

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117**

[CGD08-98-053]

RIN 2115-AE47

**Drawbridge Operation Regulation;
Chef Menteur Pass, LA**

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes a change to the regulation governing the operation of the U.S. Highway 90 swing span bridge across Chef Menteur Pass, mile 2.8 at Lake Catherine, Orleans Parish, Louisiana. The proposal would permit the draw to remain closed to navigation from 5:30 a.m. to 7:30 a.m., Monday through Friday, except Federal holidays.

Vehicular traffic has become congested during peak traffic hours by commuters who work in the Almonaster Development District in Orleans Parish. This change in drawbridge operating regulations will provide for the uninterrupted flow of vehicular traffic for commuters en route to work during this period, while still providing for the reasonable needs of navigation.

DATES: Comments must be received on or before January 19, 1999.

ADDRESSES: You may mail comments to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, or deliver them to room 1313 at the same address between 7 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

The Commander, Eighth Coast Guard District Bridge Administration Branch maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the address given above, between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION:**Requests for Comments**

The Coast Guard encourages interested parties to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 08-98-053) 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. This proposed rule may be changed in view of the comments.

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

Discussion of Proposed Rule

The U.S. Highway 90 bridge is a swing structure which provides a vertical clearance of 11 feet above mean high water in the closed-to-navigation position and unlimited in the open-to-navigation position and a horizontal clearance of 97 feet between fenders. Navigation on the waterway consists of tugs with tows, commercial fishing vessels and recreational craft. Vehicular traffic crossing the bridge during peak rush hour traffic periods has increased significantly during recent years. This is the only route available for motorists, who live in the Lake Catherine area who commute to work at the Almonaster Development District, without a long detour for more than 25 miles by backtracking north to State Route 433, thence south via Interstate 10 to U.S. 11, thence south and return to U.S. 90.

The Coast Guard is considering changing the regulation governing the operation of the drawbridge to permit the draw to remain closed to navigation from 5:30 a.m. to 7:30 a.m., Monday through Friday, except Federal holidays. The proposed regulation would allow for the free flow of vehicular traffic, while still serving the reasonable needs of navigational interests.

Data provided by the Louisiana Department of Transportation and Development shows that from July 6, 1998 through July 20, 1998, from 5:30 a.m. to 7:30 a.m. weekdays, excluding Federal holidays the average number of vehicles which crossed the bridge was 150. Of those vehicles, an average of 127 were west bound and 23 were eastbound. This indicates that the

majority of the vehicular traffic is westbound from the Lake Catherine area toward the Almonaster Development District during this time frame. Information taken from bridge tender logs shows that from July 1997 through June 1998, the number of vessels that passed the bridge and required openings of the draw averaged one vessel daily, during the proposed 5:30 a.m. to 7:30 a.m. closure period on weekdays, excluding Federal holidays.

This proposed rule will necessitate the redesignation of § 117.435 as § 117.434; § 117.436 as § 117.435; and a new § 117.436 to be added as Chef Menteur Pass. All redesignations are administrative in nature and will not substantively affect existing operating regulations.

Regulatory Evaluation

This proposal 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This is because the number of vessels impaired during the proposed closed-to-navigation period is minimal. Commercial fishing vessels still have ample opportunity to transit this waterway before and after the peak vehicular traffic periods.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields and governmental jurisdictions with populations of less than 50,000.

The proposed rule considers the needs of local commercial fishing vessels, as the study of vessels passing the bridge included such commercial vessels. These local commercial fishing vessels will continue to be able to pass the bridge in the early morning, prior to 5:30 a.m. and at any time during the day after 7:30 p.m., as well as 24 hours per day on weekends and Federal holidays.

Additionally, an alternate route is available by transiting Rigolets Pass, approximately 20 miles east of Chef Menteur Pass, via the Intracoastal Waterway. Thus, the economic impact is expected to be minimal. There is no indication that other waterway users would suffer any type of economic hardship if they are precluded from transiting the waterway during the two hours per day that the draw is scheduled to remain in the closed-to-navigation position. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial 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

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. The authority to regulate the permits of bridges over the navigable waters of the U.S. belongs to the Coast Guard by Federal statutes.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under Figure 2-1, paragraph 32(e) of Commandant Instruction M16475.1C, 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 117

Bridges.

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); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

§§ 117.435 and 117.436 [Redesignated]

2. § 117.435 is redesignated as § 117.434; § 117.436 is redesignated as

§ 117.435; and a new § 117.436 is added to read as follows:

§ 117.436 Chef Menteur Pass.

The draw of the U.S. Highway 90 bridge, mile 2.8, at Lake Catherine, shall open on signal; except that, from 5:30 a.m. to 7:30 a.m. Monday through Friday except Federal holidays, the draw need not be opened for passage of vessels. The draw shall open at any time for a vessel in distress.

Dated: October 2, 1998.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 98-30595 Filed 11-17-98; 8:45 am]

BILLING CODE 4910-15-M

PRESIDIO TRUST

36 CFR Parts 1001, 1002, 1003, 1004, 1005, and 1006

RIN 3212-AA01

Management of the Presidio

AGENCY: The Presidio Trust.

ACTION: Proposed rule; partial extension of public comment period.

SUMMARY: This action extends until January 8, 1999 the period for public comment on a portion of the proposed rule published in the **Federal Register** (63 FR 50024-50055) on September 18, 1998 concerning management of the area under the administrative jurisdiction of the Presidio Trust (proposed 36 CFR Parts 1001, 1002, 1003, 1004, 1005 and 1006). The period for public comment on the remaining portion of this proposed rule (proposed 36 CFR Parts 1007, 1008, and 1009) closed on November 17, 1998.

DATES: Comments on Parts 1001, 1002, 1003, 1004, 1005 and 1006 of the proposed rule must be received by January 8, 1999.

ADDRESSES: Written comments on Parts 1001, 1002, 1003, 1004, 1005 and 1006 of the proposed rule must be sent to Karen A. Cook, General Counsel, The Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129-0052.

FOR FURTHER INFORMATION CONTACT: Karen A. Cook, General Counsel, The Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129-0052. Telephone: 415-561-5300.

SUPPLEMENTARY INFORMATION: By publication in the **Federal Register** on September 18, 1998 (63 FR 50024-50055), the Presidio Trust proposed regulations for management of the

Presidio and for exercising its authorities in the following nine parts:

Part 1001—General provisions
Part 1002—Resource protection, public use and recreation
Part 1003—Vehicles and traffic safety
Part 1004—Commercial and private operations
Part 1005—Rights-of-way
Part 1006—Presidio Trust symbols
Part 1007—Requests under the Freedom of Information Act
Part 1008—Requests under the Privacy Act
Part 1009—Administrative claims under the Federal Tort Claims Act

The area under the administrative jurisdiction of the Presidio Trust was formerly under the administrative jurisdiction of the National Park Service (NPS) and is adjacent to an area that continues to be under the administrative jurisdiction of the NPS. At the request of the NPS, the Presidio Trust is extending the public comment period on Parts 1001, 1002, 1003, 1004, 1005 and 1006 of the proposed regulations from the original deadline of November 17, 1998 to January 8, 1999. In the meantime, the Presidio Trust's final interim regulations at 36 CFR Parts 1001, 1002, 1004, and 1005, which were adopted by the Presidio Trust and published in the **Federal Register** on June 30, 1998 (63 FR 35694), will remain in effect.

The comment period on Parts 1007, 1008, and 1009 of the proposed regulations closed on November 17, 1998, and the Trust expects to issue final regulations on these topics following consideration of comments received.

Authority: Pub. L. 104-333, 110 Stat. 4097 (16 U.S.C. 460bb note).

Dated: November 12, 1998.

Karen A. Cook,

General Counsel.

[FR Doc. 98-30786 Filed 11-17-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[AL-048-1-9901b; FRL-6188-8]

Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Alabama

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the section 111(d)/129 State Plan submitted by the Alabama Department of Environmental Management (ADEM) for