

hours would allow for a faster response by the Manchester-by-the Sea Police Department located downstream of the bridge to vessels in the inner harbor in the event of an emergency.

The Coast Guard proposes to simplify the advance notice requirements of the existing regulations by establishing a four hour advance notice requirement during all periods other than those when the bridge must open on signal.

The Coast Guard has determined that clearance gauges are necessary for the safety of navigation. The proposed rule requires the bridge owner to post and maintain clearance gauges to assist mariners in transiting the bridge during periods when the draw is not crewed and to reduce unnecessary openings.

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 costs 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. This conclusion is based on the fact that bridges must operate in accordance with the needs of navigation while providing for the reasonable needs of land transportation. This proposal adopts the operating hours which the Coast Guard believes to be appropriate based on the previous test periods. The Coast Guard believes the proposal achieves the government purpose of balancing the navigational rights of recreational boaters and the needs of land based transportation.

Small Entities

The Coast Guard has considered the economic impact of this rule on small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). For the reasons discussed in the Background and Purpose and Regulatory Evaluation sections above the Coast Guard has determined that this rule will not affect 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 in accordance with 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

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, (as revised by 60 FR 32197; June 20, 1995), this rule promulgates operating regulations for drawbridges and is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—[AMENDED]

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 117.603 is revised to read as follows:

§ 117.603 Manchester Harbor.

The Massachusetts Bay Transportation Authority Bridge at mile 1.0, in Manchester, shall operate as follows:

- (a) The draw shall open on signal:
 - (1) From Memorial Day through September 30 from 7 a.m. to 11 p.m.;
 - (2) April 1 to Memorial Day and October 1 to November 1 from 9 a.m. to 1 p.m. and 2 p.m. to 6 p.m.
- (b) At all other times, the draw shall open on signal with at least four hours notice.
- (c) The owner of this bridge shall provide and keep in good legible condition, clearance gauges for each draw with figures not less than twelve (12) inches high designed, installed and maintained according to the provisions of section 118.160.

Dated: March 28, 1997.

J.L. Linnon,

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

[FR Doc. 97–9247 Filed 4–10–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–97–016]

RIN 2115–AA97

Safety Zone: Fleet Week 1997 Parade of Ships, Port of New York and New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary moving safety zone for the Fleet Week 1997 Parade of Ships, from 7:30 a.m. until 5:30 p.m. on May 21, 1997. This moving safety zone would include all waters 500 yards fore and aft, and 200 yards on each side of the designated column of parade vessels as it transits the Port of New York and New Jersey. The moving safety zone will expand to include all waters within a 200 yard radius of each vessel upon dispersal of the parade column until each is safely moored.

DATES: Comments must be received on or before May 2, 1997.

ADDRESSES: Comments should be mailed to Lieutenant John W. Green, Waterways Oversight Branch, Coast Guard Activities New York, Bldg. 108, Governors Island, New York 10004–5006.

FOR FURTHER INFORMATION CONTACT: Lieutenant John W. Green, Chief, Waterways Oversight Branch, Waterways Management Division, Coast Guard Activities New York, (212) 668–7906.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Intrepid Museum Foundation is sponsoring a parade of U.S. Coast Guard, U.S. Navy, and foreign naval ships through the Port of New York and New Jersey on May 21, 1997. This proposed regulation will establish a moving safety zone to include all waters 500 yards forward of the lead parade vessel, 500 yards aft of the last parade vessel, and 200 yards on each side of the designated column of parade vessels as it transits the Port of New York and New Jersey between the Verrazano Narrows Bridge and the waters of the Hudson River west of Riverbank State Park, between West 137th and West 144th Streets, Manhattan, New York. As the vessels turn in the waters west of Riverbank State Park and proceed southbound in the Hudson River, the moving safety zone will expand to include all waters within a 200 yard

radius of each vessel from its turning point until safely berthed at various locations within the Port of New York and New Jersey. The safety zone will also expand briefly to include the waters of the Hudson River between Piers 84 and 88, Manhattan, New York, from the parade vessel column east to the Manhattan shoreline as the column passes in front of Piers 84 through 88. The purpose of this expansion is to allow the public an unobstructed view of the parade from the pierside reviewing stand. This regulation is effective from 7:30 a.m. to 5:30 p.m. on May 21, 1997. No vessel will be permitted to enter or move within this safety zone unless authorized by the Captain of the Port, New York.

This regulation is needed to protect the maritime public from possible hazards to navigation associated with a parade of naval vessels transiting the waters of New York harbor in close proximity. These vessels have limited maneuverability and require a clear traffic lane to safely navigate.

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD01-97-016) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing; however, persons may request a public hearing by writing to the Waterways Oversight Branch at the address under **ADDRESSES**. If it is determined 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**.

Good cause exists for providing a comment period of less than 60 days. Due to the date final information concerning the event was received, a comment period of greater than 21 days would not allow sufficient time to publish a final rule prior to the scheduled date of the event. Since this proposal is neither complex nor technical, a 21 day comment period is sufficient to provide reasonable notice of the proposed regulation. This safety zone is identical to last year's which

caused little or no disruption to vessel traffic and maritime interests will be provided extensive advance notifications. A longer comment period would be impracticable, unnecessary, and contrary to the public interest.

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 costs 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 10(e) of the regulatory policies and procedures of DOT is unnecessary. This moving safety zone prevents vessels from transiting portions of Upper New York Bay and the Hudson River in the Port of New York and New Jersey on Wednesday, May 21, 1997. Although there is a regular flow of traffic through this area, there is not likely to be a significant impact on recreational or commercial vessel traffic for several reasons: due to the moving nature of the safety zone, no single location will be affected for a prolonged period of time; commercial and recreational vessels could transit on either side of the moving safety zone except along the Manhattan side between Piers 84 and 88 as the parade passes in front of these Piers; and alternate routes are available for commercial and recreational vessels that can safely navigate the Harlem and East Rivers, Kill Van Kull, Arthur Kill, and Buttermilk Channel. Similar safety zones have been established for several past Fleet Week parades of ships with minimal or no disruption to vessel traffic or other interests in the port. In addition, extensive, advance notifications will be made to the maritime community so mariners can adjust their plans accordingly.

Collection of Information

This proposal 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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned or operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

For the reasons discussed in the Regulatory Evaluation section, the Coast Guard has determined that there is not likely to be a significant impact on small entities. In addition, similar safety zones have been established for several past Fleet Week parades of ships with minimal or no disruption to vessel traffic or other interests in the port.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under 2.B.2.e.(34)(g) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), this safety zone 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 (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Proposed Regulation

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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; 49 CFR 1.46.

2. A temporary section, 165.T01-016, is added to read as follows:

§ 165.T01-016 Safety Zone: Fleet Week 1997 Parade of Ships, Port of New York and New Jersey.

(a) *Location.*

(1) This moving safety zone includes all waters within 500 yards forward of the lead parade vessel, 500 yards aft of the last parade vessel, and 200 yards on

each side of the designated column of parade vessels as it transits between the Verrazano Narrows Bridge and the waters of the Hudson River west of Riverbank State Park, between West 137th and West 144th Streets, Manhattan, New York.

(2) The moving safety zone includes all waters within a 200 yard radius of each parade vessel from its turning point near Riverbank State Park until the vessel is safely berthed at various locations in the Port of New York and New Jersey.

(3) The safety zone includes all waters of the Hudson River between Piers 84 and 88, Manhattan, New York, from the parade vessel column east to the Manhattan shoreline as the column passes in front of Piers 84 through 88.

(b) This regulation is effective from 7:30 a.m. to 5:30 p.m. on May 21, 1997, unless extended or terminated sooner by the Captain of the Port, New York.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply to this safety zone.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: March 28, 1997.

Richard C. Vlaun,

Captain, U.S. Coast Guard, Captain of the Port, New York.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. NJ17-1-166; FRL-5809-3]

Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Volatile Organic Compounds for the State of New Jersey

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes approval of a request from New Jersey to revise its State Implementation Plan to

incorporate revisions to Subchapter 16 "Control and Prohibition of Air Pollution by Volatile Organic Compounds." These revisions relate to the control of volatile organic compounds from major stationary sources not subject to control techniques guidelines. The intended effect is to reduce the emissions of volatile organic compounds and thereby reduce ozone concentrations in the lower atmosphere. EPA proposes to find that the State has met the Clean Air Act requirement to adopt reasonably available control technology for non-CTG major sources.

EPA also proposes approval of revisions to Subchapter 8 "Permits and Certificates," Subchapter 17 "Control and Prohibition of Air Pollution by Toxic Substances," Subchapter 23 "Prevention of Air Pollution From Architectural Coatings and Consumer Products" and Subchapter 25 "Control and Prohibition of Air Pollution by Vehicular Fuels," and Air Test Method 3—Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds from Source Operations (Title 7, Chapter 27B, Subchapter 3).

Revisions to these regulations only involve administrative changes made to insure consistency with Subchapter 16 revisions. This proposal would revise the State Implementation Plan so that it contains the most current versions of the State regulations.

DATES: Comments must be submitted on or before May 12, 1997.

ADDRESSES: All comments should be addressed to: Ronald J. Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007-1866.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007-1866

New Jersey Department of Environmental Protection, Office of Air Quality Management, Bureau of Air Quality Planning, 401 East State Street, CN418, Trenton, New Jersey 08625

FOR FURTHER INFORMATION CONTACT: Paul R. Truchan or Raymond K. Forde, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act (Act) as amended in 1990 sets forth a number of requirements that states with areas designated as nonattainment for ozone must satisfy and sets forth a timetable for satisfying these Act requirements (section 182). These requirements are further explained in the General Preamble to the Act (57 FR 13513), which was published on April 16, 1992.

Under section 182(b)(2) of the Act, nonattainment areas classified as moderate or above are required to adopt reasonably available control technology (RACT) rules for volatile organic compound (VOC) sources. There are three parts to the section 182(b)(2) RACT requirement: (1) RACT for sources covered by an existing control techniques guideline (CTG)—i.e., a CTG issued prior to the enactment of the 1990 Amendments; (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG (non-CTG major sources). This requirement also applies to all areas within the Ozone Transport Region. The EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762; September 17, 1979).

New Jersey is part of the Ozone Transport Region (OTR), therefore, the section 182(b)(2) RACT requirements are applicable to sources throughout the State. The schedule for implementing the RACT rules in an OTR require final installation of the actual VOC controls by May 31, 1995 on those sources for which installation by that date is practicable.

New Jersey's VOC regulation, Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds," of Chapter 27, Title 7 of the New Jersey Administrative Code, was previously approved by EPA as fulfilling the requirement to address all source categories covered by a pre-enactment CTG document (59 FR 17933, April 15, 1994). Since enactment of the Clean Air Act amendments, EPA has published three CTGs controlling synthetic organic chemical manufacturing industry (SOCMI) distillation operations, SOCMI reactor operations, and wood furniture manufacturing operations. New Jersey's previously approved Subchapter 16 regulates both SOCMI operations under the process source gases provisions, and wood furniture under the surface coating provisions. A fourth CTG was