

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]

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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

elsewhere in today's **Federal Register** for a detailed description of the State Plan.

DATES: Comments on this proposed rule must be postmarked by September 29, 1997. If no adverse comments are received, then the direct final rule is effective on October 28, 1997.

ADDRESSES: Comments should be mailed to Thomas H. Diggs, Chief, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the State's plan and other information relevant to this action are available for inspection during normal hours at the following locations:

Environmental Protection Agency,
Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700,
Dallas, Texas 75202-2733.

Louisiana Department of Environmental
Quality, Air Quality Program, 7290
Bluebonnet Blvd., Baton Rouge,
Louisiana 70810.

Anyone wishing to review this plan at the Region 6 EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Air Planning Section (6PD-L), EPA Region 6, telephone (214) 665-7219.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final notice which is located in the Rules Section of this **Federal Register**.

List of Subjects in 40 CFR Part 62

Environmental protection,
Administrative practice and procedure,
Air pollution control, Intergovernmental
relations, Paper and paper products
industry, Reporting and recordkeeping
requirements, Sulfuric acid plants,
Sulfuric oxides.

Authority: 42 U.S.C. 7401-7671q.

Dated: August 11, 1997.

Jerry Clifford,

Acting Regional Administrator.

[FR Doc. 97-21816 Filed 8-28-97; 8:45 am]

BILLING CODE 6560-50-P

LEGAL SERVICES CORPORATION

45 CFR Part 1630

Cost standards and procedures

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This rule proposes substantial revisions to the Legal Services Corporation's rule concerning the Corporation's cost standards and

procedures. The proposed revisions are intended to conform the rule to applicable provisions of the Inspector General Act, the Corporation's appropriation's act and relevant OMB Circulars.

DATES: Comments should be received on or before October 29, 1997.

ADDRESSES: Comments should be submitted to the Office of the General Counsel, Legal Services Corporation, 750 First St. NE., 11th Floor, Washington, DC 20002-4250.

FOR FURTHER INFORMATION CONTACT: Office of the General Counsel, (202) 336-8817.

SUPPLEMENTARY INFORMATION: This rule proposes substantial revisions to the Legal Services Corporation's ("LSC" or "Corporation") rule on cost standards and procedures to conform the rule to applicable provisions of Sec. 509 of Public Law 104-134; the Inspector General ("IG") Act, 5 U.S.C. App. 3, as amended; the Audit Guide for LSC Recipients and Auditors ("Audit Guide"); OMB Circular A-50, Audit Followup (September 29, 1982); and OMB Circular A-133, Audits of Institutions of Higher Education and Other Non-Profit Institutions (June 24, 1997) (this circular is applicable to LSC recipients through Section I-2 of the Audit Guide). In addition, the rule borrows from other relevant OMB circulars as appropriate; see OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations (November 19, 1993); OMB Circular A-122, Cost Principles for Nonprofit Organizations (May 8, 1997). The Corporation's Operations and Regulations Committee ("Committee") of the LSC Board of Directors ("Board") held public hearings on a draft proposed rule in Los Angeles, California, on July 13, 1997 and, after making revisions to the draft, adopted a proposed rule for publication in the **Federal Register** for public notice and comment.

Generally, this rule sets out proposed uniform standards for determining the allowability of costs and provides a proposed process for resolving questioned costs. A section-by-section analysis is provided below.

Section 1630.1 Purpose

The purpose of this proposed rule is to provide uniform standards for determining the allowability of costs and to provide a process for the resolution of questioned costs. This rule proposes deleting language in the current rule which explains that the

Corporation has considered the standardized policies developed under Federal experience and has adopted or adapted many Federal policies as appropriate for the legal services system. Such language is better placed in the rule's preamble.

Section 1630.2 Definitions

Paragraph (a) defines allowed cost as a cost that is determined in a management decision to be eligible for payment with LSC funds.

Paragraph (b) defines corrective action as action taken by a recipient that corrects deficiencies or makes improvements. It also includes a demonstration by the recipient that the audit or other findings do not warrant corrective action.

Paragraph (c) defines derivative income. This definition replaces the current § 1630.4(e) which defines program income, a term used within the Federal government for derivative income. Derivative income is used in this rule instead of program income because it is more familiar to the legal services community. Even though the current rule defines program income, the term is not used anywhere in the rule. This proposed rule devotes a section to derivative income, see § 1630.12.

Derivative income is defined as income earned from LSC-funded activities during the term of an LSC grant or contract. It would include interest earned on an LSC grant, fees for services or income for sales or rentals of real or personal property.

Paragraph (d) defines disallowed cost as a cost that should not be charged to LSC funds. It does not include reference to derivative income as does the current definition in § 1630.2(c). Instead, the rule addresses the recovery of derivative income in §§ 1630.7(b) and 1630.8.

Paragraph (e) defines final action as the completion of all corrective actions called for in a management decision. When no corrective action is required by Corporation management, the management decision is the final action. This term is not found in the current rule.

Paragraph (f) defines management decision as a written response by management to findings and recommendations in an audit or other report and a recipient's response to such findings and recommendations. A management decision includes any corrective actions necessary to address any findings and recommendations. This term is not found in the current rule.

Paragraph (g) defines questioned cost as a cost charged to LSC funds that is