

Form MMS-2014 is due will be considered timely received.

(ii) The Form MMS-4398 will be effective for a reporting period beginning the month that the lessee is first authorized to deduct a processing allowance and will continue until the end of the calendar year.

(iii) After the Form MMS-4398 reporting period, the lessee must file page one and all supporting schedules of Form MMS-4109 which show actual processing costs within 3 months after the end of the reporting period, unless MMS approves a longer period.

(iv) MMS may require that a lessee submit all data used by the lessee to prepare the actual costs submitted on its Form MMS-4109. The data must be provided within a reasonable period of time, as determined by MMS.

(v) * * *

(vi) MMS may establish, in appropriate circumstances, reporting requirements which are different from the requirements of this section.

(vii) If the lessee is authorized to use the volume weighted average prices charged other persons as its processing allowance in accordance with paragraph (b)(4) of this section, it shall follow the reporting requirements of paragraph (c)(1) of this section.

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(5) A lessee is required to file a new Form MMS-4109 if adjustments are made to actual non-arm's-length processing allowances on Form MMS-2014.

(d) *Interest charges and assessments for incorrect or late reports and failure to report.*

(1) If a lessee fails to timely or accurately file a Form MMS-4398 for processing allowances, the lessee may be assessed \$10 per allowance line required on Form MMS-4398.

(2) If a lessee deducts a processing allowance on its Form MMS-2014 without complying with the requirements of this section for Form MMS-4109 actual cost reporting, the lessee may be assessed an amount equal to 10 percent of the total allowance amount deducted on Forms MMS-2014 during the year plus interest calculated from the date the actual cost Form MMS-4109 was due until the date the form was received.

(3) If a lessee takes a processing allowance on its Form MMS-2014 by improperly netting the allowance against the value of the gas instead of reporting the allowance as a separate line item on Form MMS-2014 as required by paragraph (c)(4) of this section, the lessee may be assessed an amount equal to 20 percent of the total

allowance amount netted on Form MMS-2014 plus interest calculated from the end of the month in which Form MMS-2014 containing the netted allowance was submitted to the date MMS discovers the netted amount.

(4) If a lessee erroneously reports a processing allowance which results in an underpayment of royalties, interest shall be paid on the amount of that underpayment.

(5) Interest required to be paid by this section shall be determined in accordance with 30 CFR 218.54.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08-95-011]

RIN 2115-AE47

Drawbridge Operation Regulation; Gulf Intracoastal Waterway, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is considering a change to the regulation governing the operation of the vertical lift span drawbridge across the Gulf Intracoastal Waterway, mile 35.6, at Larose, Lafourche Parish, Louisiana. The proposed regulation would require that from 7 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays, the draw of the bridge would remain closed to navigation for passage of vehicular traffic during peak traffic periods. At all other times the draw would open on signal for passage of vessels. Presently, the draw is required to open on signal at all times. This action would relieve traffic congestion on the bridge during these periods, and still provide for the reasonable needs of navigation.

DATES: Comments must be received on or before October 6, 1995.

ADDRESSES: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, or may be delivered to Room 1313 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965.

FOR FURTHER INFORMATION CONTACT: Mr. John Wachter, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested parties are invited to participate in the proposed rulemaking by submitting written views, comments, or arguments. Persons submitting comments should include their names and addresses, identify the bridge and give reasons for concurrence with or any recommended change in this proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Eighth Coast Guard District 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**.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

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

Background and Purpose

The Louisiana Department of Transportation and Development has requested the new regulation because vehicular traffic crossing the bridge during the proposed closure periods has increased dramatically during recent years and severe congestion occurs during peak traffic hours. The proposed regulation would allow for the uninterrupted flow of vehicular traffic, while still providing for the reasonable needs of navigation.

Discussion of Proposed Rules

The Louisiana State Route 1 vertical lift span bridge across the Guild Intracoastal Waterway, mile 35.6, at Larose, Lafourche Parish, Louisiana, has 35 feet vertical clearance above mean high water in the closed to navigation position and 73 feet vertical clearance above mean high water in the open to navigation position. The horizontal clearance is 125 feet. Navigation on the

waterway consists of tugs with tows, fishing vessels, sailing vessels, oil field work boats and recreational craft. Data provided by LDOTD show that from June 1993 through May 1994, the number of vessels that passed the bridge during the proposed closure period from 7 a.m. to 9 a.m. averaged 1.6 vessels per day. The number of vessels that passed the bridge during the proposed 4:30 p.m. to 6 p.m. closure averaged 1.4 vessels per day.

Data show that approximately 689 vehicles crossed the bridge during the proposed 7 a.m. to 9 a.m. closure period and approximately 1247 vehicles crossed the bridge during the proposed 4:30 p.m. to 6 p.m. closure period.

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 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).

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" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

Since the proposed rule also considers the needs of local commercial fishing vessels, the economic impact is expected to be minimal. Therefore, 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 Implications

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

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" is 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 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); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In § 117.451 paragraphs (c) through (f) are redesignated (d) through (g) and a new paragraph (c) is added to read as follows:

§ 117.451 Gulf Intracoastal Waterway.

* * * * *

(c) The draw of the SR1 bridge, mile 35.6, at Larose, shall open on signal; except that, from 7 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels.

* * * * *

Dated: June 22, 1995.

R.C. North,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI53-02-7129; FRL-5273-4]

Public Hearing on the Proposed Redesignation of the Forest County Potawatomi Community to a PSD Class I Area; State of Wisconsin

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: On June 29, 1995 USEPA proposed to approve a request from the Forest County Potawatomi Community to redesignate portions of its reservation lands to Class I for Prevention of Significant Deterioration (PSD) purposes (60 FR 33779). In this proposal, USEPA established a public comment period and scheduled a public hearing. Notice is hereby given that USEPA is postponing the public hearing. The hearing was to be held at the Indian Springs Lodge on Highway 32 in Carter, Wisconsin at 2:00 pm CDT on August 2, 1995. USEPA is extending the public comment period indefinitely. The original public comment period was intended to close on September 5, 1995.

The hearing is postponed because the Governors of the States of Wisconsin and Michigan have requested "dispute resolution". Under Section 164(e) of the Clean Air Act, dispute resolution may be requested if a governor disagrees with a proposed redesignation. The Governors' request means that USEPA will enter into negotiations to try to resolve the differences concerning the proposed redesignation between the Forest County Potawatomi Community and the States of Wisconsin and Michigan. If mediation is unsuccessful, USEPA will make a final decision.

After the dispute resolution process concludes, one or more public hearings will be rescheduled, and USEPA will set a new deadline for submittal of public comments. The dates and location(s) of these will be provided in a future **Federal Register** document.

DATES: The public comment period is extended until further notice.

ADDRESSES: Written comments should be addressed to: Carlton Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch, United States Environmental Protection Agency, 77 West Jackson Boulevard (AT-18J), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Constantine Blathras, USEPA Region 5 (AT-18J), 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-0671.