

no Deepwater Ports in the United States. While revising the regulations as discussed above, the Coast Guard is also considering revising the regulations to reflect technological advancements which have occurred, and operational knowledge which has been gained over the past twenty years.

Questions

Public response to the following questions will help the Coast Guard develop a more complete and carefully considered rulemaking. The questions are not all-inclusive, and any supplemental information is welcome. In responding to each question please explain the reasons for each answer.

1. What provisions of the regulations addressed can be moved from the regulations and placed in the license conditions?
2. What provisions of the regulations can be moved from the regulations and placed in the operations manual?
3. What regulations are obsolete, unnecessary, redundant, or restrictive?
4. Should the Outer Continental Shelf Activities regulations (33 CFR Subchapter N) be applied to Deepwater Ports?
5. Should the Regulations for Facilities Transferring Oil or Hazardous Material in Bulk (33 CFR 154) be applied to Deepwater Ports?
6. Should the environmental monitoring program be revised?
7. What other regulations, if any, should the Deepwater Port regulations be designed like?

Dated: August 22, 1997.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 97-23074 Filed 8-28-97; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CCGD08-97-020]

RIN 2115-AE84

Regulated Navigation Area Regulations; Mississippi River, LA—Regulated Navigation Area

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to revise the Regulated Navigation Area (RNA) established under 33 CFR 165.810 by incorporating portions of the

temporary RNA that affects vessels of 1,600 gross tons or greater operating on the Mississippi River. This revision requires enhanced safety procedures for vessels of 1,600 gross tons or greater operating on the Mississippi River. The Coast Guard is also proposing to require moored or anchored passenger vessels with embarked passengers to maintain a manned pilothouse watch for the safety of the vessel, crew and passengers.

DATES: Comments must be received on or before October 14, 1997.

ADDRESSES: Comments should be mailed to Commander, Eighth Coast Guard District (mov-1), Room 1341, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3396. The comments and other materials referenced in this notice will be available for inspection and copying at the Eighth Coast Guard District Marine Safety Division Office, New Orleans, LA during normal office hours between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT:

Mr. M.M. Ledet, Vessel Traffic Management Specialist, at the Eighth Coast Guard District Marine Safety Division, New Orleans, LA or by telephone at (504) 589-4686.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Receipt of comments will be acknowledged if a stamped self-addressed postcard is enclosed. Persons submitting comments should include their names and addresses, identify this notice (CGD 08-97-20) and the specific section of the proposal that the comments apply, and give reasons for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. The Coast Guard will consider all comments received during the comment period and may change this proposed rule in view of the comments.

The Coast Guard plans no public hearings. Persons may request a public hearing by writing to the Marine Safety Division at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. 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**.

Regulatory History

On December 14, 1996 the 36,000 gross ton M/V BRIGHT FIELD allided with the Riverwalk store complex causing extensive damage and numerous injuries. This marine casualty prompted the Captain of the Port New Orleans to issue Captain of the Port Orders to moored or anchored high capacity passenger vessels operating on the Mississippi River. These orders required those vessels to maintain a manned pilothouse watch in order to monitor river activity, and to be immediately available to activate emergency procedures to protect the vessel, crew and passengers in the event of an emergency radio broadcast, danger signal or other visual indication of a problem. The initial intent of this order was to establish an interim measure to prevent future allisions and collisions.

On March 18, 1997, (62 FR 14637, March 27, 1997) the Coast Guard established a temporary regulated navigation area affecting the operation of downbound tows in the Lower Mississippi River from mile 437 at Vicksburg, MS to mile 88 above Head of Passes. These regulations were subsequently amended on March 21 (62 FR 15398, April 1, 1997), March 29 (62 FR 16081, April 4, 1997), April 4 (62 FR 17704, April 11, 1997), April 20 (62 FR 23358, April 30, 1997). The amendments added additional operating requirements for vessels of 1,600 gross tons or greater, increased the operating limitations on tank barges and ships carrying hazardous chemicals and gasses, and extended the RNA to the boundary of the territorial sea at the approaches to Southwest Pass.

This RNA and its subsequent amendments was also prompted by unprecedented high waters on the Mississippi River. Conditions on the Lower Mississippi River became so severe that it necessitated the opening of the Bonnet Carre Spillway by the Army Corps of Engineers in order to ease high water conditions and partially combat very strong river currents. The high-water conditions contributed to numerous barge breakaways and a marked increase in vessel accidents. The additional operating requirements were designed to provide a greater margin of safety for vessels of 1,600 gross tons or greater operating on this waterway.

On April 20 (62 FR 23358, April 30, 1997), the towboat and barge limitations and the chemical and gas ship operating restrictions expired. The regulations affecting self-propelled vessels of 1,600

gross tons or greater were extended until July 1, 1997. On June 24, 1997 (62 FR 35097, June 30, 1997), the regulations affecting self-propelled vessels of 1,600 gross tons or greater were again extended until October 31, 1997, pursuant to a notice published in 62 FR 35097. The purpose of this extension was to maintain the enhanced margin of safety that had been facilitated by these regulations. Although the Lower Mississippi River was receding, dangerous and unpredictable currents remained.

Background and Purpose

In the interest of navigation safety in the narrow confines of the Lower Mississippi River, the Coast Guard is seeking to make permanent the regulations affecting self-propelled vessels of 1,600 gross tons or greater by incorporating them into 33 CFR 165.810. The regulated navigation area is needed to protect vessels, bridges, shore-side facilities, commercial businesses and the public from a safety hazard created by deep-draft vessel operations along the Lower Mississippi River.

During 1995 and 1996 over 300 self-propelled vessels of 1,600 gross tons or greater operating on the Mississippi River experienced casualties involving loss of power, loss of steering or engine irregularities.

The proposed regulations will enhance the safety of navigation on the river and protect shoreside facilities—including commercial businesses—by causing masters and engineers to take measures that will minimize the risk of steering casualties, engine failures and engine irregularities. They also place the ship in a manning status and operating condition that will allow the vessel to take prompt and appropriate emergency action should a casualty occur, thereby reducing the likelihood of a cascading series of allisions and collisions following a casualty. Comments from river pilots operating within the RNA have established the necessity and viability of these regulations and the necessity for their continuation. As a result of the operating restrictions, pilots have seen improvements in vessels' readiness to respond to steering casualties and main propulsion irregularities and failures. Self-propelled vessels of 1,600 or more gross tons are prohibited from operating in this area unless they are in compliance with this regulation.

33 CFR 164.25 requires that before a person causes a vessel to enter or get underway on the navigable waters of the United States a series of steering systems, main propulsion machinery,

and other equipment tests shall be conducted. Subsection 164.11(q) mandates that the tests required by § 164.25 are made and recorded in the vessel's log. This allows the pilot to verify that the tests required by § 164.25 have been conducted and logged in accordance with subsection 164.11(q).

As an enhanced safety precaution for passenger vessels anchored or moored within the regulated navigation area, the Coast Guard is seeking to make permanent a regulation requiring certain passenger vessels to maintain a manned pilothouse watch to monitor river and/or waterway activity, and to be immediately available to activate emergency procedures to protect the vessel, crew and passengers in the event of an emergency radio broadcast, danger signal or other visual indication of a problem. The Coast Guard believes that this measure will significantly enhance the safety of passenger vessels moored or anchored within the regulated navigation area.

Each ferryboat, and each small passenger vessel that operates with 49 or less passengers, would be required to monitor and respond, but may conduct monitoring from a vantage point other than the pilothouse using a portable radio. These vessels were given consideration because of their relatively small size and associated reduced risk while passengers are aboard.

Discussion of Regulation

The existing regulation in 33 CFR 165.810 establishes a Regulated Navigation Area for the waters of the Mississippi River below Baton Rouge, LA, including South Pass and Southwest Pass. By this proposed rule the Coast Guard adds specific operational requirements to certain vessels when transiting, moored or anchored in the Regulated Navigation Area. These requirements are designed to assist in the prevention of collisions and groundings, ensure port safety, enhance the safety of moored or anchored passenger vessels.

Subsection (e) of this proposed rule addresses additional operating requirements for passenger vessels with embarked passengers. Passenger vessels shall continuously man the pilothouse and remain apprised of river activities in their vicinity by monitoring VHF emergency and working frequencies. This would allow an individual operating a passenger vessel to be immediately available to take necessary action to protect the vessel, crew and passengers in the event that an emergency broadcast, danger signal or visual indication of a problem is received or detected.

An exception to this proposed rule is made for any ferryboat or small passenger vessel that operates with 49 or fewer passengers. These vessels are not required to continuously man the pilothouse since personnel may monitor VHF frequencies via a portable radio from a vantage point other than the pilot house.

Subsection (f) of this proposed rule pertains to all self-propelled vessels bound by 33 CFR part 164. The proposed rule requires that the master shall ensure the vessel is in compliance with 33 CFR part 164 and that the engine room is manned at all times while the vessel is underway in the RNA. Additionally, this subsection requires that the master ensure that the chief engineer has certified that: The main propulsion plant is ready in all respects for operations including the main propulsion air start systems, fuel systems, lube oil systems, cooling systems and automation systems; automatic or load limiting throttle systems are operating in the manual mode with engines available to immediately answer maneuvering commands; cooling, lubricating and fuel oil systems are within proper temperature parameters; and standby systems are ready to be placed immediately in service. These additional operating conditions are required so long as the vessel is underway in the RNA.

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 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 proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Although the exact cost of the impact of this proposed rule is not known the safety benefits derived from these rules far exceed the de minimus nature of the costs. The prevention of another M/V BRIGHT FIELD-type allision would save shoreside businesses, maritime users and the public in general tens of millions of dollars in potential property damage and liability. It is difficult to precisely quantify the benefits accrued from the prevention of collisions and allisions on the Lower Mississippi

River. Nevertheless, this proposed rule represents a minimal cost in return for the heightened safety on this waterway, particularly given the fact that the requirements in this proposed rule supplement existing regulatory requirements.

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 jurisdictions with populations of less than 50,000. The Coast Guard has reviewed it for potential impact on small entities. The Coast Guard does not believe that any of the entities affected by this proposed rule qualify as small entities. Furthermore, because the proposed rule affects deep-draft vessels underway and passenger vessels when passengers are onboard, and because a ferryboat or small passenger vessel carrying 49 people or less may monitor using a portable radio from a vantage point other than the pilot house, the Coast Guard's position is that this proposed rule will not have a significant economic impact on a substantial number of small entities. If, however, an individual or organization believes that its business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on its business or organization, please submit a comment (see ADDRESSES) explaining why the individual or organization believes it qualifies and in what way and to what degree this proposed rule will adversely affect it.

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 proposed rule under the principles and criteria contained in Executive Order 12612, and it is determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental

The Coast Guard considered the environmental impact of this proposed

rule and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 61 FR 13563, March 27, 1996), this proposed rule 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, Mine safety, Navigation (waters), Reporting and recordkeeping requirements, Safety measures, and Waterways.

In consideration of the foregoing, the Coast Guard proposes to amend part 165 of title 33, Code of Federal Regulations to read 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; 46 CFR 1.46.

2. In § 165.810, paragraph (a) is revised and new paragraphs (e) and (f) are added to read as follows:

§ 165.810 Mississippi River, LA-regulated navigation area.

(a) Purpose and applicability: This section prescribes rules for all vessels operating in the Mississippi River below Baton Rouge, LA, including South Pass and Southwest Pass, to assist in the prevention of collisions and groundings so as to ensure port safety and to enhance the safety of passenger vessels moored or anchored in the Mississippi River. * * *

(e) Watch requirements for anchored and moored passenger vessels.

(1) Passenger vessels. Except as provided in paragraph (e)(2) of this section, each passenger vessel whenever one or more passengers are aboard shall:

(i) Keep a continuously manned pilothouse and;

(ii) Monitor river activities and marine VHF emergency and working frequencies of the port so as to be immediately available to take necessary action to protect the vessel, crew and passengers in the event that an emergency radio broadcast, danger signal or visual indication of a problem is received or detected.

(2) Each ferryboat, and each small passenger vessel that operates with 49 or less passengers, may monitor river activities using a portable radio from a vantage point other than the pilothouse.

(f) All self-propelled vessels subject to the regulations at 33 CFR part 164 shall also comply with the following:

(1) The engine room shall be manned at all times while underway in the RNA.

(2) Prior to embarking a pilot when entering or getting underway in the RNA, the master of each vessel shall ensure that the vessel is in compliance with 33 CFR part 164.

(3) The master shall ensure that the chief engineer has certified that the following additional operating conditions will be satisfied so long as the vessel is underway within the RNA:

(i) The main propulsion plant is in all respects ready for operations including the main propulsion air start systems, fuel systems, lubricating systems, cooling systems and automation systems;

(ii) Cooling, lubricating and fuel oil systems are at proper operating temperatures;

(iii) Automatic or load limiting main propulsion plant throttle systems are operating in manual mode with engines available to immediately answer maneuvering commands; and

(iv) Main propulsion standby systems are ready to be immediately placed in service.

Dated: August 22, 1997.

T.W. Josiah,

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

[FR Doc. 97–23076 Filed 8–28–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 62

[LA–39–1–7332b; FRL–5876–6]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Louisiana; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes approval of the Louisiana State Plan for controlling landfill gas emissions from existing municipal solid waste landfills. The plan was submitted to fulfill the requirements of the Clean Air Act. The State Plan establishes emission limits for existing MSW landfills, and provides for the implementation and enforcement of those limits. Please see the direct final notice of this action located