

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117****[CGD08-96-003]****RIN 2115-AE47****Drawbridge Operation Regulation;  
Lower Grand River, Louisiana****AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

**SUMMARY:** At the request of the Iberville Parish School Board, the Coast Guard is changing the regulation governing the operation of the pontoon drawbridge on LA State Road 77 across the Lower Grand River (Intracoastal Waterway, Morgan City to Port Allen, Alternate Route), mile 47.0 at Grosse Tete, Iberville Parish, Louisiana. The bridge will open on signal; except that from 6:00 a.m. to 8:00 a.m. and from 2:30 p.m. to 4:30 p.m., Monday through Friday, other than Federal holidays, and only during the months when local schools are in session, the bridge will remain closed to navigation.

**EFFECTIVE DATE:** This regulation becomes effective on October 18, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phil Johnson, Bridge Administration Branch, (504) 589-2965.

**SUPPLEMENTARY INFORMATION:****Drafting Information**

The principal persons involved in drafting this document are Mr. Phil Johnson, project officer, and LTJG Stephen Alvarez, project attorney.

**Regulatory History**

On April 26, 1996 the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulation; Lower Grand River, LA in the Federal Register (61 FR 18532) dated April 26, 1996. The Coast Guard Received no letters commenting on the proposal. No public hearing was requested and none was held.

**Background and Purpose**

The Iberville Parish School Board requested the regulation because a new, staggered starting time has been implemented for the schools in the Parish. The extension of the morning closure for the LA 77 bridge will assist school buses in transporting the students to their classes in a timely manner. The new regulation allows for the free flow of vehicular traffic, while still serving the reasonable needs of navigational interests. For these reasons, the Coast Guard for good cause finds,

under 5 U.S.C. § 553(b)(B) that notice and public procedure on the notice are unnecessary.

**Regulatory Evaluation**

This rule 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The basis for this conclusion is that, during the regulated periods, there will be very little inconvenience to vessels using the waterway. In addition, mariners requiring the bridge openings are repeat users of the waterway and scheduling their arrivals to avoid the regulated periods should involve little or no additional expense to them.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this rule 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 field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). This rule will have little impact on either vehicular or navigational traffic. Since this final rule also considers the needs of local commercial fishing vessels, and the economic impact is expected to be minimal, the coast Guard certifies under 5 U.S.C. 605(b) that this proposal 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 et seq.).

**Federalism**

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

This final rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2g.5 of Commandant Instruction M16475.1B. A Categorical Exclusion Determination has been prepared and placed in the rulemaking docket.

**List of Subjects in 33 CFR Part 117****Bridges.****Regulation**

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended 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).

2. Paragraph (b) of § 117.478 is revised to read as follows:

**§ 117.478 Lower Grand River (Intracoastal Waterway).**

\* \* \* \* \*

(b) The draw of the LA 77 bridge, mile 47.0 (Alternate Route) at Grosse Tete, shall open on signal; except that, from about August 15 to about June 5 (the school year), the draw need not be opened from 6 a.m. to 8 a.m. and from 2:30 p.m. to 4:30 p.m., Monday through Friday except Federal holidays. The draw shall open on signal at any time for an emergency aboard a vessel.

\* \* \* \* \*

Dated: August 14, 1996.

T.W. Josiah,

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

[FR Doc. 96-23793 Filed 9-17-96; 8:45 am]

BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 52****[FL-60-1-6929a; FRL-5609-3]****Approval and Promulgation of Lead  
State Implementation Plan for the State  
of Florida**

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

**ACTION:** Direct final rule.

**SUMMARY:** On August 18, 1994, the Florida Department of Environmental

Protection (FDEP) submitted revisions to the Florida State Implementation Plan (SIP). The revision includes amendments to the rules in the Florida Administrative Code, Chapters 17-275, Air Quality Areas, and 17-296, Stationary Sources—Emission Standards. These revisions provide for the control of lead emissions from facilities in the State of Florida, and will replace the Federal Implementation Plan requirements. The approval of this plan does not satisfy the requirements of 40 CFR 51.117 which requires the State to submit a source-specific lead plan for Gulf Coast Recycling located in the Hillsborough County lead nonattainment area.

**DATES:** This action is effective November 18, 1996 unless adverse or critical comments are received by October 18, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments on this action should be addressed to Ms. Kimberly Bingham at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460.

Environmental Protection Agency, Region 4, Air Programs Branch, 100 Alabama Street, Atlanta, Georgia 30303-3104.

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, Courtland Street NE, Atlanta, Georgia, 30365. The telephone number is (404) 347-2864 extension 4195.

**SUPPLEMENTARY INFORMATION:** On September 17, 1984, the State of Florida through FDEP submitted a lead implementation plan, and on November 1, 1985, (50 FR 45605) EPA took final action on the lead SIP. The action disapproved the regulatory portion of the SIP because the regulations needed to implement specific measures necessary to assure attainment and

maintenance of the lead national ambient air quality standards (NAAQS) were not included. The EPA promulgated a source-specific Federal Implementation Plan to replace the disapproved Florida lead SIP.

On June 24, 1992, EPA Region 4, notified the Governor of Florida that a portion of Hillsborough County should be redesignated nonattainment for lead (57 FR 44374) based on a violation of the lead NAAQS which is 1.5 micrograms per cubic meter. A lead value of 2.27 micrograms per cubic meter was reported the fourth quarter of 1991 by a monitor located south of the Gulf Coast Recycling plant boundary. On January 8, 1993, the State of Florida requested that the portion of Hillsborough County surrounding the Gulf Coast Recycling Company be redesignated to nonattainment for lead. The EPA published a Notice of Proposed Rulemaking in the Federal Register requesting that the area be designated nonattainment (58 FR 44641). Final rulemaking on this issue has not occurred because Region 4 agreed to allow the State of Florida to withdraw their nonattainment redesignation request if they submitted an approvable lead submittal that provided for the attainment of the lead NAAQS. On August 18, 1994, FDEP submitted revisions to the Florida SIP. The revisions include amendments to the rules in the Florida Administrative Code, Chapters 17-275, Air Quality Areas, and 17-296, Stationary Sources—Emission Standards. These revisions provide for the control of lead emissions from facilities in the State of Florida. This plan will serve only to replace the Federal Implementation Plan requirements codified in 40 CFR 52.535. The State of Florida will be submitting a source-specific plan for Gulf Coast Recycling that provides for the attainment of the lead NAAQS in the Hillsborough County lead nonattainment area and must do so to satisfy the requirements of 40 CFR 51.117.

The EPA is not taking action on Chapter 17-275.410—Designation of Areas Not Meeting Ambient Air Quality Standards (Nonattainment Areas) and Chapter 17-275.600—Designation of Air Quality Maintenance Areas in this document.

#### Summary of SIP Revisions

##### *Chapter 17-296.200—Definitions*

This chapter defines all lead processing operations subject to these SIP revisions.

##### *Chapter 17-296.600*

To control lead emissions in the State of Florida, this chapter requires that all facilities located in the affected area to use reasonable available control technologies (RACT). This chapter requires all affected facilities to submit a revised permit application to the State of Florida that includes an operation and maintenance plan for the lead emissions control devices, collection systems, and processing systems. All affected facilities must keep records of the control equipment operating parameters, maintenance performed, and system malfunctions of the lead emission control equipment and failures and corrective actions taken.

##### *Chapter 17-296.601*

This chapter requires the operators of the affected lead facilities to control their fugitive lead emissions with RACT, and include a description of the RACT measures to be employed at the facility. Examples of measures that constitute RACT are also listed in this chapter.

##### *Chapters 17-296.602, 17-296.603, 17-296.604, 17-296.605*

These chapters require the affected lead facilities to be equipped with RACT to control their lead emissions, and include air dispersion modeling in their air permit applications that demonstrates that their facility will not contribute to a violation of the lead NAAQS. These chapters also list the emission limiting standards for all of the affected lead facilities.

#### Final Action

The EPA has evaluated the State's submittal for consistency with the Clean Air Act, EPA regulations, and EPA policy. The EPA has determined that the rules submitted by the State of Florida meet the Clean Air Act's requirements and is approving this submittal under section 110(k)(3).

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action is effective November 18, 1996 unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public

comments received will then be addressed in a subsequent final rule based on the proposed rule published with this action. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action is effective November 18, 1996.

Under section 307(b)(1) of the Clean Air Act (CAA), 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 18, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2) of the CAA, 42 U.S.C. 7607 (b)(2)].

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I

certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2) and 7410(k)(3).

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Section 110 of the CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. EPA has examined whether the rules being approved by this action would impose no new requirements, since such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action, and therefore there will be no significant impact on a substantial number of small entities.

Under 5 U.S.C. 801(a)(1)(A) Act (APAA) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Lead, Reporting and recordkeeping requirements.

Dated: August 15, 1996.  
R.F. McGhee,  
*Acting Regional Administrator.*

Chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

## PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

### Subpart K—Florida

2. Section 52.520 is amended by adding paragraph (c)(91) to read as follows:

#### § 52.520 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(91) The State of Florida submitted revisions to the FDEP Administrative Code for the Air Pollution Control Program on August 18, 1994. These revisions provide for the control of lead emissions from facilities in the State of Florida, and will replace the Federal Implementation Plan requirements codified in 40 CFR 52.535.

(i) Incorporation by reference. Chapters 17-296.200 (97) and (163) introductory paragraph and (e), 17-296.600-605 effective on August 8, 1994.

(ii) Other material. None.

3. Section 52.535 is removed and reserved.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1 and 95

[PP Docket No. 93-253; FCC 96-330]

### Interactive Video and Data Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The *Sixth Memorandum Opinion and Order* affirms the competitive bidding procedures adopted in the *Fourth Report and Order*, with several exceptions. Specifically, the *Sixth Memorandum Opinion and Order* proposes to: clarify the Commission's anti-collusion rules; permits use of simultaneous multiple round bidding for interactive video and data service (IVDS) auctions; and eliminates the tax certificate program available to investors in women- and minority-owned businesses in accordance with Congressional action. The *Sixth Memorandum Opinion and Order* also grants a petitioner's request that bidding credits be made available for both licenses in each IVDS service area. The intended effect of this action is to resolve petitions for reconsideration and