

of 1994, 54 percent of the cocaine hydrochloride exhibits received under DEA's solvent analysis program contained MIBK. The recent increase in the incidence of MIBK in seized cocaine hydrochloride is consistent with the timing of initial reports regarding its illicit use.

Given these factors, DEA has determined that the control of MIBK as a List II Chemical is warranted. Since the illicit use of MIBK for cocaine processing occurs in Latin America, the DEA proposes that MIBK shipments exported from the U.S., shipments transshipped or transferred through the U.S., and international transactions in which a U.S. broker or trader participates, be considered regulated transactions if destined for any country in the Western Hemisphere (with the exception of transactions destined for Canada) 21 U.S.C. section 802(39)(A)(iii). In addition, the DEA proposes that a threshold similar to that of MEK be established for MIBK. DEA proposes that a threshold of 500 gallons (by volume) or 1523 kilograms (by weight) be established for MIBK. Therefore, this proposed action will only effect (1) export transactions; (2) international transactions in which a U.S. broker or trader participates; and

(3) transshipments through the U.S., which are greater than 500 gallons or 1523 kilograms of MIBK destined for designated countries. Import transactions of MIBK into the U.S. (not destined for transshipment or transfer to designated countries), and domestic transactions of MIBK are excluded from the definitions of regulated transactions contained in 21 CFR 1310.01(f) and 1313.02(d).

The Deputy Administrator hereby certifies that this proposed rulemaking will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. A review of maritime shipments of MIBK reveals that during a two year period, there were less than 100 above-threshold export transactions destined for designated countries. This proposed rule is not a significant regulatory action and therefore has not been reviewed by the Office of Management and Budget pursuant to Executive Order 12866.

This action has been analyzed in accordance with the principles and criteria in E.O. 12612, and it has been determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1310

Durg traffic control, reporting and recordkeeping requirements.

For reasons set out above, it is proposed that 21 CFR part 1310 be amended as follows:

PART 1310—[AMENDED]

1. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b).

2. Section 1310.02 is proposed to be amended by adding a new paragraph (b)(10) to read as follows:

§ 1310.02 Substances covered.

* * * * *

(b) * * *

(10) Methyl Isobutyl Ketone (MIBK)

* * * * *

3. Section 1310.04 is proposed to be amended by adding new paragraph (f)(2)(v) to read as follows:

§ 1310.04 Maintenance of records.

* * * * *

(f) * * *

(2) * * *

(v) Export and International Transactions to Designated Countries, and Importations for Transshipment or Transfer to Designated Countries.

| Chemical | Threshold by volume | Threshold by weight |
|---|---------------------|---------------------|
| (A) Methyl Isobutyl Ketone (MIBK) | 500 gallons | 1523 kilograms. |
| (B) Reserved | | |

4. Section 1310.08 is proposed to be amended by adding new paragraphs (c), (d) and (e) to read as follows:

§ 1310.08 Excluded transactions.

* * * * *

(c) Domestic transactions of Methyl Isobutyl Ketone (MIBK).

(d) Import transactions of Methyl Isobutyl Ketone (MIBK) destined for the United States.

(e) Export transactions, international transactions, and import transactions for transshipment or transfer of Methyl Isobutyl Ketone (MIBK) destined for Canada or any country outside of the Western Hemisphere.

Dated: February 16, 1995.

Stephn G. Greene,

Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-95-008]

RIN 2115-AE47

Drawbridge Operation Regulations; Apponagansett River, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing a change to the regulations governing the Padanaram Bridge at mile 1.0 over the Apponagansett River in Dartmouth, Massachusetts. This proposal will allow the Pandanaram Bridge to open on signal from May 1 through October 31 once an hour on the hour, between 9 a.m. and 8 p.m. instead of twice an hour on the hour and half hour. This change should help relieve traffic congestion created by bridge openings while still providing for the needs of navigation.

DATES: Comments must be received on or before May 1, 1995.

ADDRESSES: Comments may be mailed to Commander (obr), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, Massachusetts 02110-3350, or may be hand-delivered to room 628 at the same address between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (617) 223-8364. The comments will become part of this docket and will be available for inspection and copying by appointment at the above address.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, Bridge Branch, (617) 223-8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this

rulemaking (CGD01-95-008), the specific section of this proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format no larger than 8½" by 11", suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period, and may change this proposal in light of comments received. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (obr), First Coast Guard District at the address listed under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If the Coast Guard 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 drafters of this notice are Mr. John W. McDonald, Project Officer, Bridge Branch, and Lieutenant Commander Samuel R. Watkins, Project Counsel, District Legal Office.

Background and Purpose

The Padanaram Bridge at mile 1.0 over the Apponagansett River between Dartmouth and South Dartmouth, MA, has a vertical clearance of 9' above mean high water (MHW) and 12' above mean low water (MLW).

The current operating regulations require the bridge to open on signal on the hour and half hour, 5 a.m. to 9 p.m. May 1, through October 31. At all other times at least six hours advance notice must be given.

In the spring of 1993, the Town of Dartmouth requested a change from the operating regulations to permit openings once an hour rather than twice an hour. The town selectmen felt that the traffic congestion during peak summer months was a result of the bridge opening every 30 minutes and was causing village commerce to suffer. The selectmen also considered the 30 minute opening schedule a serious risk to public safety because emergency vehicles could not travel to and from South Dartmouth during the traffic delays caused by the bridge opening every half hour. The Town of Dartmouth requested that the bridge be required to open only once an hour between 5 a.m. and 9 p.m., for a

test period of 60 days, to evaluate the effects on vehicular and marine traffic. This request was approved and the first deviation from the permanent regulations, published in the **Federal Register** (58 FR 38056; July 15, 1993), was effective from July 1, 1993 through August 29, 1993. It provided an opportunity to evaluate the effects of the hourly openings on marine and vehicular traffic. The Coast Guard implemented a second deviation, published in the **Federal Register** (58 FR 47067; September 7, 1993), for a thirty-two day period to evaluate an alternative opening time period for the Padanaram Bridge. This second deviation added two time periods when the bridge could still open on the hour and half hour: between 5 a.m. and 9 a.m. and between 8 p.m. and 9 p.m. The Coast Guard received 29 letters commenting on the two deviations. Twenty were in favor of hourly openings and nine were opposed to any change. Most of the comments in opposition to any change were based on the concern over the lack of facilities to tie up vessels while awaiting openings.

After the two deviation periods expired, the Town of Dartmouth installed traffic signals, automatic traffic gates, navigational lights and clearance gauges at the bridge. The Coast Guard subsequently authorized a third deviation for a period of 90 to evaluate the effects of these improvements to the bridge. This third deviation, published in the **Federal Register** (59 FR 31931; July 21, 1994), was effective from June 3, 1994 through August 31, 1994. It allowed the Padanaram Bridge to open on signal on the hour and half hour between 5 a.m. and 9 a.m. between 8 p.m. and 9 p.m., and once an hour on the hour between 9 a.m. and 8 p.m. The Coast Guard received two letters commenting on the third deviation. One letter favored the hourly openings and one letter was opposed to the hourly openings.

Discussion of Proposed Amendments

The Town of Dartmouth has requested that the Coast Guard make a permanent change to the operating regulations for the Padanaram Bridge to allow the draw to open on signal from May 1 through October 31, on the hour and half hour between 5 a.m. and 9 a.m. and between 8 p.m. and 9 p.m., and on the hour between 9 a.m. and 8 p.m. At all other times a four hour advance notice would be required for bridge openings. The drawtenders will be on call to open the draw when the advance notice is given.

As part of this action, the bridge owner would be required to keep, in good legible condition, clearance gauges

for each draw with figures not less than twelve inches high designed, installed and maintained according to the provisions of 33 CFR 118.160.

The provision for the passage of emergency vessels at any time is published at 33 CFR 117.31 for all bridges and is no longer required to be published for each waterway.

Appendix A to part 117 would be amended to add the Apponagansett River entry under the State of Massachusetts subheading to advise mariners that a marine radio is installed at the bridge for opening requests.

Regulatory Evaluation

This proposal 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. This conclusion is based on the fact that the regulation will not prevent mariners from transiting the bridge. It will require only that mariners plan their transits.

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 fields and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because of the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under 5 U.S.C. 605(b) that this action, 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 principles and criteria contained in Executive Order

12612 and has determined that this proposal does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 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); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.587 is revised to read as follows:

§ 117.587 Apponagansett River.

The Padanaram Bridge, mile 1.0 at Dartmouth, shall operate as follows:

- (a) From May 1 through October 31, the bridge shall open on signal:
 - (1) Twice an hour, on the hour and the half hour between 5 a.m. and 9 a.m. and between 8 p.m. and 9 p.m.;
 - (2) Once an hour, on the hour between 9 a.m. and 8 p.m.

(b) At all other times the bridge shall open if at least four (4) hours advance notice is given.

(c) Mooring facilities shall be maintained for vessels to make fast while waiting for the bridge to open.

(d) The owners of this bridge shall provide, and keep in good legible condition, clearance gauges for each draw with figures not less than twelve (12) inches high designed, installed and maintained according to the provisions of § 118.160 of this chapter.

3. Appendix A to part 117 is amended by adding the Apponagansett River entry in alphabetical order under the State of Massachusetts subheading to read as follows:

APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES

| Waterway | Mile | Location | Bridge name and owner | Call signs | Calling channel | Working channel |
|--------------------------------|------------|-------------------|---|------------|-----------------|-----------------|
| * Massachusetts | * | * | * | * | * | * |
| * Apponagansett River | * 1.0 | * Dartmouth .. | * Padanaram, Town of Dartmouth | * | * 13 | * 13 |
| * | * | * | * | * | * | * |

Dated: February 6, 1995.

J.L. Linnon,

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

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33 CFR Part 117

[CGD01-95-001]

RIN 2115-AE47

Drawbridge Operation Regulations; Lagoon Pond, Tisbury, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a change to the regulations governing the Lagoon Pond Bridge over Lagoon Pond at mile 0.0 in Tisbury, Massachusetts. The special operating regulations formerly published at 33 CFR 117.79 were deleted in error. The bridge has not been operating in accordance with the existing general regulations. This proposal is being considered to correct the deletion error and republish the operating regulations for the bridge.

DATES: Comments must be received on or before May 1, 1995.

ADDRESSES: Comments may be mailed to Commander (obr), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, Massachusetts 02110-3350, or may be hand-delivered to room 628 at the same address between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (617) 223-8364. The comments will become part of this docket and will be available for inspection and copying by appointment at the above address.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, Bridge Branch, (617) 223-8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-95-001), the specific section of the proposal to which each comment applies, and give reasons for each comment. The Coast Guard

requests that all comments and attachments be submitted in an unbound format no larger than 8 1/2" by 11", suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period, and may change this proposal in light of comments received. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (obr), First Coast Guard District at the address listed under ADDRESSES. The request should include reasons why a hearing would be beneficial. If the Coast Guard 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 drafters of this notice are Mr. John W. McDonald, Project Officer, Bridge Branch, and Lieutenant