

2. Section 117.167 is revised to read as follows:

**§ 117.167 Little Potato Slough.**

The draw of the California Department of Transportation highway bridge, mile 0.1 at Terminous, shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

Dated: January 20, 1995.

**D.D. Polk,**

*Captain, U.S. Coast Guard, Commander, Eleventh Coast Guard District, Acting.*

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BILLING CODE 4910-14-M

**33 CFR Part 117**

[CGD05-94-116]

RIN 2115-AE47

**Drawbridge Operation Regulations; Wicomico River, Salisbury, MD**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the State Highway Administration, Maryland Department of Transportation, the Coast Guard is proposing to change the regulations that govern the operation of the Main Street and the US 50 drawbridges across the North Prong of the Wicomico River, mile 22.4, in Salisbury, Maryland. This proposal would extend the current rush hour restrictions by one hour in the morning and one hour in the afternoon, and require a three hour advance notice for commercial vessels needing a bridge opening during the hours of closure due to emergency situations. The existing 12 noon to 1 p.m. closure period would remain unaffected by this proposed change.

These changes to the drawbridge regulations are intended to reduce motor vehicle delays and congestion, while still providing for the reasonable needs of navigation.

**DATES:** Comments must be received on or before May 11, 1995.

**ADDRESSES:** Comments may be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or may be delivered to Room 109 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (804) 398-6222. Comments will become part of this docket and will be available for inspection at Room 109, Fifth Coast Guard District.

**FOR FURTHER INFORMATION CONTACT:**

Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05-94-116) and the specific section of this proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander (ob) at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

**Drafting Information**

The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Section, and LCDR C.A. Abel, Project Counsel, Fifth Coast Guard District Legal Office.

**Background and Purpose**

The State Highway Administration, Maryland Department of Transportation (MDOT), has requested that openings of the Main Street and US 50 drawbridges across the North Prong of the Wicomico River, mile 22.4, at Salisbury, Maryland, be further restricted during the morning and evening rush hours. This would help to reduce highway traffic congestion problems and relieve public safety and welfare concerns associated with frequent bridge openings caused by commercial boat traffic. Currently, these drawbridges open on signal except from 8 a.m. to 9 a.m., 12 noon to 1 p.m., and 4:30 p.m. to 5:30 p.m. during which time both remain closed to navigation. MDOT's request is to change the hours of bridge closures to 7 a.m. to 9 a.m. in

the morning and to 4 p.m. to 6 p.m. in the afternoon. The existing 12 noon to 1 p.m. closure would remain the same.

A review of the bridge logs provided by MDOT revealed that the bridge openings during 1992-1993 from 7 a.m. to 8 a.m. in the morning and from 4-4:30 p.m. to 5:30-6 p.m. in the evening were caused by tugs and tugs with tows. These openings are frequent enough to cause highway traffic to back up on each side of the bridge resulting in congestion and delays.

This request is based on an analysis MDOT conducted on highway traffic and marine traffic data, along with a waterway user and property owner survey that was conducted in 1993. Adjacent property owners had no objection to the extended morning and evening rush hours. According to DELMARVA Water Transport Committee, Inc., only two commercial businesses are located upstream of the bridge and one of these businesses has expressed concern over extending the periods of closure for these bridges. Based on this concern, DELMARVA has requested that the Coast Guard include in the proposed rule a three hour advance notice requirement for commercial vessels needing passage through the bridge during the hours of restriction. This advance notice requirement would only apply to tugs and barges unable to reach the bridges except during the hours of closure due to severe inclement weather or other emergency or unforeseen circumstances.

DELMARVA also contacted MDOT with this request and MDOT agreed that this provision should be added to the proposed rule, provided commercial vessels adhere to the "emergency only" requirement when taking advantage of the three hour advance notice exception. Based on DELMARVA's request and MDOT's approval of this request, the proposed rule will include a provision requiring commercial vessels to provide a three hour advance notice for a bridge opening during the hours of closure only if their transit is delayed by inclement weather or other emergency or unforeseen circumstances. Other than this, commercial vessels will be required to transit through these bridges during the open-on-demand hours.

The Administrative Director of Wicomico County, Maryland notified the Coast Guard that the county supports MDOT's request because of the increase in highway traffic crossing these bridges as a result of substantial residential growth. The Salisbury Area Chamber of Commerce also supports these changes to the operating schedule

of the Main Street and US 50 drawbridges.

This proposed change to the existing regulations is intended to establish a schedule that will meet the reasonable needs of the waterway users and, at the same time, diminish delays to and improve the flow of motor vehicles crossing the bridge.

Based on this information, the Coast Guard believes these proposed regulations will not unduly restrict recreational and commercial vessels passage through these bridges since they can plan their transits around the periods of closures.

### Regulatory Evaluation

This proposed action is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review 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). The Coast Guard expects the economic impact of this proposal to be so minimal that a full regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, 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 proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, 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

The Coast Guard has analyzed this proposal under the principals and criteria contained in Executive Order 12612, and it has determined that this proposal will not have sufficient

federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.E.(32)(e) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist has been prepared and placed in the rulemaking docket.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations to read 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)

2. Section 117.579 is revised to read as follows:

#### § 117.579 Wicomico River (North Prong).

The draws of the Main Street and US 50 bridges, mile 22.4, at Salisbury, Maryland shall open on signal, except:

- (a) From 7 a.m. to 9 a.m., from 12 noon to 1 p.m., and from 4 p.m. to 6 p.m., the draw need not be opened for the passage of vessels, except
- (b) for tugs with tows, if at least three hours advance notice is given, and the reason for opening during a closure period described in paragraph (a) of this section is due to delays caused by inclement weather or other emergency or unforeseen circumstances.

Dated: January 20, 1995.

#### M.K. Cain,

*Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District, Acting.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Chapter I

[FRL–5153–2]

#### Notice and Open Meeting of the Negotiated Rulemaking Advisory Committee for Small Nonroad Engine Regulations

**AGENCY:** Environmental Protection Agency.

**ACTION:** FACA Committee Meeting—Negotiated Rulemaking on Small Nonroad Engine Regulations.

**SUMMARY:** As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), EPA is giving notice of the next meeting of the Advisory Committee to negotiate a rule to reduce air emissions from small nonroad engines. The meeting is open to the public without advance registration. The purpose of the meeting is to continue identification and discussion of issues, discuss interests of committee members, and hear reports from task groups.

**DATES:** The committee will meet on February 21 and 22, 1995 from 10 a.m. to 6 p.m.

**ADDRESSES:** The location of the meeting will be the Holiday Inn East, 3750 Washtenaw, Ann Arbor, MI 48104, (313) 971–2000.

#### FOR FURTHER INFORMATION CONTACT:

Persons needing further information on the technical and substantive matters of the rule should contact Betsy McCabe, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Rd., Ann Arbor, Michigan 48105, (313) 668–4344. Persons needing further information on committee procedes should call Deborah Dalton, Consensus and Dispute Resolution Program, Environmental Protection Agency, 401 M Street, S.W. Washington, DC 20460, (202) 260–5495, or the Committee's facilitator, Lucy Moore or John Folk-Williams, Western Network, 616 Don Gaspar, Santa Fe, New Mexico, 87501, (505) 982–9805.

Dated: February 6, 1995.

#### Chris Kirtz,

*Acting Designated Federal Official, Deputy Director, Consensus and Dispute Resolution Program.*

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### 40 CFR Part 52

[OAQPS CA 102–4–6757; FRL–5152–3]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from light