

the water, to an extent such that the wake which would otherwise be generated by the vessel is significantly reduced.

3. Section 162.138 is revised to read as follows:

§ 162.138 Connecting waters from Lake Huron to Lake Erie; speed rules.

(a) *Maximum speed limit for vessels in normal displacement mode.* (1) Except when required for the safety of the vessel or any other vessel, vessels of 20 meters or more in length operating in normal displacement mode shall proceed at a speed not greater than—

(i) 12 statute miles per hour (10.4 knots) between Fort Gratiot Light and St. Clair Flats Canal Light 2;

(ii) 12 statute miles per hour (10.4 knots) between Peche Island Light and Detroit River Light; and

(iii) 4 statute miles per hour (3.5 knots) in the River Rouge.

(2) The maximum speed limit is 5.8 statute miles per hour (5 knots) in the navigable channel south of Peche Island (under Canadian jurisdiction).

(b) *Maximum speed limit for vessels operating in nondisplacement mode.* (1) Except when required for the safety of the vessel or any other vessel, vessels 20 meters or more in length but under 100 gross tons operating in the nondisplacement mode and meeting the requirements set out in paragraph (c) of this section, may operate at a speed not exceeding 40 miles per hour (34.8 knots)—

(i) During daylight hours (sunrise to sunset);

(ii) When conditions otherwise safely allow; and

(iii) When approval has been granted by the Coast Guard Captain of the Port, Detroit or Commander of the Ninth Coast Guard District prior to each transit of the area.

(2) In this section, "nondisplacement mode" means a mode of operation in which the vessel is supported by hydrodynamic forces, rather than displacement of its weight in the water, to an extent such that the wake which would otherwise be generated by the vessel is significantly reduced.

(c) *Unsafe vessels.* The Captain of the Port or the District Commander may deny approval for operations under paragraph (b) of this section if it appears that the design and operating characteristics of the vessels in question are not safe for the designated waterways, or if it appears that operations under this section have become unsafe for any reason.

(d) *Temporary speed limits.* The District Commander may temporarily establish speed limits or temporarily

amend existing speed limit regulations on the waters described in § 162.130(a).

Dated: June 20, 1995.

Rudy K. Peschel,

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

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33 CFR Part 165

[COTP St. Louis 95-010]

RIN 2115-AA97

Safety Zone; Upper Mississippi River, Mile 412.0 to 796.8

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Upper Mississippi River between mile 412.0 and 796.8. This regulation is required for the prevention of groundings where shoaling has occurred. This regulation will restrict general navigation in the required area for the protection of life and property along the river.

EFFECTIVE DATES: This regulation is effective on June 26, 1995 and will terminate on July 26, 1995, unless terminated sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LT Robert Siddall, Operations Officer, Captain of the Port, St. Louis, Missouri at (314) 539-3823.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are LTJG A.B. Cheney, Project Officer, Marine Safety Office, St. Louis, Missouri and LT S.M. Moody, 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 rule 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, receding river levels after weeks of flood conditions and increased river current have caused shoaling all along this reach of the Upper Mississippi River, leaving insufficient time to publish a proposed rulemaking. The Coast Guard deems it to be in the public's interest to issue a rule without waiting for comment period or delayed effective date because of immediate need to limit barge drafts.

Background and Purpose

The Upper Mississippi River from the mouth, mile 412.0, to mile 796.8, has seen a significant drop in the water level and shoaling has occurred. This rule is required to impose vessel draft limits to prevent groundings within the regulated area.

Regulatory Evaluation

This regulation is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979), it will not have a significant economic impact on a substantial number of small entities, and it contains no collection of information requirements.

The Coast Guard expects the impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary. The imposed restrictions are anticipated to be of short duration. Captain of the Port, St. Louis, Missouri will monitor river conditions and will authorize entry into the closed area as conditions permit. Changes will be announced by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz). Mariners may also call the Port Operations Officer, Captain of the Port, St. Louis, Missouri at (314) 539-3823 for current information.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*) that this temporary 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 Assessment

Under the principles and criteria of Executive Order 12612, this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.g.[5] of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation as an action to protect public safety. A Categorical Exclusion Determination has

been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (Water), Reporting and recordkeeping requirements, Security measures, Waterways.

Temporary Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended 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 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary section 165.T02-047 is added, to read as follows:

§ 165.T02-047 Safety Zone: Upper Mississippi River.

(a) *Location.* The Upper Mississippi River between mile 412.0 and 796.8 is established as a safety zone.

(b) *Effective dates.* This section is effective on June 26, 1995 and will terminate on July 26, 1995, unless terminated sooner by the Captain of the Port.

(c) *Regulations.* The general regulations under § 165.23 which prohibit vessel entry within the described zone without authority of the Captain of the Port apply. The Captain of the Port, St. Louis, Missouri will authorize entry into and operations within the described zone under certain conditions and limitations as announced by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: June 26, 1995.

S.P. Cooper,

Commander, U.S. Coast Guard, Captain of the Port, St. Louis, Missouri.

[FR Doc. 95-16960 Filed 7-10-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 264, 265, and 271

[FRL 5226-9]

Hazardous Waste Management: Liquids in Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule to grant a petition to add a test method.

SUMMARY: On November 18, 1992, the Agency promulgated a final rule on liquids in landfills. That rule satisfied a statutory requirement in the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments of 1984 regarding the landfill disposal of containerized liquids. Specifically, the statute required EPA to issue a rule that prohibited the disposal in hazardous waste landfills of liquids that have been absorbed in materials that biodegrade. The November 18, 1992 rule includes two tests that could be used to demonstrate non-biodegradability. Today's rulemaking, which is issued in response to a petition, provides increased flexibility to the regulated community by adding another test to demonstrate that a sorbent is non-biodegradable.

In the proposed rules section of today's **Federal Register**, EPA is proposing to grant the petition to add the additional test for biodegradability and is soliciting public comment on the addition of the third test. If significant adverse comments are received, EPA will withdraw the direct final rule and address the comments received in a subsequent final rule based on the related proposed rule. No additional opportunity for public comment will be provided.

DATES: This final action will become effective on September 11, 1995, unless EPA receives significant adverse comment on the proposal by August 10, 1995. If such comments are received, EPA will withdraw this direct final rule, and publish timely notice in the **Federal Register**.

ADDRESSES: Materials supporting this rulemaking are contained in EPA RCRA Docket No. F-95-ALLF-FFFFF, Room M2616, U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays. Call 202-260-9327 for an appointment to examine the docket. Up to 100 pages may be copied free of charge from any one regulatory docket. Additional copies are \$0.15 per page. Those wishing to notify EPA of their intent to submit adverse comments on this action should contact David Eberly, Assistance Branch, Permits and State Programs Division, Office of Solid Waste (5303W), 401 M St. SW, Washington, DC 20460, (Docket No. F-95-ALLP-FFFFF).

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at 1-800-424-9346 (toll free), or 703-412-9810 in the Washington, DC area. For information on technical aspects of this

rule, contact David Eberly, U.S. EPA, Office of Solid Waste (5303W), 401 M St. SW., Washington, DC 20460; 260-4288.

SUPPLEMENTARY INFORMATION:

I. Authority

This rule is being issued under the authority of section 3004(c) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984; 42 U.S.C. 6924(c).

II. Background

Section 3004(c)(2) of RCRA requires EPA to issue regulations that "prohibit the disposal in landfills of liquids that have been absorbed in materials that biodegrade * * *"

To demonstrate that a sorbent is non-biodegradable, the material must be listed in paragraph (e)(1) of § 264.314 or paragraph (f)(1) of § 265.314 or pass one of two tests cited in paragraph (e)(2) of § 264.314 and paragraph (f)(1) of § 265.314. The two tests are ASTM Method G21-70, a test for resistance of synthetic polymer materials to fungi, and G22-76, a test for determining resistance of plastics to bacteria.

At the time of proposal of the two ASTM tests, the Agency recognized that other biodegradability tests existed, but they were not identified in the proposal or in the comments received on the proposed rule. The Agency, therefore, did not evaluate other tests. Instead, the Agency decided to require that further tests be added under the already established 40 CFR part 260 petition process.

The Agency has received a petition for another test for biodegradability and, based on its review, has decided to include it as one that could be used instead of the ASTM tests. The test is one that has been recently adopted by the Organization for Economic Cooperation and Development (OECD), of which the United States is a member. The test, OECD 301B (Modified Sturm Test), was recommended by an OECD Expert Group on Degradation/Accumulation to determine the biodegradability of organic chemicals in water. The Agency has concluded that the test is applicable, that it effectively measures the biodegradability of sorbents, and that its use in determining biodegradability of sorbents in a hazardous waste landfill will not have a negative environmental impact.

The United States was represented on the OECD Expert Group on Degradation/Accumulation that evaluated and recommended tests for biodegradation in