marine vessel surface coating rule.

On November 15, 1990, Congress enacted the Clean Air Act Amendments of 1990, Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7617q. Under section 182(a)(2)(A) of the 1990 Amendments, areas designated nonattainment before enactment of the 1990 Amendments and which retained that designation and were classified as "marginal" or above as of enactment are required to correct previously identified deficiencies. Under section 182(a)(2)(A), these areas are required by May 15, 1991, to correct deficiencies in the plan concerning RACT which was required under section 172(b) of the 1977 amendments, as that requirement was interpreted in pre-amended guidance. The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. The ozone nonattainment area encompassing Clark County, Indiana is classified as "moderate" and is

therefore, subject to the RACT correction requirement. Indiana's SIP revision request which it submitted in response to the SIP call letter, also responds to part of the RACT correction requirement.

On April 10, 1989, the IDEM submitted a new rule, Title 326 of the Indiana Administrative Code (326 IAC) 8-2-13, Marine Vessel Surface Coating. This new rule applies to only one source, Jeffboat, located in Clark County, Indiana which is designated nonattainment for ozone and classified as a moderate nonattainment area. 326 IAC 8-2-13 was developed in response to USEPA's May 26, 1988, SIP call letter.

USEPA proposed to disapprove the requested SIP revision on February 24, 1993, (see 58 FR 11200) because of the State's failure to demonstrate that the rule represents RACT for Jeffboat. The public comment period on the proposed rule closed on April 26, 1993. No comments were received in response to USEPA's solicitation of comments on the requested SIP revision and the proposed rulemaking action.

#### Final Rulemaking Action

USEPA is disapproving this rule, Marine Vessel Surface Coating (326 IAC 8-2-13), because the State has not adequately demonstrated that the rule represents RACT for Jeffboat. Therefore, the rule does not meet the requirement under section 182(a)(2)(A) of the Act that Indiana correct that rule so that it meets the RACT requirement of section 172 of the Act as amended in 1977. This action becomes effective July 19, 1993.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of 2 years. USEPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on USEPA's request.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government

entities with jurisdiction over populations of less than 50,000.

This disapproval affects only one source, Jeffboat. Therefore, it does not have a significant impact on a substantial number of small entities. The request does not meet the requirements of the CAA and USEPA cannot approve the request. Therefore, USEPA has no option but to disapprove the submittal.

Under Executive Order 12291, today's action is not "Major".

#### List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: June 3, 1993.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 93-14252 Filed 6-16-93; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 279

[FRL-4667-8]

#### Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

**SUMMARY:** The Environmental Protection Agency (EPA) is correcting errors in the hazardous waste regulations that appeared in the Federal Register on May 3, 1993 (58 FR 26420). In that document, EPA published corrections to the used oil management standards that were originally promulgated on September 10, 1992 (57 FR 41566). In the May 3 notice, EPA inadvertently amended several sections of part 279 dealing with notification requirements for used oil handlers. This action corrects this error and restores the original language from the September 10, 1992 final rule. In addition, EPA inadvertently omitted the explanation for a correction in the May 3 notice. This action corrects this error.

**EFFECTIVE DATE:** June 17, 1993.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA/Superfund Hotline at (800) 424-9346 (toll-free) or (703) 920-9810 in the Washington, DC metropolitan area. For specific information concerning the used oil management standards rulemaking, contact Ms. Eydie Pines at (202) 260-3509 or Bryan Groce at (202) 260-9550, Office of Solid Waste, U.S.

EPA, 401 M Street, SW., Washington, DC, 20460.

#### SUPPLEMENTARY INFORMATION:

##### I. Reason for This Document

The Agency promulgated management standards for recycled used oils on September 10, 1992 (57 FR 41566) and published a subsequent correction notice on May 3, 1993 (58 FR 26420). In the correction notice, EPA inadvertently amended four regulatory sections of Part 279 dealing with notification requirements for certain used oil handlers. Specifically, the correction notice revised paragraph (a) of §§ 279.42, 279.51, 279.62, and 279.73. These amendments were mistakenly included in the correction notice; the Agency did not intend to change these provisions. Therefore, today's notice corrects these four sections and restores the original language contained in the September 10 final rule.

In the May 3 notice, EPA also inadvertently omitted the explanation for one of the corrections clarifying the applicability of the part 279 regulations to on-specification used oil. This correction included the removal of the last sentence of § 279.72 (a). This sentence, originally placed in subpart H, Standards for Used Oil Marketers, establishes that on-specification used oil "that is to be burned for energy recovery is not subject to the requirements of this part." EPA was concerned that this provision might be unclear in light of the more complete explanation of the applicability of these regulations to on-specification used oil found in § 279.11. The final sentence of § 279.11 reads as follows: "Once the used oil that is to be burned for energy recovery has been shown not to exceed any specification and the person making that showing complies with §§ 279.72, 279.73, and 279.74(b), the used oil is no longer subject to this part." EPA therefore removed the sentence in § 279.72(a) to avoid any confusion about the applicability of the Part 279 regulations to on-specification used oil.

##### II. Administrative Procedures Act Requirements

This action does not create any new regulatory requirements; rather, it reinstates existing language that was inadvertently changed by the Agency in a correction notice and restores an inadvertently omitted explanation. For this reason, EPA finds that good cause exists under section 3010(b)(3) of RCRA (42 U.S.C. 6930(b)(3)) and under 5 U.S.C. 553(d) to provide for an immediate effective date. EPA also believes good cause exists to waive the

notice and comment requirements of the APA. As this rule merely corrects errors in a previous final rule, notice and comment are unnecessary.

### III. Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis (RIA). Due to the nature of this regulation (correction notice), the amendment is not "major;" therefore, no RIA is required.

#### List of Subjects in 40 CFR Part 279

Petroleum, Recycling, Reporting and recordkeeping requirements, Used oil.

Dated: May 28, 1993.

Richard J. Guimond,  
Assistant Surgeon General, USPHS Acting  
Assistant Administrator.

The following corrections are made to the rules in, Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards; Corrections, published in the Federal Register on May 3, 1993 (58 FR 26420).

#### PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL

1. The authority citation for part 279 continues to read as follows:

**Authority:** Sections 1006, 2002(a), 3001 through 3007, 3010, 3014, and 7004 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, and 6974); and sections 101(37) and 114(c) of CERCLA (42 U.S.C. 9601(37) and 9614(c)).

2. Paragraph (a) of § 279.42 is revised to read as follows:

#### § 279.42 Notification.

(a) *Identification numbers.* Used oil transporters who have not previously complied with the notification requirements of RCRA section 3010 must comply with these requirements and obtain an EPA identification number.

3. Paragraph (a) of § 279.51 is revised to read as follows:

#### § 279.51 Notification.

(a) *Identification numbers.* Used oil processors and re-refiners who have not previously complied with the notification requirements of RCRA section 3010 must comply with these requirements and obtain an EPA identification number.

4. Paragraph (a) of § 279.62 is revised to read as follows:

#### § 279.62 Notification.

(a) *Identification numbers.* Used oil burners which have not previously complied with the notification requirements of RCRA section 3010 must comply with these requirements and obtain an EPA identification number.

5. Paragraph (a) of § 279.73 is revised to read as follows:

#### § 279.73 Notification.

(a) *Identification numbers.* A used oil fuel marketer subject to the requirements of this subpart who has not previously complied with the notification requirements of RCRA section 3010 must comply with these requirements and obtain an EPA identification number.

[FR Doc. 93-14316 Filed 6-16-93; 8:45 am]

BILLING CODE 8560-60-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Public Health Service

#### 42 CFR Part 50

#### Sterilization of Persons in Federally Assisted Family Planning Projects

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

**SUMMARY:** This final rule amends Public Health Service regulations, which govern the sterilization of persons in federally assisted family planning projects, by removing informational material concerning sterilizations contained in the appendix relating to "Required Consent Form." The Department had previously made this information generally available in the form of pamphlets, but it has recently updated the pamphlets, as much of the information has become obsolete, and it is no longer distributing the obsolete versions of the pamphlets.

**EFFECTIVE DATE:** This rule is effective June 17, 1993.

**FOR FURTHER INFORMATION CONTACT:** Samuel S. Taylor, Acting Director, Office of Family Planning, Office of Population Affairs, Office of the Assistant Secretary for Health, Hubert H. Humphrey Building, room 736-E, 200 Independence Avenue, SW., Washington, DC 20201; telephone: (202) 690-8151.

**SUPPLEMENTARY INFORMATION:** On November 8, 1978, this Department published in the Federal Register (43 FR 52146), final rules prescribing the

requirements for sterilizations funded under the various health programs administered by the Department. Included with the portion of the rules pertaining to those programs administered by the Public Health Service (PHS), as part of the appendix to subpart B, was a copy of two pamphlets—one for women, one for men—explaining the sterilization procedure and its risks and benefits. The pamphlets are not part of the regulation and the removal of the text of the pamphlets does not effect the requirements and restrictions of the regulations. As the preamble to the rules explained, the pamphlets were published with the rules for informational purposes only.

Many of the particular facts that comments suggested be required will generally be conveyed in the discussion of discomforts and risks. Requiring that a specific pamphlet be used would be analogous, so this suggestion has likewise been rejected. However, while the Department is not inclined to mandate use of an informational pamphlet, it is strongly of the view that provision of a pamphlet is an efficient and effective means of reinforcing the information required to be given orally. It also gives the individual to be sterilized information to consider during the waiting period. Consequently, it has developed pamphlets setting out the general information required under § 50.204(a) for male and female surgical sterilizations. The Department plans to make these pamphlets generally available for use by providers and encourages their use. These pamphlets are published following the rules below.

43 FR 52159. However, the pamphlets have continued to appear with the codification of the PHS rules from 1978 to the present; they do not appear with the codification of the companion Health Care Financing Administration (HCFA) rules at 42 CFR part 441, subpart F.

Numerous advances in information about sterilization procedures and the effectiveness of other forms of family planning, as well as the development of new family planning technologies, have made much of the information contained in the 1978 pamphlets obsolete or inaccurate. Consequently, the PHS has revised both pamphlets to incorporate current information and to clarify them and is making the revised pamphlets available to the public. (Copies of the revised pamphlets may be obtained by writing the Family Life Information Exchange, P.O. Box 37298, Washington, DC 20013-7299, or by calling 301-585-8636.) Further, the Department will no longer distribute the outdated version set out in the appendix to subpart B of part 50. This results in an anomalous situation in which the

version in the "Code of Federal Regulations," which purports to be the official version of the pamphlets, is in fact both outdated and no longer generally available.

The Department has concluded that this situation should be corrected. In order to effect a change in the material codified in the "Code of Federal Regulations," however, the Department must issue this change in the form of a final rule, even though the material being removed is informational only and not part of the existing regulations. Accordingly, this final rule amends 42 CFR part 50 by removing the obsolete pamphlet language contained in the appendix to subpart B—that portion of the appendix following the "Physician's Statement," beginning with the heading "Your Sterilization Operation: Information for Women" and the remainder of the appendix following this heading will be removed. This amendment will also make the codified PHS regulations more consistent with the companion HCFA regulations pertaining to sterilizations and eliminate any confusion that this discrepancy may have caused.

#### Justification for Omitting Notice of Proposed Rulemaking

Since this amendment is of a purely technical nature, and, in fact, does not alter or amend existing regulatory provisions, the Secretary has determined, pursuant to 5 U.S.C. 553 and departmental policy that it is unnecessary and impractical to follow proposed rulemaking procedures or to delay the effective date of this regulation.

#### Regulatory Flexibility Act and Executive Order 12291

This rule is merely a technical removal of supplemental out-of-date information. The rule will neither exceed the threshold level of \$100 million established in section 1(b) of Executive Order 12291 nor does it meet any of the additional criteria contained in the Executive Order. For these reasons, the Secretary has determined that this rule is not a major rule under Executive Order 12291 and a regulatory impact analysis is not required. Further more, in accordance with the requirements of the Regulatory Flexibility Act of 1980, the Secretary certifies that this regulation will not have a significant economic impact on a substantial number of small entities, and therefore, a regulatory flexibility analysis is not required.

#### Paperwork Reduction Act of 1980

This final rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980. 44 U.S.C. 3501 et seq.

#### List of Subjects in 42 CFR Part 50

Family planning—Birth control, Grant programs—Health, Health facilities.

Dated: March 18, 1993.

Audrey F. Manley,  
Acting Assistant Secretary for Health.

Approved: May 5, 1993.

Donna E. Shalala,  
Secretary.

Accordingly, in 42 CFR part 50, the appendix to subpart B, "Required Consent Form," is amended as set forth below:

#### PART 50—POLICIES OF GENERAL APPLICABILITY

1. The authority citation for 42 CFR part 50 continues to read as follows:

Authority: Sec. 215, Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); Sec. 1006, Public Health Service Act, 84 Stat. 1507 (42 U.S.C. 300a-4), unless otherwise noted.

#### Subpart B—Sterilization of Persons in Federally Assisted Family Planning Projects

2. The appendix to subpart B is amended by removing the centerhead "Your Sterilization Operation: Information for Women" and all text following it, and removing the centerhead "Your Sterilization Operation: Information for Men" and all text following it.

[FR Doc. 93-14155 Filed 6-16-93; 8:45 am]

BILLING CODE 4160-17-M

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 80

[PR Docket No. 92-164; FCC 93-219]

#### Class C Emergency Position Indicating Radio Beacons

AGENCY: Federal Communications Commission

ACTION: Final rule.

**SUMMARY:** This Report and Order amends the Commission's Rules to phase out the use of the Class C Emergency Position Indicating Radio Beacons (EPIRBs) after February 1, 1999. This action is in response to a request from the United States Coast Guard. Informing the maritime community now

that the Commission intends to eliminate authorization of Class C EPIRBs by February 1, 1999, will allow for amortization of existing Class C EPIRBs and provide sufficient time for the marine public to obtain another type of EPIRB prior to the full implementation of the Global Maritime Distress and Safety System.

EFFECTIVE DATE: July 19, 1993.

#### FOR FURTHER INFORMATION CONTACT:

George R. Dillon, Aviation and Marine Branch, Private Radio Bureau, Federal Communications Commission, 2025 M St. NW., Washington, DC 20554; or telephone (202) 632-7175.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, PR Docket No. 92-164, adopted May 3, 1993, and released May 18, 1993. The complete text of the Report and Order, including Appendices, is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The full text also may be purchased from the Commission's copy contractor: International Transcription Services, 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857-3800.

#### Summary of Report and Order

1. The United States Coast Guard requested that the Commission amend its Maritime Services Rules (part 80) to eliminate authorization of Class C EPIRBs by February 1, 1999. EPIRBs are small, battery powered transmitters carried on ships for the purpose of sending a distress signal. Class C EPIRBs transmit distress signals on marine VHF channels 15 and 16 both as an alarm to alert others that a ship is in distress and as a beacon to aid in its location by search and rescue personnel. Because satellites do not monitor marine VHF channels 15 and 16, other nearby ships and coast stations can receive their distress signal.

2. The Global Maritime Distress and Safety System (GMDSS), which will be fully implemented by February 1, 1999, changes the mandatory watch requirement for ships from marine VHF channel 16 to an automated watch on Digital Selective Calling (DSC) channel 70. The Coast Guard also intends to discontinue its watch on marine VHF channel 16 after February 1, 1999. This lack of monitoring by satellites, ocean going vessels and the Coast Guard will dramatically reduce the effectiveness and need for Class C EPIRBs during search and rescue operations. Informing the maritime community now that the Commission intends to eliminate authorization of Class C EPIRBs by

February 1, 1999, will allow for amortization of existing Class C EPIRBs and provide sufficient time for the marine public to obtain another type of EPIRB prior to the full implementation of the GMDSS.

3. Accordingly, it is ordered that, Pursuant to the authority contained in sections 4(l) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), part 80 of the Commission's Rules, 47 CFR part 80, is amended as set forth below.

4. It is further ordered that, This Report and Order will be effective July 19, 1993.

**List of Subjects in 47 CFR Part 80**

Communications equipment, Marine safety, Radio

Federal Communications Commission.  
 Donna R. Searcy,  
 Secretary.

**Final Rule**

Part 80 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

**PART 80—STATIONS IN THE MARITIME SERVICES**

1. The authority citation for part 80 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.15 is amended by revising paragraph (e)(1) introductory text to read as follows:

**§ 80.15 Eligibility for station license.**

(e) EPIRB stations. (1) New class C EPIRB stations will not be authorized after February 1, 1995. Class C EPIRB stations installed and licensed before February 1, 1995, will be authorized until February 1, 1999:

3. Section 80.205 is amended by adding a new Footnote 13 to the "G3N" entry in the table in paragraph (a) to read as follows:

**§ 80.205 Bandwidths.**

(a) \* \* \*

Class of emission	Emission designator	Authorized bandwidth (kHz)
G3N <sup>1,13</sup>	.....	.....

G3N<sup>1,13</sup> .....

Class of emission	Emission designator	Authorized bandwidth (kHz)
.	.	.

<sup>9</sup>Applicable only to EPIRB's.

<sup>13</sup> Class C EPIRB stations may not be used after February 1, 1999.

4. Section 80.207 is amended by adding a new Footnote 13 to the "156.750 and 156.800 MHz" entry in the table in paragraph (d) to read as follows:

**§ 80.207 Classes of emission.**

(d) \* \* \*

Types of stations	Classes of emission
Distress, Urgency, and Safety <sup>8,9</sup>	.
156.750 and 156.800 MHz <sup>13</sup> .	.....

<sup>8</sup> For direction finding equipment requirements see § 80.375.

<sup>9</sup> Includes distress emissions used by ship, coast, EPIRB's and survival craft stations.

<sup>13</sup> Class C EPIRB stations may not be used after February 1, 1999.

5. Section 80.209 is amended by adding a new Footnote 6 to the "Operating on 156.750 and 156.800 MHz" entry in the table in paragraph (a) to read as follows:

**§ 80.209 Transmitter frequency tolerances.**

(a) \* \* \*

Frequency bands and categories of stations	Tolerances <sup>1</sup>
(5) * * *	.
(iv) Operating on 156.750 and 156.800 MHz <sup>6</sup> .	.....

<sup>1</sup> Transmitters authorized prior to January 2, 1990, with frequency tolerances equal to or better than those required after this date will continue to be authorized in the maritime services provided they retain type acceptance and comply with the applicable standards in this part.

<sup>6</sup> Class C EPIRB stations may not be used after February 1, 1999.

6. Section 80.1057 is amended by adding an introductory paragraph to read as follows:

**§ 80.1057 Special requirements for Class C EPIRB stations.**

Class C EPIRB's shall not be manufactured, imported, or sold in the United States after February 1, 1995. Class C EPIRB stations installed on board vessels before February 1, 1995, may be used until February 1, 1999, and not thereafter.

[FR Doc. 93-14244 Filed 6-16-93; 8:45 am]  
 BILLING CODE 6712-01-M

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 651**

[Docket No. 930522-3122; I.D. #061493B]

**Northeast Multispecies Fishery**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Amendment to emergency interim rule.

**SUMMARY:** The Secretary of Commerce (Secretary) amends the regulations implementing the Fishery Management Plan for the Northeast Multispecies Fishery (FMP). This amendment to the emergency rule published on June 8, 1993 (58 FR 32062) reopens to fishing the area designated as Closed Area II. The 2,500-pound (1,134-kg) haddock possession limit and ban on pair trawling in the Northeast multispecies fishery implemented by that rule remain in effect. The intended effect of this rule is to relieve some of the confusion and burden caused by the original implementation of the emergency interim rule while still providing additional protection to haddock and cod, and promoting the rebuilding of these depleted fish stocks.

**EFFECTIVE DATES:** This amendment to the emergency interim rule is effective June 14, 1993, through September 6, 1993.

**FOR FURTHER INFORMATION CONTACT:** Jack Terrill, Resource Policy Analyst (508-281-9252), Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930.

**SUPPLEMENTARY INFORMATION:** On June 3, 1993, the Secretary implemented cod and haddock protection measures through an emergency interim rule published on June 8, 1993 (58 FR 32062). The rule implemented: A 2,500-pound (1,134-kg) haddock possession

limit applying to all vessels permitted under regulations for this fishery; the area known as Closed Area II was expanded by 20 minutes longitude to the west and 15 minutes latitude to the south along its existing western and southern boundaries; Closed Area II was closed through the month of June; and a ban on pair trawling in the multispecies fishery.

Regulations implementing the FMP (§ 651.21(a)) closed the area designated as Closed Area II from February 1 through May 31 of each year. On June 3, 1993, when the emergency interim rule became effective, vessels had already sailed and were fishing in the area to be re-opened under this rule. The area is approximately 120 miles (192.4 km) from shore and is fished primarily by larger vessels on trips lasting approximately 10 days.

On June 11, 1993, the Assistant Secretary of Commerce for Oceans and Atmosphere met with members of the fishing community from Maine, Massachusetts, and Rhode Island; local government officials from Gloucester, MA; Representative Peter Torkildsen; Congressional staff, a member of the Council, and the Council's Executive Director.

The representatives of the Council present stated that upon reviewing the Council's recommendation, it was not the Council's intention for the area to be extended in time but rather just expanded in area during the regulated closure months. They noted that the proposal being considered for Amendment 5 to the FMP would extend the area in time in the third year after implementation. The stated rationale for the delayed implementation was that it would allow Canada to implement a similar closure.

As a result of input from the fishing community and the confusion over what the recommendation from the Council was, the Secretary has determined that Closed Area II should be reopened immediately. The haddock possession limit of 2,500 pounds (1,134 kg) will remain in effect as well as the prohibition on the use of pair trawl gear in the Northeast multispecies fishery.

#### Classification

The Secretary has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and with other applicable law.

The Secretary finds for good cause that the reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide full notice and opportunity for public comment on

these emergency regulations, under the provisions of section 553(b) of the Administrative Procedure Act. Because this rule relieves a restriction, a 30-day delay of the effective date is not required under section 553(d)(1) of the Administrative Procedure Act. The Secretary notes, however, that substantial public comment was received and considered before deciding on this emergency action.

This emergency interim rule is exempt from the normal review procedures of E.O. 12291 as provided in section 8(a)(1) of that order. The rule is being reported to the Director of the Office of Management and Budget with an explanation of why it is not practicable to follow the regular procedures of that order.

This rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior public comment.

This rule does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

This rule will be implemented in a manner that is consistent, to the maximum extent practicable, with the approved coastal management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. This rulemaking has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

#### List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 14, 1993.

Gary Matlock,

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows:

#### PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

#### § 651.21 [Amended]

2. In § 651.21, the suspension of paragraph (a)(2) is lifted, and paragraph

(a)(5) is removed, effective June 14, 1993 through September 6, 1993.

[FR Doc. 93-14319 Filed 6-14-93; 12:42 pm]  
BILLING CODE 3510-22-M

#### 50 CFR Part 672

[Docket No. 921107-3068; I.D. 061493A]

#### Groundfish on the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure.

**SUMMARY:** NMFS is closing the directed fishery for pollock in Statistical Area 61 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the second quarterly allowance of the total allowable catch (TAC) for pollock in this area.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), June 14, 1993, through 12 noon, A.l.t., July 1, 1993.

**FOR FURTHER INFORMATION CONTACT:** Andrew N. Smoker, Resource Management Specialist, Fisheries Management Division, NMFS, (907) 586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The second quarterly allowance of pollock TAC in Statistical Area 61 is 6,239 metric tons (mt), determined in accordance with § 672.20(a)(2)(iv).

The Director of the Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the 1993 second quarterly allowance of pollock TAC in Statistical Area 61 soon will be reached. The Regional Director established a directed fishing allowance of 5,615 mt, and has set aside the remaining 624 mt as bycatch to support other anticipated groundfish fisheries. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, directed fishing for pollock in Statistical Area 61 is prohibited, effective from 12 noon A.l.t., June 14, 1993, through 12 noon, A.l.t., July 1, 1993.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

**Classification**

This action is taken under 50 CFR 672.20, and is in compliance with E.O. 12291.

**List of Subjects in 50 CFR Part 672**

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 14, 1993.

David S. Crestin,  
Acting Director, Office of Fisheries  
Conservation and Management, National  
Marine Fisheries Service.  
[FR Doc. 93-14311 Filed 6-14-93; 12:13 pm]  
BILLING CODE 3510-22-M

# Proposed Rules

Federal Register

Vol. 58, No. 115

Thursday, June 17, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

7 CFR Parts 1001, 1002, 1004, 1005, 1007, 1011, 1030, 1033, 1036, 1040, 1044, 1046, 1049, 1065, 1068, 1079, 1093, 1094, 1096, 1097, 1098, 1099, 1106, 1108, 1124, 1126, 1131, 1135, and 1138

[Docket No. AO-14-A65-R02, etc.; DA-91-013]

### Milk in the New England and Certain Other Marketing Areas; Extension of Time for Filing Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Services, USDA.

ACTION: Extension of time for filing exceptions to proposed rules.

7 CFR part	Marketing area	AO Nos.
1001 ...	New England	AO-14-A65-R02
1002 ...	New York-New Jersey	AO-71-A80-R02
1004 ...	Middle Atlantic	AO-160-A68-R02
1005 ...	Carolina	AO-388-A5-R02
1007 ...	Georgia	AO-366-A34-R02
1011 ...	Tennessee Valley	AO-251-A36-R02
1030 ...	Chicago Regional	AO-361-A29-R02
1033 ...	Ohio Valley	AO-166-A62-R02
1036 ...	Eastern Ohio-Western Pennsylvania	AO-179-A57-R02
1040 ...	Southern Michigan	AO-225-A43-R02
1044 ...	Michigan Upper Peninsula	AO-299-A27-R02
1046 ...	Louisville-Lexington-Evansville	AO-123-A63-R02
1049 ...	Indiana	AO-319-A40-R02
1065 ...	Nebraska-Western Iowa	AO-86-A48-R02
1068 ...	Upper Midwest	AO-178-A46-R02

7 CFR part	Marketing area	AO Nos.
1079 ...	Iowa	AO-295-A42-R02
1093 ...	Alabama-West Florida	AO-386-A12-R02
1094 ...	New Orleans-Mississippi	AO-103-A54-R02
1096 ...	Greater Louisiana	AO-257-A41-R02
1097 ...	Memphis, Tennessee	AO-219-A47-R02
1098 ...	Nashville, Tennessee	AO-184-A56-R02
1099 ...	Paducah, Kentucky	AO-183-A46-R02
1106 ...	Southwest Plains	AO-210-A53-R02
1108 ...	Central Arkansas	AO-243-A44-R02
1124 ...	Pacific Northwest	AO-368-A20-R02
1126 ...	Texas	AO-231-A61-R02
1131 ...	Central Arizona	AO-271-A30-R02
1135 ...	Southwestern Idaho-Eastern Oregon	AO-380-A10-R02
1138 ...	New Mexico-West Texas	AO-335-A37-R02

**SUMMARY:** This notice extends the time for filing exceptions to the May 11, 1993, recommended decision on Class III-A pricing for 29 Federal orders. The new deadline of June 18 is consistent with the date announced in the Department's May 21 press release.

**DATES:** Exceptions now are due on or before June 18, 1993.

**ADDRESSES:** Exceptions (six copies) should be filed with the Hearing Clerk, room 1083, South Building, United States Department of Agriculture, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Clayton H. Plumb, Chief, Order Formulation Branch, USDA/AMS/Dairy Division, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-6274.

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding:

Notice of Hearing: Issued July 16, 1991; published July 22, 1991 (56 FR 33395).

Tentative Decision: Issued December 10, 1991; published December 19, 1991 (56 FR 65801) and corrected December 23, 1991 (56 FR 66482).

Revised Tentative Decision: Issued December 24, 1991; published January 2, 1992 (57 FR 15).

Interim Amendment of Orders: Issued December 27, 1991; published January 3, 1992 (57 FR 173).

Notice of Reopened Hearing: Issued August 11, 1992; published August 14, 1992 (57 FR 36609).

Notice of Reopened Hearing: Issued September 22, 1992; published September 25, 1992 (57 FR 44344).

Revised Tentative Decision: Issued October 20, 1992; published October 27, 1992 (57 FR 48575).

Interim Amendment of Orders: Issued October 29, 1992; published November 3, 1992 (57 FR 49633).

Recommended Decision: Issued May 11, 1993; published May 19, 1993 (58 FR 29133).

### Preliminary Statement

Notice is hereby given that the time for filing exceptions to the May 11, 1993, recommended decision with respect to proposed amendments to the tentative marketing agreements and the orders regulating the handling of milk in the New England and 28 other marketing areas is hereby extended from June 8 to June 18, 1993.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

Dated: June 11, 1993.

L.P. Massaro,  
Acting Administrator.

[FR Doc. 93-14331 Filed 6-15-93; 10:30 am]

BILLING CODE 3410-02-P

### 7 CFR Parts 1033, 1036 and 1049

[Docket Nos. AO-166-A51; AO-179-A56; and AO-319-A39; DA 90-015]

### Milk in the Ohio Valley, Eastern Ohio-Western Pennsylvania, and Indiana Marketing Areas; Decision on Proposed Amendments to Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

**SUMMARY:** This decision adopts changes in the Ohio Valley, Eastern Ohio-