

commercial fishing vessels and recreational boats. The alternate route past the bridge site is through the outer harbor, with a maximum detour of 10 miles.

Regulatory Evaluation

This proposal is not a significant regulatory action under Section 3(f) of Executive Order 12866 and does not require an assessment of costs 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 Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). The draft regulatory evaluation prepared for the NPRM has been superseded by the economic analysis in the Coast Guard Final Environmental Impact Statement (FEIS) for the Ford Bridge Replacement dated November 25, 1994. A copy of the FEIS has been placed in the rulemaking docket, and may be inspected and copied at the address listed under **ADDRESSES**.

Replacement of the existing bridge was determined to be the most feasible and prudent alternative. This replacement cannot be accomplished without closing the bridge span for a period of months. To minimize the impact on the maritime community, the applicant plans to work an accelerated schedule to complete the work requiring the bridge closure in five months. Increased costs to the marine industry are estimated to be \$1 million due to detours during a five month closure. The overtime work schedule increases overall project costs approximately \$2.2 million. The applicant estimates that if the contractor were required to work only a standard 40 hour work week, they would need a closure of eleven months to complete work. Thus, the impact to the maritime industry has been minimized. On balance, the short term costs due to the detour will be offset by the long-term benefits gained by the operation of a new, more reliable bridge. The new bridge will ensure uninterrupted rail service to Terminal Island, and timely, reliable openings of the bridge for waterborne traffic. Construction of a new bridge will minimize the possibility of congestion or delays in transit times, which would occur if the existing bridge malfunctioned, or was damaged by seismic activity.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal 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). During the environmental review process, the Coast Guard determined that the economic impact to navigation would be approximately \$1 million. Almost half of that impact was on the towing and tour boat operations of one company who does not qualify as a "small business concern". The remaining economic impact was on recreational mariners berthed at nearby marinas and two other towing companies. Recreational mariners would have small additional costs to travel as much as 5 miles further to fuel docks, pumpout stations, etc. The cost per recreational vessel is estimated to be less than \$100. The towing companies would have additional costs for personnel and fuel to travel as much as 5 miles further to towing assignments. The cost per towing company is estimated to be less than \$100 thousand. These companies will all benefit from the reliable operation of the new bridge span for many years to come. Since there are only a few small entities affected by the 5 month closure, and the effect is short-time, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant impact on a substantial number of small entities.

Federalism

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

Environment

The Coast Guard considered the environmental impact of this proposal together with the overall impacts of the replacement project in their FEIS for the Henry Ford (Badger Avenue) Bridge Replacement Project dated November 25, 1994. The principal environmental impact of the project was the loss of the existing, historic bridge. The environmental impacts of this rule were marine transportation disruptions, economic impacts to waterway users, and minor increases in air pollution from detouring marine vessels. The Coast Guard determined that there was no feasible and prudent alternative to the loss of the historic bridge to meet the needs of future transportation and

safety. A new bridge will allow for increased carriage of goods to and from the port by rail, rather than by truck, resulting in a net decrease in air pollution. On balance, the short-term impacts to navigation will be offset by long-term benefits to navigation from construction of a new, more reliable bridge. The FEIS supercedes the draft Environmental Assessment prepared for the NPRM. The FEIS is available for review at the address under **ADDRESSES**.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

List of Subjects in 33 CFR Part 117

Bridges

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

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; and 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.147 is amended by suspending paragraph (b) and adding a new paragraph (c) to read as follows:

§ 117.147 Cerritos Channel.

* * * * *

(c) During the period November 7, 1996 through April 7, 1997 the Henry Ford Avenue railroad bridge, mile 4.4 at Long Beach, will be undergoing reconstruction and the draw need not open for the passage of vessels.

Dated: June 20, 1996.

D.D. Polk,

*Captain, U.S. Coast Guard, Commander,
Eleventh Coast Guard District Acting.*

[FR Doc. 96-17301 Filed 7-5-96; 8:45 am]

BILLING CODE 4910-14-M

Coast Guard

33 CFR Part 167

[CGD 96-030]

Port Access Routes; Approaches to the Cape Fear River and Beaufort Inlet, North Carolina

AGENCY: Coast Guard, DOT.

ACTION: Notice of study.

SUMMARY: The Coast Guard is conducting a port access route study to evaluate the need for vessel routing or other traffic management measures in the approaches to the Cape Fear River and Beaufort Inlet, NC. Concerns for the

safety of navigation in these areas have been expressed by the Morehead City Pilots Association and the Coast Guard Marine Safety Office in Wilmington, NC. This port access route study will determine what, if any, vessel routing or other traffic management measures are needed in the approaches to the Cape Fear River and Beaufort Inlet, NC. As a result of the study, vessel routing measures or other vessel operating requirements may be proposed in the Federal Register.

DATES: Comments must be received on or before October 7, 1996.

ADDRESSES: Comments should be mailed to Commander (Aow), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, VA 23704-5004. The comments and other materials referenced in this notice will be available for inspection and copying at 431 Crawford Street, Portsmouth, VA, room 401. Normal office hours are 8 a.m. to 4 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT Edward Westfall (757) 398-6559 or E.Westfall/LANT5@cgsmtmp.uscg.mil (Internet), or Margie Hegy (202) 267-0415 or M.Hegy/G-M11@cgsmtmp.uscg.mil (Internet).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard is interested in receiving information and opinions from persons who have an interest in safe routing of ships in the study area. Vessel owners and operators are specifically invited to comment on any safety concerns they may have when operating in the study area. Negative impacts that may result from the establishment of a routing measure, such as a traffic separation scheme (TSS), or a regulated navigation area (RNA) with vessel operating requirements should be identified and supported with documentation of any costs or benefits.

Commenters should include their names and addresses, identify this notice (CGD 96-030), and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed post card or envelope is enclosed. In addition to the specific questions asked herein, comments from the maritime community, offshore development concerns, environmental groups and any other interested parties are invited. All comments received during the comment period will be considered in the study and in development of any regulatory proposals.

The Fifth Coast Guard District will conduct the study and develop recommendations. LT Edward Westfall, Waterways Management Section, Aids to Navigation and Waterways Management Branch, Fifth Coast Guard District (757) 398-6559, is the project officer responsible for the study.

Background and Purpose

The 1978 amendments to the Ports and Waterways Safety Act (PWSA), 33 U.S.C. 1223(c), require that a port access route study be conducted prior to establishing or adjusting fairways or TSS's. The Coast Guard is undertaking a port access route study to determine if a vessel routing system is needed in the study area.

An internationally recognized vessel routing system is one or more routes or routing measures aimed at reducing the risk of casualties. A system may include TSS's, two-way routes, recommended tracks, areas to be avoided, inshore traffic zones, roundabouts, precautionary areas, and deep-water routes.

A TSS is a routing measure which minimizes the risk of collision by separating vessels into opposing streams of traffic through the establishment of traffic lanes. Vessel use of a TSS is voluntary; however, vessels operating in or near an International Maritime Organization (IMO) approved TSS are subject to Rule 10 of the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS).

A two-way route is a route within defined limits inside which two-way traffic is established, aimed at providing safe passage of ships through waters where navigation is difficult or dangerous.

A recommended track is a route which has been specially examined to ensure so far as possible that it is free of dangers and along which ships are advised to navigate.

An area to be avoided is a routing measure comprising an area within defined limits in which either navigation is particularly hazardous or it is exceptionally important to avoid casualties and which should be avoided by all ships, or certain classes of ships.

An inshore traffic zone comprises a designated area between the landward boundary of a TSS and the adjacent coast and is used in accordance with Rule 10(d) of the 72 COLREGS.

A roundabout is a routing measure comprising a separation point or circular separation zone and a circular traffic lane within defined limits. Traffic within the roundabout is separated by moving in a counterclockwise direction around the separation point or zone.

A precautionary area is a defined area where ships must navigate with particular caution and within which the direction of traffic flow may be recommended.

A deep-water route is a route within defined limits which has been accurately surveyed for clearance of sea bottom and submerged obstacles as indicated on nautical charts.

The approaches to the Cape Fear River and Beaufort Inlet, NC were last studied in 1981, and the final results were published on July 22, 1982 (47 FR 31766). The study concluded that "there is no need to impose new ship routing measures such as TSS's or shipping safety fairways where fixed structures would be prohibited, in any" area off the North Carolina coast. Vessel traffic density and channel depth and width have changed since 1981.

The U.S. Army Corps of Engineers' *Waterborne Commerce of The United States* reports that, from 1981 to 1993, annual trips to and from the Port of Wilmington, NC increased by 128% (from 10,060 to 22,897) and the number of trips to and from Morehead City Harbor, NC decreased by 57% (from 7,842 to 3,385). Since 1981, the actual controlling depth for the Cape Fear River ocean bar channel has increased from 38 feet to 40 feet, the project depth. The project depth for Beaufort Inlet/Morehead City has recently been increased from 42 to 45 feet.

The Morehead City Pilots Association requested additional aids to navigation in the approach routes commonly used for Beaufort Inlet because a dredge spoil area has shallowed the area. They also report difficulty in distinguishing the range lights on Beaufort Inlet Reach because of background lights from the town of Beaufort; and, the light at the entrance to Gallants Channel is easily confused with the lights marking the Morehead City Channel and could be the cause of an accident. Because of safety concerns associated with the close proximity of shipping lanes to shallow water, the Coast Guard's Marine Safety Office in Wilmington, NC suggested that establishing anchorages and a vessel routing scheme, to include pilot transfer zones, may assist safe navigation in the study area.

Study Area

The study area is bounded by a line connecting the following geographic positions:

Latitude	Longitude
34°40'N	77°00'W
34°40'N	76°15'W
34°10'N	76°15'W

Latitude	Longitude
33°15'N	77°30'W
33°00'N	78°20'W
33°50'N	78°20'W
33°50'N	77°55'W

The study area encompasses the approaches to the Cape Fear River and Beaufort Inlet, as well as the area offshore of North Carolina used by commercial vessels transiting to and between these ports.

Issues

The Coast Guard is trying to determine the scope of any safety problems associated with vessel transit in the study area. It is expected that information will be gathered during the study that will identify the problems and appropriate solutions.

The study may recommend the following:

1. No vessel routing measures are needed.
2. Establish one or more of the following vessel routing measures:
 - (a) TSS in the Approach to Cape Fear River;
 - (b) TSS in the Approach to Beaufort Inlet;
 - (c) TSS Off North Carolina encompassing the routes typically used by merchant and naval vessels transiting the study area;
 - (d) Precautionary area(s) near either or both approaches;
 - (e) Inshore traffic zone(s) near either or both approaches; and,
 - (f) Establish an area to be avoided in shallow areas where the risk of grounding is present.
3. Create anchorage area(s).
4. Establish a regulated navigation area with specific vessel operating requirements to ensure safe navigation in areas near shallow water.

Procedural Requirements

In order to provide safe access routes for movement of vessel traffic proceeding to and from U.S. ports, the PWSA directs that the Secretary designate necessary fairways and TSS's in which the paramount right of navigation over all other uses shall be recognized. Before a designation can be made, the Coast Guard is required to undertake a study of potential traffic density and the need for safe access routes.

During the study, the Coast Guard is directed to consult with federal and state agencies and to consider the views of representatives of the maritime community, port and harbor authorities or associations, environmental groups, and other parties who may be affected by the proposed action.

In accordance with 33 U.S.C. 1223(c), the Coast Guard will, to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved. The Coast Guard will also consider previous studies and experience in the areas of vessel traffic management, navigation, shiphandling, the effects of weather, and prior analysis of the traffic density in certain regions.

The results of this study will be published in the Federal Register. If the Coast Guard determines that new routing or other regulatory measures are needed, a notice of proposed rulemaking will be published. It is anticipated that the study will be concluded by 31 December 1996.

Dated: June 28, 1996.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Marine Safety and Environmental Protection.

[FR Doc. 96-17302 Filed 7-5-96; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 425

[FRL-5530-7]

RIN 2040-AC48

Leather Tanning and Finishing Effluent Limitations Guidelines Pretreatment Standards New and Existing Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed regulation.

SUMMARY: EPA is proposing to modify the pretreatment standards for existing and new sources applicable to certain facilities in the leather tanning and finishing point source category that conduct unhairing operations and that discharge process wastewater to publicly owned treatment works ("POTW"). In the final rules section of this Federal Register, EPA is promulgating these changes as a "direct" final rule because the Agency does not expect significant adverse or critical comments. EPA also wants to provide prompt implementation of the rule to minimize any potential hazards to worker safety and health that may occur in the absence of this rule.

DATES: Comments on the proposed rules must be received by September 6, 1996.

ADDRESSES: Send comments in triplicate on this proposal to Mr. Ed Terry, Engineering and Analysis Division (4303), U.S. EPA, 401 M St. S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Ed Terry, Engineering and Analysis Division (4303), U.S. EPA, 401 M St., S.W., Washington, DC 20460, or telephone 202-260-7128.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action which is located in the rules section of this Federal Register.

List of Subjects in 40 CFR Part 425

Leather, leather tanning and finishing, water pollution control, wastewater treatment and disposal, pretreatment standards for existing and new sources.

Dated: June 26, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96-17024 Filed 7-5-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-137; RM-8823]

Radio Broadcasting Services; Negaunee, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Todd Stuart Noordyk requesting the allotment of Channel 270A to Negaunee, Michigan, with cut-off protection and modification of his application for Channel 258A to specify operation on Channel 270A at Negaunee. The coordinates for Channel 270A at Negaunee are 46-28-18 and 87-36-55. Since Negaunee is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government will be requested for this allotment. This proposal would enable the settlement of a mutually exclusive proceeding between two applicants for Channel 258A at Negaunee, Michigan.

DATES: Comments must be filed on or before August 12, 1996, and reply comments on or before August 27, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Cary S. Tepper, Booth, Freret & Imlay, P.C., 1233 - 20th Street, NW., Suite 204, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.