

Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are Mr. John Wachter, project officer, and LT Elisa Holland, project attorney.

Regulatory History

On November 8, 1994, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulation; Red River, LA in the **Federal Register** (59 FR 55599). The Coast Guard received two letters commenting favorably on the proposal. No public hearing was requested, and none was held. This final rule is being made effective on the date of publication. The Red River will be open to commercial navigation in late January 1995. Maintaining the present regulation for thirty days after publication of the final rule in the **Federal Register** will be a burden on commercial navigation and the bridge owners. There were no comments objecting to the change in the regulation from 48-hours to 8-hours notice. For these reasons, the Coast Guard for good cause finds, under 5 U.S.C. 553(b)(B) and (d)(3), that delaying the effective date of this rule is contrary to the public interest and that this rule should be made effective in less than 30 days after publication.

Background and Purpose

With the completion of locks and dams 4 and 5 in December 1994, by the U.S. Army Corps of Engineers, the Red River will be open for commercial navigation in late January 1995. As a result of that project, the mileage of the Red River has changed. All mileages referred to in this regulation are post-project mileages. The entire stretch of the Red River flowing through Louisiana is presently regulated by Section 117.135, which is cross referenced in § 117.491. The Red River in Louisiana will now be governed by § 117.491. Section 117.135 is being revised by a separate rule (CGD02-94-016, published elsewhere in today's **Federal Register**) to regulate only the drawbridges on the Red River in the state of Arkansas. The present regulation requiring all bridges up to mile 177.9 to open on signal with at least 48-hours advance notice would severely restrict the movement of prospective commercial navigation on the waterway. Thus, the reason for the final rule. The anticipated vessel count for calendar year 1995 is approximately 370, but is expected to increase significantly in year 1996. Existing

operating regulations for bridges from mile 105.8 to the Arkansas border at approximately mile 276 remain unchanged.

Discussion of Comments and Changes

Two comments were received. The National Marine Fisheries Service offered no objection to the proposed rule change. The other comment endorsed the proposed rule change.

Assessment

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

Small Entities

A full regulatory evaluation of this rule is unnecessary. This rule will be less restrictive on commercial navigation. This rule will require bridge owners to open the draws of the bridges listed on fewer hours notice, however, each bridge owner will still have 8-hours notice. Therefore, the Coast Guard certifies under 5 U.S.C. 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 proposal contains no collection-of-information 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 the proposed 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 has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g)(3); Section 117.255, also issued under the authority of Pub. L. 102-587, 102 Stat. 5039.

2. Section 117.491 is revised to read as follows:

§ 117.491 Red River.

(a) The draws of the following bridges shall be opened on signal if at least eight hours notice is given:

- (1) S107 bridge, mile 59.5, at Moncla
- (2) S28 (Fulton Street) bridge, mile 88.1, at Alexandria
- (3) Union Pacific Railroad bridge, mile 90.1, at Alexandria
- (4) S8 bridge, mile 105.8, at Boyce

(b) The Kansas City Southern Railroad bridge, mile 88.0, at Alexandria shall open on signal if at least eight hours notice is given; except that, for openings on Saturday or Sunday and Monday if it is a federal holiday, notice must be given for an opening of the draw by 4 p.m. on Friday; and in the event a federal holiday falls during a weekday other than Monday, notice must be given by 4 p.m. the day prior to that holiday.

(c) The draw of the US 165 (Jackson St.) bridge, mile 88.6, at Alexandria, shall open on signal if at least eight hours notice is given; except that, from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. the draw need not be opened Monday through Friday except holidays.

(d) The draws of the bridges above mile 105.8 through mile 234.4 shall open on signal if at least 48 hours notice is given.

(e) The draws of the bridges above mile 234.4 to mile 276 need not be opened for passage of vessels.

(f) When a vessel which has given notice fails to arrive at the time specified in the notice, the drawtender shall remain on duty for up to two additional hours to open the draw if that vessel appears. After that time, a new notice of the appropriate length of time is required.

Dated: January 10, 1995.

R.C. North,

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

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**DEPARTMENT OF VETERANS
AFFAIRS****38 CFR Part 4****Schedule for Rating Disabilities***CFR Correction*

In title 38 of the Code of Federal Regulations, parts 0 to 17, revised as of July 1, 1994, on pages 383 and 384, in § 4.84a, table V, in the heading and in the entries "15/200 (45/60)" and "5/200 (15/60)" should read "15/200 (4.5/60)" and "5/200 (1.5/60)" respectively.

BILLING CODE 1505-01-D

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Parts 52 and 81**

[KY-069-2-6785a; FRL 5118-1]

**Approval and Promulgation of
Implementation Plans and Designation
of Areas for Air Quality Planning
Purposes; Commonwealth of Kentucky**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On November 13, 1992, the Commonwealth of Kentucky through the Natural Resources and Environmental Protection Cabinet (Cabinet), submitted a maintenance plan and a request to redesignate the Lexington, Owensboro, Paducah, and Edmonson County areas from nonattainment to attainment for ozone (O₃). The marginal nonattainment areas include the following counties: Lexington (Fayette and Scott), Owensboro (Davies and a portion of Hancock), Paducah (Livingston and a portion of Marshall), and Edmonson County. Under the Clean Air Act (CAA), designations can be changed if sufficient data are available to warrant such changes and the redesignation request satisfies the criteria set forth in the CAA. In this action, EPA is approving the redesignation to attainment of the Paducah area and the associated maintenance plan because it meets the maintenance plan and redesignation requirements. EPA has published the approval of the redesignation request to attainment and maintenance plan for the Owensboro and Edmonson County and will act on the request to redesignate to attainment the Lexington area in a future notice. In this action, EPA is also approving the 1990 base year inventory for the Paducah marginal O₃ nonattainment area.

DATES: This final rule will be effective April 10, 1995 unless adverse or critical comments are received by March 9, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Scott Southwick, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460
Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE, Atlanta, GA 30365
Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, KY 40601.

FOR FURTHER INFORMATION CONTACT: Scott Southwick of the EPA Region IV Air Programs Branch at (404) 347-3555 extension 4207 and at the above address.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). Under section 107(d)(1), in conjunction with the Governor of Kentucky, EPA designated the Paducah area as nonattainment because the area violated the O₃ standard during the period from 1987 through 1989 (See 56 FR 56694 (Nov. 6, 1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR 81.318).

The Paducah marginal O₃ nonattainment area (nonattainment area) more recently has ambient monitoring data that show no violations of the O₃ National Ambient Air Quality Standards (NAAQS), during the period from 1989 through 1991. In addition, there have been no violations reported for the 1992, 1993, or 1994 O₃ seasons. Therefore, in an effort to comply with the amended CAA and to ensure continued attainment of the NAAQS, on November 13, 1992, the Cabinet submitted for parallel processing an O₃ maintenance SIP for the nonattainment area and requested redesignation of the nonattainment area to attainment with

respect to the O₃ NAAQS and EPA found the request complete. On November 24, 1992, the Cabinet submitted the Marginal Ozone Nonattainment Areas Projection Inventory 1990-2004 as an amendment to the SIP. On January 15, 1993, the Cabinet submitted revisions addressing public comments on the request to redesignate the nonattainment area to attainment. On July 16, 1993, February 28, 1994, and August 29, 1994, the Cabinet submitted revisions to the redesignation request, maintenance plan, and projection inventory.

On May 7, 1993, Region IV determined that the information received from the Cabinet constituted a complete redesignation request under the general completeness criteria of 40 CFR 51, appendix V, sections 2.1 and 2.2. However, for purposes of determining what requirements are applicable for redesignation purposes, EPA believes it is necessary to identify when the Cabinet first submitted a redesignation request that meets the completeness criteria. EPA noted in a previous policy memorandum that parallel processing requests for submittals under the amended CAA, including redesignation submittals, would not be determined complete. See "State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (Act) Deadlines," Memorandum from John Calcagni to Air Programs Division Directors, Regions I-X, dated October 28, 1992 (Memorandum). The rationale for this conclusion was that the parallel processing exception to the completeness criteria (40 CFR part 51, appendix V, section 2.3) was not intended to extend statutory due dates for mandatory submittals. (See Memorandum at 3-4). However, since requests for redesignation are not mandatory submittals under the CAA, EPA believed it appropriate to change its policy with respect to redesignation submittals to conform to the existing completeness criteria (58 FR 38108 (July 15, 1993)). Therefore, EPA believes, the parallel processing exception to the completeness criteria may be applied to redesignation request submittals, at least until such time as the EPA decides to revise that exception. The Cabinet submitted a redesignation request and a maintenance plan on November 13, 1992. When the maintenance plan became state effective on January 27, 1994, the Commonwealth of Kentucky no longer needed parallel processing for the redesignation request and maintenance plan.

The Kentucky redesignation request for the nonattainment areas meets the five requirements of section 107(d)(3)(E)