

Rule 201 or 202 of Regulation S-T (§§ 232.201 or 232.202 respectively).

By the Commission.

Dated: October 24, 1997.

Margaret H. McFarland,

Deputy Secretary.

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BILLING CODE 8010-01-P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Rules of Procedure; E-Z Trial

CFR Correction

In title 29 of the Code of Federal Regulations, part 1927 to end, revised as of July 1, 1997, on page 261, in § 2200.203, paragraph (a) should be removed and reserved.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CCGD08-97-020]

RIN 2115-AE84

Regulated Navigation Area Regulations; Mississippi River, LA-Regulated Navigation Area

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard is revising the Regulated Navigation Area (RNA) for vessels operating in the Mississippi River below Baton Rouge, Louisiana including South Pass and Southwest Pass by adding additional requirements for vessels of 1,600 gross tons or greater operating in the RNA. This revision requires enhanced safety procedures for vessels of 1,600 gross tons or greater operating on the Mississippi River. The Coast Guard is also requiring moored or anchored passenger vessels with embarked passengers to maintain a manned pilothouse watch for the safety of the vessel, crew and passengers.

DATES: This interim rule is effective October 30, 1997. Comments must reach the Coast Guard on or before December 29, 1997.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Eighth Coast Guard District Marine Safety Division, 501 Magazine Street, Room 1341, New Orleans, LA during

normal office hours between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-4686.

FOR FURTHER INFORMATION CONTACT: Mr. M. M. Ledet, Vessel Traffic Management Specialist, at the Eighth Coast Guard District Marine Safety Division, New Orleans, LA or by telephone at (504) 589-4686.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments specifically pertaining to 33 CFR § 165.810(f)(3)(iii) of this rule. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD08-97-020) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an 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 rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council 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**.

Regulatory Information

On August 29, 1997 (62 FR 45775), the Coast Guard published a notice of proposed rulemaking entitled "Regulated Navigation Area Regulations; Mississippi River, LA-Regulated Navigation Area" in the **Federal Register**. No public hearing was requested and none was held. The Coast Guard received 2 letters commenting on the proposed rulemaking. Based on information presented in one of the comments, concerning proposed 33 CFR 165.810(f)(3)(iii), the Coast Guard is reconsidering this provision. This rule is being published as an interim rule and the Coast Guard requests all interested parties to comment on 33 CFR 165.810(f)(3)(iii).

On December 14, 1996, the 36,000 gross ton M/V BRIGHT FIELD, while transiting the Lower Mississippi River, allided with the Riverwalk store complex in New Orleans, Louisiana causing extensive damage and numerous injuries. This marine casualty prompted the Captain of the Port New Orleans to issue Captain of the Port Orders to moored or anchored high capacity passenger vessels operating on the Mississippi River. These orders required those vessels to maintain a manned pilothouse watch in order to monitor river activity and to be immediately available to activate emergency procedures to protect the vessel, crew and passengers in the event of an emergency radio broadcast, danger signal or other visual indication of a problem. The initial intent of this order was to establish an interim measure to prevent future allisions and collisions.

On March 18, 1997 (62 FR 14637, March 27, 1997), the Coast Guard established a temporary regulated navigation area affecting the operation of downbound tows in the Lower Mississippi River from mile 437 at Vicksburg, MS to mile 88 above Head of Passes. These regulations were subsequently amended on March 21 (62 FR 15398, April 1, 1997), March 29 (62 FR 16081, April 4, 1997), April 4 (62 FR 17704, April 11, 1997) and April 20 (62 FR 23358, April 30, 1997). The amendments added additional operating requirements for vessels of 1,600 gross tons or greater; increased the operating limitations on tank barges and ships carrying hazardous chemicals and gasses; and extended the RNA to the boundary of the territorial sea at the approaches to Southwest Pass and South Pass of the Mississippi River.

This RNA and its subsequent amendments was also prompted by unprecedented high waters on the Mississippi River. Conditions on the Lower Mississippi River became so sever that it necessitated the opening of the Bonnet Carre Spillway by the Army Corps of Engineers in order to ease high-water conditions and partially combat very strong river currents. The high-water conditions contributed to numerous barge breakaways and a marked increase in vessel accidents. The additional operating requirements were designed to provide a greater margin of safety for vessels of 1,600 gross tons or greater operating on this waterway.

On April 20 (62 FR 23358, April 30, 1997), the towboat and barge limitations and the chemical and gas ship operating restrictions expired. The regulations affecting self-propelled vessels of 1,600 gross tons or greater were extended until