

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 procedure 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 proposal will have a significant economic impact on a substantial number of small entities. "Small Entities" include independently owned and operated 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).

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 economic impact on a substantial number of small entities because the regulations will only affect larger vessels for three nights in a limited area.

#### 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 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 paragraph 2.B.2(34)(g) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. An environmental analysis checklist and categorical exclusion determination have been completed and have been filed in the rulemaking docket.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

#### Safety Zone Regulation

In consideration of the foregoing, the Coast Guard amends 33 CFR Part 165 as follows:

#### PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; and 49 CFR 1.46.

2. A new temporary § 165.T07–009 is added to read as follows:

#### § 165.T07–009 Safety Zone; Government Cut, Miami, Florida

(a) *Location.* The following area is a Safety Zone: Waters within Government Cut channel west of buoy #14 and east of buoy #16.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone by vessels 280 feet in length or larger is prohibited except as authorized by the Captain of the Port. The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Effective dates.* This section becomes effective from 6 p.m. on March 18, 1997 to 6 a.m. on March 19, 1997, and again from 6 p.m. on March 25, 1997 to 6 a.m. on March 26, 1997, and again from 6 p.m. on April 1, 1997 to 6 a.m. on April 2, 1997.

Dated: March 13, 1997.

**D.F. Miller,**

*Captain, U.S. Coast Guard, Captain of the Port Miami.*

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#### 33 CFR Part 165

[CCGD08–97–008]

RIN 2115–AE84

#### Regulated Navigation Area Regulations; Lower Mississippi River

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary regulated navigation area in the Lower Mississippi River from Vicksburg, MS to Mile 88 above Head of Passes on the Mississippi River. The regulated navigation area is needed to protect vessels, bridges, shoreside facilities and the public from a safety hazard created by high water and resulting flooding along the Lower Mississippi River. Downbound barge

traffic is prohibited unless it is in compliance with this regulation.

**EFFECTIVE DATES:** This regulation is effective from 8:30 p.m. on March 18, 1997 and terminates at 12 p.m. on April 5, 1997.

**FOR FURTHER INFORMATION CONTACT:** CDR Harvey R. Dexter, Marine Safety Division, USCG Eighth District at New Orleans, LA (504) 589–6271.

#### SUPPLEMENTARY INFORMATION:

#### Background and Purpose

The velocities of river currents on the Lower Mississippi River are approaching an all time high. Several very recent vessel allisions with bridges have been caused by strong currents and eddies resulting from these flood conditions on the Lower Mississippi River. Consequently, the Commander, Eighth Coast Guard District has identified a need to place horsepower and other operating restrictions on tow boats downbound on the Mississippi River to assure adequate safe power for navigation. This emergency Temporary Regulated Navigation Area extends from one mile above the Interstate 20 Highway Bridge at Vicksburg, Mississippi (Lower Mississippi River Mile 437), to Algiers Cutoff Canal at Mile 88 above Head of Passes. Downbound tows shall be restricted as follows:

(a) Tow boats with a brake horsepower of 7,400 (7,400 bhp) and greater shall be limited to a 25 barge tow.

(b) Tow boats with a brake horsepower of 6,000 (6,000 bhp), but less than 7,400 bhp, shall be limited to a 20 barge tow.

(c) For all other tows the following minimum brake horsepower requirements apply:

1. Loaded standard size dry cargo barges (195' by 35') traveling southbound: 300 brake horsepower per barge minimum.

2. For all other loaded dry cargo barges and all loaded liquid barges southbound: One brake horsepower minimum for each 5 deadweight tons of cargo.

3. For tows consisting of empty standard size dry cargo barges traveling southbound at Algiers Point: 200 brake horsepower per barge.

4. For tows containing mixed empty and loaded barges, the higher, loaded, brake horsepower standard applies (300 brake horsepower).

(d) For tows of 20 barges or larger, downbound transit through the Baton Rouge Railroad and Highway Bridge, also known as the Highway 190 Bridge, is restricted to daylight only.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to prevent downbound towing vessels from alliding with bridges and shoreside structures, and colliding with other vessels, causing danger to the public.

### 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 cost 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 10(e) 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 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 jurisdictional with populations of less than 50,000. Small entities in this case could include small towing companies who may be affected by this rule. Although this rule places nighttime restrictions for tows transiting the Baton Rouge Railroad and Highway Bridge, these restrictions are limited to tows of 20 or more barges and operators may reduce the size of their tows to transit those areas. No other restrictions on transit are imposed so long as the horsepower requirements are met. These horsepower requirements are consistent with accepted industry practice and the actions of a prudent mariner under the circumstances. This rule is deemed to *not* have a substantial economic impact.

### Collection of Information

This rule contains no collection-of-information requirements under the

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

### Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2.(g)(5) of Commandant Instruction M16475.1B, this proposal 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 (waters), Reporting and recordkeeping requirements, Safety Measures, and Waterways.

### Final Regulations

For the reasons set out in a the preamble the Coast Guard amends 33 CFR part 165 as follows:

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. A new temporary § 165.T08-001 is added to read as follows:

#### § 165.T08-001 Regulated Navigation Area; Mississippi River

(a) Location: The following area is a regulated navigation area:

All waters of the Mississippi River from one mile above the Interstate 20 Highway Bridge at Vicksburg, MS (Lower Mississippi River Mile 437 to Mile 88 above Head of Passes.

(b) Regulations:

(1) In accordance with general regulations in Section § 165.11 of this part, no downbound towboat with tow may operate within the regulated navigation area contrary to this regulation.

(2) Tow boats with a brake horsepower of 7,400 (7,400 bhp) and greater shall be limited to a 25 barge tow.

(3) Tow boats with a brake horsepower of 6,000 (6,000 bhp), but less than 7,400 bhp shall be limited to a 20 barge tow.

(4) For all other tows the following minimum brake horsepower requirements apply:

(i) Loaded standard size dry cargo barges (195' by 35') traveling southbound: 300 brake horsepower per barge minimum.

(ii) For other loaded dry cargo barges and all loaded liquid barges southbound: one break horsepower minimum for each 5 deadweight tons of cargo.

(iii) For tows consisting of empty standard size dry cargo barges traveling southbound at Algiers Point: 200 brake horsepower per barge.

(iv) For tows containing mixed empty and loaded barges, the higher, loaded, brake horsepower standard apply (300 brake horsepower).

(5) For tows of 20 barges or larger, downbound transit through the Baton Rouge Railroad and Highway Bridge, also known as the Highway 190 Bridge, is restricted to daylight only.

(6) The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) Effective dates: This section is effective at 8:30 p.m. on March 18, 1997 and terminates at 12 p.m. on April 5, 1997.

Dated: March 18, 1997.

**Paul J. Prokop,**

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

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## DEPARTMENT OF EDUCATION

**34 CFR Parts 75, 206, 231, 235, 369, 371, 373, 375, 376, 378, 380, 381, 385, 386, 387, 388, 389, 390, 396, 610, 612, and 630**

### Direct Grant Programs

**AGENCY:** Department of Education.

**ACTION:** Notice of interpretation for fiscal year 1997 grant competitions.

**SUMMARY:** The Secretary interprets and clarifies the applicability to fiscal year 1997 grant competitions of final regulations amending the Education Department General Administrative Regulations (EDGAR) governing discretionary grant programs. The Secretary takes this action to explain the limited circumstances under which a program may use the selection criteria formerly available under EDGAR.

**EFFECTIVE DATE:** March 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** Margo Anderson, U.S. Department of