

Dated: October 31, 1996.  
 Doris Meissner,  
*Commissioner, Immigration and  
 Naturalization Service.*  
 [FR Doc. 96-28585 Filed 11-1-96; 4:25 pm]  
 BILLING CODE 4410-10-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 121

[Docket No. 27219; Amendment 121-261]

RIN 2120-AD74

#### Protective Breathing Equipment; Correction

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains a correction to the Protective Breathing Equipment final rule, 61 FR 43918, published August 26, 1996. The rule amended the regulations governing portable protective breathing equipment (PBE) required for crewmembers' use in combating in-flight fires. It is intended to codify exemptions currently in place, clarify ambiguities in the existing regulation, and allow air carriers added flexibility with compliance while maintaining or increasing safety. This action will correct the final rule statement that removes paragraph (d)(1) of § 121.337, since paragraph (d) of § 121.337 was removed as a result of the Commuter Operations and General Certification and Operations Requirement final rule, 60 FR 665832, published December 20, 1995.

**EFFECTIVE DATE:** November 7, 1996.

**FOR FURTHER INFORMATION CONTACT:** Gary Davis, 202-267-8096.

#### The Correction

In considering of the foregoing, the Federal Aviation Administration corrects the final rule published August 26, 1996, (61 FR 43918) amending 14 CFR part 121. On page 43921 in the third column, amendatory instruction number 2 is corrected to read as follows: "2. Section 121.337 is amended by removing paragraph (b)(9)(i); by redesignating paragraphs (b)(9)(ii), (b)(9)(iii), and (b)(9)(iv) as (b)(9)(i), (b)(9)(ii), and (b)(9)(iii); by revising paragraph (b)(9)(iii); and by revising newly designated paragraph (b)(9)(iii)."

Issued in Washington, DC on October 28, 1996.

Donald P. Byrne,  
*Assistant Chief Counsel.*

[FR Doc. 96-27991 Filed 11-6-96; 8:45 am]

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## Coast Guard

### 33 CFR Part 117

[CGD05-95-081]

RIN 2115-AE47

#### Drawbridge Operation Regulations; Anacostia River, Washington, DC

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** At the request of the Consolidated Rail Corporation (CONRAIL), the Coast Guard is changing the regulations that govern the operation of the railroad bridge across the Anacostia River, mile 3.4 at Washington, DC, by extending the winter seasonal restrictions and reducing the hours of operation during the boating season. This rule is intended to relieve the bridge owner of the burden of having a bridgetender staff the bridge during periods of non-use, while still providing for the reasonable needs of navigation.

**EFFECTIVE DATE:** This rule is effective on December 9, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Ann B. Deaton, Bridge Administrator,  
 U.S. Coast Guard Atlantic Area, at (757)  
 398-6222.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On January 10, 1996, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Anacostia River, Washington, DC" in the Federal Register (61 FR 709). The comment period ended April 9, 1996. Four comments were received. A public hearing was not requested and one was not held.

##### Background and Purpose

The CONRAIL drawbridge crosses the Anacostia River at mile 3.4. The proposed changes were requested by CONRAIL to extend the Winter seasonal restrictions, and reduce the hours of operation during the boating season. This will relieve the bridge owner of the burden of having a bridgetender staff the bridge during periods of non-use.

## Discussion of Comments and Changes

Current 33 CFR 117.253(b) requires the draw of the CONRAIL bridge to open on signal: At any time for public vessels, State and local government vessels, commercial vessels, and any vessels in an emergency involving danger to life or property year round; on Saturdays, Sundays and Federal holidays from April 1 through September 30 for recreational boats; and on Weekdays other than Federal holidays between the hours of 7 a.m. and 11 p.m. from April 1 through September 30 for recreational boats. It must open at all other times for recreational boats if at least eight hours notice is given. Under the proposed changes to § 117.253(b) in the NPRM, the bridge would be required to continue to open on signal year round for public vessels, State and local government vessels, commercial vessels, and any vessels in an emergency involving danger to life or property. However, it would not be required to open on signal for recreational vessels except between the hours of 9 a.m. and 12 noon and 1 p.m. and 6 p.m. from May 15 to September 30. It would also be required to open between 6 p.m. and 7 p.m. from May 15 to September 30 is notice is given to the bridge tender not later than 6 p.m. on the day on which the opening is requested.

Four comments were received. A letter from a group of Anacostia River bridge tenders claimed that the volume of traffic would increase as a result of proposed development upriver from the bridge. According to the comment, the State of Maryland recently purchased an upriver marina and has begun renovations to attract additional boating traffic. It also claimed that the data on which CONRAIL based its request was invalid. It asked the Coast Guard to delay any changes in the bridge operating schedule until after the 1996 boating season. A second letter from a transportation workers union asked the Coast Guard to deny the requested change. It also claimed that planned development by the State of Maryland would increase boating traffic and that the request was based on invalid data. A letter from a conservation group opposed the proposed changes due to concerns that they would restrict access by emergency response vessels and would have a negative impact on recreational boating. A letter from D.C. Fireboats expressed concern that the proposed changes would restrict access by emergency response vessels during periods of unexpected high water which would require a bridge opening for their boats. It did not oppose the proposed

changes, but asked that procedures should be in place to allow the bridge to be opened on short notice.

Copies of the comments were provided to CONRAIL. In its letter of May 6, 1996, a copy of which is in the public docket for this rulemaking, CONRAIL responded to the comments. It contended that the impact of upriver development was speculative, and noted that the State of Maryland did not comment on the proposed changes. It noted that historic data for 1993 and 1994 showed infrequent bridge openings and that under the proposed changes the bridge would continue to be manned and open on demand during periods of most frequent use. It agreed that arrangements are needed to open the bridge for emergency response vessels on short notice, and they will be required to post a sign providing a 24-hour emergency point of contact. CONRAIL advised the Coast Guard that once a request for an emergency opening is received during periods the bridge is unmanned, an opening will occur within 30 minutes of that request. D.C. Fireboats expressed to the Coast Guard that this arrangement is acceptable to them and relieves their concerns.

The Coast Guard believes that the historic data indicates that adoption of the proposed changes will continue to meet the reasonable needs of navigation. The schedule may be further revised as needed to respond to changes in traffic volume. The Coast Guard agrees that timely bridge openings for emergency response vessels must be ensured, and this rulemaking does not change that requirement. To ensure a rapid response, the Coast Guard has added a requirement that CONRAIL post a sign on the bridge providing a 24-hour emergency point of contact to arrange for bridge openings on short notice when the bridge is unmanned.

#### 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 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 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 Coast Guard must consider whether this final 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 rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on 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 under the principles and criteria contained in Executive Order 12612, and it has determined that this rule will 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 amended, 59 FR 38654, 29 July 1994), this rule 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 is amending Part 117 of Title 33, Code of Federal Regulations to read 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. In § 117.253, paragraphs (b)(1)(ii) and (iii) are revised, and paragraph (b)(3) is added to read as follows:

#### **§ 117.253 Anacostia River.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) \* \* \*

(ii) Between 9 a.m. and 12 noon and between 1 p.m. and 6 p.m. from May 15 through September 30.

(iii) Between 6 p.m. and 7 p.m. from May 15 through September 30 if notice is given to the bridgetender not later than 6 p.m. on the day for which the opening is requested.

\* \* \* \* \*

(2) \* \* \*

(3) The owners of the bridge shall provide and keep in good legible condition signs providing a 24-hour emergency telephone number which may be called to arrange for bridge openings. The signs shall be painted in contrasting colors with letters and numbers not less than six inches high. The signs shall be placed on the bridge so that they are plainly visible to the operator of any vessel approaching the bridge from either upstream or downstream.

Dated: October 18, 1996.

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

[FR Doc. 96-28651 Filed 11-6-96; 8:45 am]

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#### **DEPARTMENT OF VETERANS AFFAIRS**

#### **38 CFR Part 3**

**RIN 2900-A135**

#### **Diseases Associated With Exposure to Certain Herbicide Agents (Prostate Cancer and Acute and Subacute Peripheral Neuropathy)**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning presumptive service connection for certain diseases for which there is no record of the disease during service. This amendment is necessary to implement a decision of the Secretary of Veterans Affairs, under the authority granted by the Agent Orange Act of 1991, that there is a positive association between exposure to herbicides used in the Republic of Vietnam during the Vietnam era and the subsequent development of prostate cancer and acute and subacute peripheral neuropathy. The intended effect of this amendment is to establish presumptive