**SUMMARY:** This action revises Class E airspace (Class E airspace areas extending upward from 700 feet or more above the surface of the earth) at Oconto Municipal Airport, Oconto, WI, to accomodate Nondirectional Beacon (NDB) Runway 29 Standard Instrument Approach Procedure (SIAP). Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

**EFFECTIVE DATE:** 0901 UTC, June 23, 1994.

**FOR FURTHER INFORMATION CONTACT:** Robert Frink, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

**SUPPLEMENTARY INFORMATION:**

### History

On Thursday, January 6, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise Class E Airspace at Oconto Municipal Airport, Oconto, WI, to accommodate a Nondirectional Beacon (NDB) Rwy 29 Standard Instrument Approach Procedure (SIAP) (58 FR 706). The proposal was to add controlled airspace extending from 700 feet to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document will be published subsequently in the Order.

### The Rule

This amendment to part 71 of the Federal Aviation Regulations revises Class E airspace at (Class E airspace areas extending upward from 700 feet or more above the surface of the earth) at Oconto Municipal Airport, Oconto, WI, to accommodate Nondirectional Beacon (NDB) Runway 29 Standard Instrument Approach Procedure (SIAP). Controlled airspace extending from 700 to 1200 feet AGL is needed to contain aircraft executing the approach.

Aeronautical maps and charts will reflect the defined area which will enable pilots to circumnavigate the area in order to comply with applicable visual flight rule requirements.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

## PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

* * * * *

**AGL WI E5 Oconto, WI [Revised]**

Oconto Municipal Airport
(lat. 44°52′25″ N, long. 87°54′33″ W)
Oconto NDB
(lat. 44°52′33″ N, long. 87°54′45″ W,

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Oconto Municipal Airport and within 2.5 miles each side of the 118° bearing from the Oconto NDB extending from the 6.3-mile radium to 7 miles southeast of the airport.

* * * * *

Issued in Des Plaines, Illinois on March 4, 1994.

**John P. Cuprisin,**
*Manager, Air Traffic Division.*

[FR Doc. 94–6798 Filed 3–22–94; 8:45 am]
BILLING CODE 4910–13–M

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Part 178

[Docket No. 93F–0112]

## Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of dimethyldibenzylidene sorbitol as a clarifying agent for polypropylene and high-propylene olefin copolymers intended for use in contact with food. This action is in response to a petition filed by Milliken Chemical.

**DATES:** Effective March 23, 1994; written objections and requests for a hearing by April 22, 1994.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9500.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of April 22, 1993 (58 FR 21583), FDA announced that a food additive petition (FAP 2B4341) had been filed by Milliken Chemical, c/o 1001 G St. NW., suite 500 West, Washington, DC 20001, proposing that § 178.3295 *Clarifying agents for polymers* (21 CFR 178.3295) be amended to provide for the safe use of dimethyldibenzylidene sorbitol as a clarifying agent in polypropylene articles intended for use in contact with food.

Upon further review of the petition, the agency noted that the petitioner had requested use of the additive as a clarifying agent in high-propylene olefin copolymers in addition to its use in polypropylene films. In a notice published in the **Federal Register** of January 4, 1994 (59 FR 307), FDA amended the filing notice of April 22, 1993, to state that the petitioner had requested that the food additive regulations be amended to provide for the safe use of dimethyldibenzylidene sorbitol as a clarifying agent in polypropylene and high-propylene olefin copolymers for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the food additive is safe and that the regulations in § 178.3295 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before (*insert date 30 days after date of publication in the* **Federal Register**), file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

**List of Subjects in 21 CFR Part 178**

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

## PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

**Authority:** Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 178.3295 is amended in the table by alphabetically adding a new entry under the headings "Substances" and "Limitations" to read as follows:

**§ 178.3295 Clarifying agents for polymers.**

* * * * *

| Substances | Limitations |
|---|---|
| * * * | * * * * |
| Dimethyldibenzylidene sorbitol (CAS Reg. No. 135861–56–2). | For use only as a clarifying agent at a level not to exceed 0.4 percent by weight of olefin polymers complying with § 177.1520(c) of this chapter, items 1.1, 3.1, and 3.2, where the copolymers complying with items 3.1 and 3.2 contain not less than 85 weight percent of polymer units derived from polypropylene; in contact with all food types under conditions of use B, C, D, E, F, G, and H, described in Table 2 of § 176.170(c) of this chapter. |
| * * * | * * * * |

Dated: March 14, 1994.

L. Robert Lake,

*Acting Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 94-6764 Filed 3-22-94; 8:45 am]

BILLING CODE 4160-01-F

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Housing—Federal Housing Commissioner

### 24 CFR Parts 880, 881, 883, 884, 886

[Docket No. R-94-1664; FR-3413-F-02]

RIN 2502-AF41

### Income Eligibility for Tenancy in New Construction Units

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the section 8 Housing Assistance Payments program regulations for new construction and substantial rehabilitation to comply with section 151 of the Housing and Community Development Act of 1992. Section 151 requires that the Secretary promulgate regulations to implement section 555 of the National Affordable Housing Act of 1990, which requires that section 8 new construction and substantial rehabilitation projects assisted under section 8(b)(2) as it existed before October 1, 1983, and with a contract for assistance under such section, be reserved for occupancy by low-income and very low-income families.

**EFFECTIVE DATE:** April 22, 1994.

**FOR FURTHER INFORMATION CONTACT:** James J. Tahash, Director, Planning and Procedures Division, Office of Multifamily Housing Management, room 6182, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-3944. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708-4594. (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:**

#### I. Background

Section 151 of the Housing and Community Development Act of 1992 (1992 HCD Act) requires that the Secretary promulgate regulations implementing section 555 of the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA). Section 555 of NAHA provides that any dwelling unit in any housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the U.S. Housing Act of 1937, as that section existed before October 1, 1983, and with a contract for assistance under that section, be reserved for occupancy by low-income and very low-income families.

As we stated in the proposed rule published on July 1, 1993 (58 FR 35416), the Department administers six section 8 programs that involve newly constructed or substantially rehabilitated housing: (1) The section 8 New Construction Program, 24 CFR part 880; (2) the Section 8 Substantial Rehabilitation Program, 24 CFR part 881; (3) the State Housing Agencies program (insofar as it involves new construction and substantial rehabilitation), 24 CFR part 883; (4) the New Construction Set-Aside for Section 515 Rural Rental Housing Projects Program, 24 CFR part 884; (5) the Section 202 Loans for Housing for the Elderly or Handicapped Program, 24 CFR part 885; and (6) the Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects (insofar as it involves substantial rehabilitation), 24 CFR part 886.

Before 1981, owners could rent up to 10 percent (20 percent in the Set-Aside Program for Rural Rental Housing Projects) of assisted units to ineligible families. Moreover, before 1984, and except in the section 202 loan program, the Department's regulations did not require a reduction in assisted units under the contract until rental to ineligibles exceeded 10 percent (20 percent in the Set-Aside Program for Rural Rental Housing Projects).

Section 325(l) of the Housing and Community Development Amendments of 1981 amended section 8(b)(2) of the U.S. Housing Act of 1937 by adding the following provision:

> Each contract to make assistance payments for newly constructed or substantially rehabilitated housing assisted under this section entered into after the date of enactment of the Housing and Community Development Amendments of 1981 shall provide that during the term of the contract the owner shall make available for occupancy by families which are eligible for assistance under this section, at the time of their initial occupancy, the number of units for which assistance is committed under the contract.

As a result of the Housing and Community Development Amendments of 1981, the Department implemented the existing regulations governing section 8 substantial rehabilitation or new construction (except 24 CFR part 885) which require that owners make available all assisted units for eligible families for Housing Assistance Payment (HAP) Contracts entered into pursuant to an Agreement to enter into a HAP Contract (AHAP) executed on or after October 1, 1981. The existing regulations, however, exempt owners who entered into an AHAP prior to October 1, 1981, from the statutory requirement that owners make all assisted units available for leasing by eligible families.

The Department believes that the purpose of section 555 of NAHA was to remove the exemption for owners who entered into an AHAP prior to October 1, 1981. Accordingly, this final rule change requires that owners make available all assisted units for eligible families for all HAP Contracts, regardless of when the Owner entered into the AHAP.

The Section 8 Housing Assistance Program for the Disposition of HUD-owned Projects (24 CFR part 886, subpart C) involves existing housing in addition to substantially rehabilitated housing. The Additional Assistance Program for Projects with HUD-Insured and HUD-Held Mortgages (24 CFR part 886, subpart A) involves only existing housing. Under both subparts, the assistance is project based.

In implementing the existing regulations, the Department previously determined administratively that project-based assistance should be treated similarly to new construction and substantial rehabilitation for the purposes of this rule. As such, any contracts entered into after October 3, 1984 (the effective date of the current regulations) already are subject to the requirement that Owners make available all assisted units for eligible families. Since application of this final rule to an owner of existing housing is not mandated by section 555 of NAHA, this rule would not affect the obligation of a section 8 project owner of existing housing assisted under part 886 who executed a Contract before October 3, 1984.

Finally, this rule does not change the section 202 loan program regulations. The changes in this rule are consistent with the current regulations for the section 202 handicapped housing program, and so no changes are necessary for that program. Moreover, no regulations currently exist on this matter for the Section 202 elderly housing loan program. However, the Department is preparing a separate regulation amending part 885 which, among other matters, will incorporate this amendment into that part.

**II. Discussion of Public Comments**

The Department received one public comment from a housing development authority in response to the proposed rule published on July 1, 1993 (58 FR 35416). The commenter suggested that the Department exempt rural housing developments from the 100% occupancy by income eligible families requirement since there is a limited number of 50–80% of median income eligible tenants to fill the units.

The Department appreciates the difficulty that some rural housing developments may experience with regard to filling projects with income eligible families. However, section 555 of NAHA does not provide for an exemption for rural housing developments, and so the Department does not have the discretion to create such an exemption. Moreover, the regulations which allow an owner to rent to an ineligible family if the owner is temporarily unable to fill all units with eligible families remain unchanged by this final rule. Finally, the regulations continue to allow formerly eligible tenants who are currently income ineligible to continue to remain in their units subject to paying the market rent.

**III. Other Matters**

*A. Environmental Impact*

At the time of publication of the proposed rule, a finding of no significant impact with respect to the environment was made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The proposed rule is adopted by this final rule without change. Accordingly, the initial finding of no significant impact remains applicable, and is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the office of the Rules Docket Clerk at the above address.

*B. Executive Order 12612, Federalism*

The General Counsel, as the Designated Official under section 6(a) of Executive order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the Federal government and the states, or on the distribution of power and responsibilities among the various levels of government. Specifically, the rule is directed to owners of multifamily housing projects, and will not impinge upon the relationship between the Federal Government and State and local governments. As a result, the rule is not subject to review under the order.

*C. Executive Order 12606, the Family*

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

*D. Regulatory Flexibility Act*

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule reflects a statutory requirement which applies to all section 8 newly constructed or substantially rehabilitated housing without regard to the size of entities involved.

*E. Regulatory Agenda*

This final rule was listed as sequence number 1543 in the Department's Semiannual Agenda of Regulations published on October 25, 1993 (58 FR 56402, 56431) in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

*F. The Catalog of Federal Domestic Assistance Program Number is 14.156*

**List of Subjects**

*24 CFR Part 880*

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

*24 CFR Part 881*

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

*24 CFR Part 883*

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

*24 CFR Part 884*

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements, Rural areas.

*24 CFR Part 886*

Grant programs—housing and community development, Lead poisoning, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, 24 CFR parts 880, 881, 883, 884, and 886 are amended as follows:

## PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

1. The authority citation for 24 CFR part 880 is revised to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437f, 1437f note, and 3535(d).

2. Section 880.504(d) is revised to read as follows:

**§ 880.504 Leasing to eligible families.**

* * * * *

(d) *Applicability.* In accordance with section 555 of the Cranston-Gonzalez National Affordable Housing Act of 1990, paragraphs (a) and (b) of this section apply to all Contracts. An owner who had leased an assisted unit to an ineligible family consistent with the regulations in effect at the time will continue to lease the unit to that family. However, the owner must make the unit available for occupancy by an eligible family when the ineligible family vacates the unit.

## PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION

3. The authority citation for 24 CFR part 881 is revised to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437f, 1437f note, and 3535(d).

4. Section 881.504(d) is revised to read as follows:

**§ 881.504 Leasing to eligible families.**

* * * * *

(d) *Applicability.* In accordance with section 555 of the Cranston-Gonzalez National Affordable Housing Act of 1990, paragraphs (a) and (b) of this section apply to all contracts. An owner who had leased an assisted unit to an ineligible family consistent with the regulations in effect at the time will continue to lease the unit to that family. However, the owner must make the unit available for occupancy by an eligible family when the ineligible family vacates the unit.

## PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

5. The authority citation for 24 CFR part 883 is revised to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437f, 1437f note, and 3535(d).

6. Section 883.605(d) is revised to read as follows:

**§ 883.605 Leasing to eligible families.**

* * * * *

(d) *Applicability.* In accordance with section 555 of the Cranston-Gonzalez National Affordable Housing Act of 1990, paragraphs (a) and (b) of this section apply to all contracts. An owner who had leased an assisted unit to an ineligible family consistent with the regulations in effect at the time will continue to lease the unit to that family. However, the owner must make the unit available for occupancy by an eligible family when the ineligible family vacates the unit.

## PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

7. The authority citation for 24 CFR part 884 is revised to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437f, 1437f note, and 3535(d).

8. Section 884.223(d) is revised to read as follows:

**§ 884.223 Leasing to eligible families.**

* * * * *

(d) *Applicability.* In accordance with section 555 of the Cranston-Gonzalez National Affordable Housing Act of 1990, paragraphs (a) and (b) of this section apply to all contracts. An owner who had leased an assisted unit to an ineligible family consistent with the regulations in effect at the time will continue to lease the unit to that family. However, the owner must make the unit available for occupancy by an eligible family when the ineligible family vacates the unit.

## PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

9. The authority citation for 24 CFR part 886 is revised to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437f, 1437f note, and 3535(d).

10. Section 886.329(d) is revised to read as follows:

**§ 886.329 Leasing to eligible families.**

* * * * *

(d) *Applicability.* In accordance with section 555 of the Cranston-Gonzalez National Affordable Housing Act of 1990, paragraphs (a) and (b) of this section apply to all contracts involving substantial rehabilitation. These paragraphs apply to all other Contracts executed on or after October, 3, 1984. An owner who had leased an assisted unit to an ineligible family consistent with the regulations in effect at the time will continue to lease the unit to that family. However, the Borrower must make the unit available for occupancy by an eligible family when the ineligible family vacates the unit.

Dated: March 15, 1994.

**Nicolas P. Retsinas,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 94–6754 Filed 3–22–94; 8:45 am]

BILLING CODE 4210–27–P

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# DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 165

**[COTP Pittsburgh 94–005]**

**RIN 2115–AA97**

## Safety Zone; Ohio River

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Ohio River back channel that separates Coraopolis, Pennsylvania from Neville Island, Pennsylvania. This regulation is needed to control vessel traffic in the regulated area during demolition of one main span and a center support pier of a bridge at Ohio River back channel mile 9.6. This regulation will restrict general navigation in the regulated area during demolition operations for the safety of vessel traffic.

**EFFECTIVE DATES:** This regulation is effective at 8 a.m. on March 22, 1994 and will terminate at 4 p.m. on April 10, 1994, unless terminated at a earlier date by the Captain of the Port, Pittsburgh, Pennsylvania.

**FOR FURTHER INFORMATION CONTACT:** LT John Meehan, Port Operations Officer, Captain of the Port, Pittsburgh, Pennsylvania at (412) 644–5808.

**SUPPLEMENTARY INFORMATION:**

### Drafting Information

The drafters of this regulation are LT John Meehan, Project Officer, Marine Safety Office, Pittsburgh, Pennsylvania and LCDR A.O. Denny, Project Attorney, Second Coast Guard District Legal Office.

### Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Specifically, a bridge is being removed from a navigable waterway. Bridge removal operations pose inherent risks to the waterway because the structure is progressively weakened as the operation proceeds. Once commenced, such operations should be completed as quickly as possible. Removal operations involving the southern main span of the bridge and various northern span structural supports have already been completed, leaving insufficient time to publish a notice of proposed rulemaking. The Coast Guard deems it to be in the public's best interest to issue a regulation without waiting for a comment period, as immediate implementation of navigation restrictions is needed to ensure the safety of vessels transitting the area and to minimize the time a bridge in a weakened condition remains over the waterway.

### Background and Purpose

The Coraopolis Highway Bridge at mile 9.6 on the Ohio River back channel between Coraopolis, Pennsylvania and Neville Island, Pennsylvania is no longer an active highway bridge and is in the process of being removed. The bridge originally consisted of several small spans that were located over land and two 300 foot main spans that crossed over the waterway and met atop a stone pier at the center of the channel. As part of the overall bridge removal operation, each main span and the center support pier have been scheduled for demolition with explosive charges. The first main span demolition, involving the southern span (Coraopolis side of the back channel) occurred on March 1, 1994. The second main span demolition, involving the northern span (Neville Island side of the back channel) is scheduled for approximately 10 a.m. on March 22, 1994. Steel members and debris from the demolition of this northern span will fall into the sailing line of the channel, creating an unsafe condition for vessels attempting to transit. The contractor will immediately commence clearing operations in the channel, but it will require 3 days to