

Oregon. The proposed change would increase the advance notice required for opening of the swingspan from one half hour to one hour so that sufficient time is available for the bridge operator to travel to the bridge during periods of heavy traffic congestion on area roads and highways.

**DATES:** Comments must be received on or before June 17, 1996.

**ADDRESSES:** Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174-1067. The comments and other materials referenced in this notice will be available for inspection and copying at 915 Second Avenue, Room 3410, Seattle, Washington. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, (Telephone: (206) 220-7270).

**SUPPLEMENTARY INFORMATION:**

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD13-95-011) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander, Thirteenth Coast Guard District at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines 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.

Background and Purpose

The proposed change would allow the operator more time to arrive at the

drawbridge. The operating regulations currently in effect require only one half hour notice for requesting openings. However, even when land traffic conditions on roads in the vicinity of the bridge are at their best, one half hour barely provides the operator enough time to travel to the bridge and commence operations. Land traffic volumes near the bridge have increased in the Portland area since the current regulations went into effect. A one hour notice period would allow the operator sufficient travel time to arrive at the bridge and open it in a timely fashion. The bridge averages 1-2 openings per day in months of frequent use and in other months considerably fewer openings. Vessels which require openings of the swingspan include tugs, fishing vessels, and sailboats.

Discussion of Proposed Rule

The proposed rule would amend 33 CFR 117.887 to state that the draw shall open on signal if at least one hour notice is given.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under 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 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 proposed rule to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the current notice period would only be increased by one half hour under the proposed amendment.

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 effect 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). The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant impact on a significant number of small entities.

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 proposal under 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.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2. of Commandant Instruction M16475.B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, 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); § 117.225 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.887 is revised to read as follows:

**§ 117.887 Oregon Slough (North Portland Harbor).**

The draw of the Burlington Northern Santa Fe Railroad Bridge, mile 3.2 at Portland, Oregon, shall open on signal if at least one hour notice is given.

Dated: April 2, 1996.

J.W. Lockwood,  
Rear Admiral, U.S. Coast Guard, Commander,  
13th Coast Guard District.

[FR Doc. 96-9437 Filed 4-16-96; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[KY81-1-6855; FRL-5459-6]

**Approval and Promulgation of Air Quality Implementation Plans; The Commonwealth of Kentucky— Proposed Disapproval of the Request To Redesignate the Kentucky Portion of the Cincinnati-Northern Kentucky Moderate Ozone Nonattainment Area to Attainment and the Associated Maintenance Plan**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to disapprove the Commonwealth of Kentucky Natural Resources and Environmental Protection Cabinet's (Cabinet) request to redesignate the Kentucky portion of the Cincinnati-Northern Kentucky moderate ozone nonattainment area to attainment and the associated maintenance plan as a revision to the state implementation plan (SIP). The EPA determined that the area registered a violation of the ozone national ambient air quality standard (NAAQS). As a result, the Northern Kentucky area no longer meets the statutory criteria for redesignation to attainment of the ozone NAAQS.

**DATES:** Comments on this proposed action must be received in writing by May 17, 1996.

**ADDRESSES:** Written comments on this action should be addressed to Kay Prince at the Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file KY-81-1-6855. The Region 4 office may have additional background documents not available at the other locations.

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365. Kay Prince, (404) 347-3555 extension 4221.

Division of Air Quality, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, 803 Schenkel Lane, Frankfort, Kentucky 40601 (502) 573-3382.

**FOR FURTHER INFORMATION CONTACT:** Kay Prince at (404) 347-3555 extension 4221.

**SUPPLEMENTARY INFORMATION:** On November 11, 1994, the Cabinet submitted a request to EPA to redesignate the Kentucky portion of the Cincinnati-Northern Kentucky moderate interstate ozone nonattainment area from nonattainment to attainment. On that date, the Cabinet also submitted a maintenance plan for the area as a revision to the Kentucky SIP.

According to section 107(d)(3)(E) of the Clean Air Act (CAA), 42 U.S.C. 7407(d)(3)(E), redesignation requests must meet five specific criteria in order for EPA to redesignate an area from nonattainment to attainment:

1. The Administrator determines that the area has attained the ozone NAAQS;

2. The Administrator has fully approved the applicable implementation plan for the area under section 110(k);

3. The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollution control regulations and other permanent and enforceable reductions;

4. The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and

5. The State containing such area has met all requirements applicable to the area under section 110 and part D.

The Northern Kentucky area appeared to have attained the NAAQS, based on air quality data monitored from 1992 through 1994. The Cabinet's November 11, 1994, request for redesignation and its submittal of a maintenance plan SIP revision for the Northern Kentucky area were evaluated by EPA and determined to have satisfied the five criteria listed above. However, after review of the 1995 ambient air quality data, EPA determined that the area registered a violation of the ozone NAAQS. The ambient data has been quality assured according to established procedures for validating such monitoring data. The Cabinet does not contest that the area violated the NAAQS for ozone during the 1995 ozone season. As a result, the Northern Kentucky area no longer meets the statutory criteria for redesignation to attainment of the ozone NAAQS found in section 107(d)(3)(E)(i) of the CAA.

The maintenance plan SIP revision is not approvable because its demonstration is based on a level of ozone precursor emissions in the

ambient air thought to represent an inventory of emissions that would provide for attainment and maintenance. That underlying basis of the maintenance plan's demonstration is no longer valid due to the violation of the NAAQS that occurred during the 1995 ozone season.

**Proposed Action**

EPA is proposing to disapprove the Commonwealth's November 11, 1994 redesignation request and maintenance plan SIP revision.

EPA is soliciting public comments on this notice and on issues relevant to EPA's proposed action. Comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the person listed in the **ADDRESSES** section.

The agency has reviewed this request for revision of the Federally-approved SIP for conformance with the provisions of the CAA. The Agency has determined that this action does not conform with the statute as amended and should be disapproved.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

EPA's denial of the State's redesignation request under section 107(d)(3)(E) does not affect any existing requirements applicable to small

entities nor does it impose new requirements. The area retains its current designation status and will continue to be subject to the same statutory requirements. To the extent that the area must adopt regulations, based on its nonattainment status, EPA will review the effect of those actions on small entities at the time the state submits those regulations. Therefore, I certify that denial of the redesignation request will not affect a substantial number of small entities.

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and record keeping requirements, Sulfur oxides.

##### 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

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

Dated: March 25, 1996.

Phyllis Harris,

Acting Regional Administrator.

[FR Doc. 96-9464 Filed 4-16-96; 8:45 am]

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#### 40 CFR Part 85

[FRL-5458-3]

### Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Public Review of a Notification of Intent To Certify Equipment

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of agency receipt of a notification of intent to certify equipment and initiation of 45 day public review and comment period.

**SUMMARY:** Detroit Diesel Corporation (DDC) has submitted to the Agency a notification of intent to certify urban bus retrofit/rebuild equipment pursuant to 40 CFR Part 85, Subpart O. The notification describes equipment consisting of fuel injectors, cylinder kits, camshafts, blower, turbocharger, cylinder heads, and associated gaskets, which operators could use at the time of engine rebuild to upgrade certain 1988-90 model year DDC 6V92TA DDEC II engines to a 1991 model year configuration. Pursuant to § 85.1407(a)(7), today's Federal Register document summarizes the notification, announces that the notification is available for public review and

comment, and initiates a 45-day period during which comments can be submitted. The Agency will review this notification of intent to certify, as well as any comments it receives, to determine whether the equipment described in the notification of intent to certify should be certified. If certified, the equipment can be used by urban bus operators to reduce the particulate matter of urban bus engines.

The notification of intent to certify, as well as other materials specifically relevant to it, are contained in Category XII of Public Docket A-93-42, entitled "Certification of Urban Bus Retrofit/Rebuild Equipment". This docket is located at the address listed below.

Today's document initiates a 45-day period during which the Agency will accept written comments relevant to whether or not the equipment included in this notification of intent to certify should be certified. Comments should be provided in writing to Public Docket A-93-42, Category XII, at the address below, and an identical copy should be submitted to Tom Stricker, also at the address below.

**DATES:** Comments must be submitted on or before June 3, 1996.

**ADDRESSES:** Submit separate copies of comments to each of the two following addresses:

1. U.S. Environmental Protection Agency, Public Docket A-93-42 (Category XII), Room M-1500, 401 M Street SW., Washington, DC 20460.
2. Tom Stricker, Engine Programs and Compliance Division (6403J), 401 "M" Street SW., Washington, DC 20460.

The DDC notification of intent to certify, as well as other materials specifically relevant to it, are contained in the public docket indicated above. Docket items may be inspected from 8:00 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by the Agency for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Tom Stricker, Engine Programs and Compliance Division (6403J), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460. Telephone: (202) 233-9322.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On April 21, 1993, the Agency published final Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (58 FR 21359). The retrofit/rebuild program is intended to reduce the ambient levels of

particulate matter (PM) in urban areas and is limited to 1993 and earlier model year (MY) urban buses operating in metropolitan areas with 1980 populations of 750,000 or more, whose engines are rebuilt or replaced after January 1, 1995. Operators of the affected buses are required to choose between two compliance options: Program 1 sets particulate matter emissions requirements for each urban bus engine in an operator's fleet which is rebuilt or replaced; Program 2 is a fleet averaging program that establishes specific annual target levels for average PM emissions from urban buses in an operator's fleet.

A key aspect of the program is the certification of retrofit/rebuild equipment. To meet either of the two compliance options, operators of the affected buses must use equipment which has been certified by the Agency. Emissions requirements under either of the two compliance options depend on the availability of retrofit/rebuild equipment certified for each engine model. To be used for Program 1, equipment must be certified as meeting a 0.10 g/bhp-hr PM standard or as achieving at least a 25 percent reduction in PM. Equipment used for Program 2 must be certified as providing some level of PM reduction that would in turn be claimed by urban bus operators when calculating their average fleet PM levels attained under the program. For Program 1, information on life cycle costs must be submitted in the notification of intent to certify in order for certification of the equipment to initiate (or trigger) program requirements. To trigger program requirements, the certifier must guarantee that the equipment will be available to all affected operators for a life cycle cost of \$7,940 or less at the 0.10 g/bhp-hr PM level, or for a life cycle cost of \$2,000 or less for 25 percent or greater reduction in PM. Both of these values are based on 1992 dollars.

##### II. Notification of Intent To Certify

By a notification of intent to certify dated January 2, 1996, DDC has applied for certification of equipment applicable to its 6V92TA model engines having electronically controlled fuel injection (Detroit Diesel Electronic Control II—DDEC II) that were originally manufactured between January 1, 1988 and December 31, 1990. The notification of intent to certify states that the candidate equipment will reduce PM emissions 25 percent or more, on petroleum-fueled diesel engines that have been rebuilt to DDC specifications. Further, transit pricing level has been