

**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 117.1049 is amended by revising paragraphs (a) and (c) and deleting paragraph (d) to read as follows:

**§ 117.1049 Lake Washington.**

\* \* \* \* \*

(a) The draw shall open on signal if at least two hours notice is given.

\* \* \* \* \*

(c) The draw need not be opened from 5 a.m. to 9 p.m. Monday through Friday, except for all Federal holidays other than Columbus Day.

Dated: October 12, 1995.

J.W. Lockwood,

*Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.*

[FR Doc. 95-26262 Filed 10-23-95; 8:45 am]

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**33 CFR Part 165**

[COTP St. Louis 95-012]

RIN 2115-AA97

**Safety Zone; Mississippi River, Mile 840.0 to Mile 615.0**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Upper Mississippi River between mile 840.0 and 615.0. This regulation is required for the prevention of groundings and preservation of the navigable channel. This regulation will restrict general navigation in the required area for the protection of life, property and environment along the river.

**EFFECTIVE DATES:** This regulation is effective on October 2, 1995 and will terminate on December 1, 1995, unless terminated sooner by the Captain of the Port.

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

**SUPPLEMENTARY INFORMATION:**

Drafting Information: The drafters of this regulation are LT R. E. McFarland, Supervisor, Marine Safety Detachment, St. Paul, Minnesota and LT S. M. Moody, Project Attorney, Second Coast Guard District Legal Office, St. Louis, Missouri.

**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 and unstable channel conditions exist all along this reach of the Upper Mississippi River, leaving insufficient time to publish a notice of proposed rulemaking. As a result, the Coast Guard deems it to be in the public's best 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 historically experiences reduced water levels and unstable channel conditions during the Autumn and early Winter months. Unfortunately, this also coincides with the harvest season and a period of peak commercial shipping activity upon the river. Channel conditions from Saint Paul, MN., mile 840.0, to mile 615.0 are unstable. This rule is required to impose vessel draft limits to prevent groundings, maintain optimal channel conditions and preserve the environment 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 full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Changes will be announced by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz). Mariners may also call Marine Safety Detachment, St. Paul, Minnesota, at (612) 290-3991 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. 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, Vessels, Waterways.

**Temporary Regulation**

In consideration of the foregoing, Subpart F of 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; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; and 49 CFR 1.46.

2. A temporary section 165.T02-049 is added, to read as follows:

**§ 165.T02-049 Safety Zone: Upper Mississippi River.**

(a) **Location.** The Upper Mississippi River between mile 840.0 and 615.0 is established as a safety zone.

(b) **Effective Dates.** This section is effective on October 2, 1995 and will terminate on December 1, 1995, unless terminated sooner by the Captain of the Port.

(c) **Regulations.** The general regulations under § 165.23 of this part, 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: October 2, 1995.

J.M. Holmes,

*Commander, USCG, Captain of the Port, St. Louis, Missouri.*

[FR Doc. 95-26257 Filed 10-23-95; 8:45 am]

BILLING CODE 4910-14-M

## DEPARTMENT OF DEFENSE

### DEPARTMENT OF VETERANS AFFAIRS

#### 38 CFR Part 21

RIN 2900-AG98

#### Veterans Education: Increase in Rates Payable in the Educational Assistance Test Program

**AGENCY:** Department of Defense and Department of Veterans Affairs.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a typographical error in a final rule published in the Federal Register on Thursday, September 7, 1995 (60 FR 46533), concerning payments of subsistence allowance and educational assistance under the Educational Assistance Test Program. This action is necessary to accurately reflect the educational assistance rate amount provided by the Department of Defense to the Department of Veterans Affairs.

**EFFECTIVE DATE:** September 7, 1995.

**FOR FURTHER INFORMATION CONTACT:** June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, 202-273-7187.

Accordingly, the publication on September 7, 1995 of the final rule, which was the subject of FR Doc. 95-22004, is corrected as follows:

#### § 21.5820 [Correction]

On page 46534, in the first column, in § 21.5820, paragraph (b)(2)(ii)(B), the dollar amount of "\$115.94" is corrected to read "\$3.86".

Dated: October 3, 1995.

Thomas O. Gessel,

*Director, Office of Regulations Management, Office of General Counsel, Department of Veterans Affairs.*

Dated: October 10, 1995.

Wayne S. Sellman,

*Director, Accession Policy, Office of Under Secretary of Defense (Personnel and Readiness), Department of Defense.*

[FR Doc. 95-26244 Filed 10-23-95; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[AK 6-1-6587a; FRL-5293-5]

#### Approval and Promulgation of Air Quality Implementation Plans; Alaska

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA approves a State Implementation Plan (SIP) revision submitted by the State of Alaska implementing an oxygenated gasoline program in the Municipality of Anchorage. This SIP revision was submitted to satisfy the requirement of section 211(m) of the Clean Air Act, as amended (the "Act"), which requires all carbon monoxide (CO) nonattainment areas with a design value of 9.5 parts per million (ppm) or greater based generally on 1988 and 1989 air quality monitoring data to implement an oxygenated gasoline program.

In the proposed rules section of this Federal Register, EPA is proposing approval of and soliciting public comment on this requested SIP revision. If adverse comments are received on this direct final rule, EPA will withdraw this direct final rule and address the comments received in a subsequent final rule on the related proposed rule. No additional opportunity for public comment will be provided. Unless this direct final rule is withdrawn, EPA will conduct no further rulemaking on this requested SIP revision.

**DATES:** This action is effective on December 26, 1995 unless adverse or critical comments are received by November 24, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be addressed to: Montel Livingston, Office of Air (AT-082), EPA, Docket #AK 6-1-6587, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents that are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Air & Radiation Branch, 1200 Sixth Avenue (AT-082), Seattle, Washington 98101, and the Alaska Department of Environmental Conservation, 410 Willoughby, Suite 105, Juneau, Alaska 99801-1795.

## FOR FURTHER INFORMATION CONTACT:

Montel Livingston, Office of Air (AT-082), EPA, Seattle, Washington 98101, (206) 553-0180.

## SUPPLEMENTARY INFORMATION:

### I. Introduction

Motor vehicles are significant contributors of CO emissions. An important measure for reducing these emissions is the use of cleaner-burning oxygenated gasoline. Extra oxygen enhances fuel combustion and helps to offset fuel-rich operating conditions, particularly during vehicle starting, which are more prevalent in the winter.

Section 211(m) of the Act requires certain States to submit revisions to their SIPs and implement oxygenated gasoline programs by no later than November 1, 1992. This requirement applies to States with CO nonattainment areas with design values of 9.5 ppm or more based generally on 1988 and 1989 data. Each State's oxygenated gasoline program must require gasoline for the specified control area to contain not less than 2.7 percent oxygen by weight during that portion of the year in which the areas are prone to high ambient concentrations of CO. Under section 211(m)(2), the oxygenated gasoline requirements are to cover generally all gasoline sold or dispensed in the larger of the Consolidated Metropolitan Statistical Area (CMSA) or the Metropolitan Statistical Area (MSA) in which the nonattainment area is located. Under section 211(m)(2), the length of the control period, to be established by the EPA Administrator, shall not be less than four months unless a State can demonstrate that, because of meteorological conditions, a reduced control period will assure that there will be no carbon monoxide exceedances outside of such reduced period. EPA announced guidance on the establishment of control periods by area in the Federal Register on October 20, 1992 (57 FR 47769).

In addition to the guidance on establishment of control period by area, EPA has issued additional guidance related to the oxygenated gasoline program. On October 20, 1992 (57 FR 47769) EPA announced the availability of oxygenated gasoline credit program guidelines in the Federal Register. Under a credit program, marketable oxygen credits may be generated from the sale of gasoline with a higher oxygen content than is required (i.e. an oxygen content greater than 2.7 percent by weight). These oxygen credits may be used to offset the sale of gasoline with a lower oxygen content than is required. Where a credit program has been