

List of Substances	Limitations
<p>* * *</p> <p>Perfluoroalkyl substituted phosphate ester acids, ammonium salts formed by the reaction of 2,2-bis[(γ,ω-perfluoroC₄₋₂₀alkylthio)methyl]-1,3-propanediol, polyphosphoric acid and ammonium hydroxide.</p> <p>* * *</p>	<p>* * *</p> <p>For use only as an oil and water repellent at a level not to exceed 0.44 percent perfluoroalkyl actives by weight of the finished paper and paperboard in contact with non-alcoholic foods under condition of use H as described in Table 2 of paragraph (c) of this section; and in contact with food of types III, IV-A, V, VII-A, and IX described in Table 1 of paragraph (c) of this section under conditions of use C through G as described in Table 2 of paragraph (c) of this section.</p> <p>* * *</p>

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Dated: February 7, 1997.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 97-5558 Filed 3-6-97; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08-97-005]

RIN 2115-AE47

Drawbridge Operation Regulation; Inner Harbor Navigation Canal, LA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the regulation for the operation of the L&N Railroad/Old Gentilly Road bascule span drawbridge across the Inner Harbor Navigation Canal, mile 3.4 in New Orleans, Orleans Parish, Louisiana, to authorize it to remain closed to navigation between the hours of 8 a.m. and noon and between the hours of 1 p.m. and 5 p.m. daily, from March 6, 1997 through May 19, 1997. This action is necessary for the fender system to be repaired and portions of it replaced.

DATES: This temporary final rule is effective beginning at 8 a.m. on March 6, 1997 and ending at 5 p.m. on May 19, 1997.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130-3396 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The

telephone number is (504) 589-2965. Eighth Coast Guard District Bridge Administration Branch maintains the public docket for this temporary final rule.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION:

Drafting Information: The principal persons involved in drafting this regulation are Phil Johnson, Project Manager, Eighth Coast Guard District Bridge Administration Branch, and Lieutenant Commander Jim Wilson, Project Attorney, Eighth Coast Guard District Legal Office.

Discussion of Rule

Notice of this repair was not provided in time to issue a notice of proposed rulemaking. Unsafe condition of the bridge fender system warrants the closures so that remedial work can be accomplished. For the same reason, good cause exists to make this temporary rule effective in less than 30 days after publication.

The L&N Railroad/Old Gentilly Road bascule span drawbridge across the Inner Harbor Navigation Canal, mile 3.4 in New Orleans, has a vertical clearance of one foot above high tide in the closed to navigation position. The horizontal clearance of the bridge is only 93 feet. A crane barge will be required to occupy the majority of this very narrow channel in order to reconstruct the fender system. The Coast Guard is temporarily changing the regulation for the operation of the L&N Railroad/Old Gentilly Road bascule span drawbridge across the Inner Harbor Navigation Canal, mile 3.4 in New Orleans, Orleans Parish, Louisiana, to authorize it to remain closed to navigation between the hours of 8 a.m. and noon and between the hours of 1 p.m. and 5 p.m. daily, from March 6, 1997 through May 19, 1997.

This action is necessary for the fender system to be repaired and portions of it

replaced. The barged and related equipment will be removed from the channel from noon until 1 p.m. and from 5 p.m. until 8 a.m. daily at which time the bridge may be opened to pass marine traffic.

Navigation on the waterway consists of tugs with tows, including crane barges, jack-up boats, oil industry crew vessels, fishing vessels, sailing vessels and other recreational craft. The fender system of the bridge has sustained considerable damage from numerous vessel strikes, compromising its ability to protect the bridge. It must be rehabilitated for the safety of rail as well as for vehicular traffic.

The Port of New Orleans has requested this temporary final rule so that the fender system can be repaired and portions of it replaced. The short term inconvenience, attributable to a delay of vessel traffic for a maximum of four hours, is outweighed by the long-term benefits to be gained in the interest of safety.

Regulatory Evaluation

This temporary final 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 temporary final 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 temporary final rule 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 certifies under 5 U.S.C. 605(b) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This temporary final 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 proposal in accordance with the principles and criteria contained in Executive Order 12612 and it has been 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.g(5) of Commandant Instruction M16475.1B, this temporary final 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 117

Bridges.

Regulation

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR Part 117 as follows:

PART 117—[AMENDED]

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; AND 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. 102–587, 106 Stat. 5039.

§ 117.458 [Amended]

2. Effective March 6, 1997 through May 19, 1997, § 117.458 is amended by adding a new paragraph (c) to read as follows:

§ 117.458 Inner Harbor Navigation Canal, New Orleans.

* * * * *

(c) The draw of the L&N Railroad/Old Gentilly Road bascule span drawbridge across the Inner Harbor Navigation

Canal, mile 3.4 shall open on signal; except that between the hours of 8 a.m. and noon and between the hours of 1 p.m. and 5 p.m. daily, from March 6, 1997 through May 19, 1997, the draw need not open for the passage of vessels.

Dated: February 27, 1997.

T. W. Josiah,
*Rear Admiral, U.S. Coast Guard Commander,
Eighth Coast Guard District.*

[FR Doc. 97–5832 Filed 3–5–97; 1:31 pm]

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DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AI53

Veterans Education: Increased Allowances for the Educational Assistance Test Program

AGENCIES: Department of Defense and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually by the Secretary of Defense based upon the average actual cost of attendance at public institutions of higher education in the 12-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that the rates for the 1996–97 academic year should be increased by 6% over the rates payable for the 1995–96 academic year. The regulations dealing with these rates are amended accordingly.

EFFECTIVE DATE: March 7, 1997.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, 202–273–7187.

SUPPLEMENTARY INFORMATION: The law (10 U.S.C. 2145) provides that the Secretary of Defense shall adjust the amount of educational assistance which may be provided in any academic year under the Educational Assistance Test Program, and the amount of subsistence allowance authorized under that program. The adjustment is to be based upon the 12-month increase in the average actual cost of attendance at public institutions of higher education. As required by law, the Department of

Defense has consulted with the Department of Education. The Department of Defense has concluded that these costs increased by 6% in the 1995–96 academic year. Accordingly, this revision changes 38 CFR 21.5820 and 21.5822 to reflect a 6% increase in the rates payable in the 1996–97 academic year.

Pursuant to 5 U.S.C. 553 there is good cause for finding that notice and public procedure are impractical, unnecessary, and contrary to the public interest and there is good cause for dispensing with a 30-day delay of the effective date. The rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program are determined based on a statutory formula and, in essence, the calculation of rates merely constitutes a non-discretionary ministerial act.

The Secretary of Veterans Affairs and the Secretary of Defense have certified that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule directly affects only individuals and does not directly affect small entities. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

There is no Catalog of Federal Domestic Assistance number for the program affected by these regulations.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs—education, Grant programs—veterans, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: December 18, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

Approved: February 14, 1997.

Normand G. Lezy,

Lieutenant General, USAF, Deputy Assistant Secretary (Military Personnel Policy) Department of Defense.

For the reasons set out above, 38 CFR part 21 (subpart H) is amended as set forth below.