

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to prevent downbound towing vessels from alliding with bridges and shoreside structures, and colliding with other vessels, causing danger to the public.

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 10(e) 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 rule, 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 jurisdictional with populations of less than 50,000. Small entities in this case could include small towing companies who may be affected by this rule. Although this rule places nighttime restrictions for tows transiting the Baton Rouge Railroad and Highway Bridge, these restrictions are limited to tows of 20 or more barges and operators may reduce the size of their tows to transit those areas. No other restrictions on transit are imposed so long as the horsepower requirements are met. These horsepower requirements are consistent with accepted industry practice and the actions of a prudent mariner under the circumstances. This rule is deemed to *not* have a substantial economic impact.

Collection of Information

This rule 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.

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2.(g)(5) 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 165

Harbors, Marine safety, Navigation (waters), Reporting and recordkeeping requirements, Safety Measures, and Waterways.

Final Regulations

For the reasons set out in a the preamble the Coast Guard amends 33 CFR part 165 as follows:

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; 46 CFR 1.46.

2. A new temporary § 165.T08-001 is added to read as follows:

§ 165.T08-001 Regulated Navigation Area; Mississippi River

(a) Location: The following area is a regulated navigation area:

All waters of the Mississippi River from one mile above the Interstate 20 Highway Bridge at Vicksburg, MS (Lower Mississippi River Mile 437 to Mile 88 above Head of Passes.

(b) Regulations:

(1) In accordance with general regulations in Section § 165.11 of this part, no downbound towboat with tow may operate within the regulated navigation area contrary to this regulation.

(2) Tow boats with a brake horsepower of 7,400 (7,400 bhp) and greater shall be limited to a 25 barge tow.

(3) Tow boats with a brake horsepower of 6,000 (6,000 bhp), but less than 7,400 bhp shall be limited to a 20 barge tow.

(4) For all other tows the following minimum brake horsepower requirements apply:

(i) Loaded standard size dry cargo barges (195' by 35') traveling southbound: 300 brake horsepower per barge minimum.

(ii) For other loaded dry cargo barges and all loaded liquid barges southbound: one break horsepower minimum for each 5 deadweight tons of cargo.

(iii) For tows consisting of empty standard size dry cargo barges traveling southbound at Algiers Point: 200 brake horsepower per barge.

(iv) For tows containing mixed empty and loaded barges, the higher, loaded, brake horsepower standard apply (300 brake horsepower).

(5) For tows of 20 barges or larger, downbound transit through the Baton Rouge Railroad and Highway Bridge, also known as the Highway 190 Bridge, is restricted to daylight only.

(6) The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) Effective dates: This section is effective at 8:30 p.m. on March 18, 1997 and terminates at 12 p.m. on April 5, 1997.

Dated: March 18, 1997.

Paul J. Prokop,

Captain, U.S. Coast Guard, Commander, Eighth Coast Guard District, Acting.

[FR Doc. 97-7731 Filed 3-26-97; 8:45 am]

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DEPARTMENT OF EDUCATION

34 CFR Parts 75, 206, 231, 235, 369, 371, 373, 375, 376, 378, 380, 381, 385, 386, 387, 388, 389, 390, 396, 610, 612, and 630

Direct Grant Programs

AGENCY: Department of Education.

ACTION: Notice of interpretation for fiscal year 1997 grant competitions.

SUMMARY: The Secretary interprets and clarifies the applicability to fiscal year 1997 grant competitions of final regulations amending the Education Department General Administrative Regulations (EDGAR) governing discretionary grant programs. The Secretary takes this action to explain the limited circumstances under which a program may use the selection criteria formerly available under EDGAR.

EFFECTIVE DATE: March 27, 1997.

FOR FURTHER INFORMATION CONTACT: Margo Anderson, U.S. Department of

Education, 555 New Jersey Avenue, NW., Washington, D.C. 20208-5530. Telephone: (202) 219-2005. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On March 6, 1997, the Secretary published final regulations amending EDGAR to improve the selection criteria governing discretionary grant programs administered directly by the Department (62 FR 10398). The effective date for these final regulations is April 7, 1997. However, some of the Department's grant programs, in preparing application notices, planned to use the pre-existing selection criteria for fiscal year 1997 awards. The Secretary did not intend that these competitions be required to use the new EDGAR selection criteria in fiscal year 1997. The Secretary therefore issues this interpretation of the applicability of the revised regulations. If a program publishes an application notice prior to April 7, 1997, for awards to be made after that date, the program may use the revised EDGAR selection criteria, or may use the prior EDGAR criteria.

Waiver of Public Comment

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed rules. Public comment was previously taken on the existing and revised selection criteria in 34 CFR Part 75 that are the subject of this notice. Moreover, this notice interprets the applicability of the respective selection criteria to grant awards for fiscal year 1997. Therefore, public comment is not required under 5 U.S.C. 553(b)(A). Since this notice corrects an error in failing to explain the applicability of the revised regulations, public comment also is unnecessary under 5 U.S.C. 553(b)(B). For the same reasons, the Secretary waives the requirement in 5 U.S.C. 553(d) for a 30-day delayed effective date.

Dated: March 24, 1997.

Judith A. Winston,

General Counsel.

[FR Doc. 97-7813 Filed 3-26-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 184-0031a FRL-5709-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. This action is an administrative change which revises the definition of volatile organic compounds (VOC) and updates the Exempt Compound list in rules from the San Diego County Air Pollution Control District (SDCAPCD). The intended effect of approving this action is to incorporate changes to the definition of VOC and to update the Exempt Compound list in SDCAPCD rules to be consistent with the revised federal and state VOC definitions.

DATES: This action is effective on May 27, 1997 unless adverse or critical comments are received by April 28, 1997. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the rules and EPA's evaluation report for these rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Office (Air-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, CA 92123.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Office (Air-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1197.

SUPPLEMENTARY INFORMATION:

Applicability

The rules with definition revisions being approved into the California SIP include the following San Diego County Air Pollution Control District Rules: Rule 2, Definitions; Rule 67.0, Architectural Coatings; Rule 67.1, Alternative Emission Control Plans; Rule 67.2, Dry Cleaning Equipment Using Petroleum-Based Solvents; Rule 67.3, Metal Parts and Products Coating Operations; Rule 67.5, Paper, Film, and Fabric Coating Operations; Rule 67.7, Cutback and Emulsified Asphalts; Rule 67.12, Polyester Resin Operations; Rule 67.15, Pharmaceutical and Cosmetic Manufacturing Operations; Rule 67.16, Graphic Arts Operations; Rule 67.17, Storage of Materials Containing Volatile Organic Compounds; Rule 67.18, Marine Coating Operations; and Rule 67.24, Bakery Ovens. These rules were submitted by the California Air Resources Board to EPA on October 18, 1996.

Background

On June 16, 1995 (60 FR 31633) EPA published a final rule excluding acetone from the definition of VOC. On February 7, 1996 (61 FR 4588) EPA published a final rule excluding perchloroethylene from the definition of VOC. On May 1, 1996 (61 FR 19231) EPA published a proposed rule excluding HFC 43-10mee and HCFC 225ca and cb from the definition of VOC. These compounds were determined to have negligible photochemical reactivity and thus, were added to the Agency's list of Exempt Compounds.

The State of California submitted many revised rules for incorporation into its SIP on October 18, 1996, including the rules being acted on in this administrative action. This action addresses EPA's direct-final action for SDCAPCD Rule 2, Definitions; Rule 67.0, Architectural Coatings; Rule 67.1, Alternative Emission Control Plans; Rule 67.2, Dry Cleaning Equipment Using Petroleum-Based Solvents; Rule 67.3, Metal Parts and Products Coating Operations; Rule 67.5, Paper, Film, and Fabric Coating Operations; Rule 67.7, Cutback and Emulsified Asphalts; Rule 67.12, Polyester Resin Operations; Rule 67.15, Pharmaceutical and Cosmetic Manufacturing Operations; Rule 67.16, Graphic Arts Operations; Rule 67.17, Storage of Materials Containing Volatile Organic Compounds; Rule 67.18, Marine Coating Operations; and Rule 67.24, Bakery Ovens. These rules were adopted by SDCAPCD on May 15, 1996 and were found to be complete on December 19, 1996, pursuant to EPA's