

Heublein also asserts that distilled spirits producers are placed at a competitive disadvantage by misleading malt beverage labels. However, no direct evidence has been proffered which would substantiate this claim.

Finally, Heublein asserts that the Department of the Treasury is losing excise tax revenues as consumers replace distilled spirits products with lower-taxed malt beverages. While this may or may not be true, it is not relevant to our labeling authority under the FAA Act. Congress has chosen to tax the products at a different rate and any producer may choose to produce and market lower taxed malt-based products.

#### Public Participation—Written Comments

ATF requests comments from all interested persons. All comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

We would note that ATF already has received several written comments regarding the issues raised in this petition. These comments will also receive careful consideration.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material that a respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting a comment is not exempt from disclosure.

Comments may be submitted by facsimile transmission to (202) 927-8602, provided the comments: (1) Are legible; (2) are 8-1/2" x 11" in size; (3) contain a written signature; and (4) are three pages or less in length. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

#### Disclosure

Copies of Heublein's full petition and written comments generated pursuant thereto will be available for public inspection during normal business hours at: ATF Reading Room, Disclosure Branch, Room 6300, 650 Massachusetts Avenue NW, Washington, DC.

*Drafting Information.* This notice was written by various personnel within the Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects

##### 27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Trade practices.

##### 27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, and Labeling.

Authority. This notice is issued under the authority of 27 U.S.C. 205.

Dated: August 22, 1996.

John W. Magaw,  
Director.

Approved: September 5, 1996.

John P. Simpson,  
Deputy Assistant Secretary, Regulatory, Tariff  
and Trade Enforcement.

[FR Doc. 96-28640 Filed 11-6-96; 8:45 am]

BILLING CODE 4810-31-U

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD08-96-053]

#### 33 CFR Part 117

##### Notice of Public Hearing

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of public hearing.

**SUMMARY:** The U.S. Coast Guard announces a forthcoming public hearing for the presentation of views concerning the alteration of the Louisiana Railroad Bridge at Louisiana, Missouri.

**DATES:** The hearing will be held at 10 a.m., November 21, 1996.

**ADDRESSES:** The hearing will be held at the City Hall, 121 North 7th Street, Louisiana, Missouri.

Written comments may be submitted to and will be available for examination from 8 a.m. to 4 p.m., Monday through Friday, except holidays, at the office of the Director, Western Rivers Operations, Bridge Section, 1222 Spruce Street, St. Louis, Missouri 63103-2398.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger Wiebusch, Director, Western Rivers Operations, Bridge Branch, 1222 Spruce Street, St. Louis, Missouri 63103-2398, (314) 539-3900 ext. 378.

**SUPPLEMENTARY INFORMATION:** Complaints have been received alleging that the bridge is unreasonably obstructive to navigation. Information available to the Coast Guard indicates there were 140 marine allisions with the bridge between 1984 and 1995. These

allisions have caused moderate to heavy damage to the bridge. Based on this information, the bridge appears to be a hazard to navigation. This may require increasing the horizontal clearance on the bridge to meet the needs of navigation. All interested parties shall have full opportunity to be heard and to present evidence as to whether any alteration of this bridge is needed, and if so, what alterations are needed, giving due consideration to the necessities of free and unobstructed water navigation. The necessities of rail traffic will also be considered.

Any person who wishes, may appear and be heard at this public hearing. Persons planning to appear and be heard are requested to notify the Director, Western Rivers Operations, Bridge Section, 1222 Spruce Street, St. Louis, Missouri 63103-2398, Telephone: 314-539-3900 ext. 378, any time prior to the hearing indicating the amount of time required. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Any limitations of time allocated will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the hearing record. Such written statements and exhibits may be delivered at the hearing or mailed in advance to the Director, Western Rivers Operations, Bridge Section. Transcripts of the hearing will be made available for purchase upon request.

Authority: 33 U.S.C. 513; 49 CFR 1.46.

Dated: October 25, 1996.

T.W. Josiah,  
Rear Admiral, U.S. Coast Guard Commander,  
Eighth Coast Guard District.

[FR Doc. 96-28652 Filed 11-6-96; 8:45 am]

BILLING CODE 4910-14-M

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#### 33 CFR Part 165

[CGD 05-96-010]

RIN 2115-AE84

#### Regulated Navigation Area; Delaware Bay and River, Salem Area, Christina River, and Schuylkill River

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to amend its regulations governing a regulated navigation area on the Delaware Bay and River. The proposed changes would extend the applicability of the regulated navigation area to include the Salem, Christina, and