

Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism

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

### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.e. (32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of Title 33, Code of Federal Regulations, as follows:

### PART 117—DRAWBRIDGE 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 117.753 is revised to read as follows:

#### § 117.753 Ship Channel, Great Egg Harbor Bay.

The draw of the S52 (Ship Channel) bridge, mile 0.5 between Somers Point and Ocean City, shall open:

(a) From 11 p.m. to 7 a.m., on signal, if at least 24 hours advance notice is given.

(b) From Memorial Day through Labor Day from 8 a.m. to 8 p.m., on the hour and half hour.

(c) At all other times, on signal, for any vessel.

Dated: March 25, 1997.

**Kent H. Williams,**  
Vice Admiral, U.S. Coast Guard, Commander,  
Fifth Coast Guard District.

[FR Doc. 97–10151 Filed 4–18–97; 8:45 am]

BILLING CODE 4910–14–M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD05–97–013]

RIN 2115–AE47

#### Drawbridge Operation Regulations; Isle of Wight Bay, Ocean City, MD

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the Maryland Department of Transportation (MDOT), the Coast Guard is proposing to change the regulations that govern the operation of the Route 50 drawbridge across Isle of Wight Bay, mile 0.5, located in Ocean City, Maryland, by requiring restricted drawbridge openings for all vessels each Saturday between May 25 and September 15, between the hours of 1 p.m. and 5 p.m. During these times, the bridge need open only on the hour, and must remain in the open position until all waiting vessels pass. All other provisions of the existing regulation for the Route 50 bridge remain the same. This proposed rule is intended to reduce motor vehicle traffic delays and congestion related to summer traffic entering and exiting the town of Ocean City while still providing for the reasonable needs of navigation.

**DATES:** Comments must be received on or before June 20, 1997.

**ADDRESSES:** Comments should be mailed to Commander (Aowb), USCG Atlantic Area, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or may be hand delivered to the same address between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6222. Comments will become a part of this docket and will be available for inspection and copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, USCG Atlantic Area, at (757) 398–6222.

#### SUPPLEMENTARY INFORMATION:

#### 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 rulemaking (CGD05–97–013) and the specific section of this proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and

attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgement 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 based on the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentation 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**.

#### Drafting Information

The principal persons involved in drafting this document are Bill H. Brazier, Project Manager, Bridge Administration Section, and LT Robert L. Wegman, Project Counsel, Maintenance and Logistics Command Atlantic Legal Division.

#### Background and Purpose

The Route 50 drawbridge, across Isle of Wight Bay, mile 0.5, at Ocean City, Maryland, is currently required to open on signal, except that, from October 1 through April 30 from 6 p.m. to 6 a.m., the draw need open only if at least three hours notice is given and, from May 25 through September 15 from 9:25 a.m. to 9:55 p.m. the draw shall open at 25 minutes and 55 minutes after the hour for a maximum of 5 minutes to permit accumulated vessels to pass. MDOT's request to change the current regulation is based on a large number of vacationers traveling to and from Ocean City on Saturday afternoons during the tourist season (summer months). Vacationers entering and existing Ocean City Island every Saturday afternoon of the season create a vehicular traffic surge, an only two highway bridges (Route 50 and Route 90) are available for use.

The Route 90 bridge is a fixed-span structure, and the Route 50 bridge is a drawbridge. Over 350 charter boats historically pass through the Route 50 drawbridge on Saturdays from May 25 through September 15. This produces a dilemma to both waterway users and vehicular traffic trying to access the same drawbridge. MDOT proposes that, by providing only hourly openings on Saturday afternoons as opposed to the current half-hourly openings, vehicular traffic congestion on U.S. 50 will be

reduced and highway safety will be increased. MDOT requested that the operating schedule for the drawbridge be amended to reduce the number of openings on Saturday afternoons during the summer. This proposal would restrict drawbridge openings for all vessels every Saturday between May 25 through September 15 between the hours of 1 p.m. to 5 p.m. During these times, the bridge need open only on the hour, and must remain in the open position until all waiting vessels pass.

The Coast Guard tested this proposed change from July 13 through August 31, 1996 through a temporary deviation from the regulation, which permitted hourly openings on Saturdays. The test was intended to determine whether the Coast Guard should propose a permanent change to the regulation that would balance the needs of both waterway users and vehicular traffic. No adverse comments were received during the testing period. Information received from the Maryland Department of Transportation, the Ocean City Police Department and the bridgetenders on the US 50 drawbridge indicates that the test substantially improved highway traffic conditions while not causing undue hardships for waterway users. Based on the test results, the Coast Guard believes that this proposed rule will reduce motor vehicle traffic delays and congestion related to summer traffic entering and exiting the town of Ocean City, while still providing for the reasonable needs of navigation.

### Regulatory Evaluation

This proposed 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 been exempted from review 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 proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e 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 U.S. Coast Guard must consider whether this proposed 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). Because it expects the impact of this proposed rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

### 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 proposal under the principles and criteria contained in Executive Order 12612, and has determined that this proposed 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 proposal and concluded that under section 2.B.2.e (32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this proposed rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

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Bridges.

### Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of Title 33, Code of Federal Regulations 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); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.559 is revised to read as follows:

#### § 117.559 Isle of Wight Bay.

The draw of the US50 bridge, mile 0.5, at Ocean City shall open on signal; except that, from October 1 through April 30 from 6 p.m. to 6 a.m., the draw shall open if at least three hours notice is given and, from May 25 through September 15 from 9:25 a.m. to 9:55 p.m. the draw shall open at 25 minutes after and 55 minutes after the hour for a maximum of five minutes to permit

accumulated vessels to pass, except that, on Saturdays from 1 p.m. to 5 p.m., the draw shall open on the hour for any waiting vessels and shall remain in the open position until all waiting vessels pass.

Dated: April 1, 1997.

**Kent H. Williams,**  
Vice Admiral, U.S. Coast Guard, Commander,  
Fifth Coast Guard District.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[ND8–1–7233b & ND–001–0001b; FRL–5812–4]

### Clean Air Act Approval and Promulgation of State Implementation Plan for North Dakota; Revisions to the Air Pollution Control Rules

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve certain State implementation plan (SIP) revisions submitted by the State of North Dakota with letters dated August 15, 1995 and January 9, 1996. The revisions address air pollution control rules regarding general provisions; open burning; emissions of particulate matter, certain settleable acids and alkaline substances, and fugitives; air pollution emergency episodes; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); and the minor source construction and operating permit programs. The State's January 9, 1996 submittal also revised SIP Chapter 6, Air Quality Surveillance, to identify current activities regarding visibility monitoring. In addition, these submittals included revisions involving the Title V Operating Permits Program, the Acid Rain Program, the restriction of sulfur compound emissions, and emission standards for hazardous air pollutants for source categories, which will be handled separately. Finally, EPA proposes to correct an incorporation by reference error that was made by EPA in an October 20, 1993 rulemaking regarding the State's regulation for sulfur compounds.

In the Final Rules Section of this **Federal Register**, EPA is acting on the State's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no