

programmatic objectives and that disclosure in such limited circumstances will not subject the submitter of the information to commercial harm. This supplemental notice was originally published in the **Federal Register** on August 4, 1998, and had an ending comment period of September 3, 1998. Due to several request for extension, the Export-Import Bank has decided to extend the comment period.

DATES: Interested persons are invited to submit comments on or before September 24, 1998.

ADDRESSES: Address all comments concerning this proposed rule to Howard A. Schweitzer, Counsel for Administration, Export-Import Bank of the United States, 811 Vermont Avenue, N.W., Room 951, Washington, D.C. 20571.

FOR FURTHER INFORMATION CONTACT: Howard A. Schweitzer, (202) 565-3229.

SUPPLEMENTARY INFORMATION: The Export-Import Bank of the United States (Ex-Im Bank or "the Bank") is proposing the following amendment under the authority of the Export-Import Bank Act of 1945, 12 U.S.C. 635. The purpose of the proposed amendment is to ensure that necessary disclosures of information in connection with developing Bank programs are consistent with relevant law and regulation. The following proposed section provides for disclosure of such information only when the disclosure is necessary to support the Bank's promotion of policy and programmatic objectives and only if Ex-Im Bank's President determines that the disclosure will not subject the submitter of the information to commercial harm.

The determinations concerning the Regulatory Flexibility Act, Executive Order 12866, the Unfunded Mandates Reform Act, and the Small Business Enforcement Fairness Act of 1996 that Ex-Im Bank made in connection with publication of the original proposed rule apply to this supplemental notice of proposed rulemaking.

List of Subjects in 12 CFR Part 404

Administrative practice and procedure, Confidential business information, Freedom of Information, Privacy.

For the reasons stated in the preamble, Ex-Im Bank proposes to amend 12 CFR chapter IV as follows:

PART 404—INFORMATION DISCLOSURE

1. The authority citation for part 404 is revised to read as follows:

Authority: 5 U.S.C. 552 and 552a. Section 404.7 also issued under E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235. Section 404.21 also issued under 5 U.S.C. 552a note. Section 404.70 issued under 12 U.S.C. 635.

2. Part 404, as proposed to be revised at 62 FR 64178, is further amended by adding and reserving subparts C and D and adding subpart E to read as follows:

PART 404—INFORMATION DISCLOSURE

Subpart E—Miscellaneous Information Disclosure Provisions

Sec.

404.70 Asset disposition, program development, and risk reduction efforts.

Subpart E—Miscellaneous Information Disclosure Provisions

§ 404.70 Asset disposition, program development, and risk reduction efforts.

(a) *Purpose and scope.* The purpose of this section is to provide for disclosure, only in the context of program development, asset disposition, debt collection, and risk reduction efforts, of confidential commercial or financial information when such disclosure is needed to facilitate the Bank's support of the export of goods and services. Ex-Im Bank shall disclose such information only to persons, as defined in § 404.2, who require access to such information to perform their intended services on behalf of the Bank.

(b) *Disclosure of information.* Ex-Im Bank may in connection with program development, asset disposition, debt collection and risk reduction efforts, disclose information described in 5 U.S.C. 552(b)(4) that is provided to Ex-Im Bank in connection with applications for financial support or related transactions, when the Ex-Im Bank President determines that disclosure is needed to support the Bank's promotion of policy and programmatic objectives and that disclosure in such limited circumstances will not subject the submitter of the information to commercial harm. Ex-Im Bank does not waive its right to withhold information, in response to a FOIA request, that has been or could be disclosed pursuant to this section if Ex-Im Bank determines that such disclosure could subject the submitter of the information to commercial harm.

(c) *Protections.* Whenever possible, Ex-Im Bank shall enter into confidentiality agreements intended to protect the confidentiality of any commercial or financial information disclosed pursuant to this section.

Dated: September 3, 1998.

Elaine Stangland,

Deputy General Counsel.

[FR Doc. 98-24274 Filed 9-9-98; 8:45 am]

BILLING CODE 6690-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05-98-069]

RIN 2115-AE47

Drawbridge Operation Regulations; Perquimans River, Hertford, North Carolina

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulations that govern the operation of the drawbridge across Perquimans River, mile 12.0, in Hertford, North Carolina, by decreasing its hours of operation during specific times of inactivity. This proposed rule is intended to lessen the high cost of manning the drawbridge 24 hours a day while still providing for the reasonable needs of navigation.

DATES: Comments must be received on or before November 9, 1998.

ADDRESSES: Comments may be mailed to Commander (Aowb), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or may be hand-delivered to the same address between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6222. Comments will become a part of this docket and will be available for inspection and copying at the above address.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05-98-069), the specific section of this rule to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying

and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

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, (Aowb) Fifth Coast Guard District, at the address listed under **ADDRESSES**. The request should include 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 current regulations at 33 CFR 117.835 require the U.S. Route 17 drawbridge across the Perquimans River, mile 12.0, in Hertford, North Carolina to operate as follows: The draw shall open on signal from 8 a.m. to midnight from April 1 through September 30, and from 10 a.m. to 10 p.m. from October 1 through March 31. The draw need not be opened at all other times. The Town of Hertford, through the North Carolina Department of Transportation (NCDOT), has requested permission to decrease the number of hours the bridge is attended. In support of its request, NCDOT asserts that 3 years of drawbridge opening logs (from 1995 through 1997) show that marine vessel traffic significantly decreased during April and at night from 10 p.m. to midnight throughout the year.

The Coast Guard has reviewed these logs (copies of which are included in the docket for this rulemaking) and they appear to support NCDOT's request. According to the January 1995 to December 1997 drawbridge logs, 233 openings occurred, which is a decrease from the previous three years (1992-94), when there were 370 openings.

The decrease in the overall number of openings plus the decrease in openings during the registered time periods indicate that it would be advantageous to change the drawbridge operating regulations. Based on this data, the Coast Guard believes that closure during the proposed time periods would not overburden marine traffic while lessening the high cost of manning the bridge 24 hours per day. This proposed rule is intended to decrease the high cost of manning the drawbridge while

still providing for the reasonable needs of navigation.

Discussion of Proposed Rule

The Coast Guard is proposing a new regulation governing the operation of this drawbridge. The proposed rule would require the draw to operate as follows:

- During May through September, the draw would open on signal from 8 a.m. to 10 p.m., seven days a week.
- During April and October, the draw would open on signal from 8 a.m. to 10 p.m., Saturdays and Sundays.
- During March and November, the draw would open on signal from 10 a.m. to 10 p.m., Saturdays and Sundays.
- During December, January, and February, twenty-four hours advance notice would be required for openings.
- At all other times, the draw would not be required to open.

The drawbridge would continue to be required to operate in compliance with 33 CFR 117.31(b), Operation of draw for emergency situations, and 33 CFR 117.55, Posting of requirements.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs 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 believes that closure during the proposed time periods would not overburden marine traffic due to the lack of use during these periods. Therefore, 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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard must consider whether this proposed rule will have a significant economic impact 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). Because it expects the impact of this proposed rule to be minimal, 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. 3501-3520).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and has determined that this proposed 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 proposal and concluded that under Figure 2-1, paragraph (32)(e) of COMDTINST M16475.1C, this proposed rule is categorically excluded from further environmental documentation based on the fact that it is a promulgation of the operating regulations for a drawbridge. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, 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.

2. Section 117.835 is revised to read as follows:

§ 117.835 Perquimans River.

The draw of the US17 Bridge over Perquimans River, mile 12.0, in Hertford, North Carolina shall operate as follows:

(a) During May through September, the draw shall open on signal from 8 a.m. to 10 p.m., seven days a week.

(b) During April and October, the draw shall open on signal from 8 a.m. to 10 p.m., Saturdays and Sundays.

(c) During March and November, the draw shall open on signal from 10 a.m. to 10 p.m., Saturdays and Sundays.

(d) During December, January, and February, twenty-four hours advance notice is required for openings.

(e) The draw need not be opened at all other times.

Dated: September 1, 1998.

Roger T. Rufe, Jr.,

*Vice Admiral, U.S. Coast Guard Commander,
Fifth Coast Guard District.*

[FR Doc. 98-24289 Filed 9-9-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 1 and 2

RIN 2900-AH98

Release of Information From Department of Veterans Affairs Records

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend Department of Veterans Affairs (VA) regulations governing the confidentiality and release of VA records subject to the Privacy Act, the Freedom of Information Act (FOIA) (including the Electronic Freedom of Information Act Amendments of 1996, and the veterans' records confidentiality statute. The proposed rule sets forth a mechanism for the public to obtain information from the VA. The proposed rule is intended to maximize public availability of VA records to the extent permitted by law and considerations such as personal privacy or law enforcement. Essentially these provisions consist of restatements of statute, interpretations of statute, interpretations of case law, interpretations of Executive Orders, and clarification. The proposed amendments also would implement the Electronic Freedom of Information Act Amendments of 1996, court decisions and Executive Branch guidance issued since the regulations were originally published.

Further, this document proposes to delegate authority to the Assistant General Counsel for Professional Staff Group IV for making final Departmental decisions on appeals under the Freedom of Information Act, the Privacy Act, and 38 U.S.C. 5701 and 5705. This would simplify decision making by allowing the highest level individual with direct responsibility for decision making to issue decisions.

DATES: Comments must be received on or before November 9, 1998.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, D.C. 20420. Comments should indicate that they are submitted in response to "RIN 2900-AH98." All written comments received will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT:

Lorrie Johnson, Deputy Assistant General Counsel (024A), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, D.C. 20420, telephone number (202) 273-6358, fax number (202) 273-6388.

SUPPLEMENTARY INFORMATION: Current regulations promulgated pursuant to section 5701 appear in 38 CFR 1.500 through 1.527; current regulations promulgated pursuant to FOIA appear in §§ 1.550 through 1.558; and current regulations promulgated pursuant to the Privacy Act appear in §§ 1.575 through 1.584. These amendments consolidate regulations governing the release of information pursuant to all three statutes (§ 5701, FOIA and the Privacy Act) into one set of regulations, new §§ 1.500 through 1.512. The following current sections have been rewritten to simplify and clarify: §§ 1.500(b)-(d); § 1.502; § 1.507; §§ 1.511(a)-(f); § 1.512; § 1.513(a) and (b)(3); § 1.514 (in part); § 1.519; § 1.522; § 1.524; § 1.525; § 1.526; § 1.527; § 1.550; § 1.552(a); § 1.553; § 1.553a(a), (e) and (f); § 1.554(b); § 1.554a; § 1.555; § 1.556 (in part); § 1.557; § 1.577(b)-(d), (f) and (g); § 1.579(a)-(c); and § 1.580.

Provisions that essentially restate statutory language have been deleted: §§ 1.500(a); § 1.501; § 1.503; § 1.506(a); § 1.509; § 1.510; § 1.512(c)(2) and (e); § 1.513 (in part); § 1.551(b) and (c); § 1.552(c) and (d); § 1.553a(b) and (c); § 1.554(a) and (c); § 1.575(a) and (b); § 1.576(a)-(g); § 1.577(a) and (e); and § 1.579(d).

These amendments implement new statutes (or amendments to statutes), court decisions, and Executive Branch guidance, which have been enacted or issued since the regulations were originally published. The following were implicitly repealed or superseded: § 1.504; § 1.505; § 1.506(a) and (b) (in part); § 1.508; § 1.510 (in part); § 1.513(b)(1)(i)-(vii) and (ix),(x); § 1.513(b)(2); § 1.514 (in part); § 1.514a;

§ 1.515; § 1.516; § 1.518; § 1.521; and § 1.553a (in part).

Regulations governing internal policy matters have been deleted:

§ 1.513(b)(1)(viii); § 1.517; § 1.520; § 1.551(a); and § 1.552(b).

The provisions of § 1.511(g) and § 1.513a have been repealed, since they were superseded by 38 CFR 1.460 *et seq.*

The text of current § 1.582 remains substantially the same, and is redesignated as § 1.512.

The provisions of § 1.527, § 1.557, § 1.580, and § 2.6(e)(11) have been amended to delegate to the Assistant General Counsel for Professional Staff Group IV, the same authority and responsibility to act for the Secretary as was previously granted to the General Counsel and Deputy General Counsel to make final Departmental decisions on appeals under FOIA, the Privacy Act, 38 U.S.C. 5701 and 5705.

The Regulatory Flexibility Act

The Secretary of Veterans Affairs hereby certifies that the adoption of the proposed rule would 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. Almost all requests for information are submitted by individuals. Further, it would be extremely rare, if ever, that a request for information by a small entity would have a significant impact on the business of the small entity. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

List of Subjects

38 CFR Part 1

Administrative procedures, Privacy Act, Freedom of Information, Recordkeeping.

38 CFR Part 2

Authority delegations (Government agencies).

Approved: March 9, 1998.

Togo D. West, Jr.,

Acting Secretary.

For the reasons set out in the preamble, 38 CFR parts 1 and 2 are proposed to be amended as follows:

PART 1—GENERAL

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

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. The undesignated center heading preceding § 1.500 and §§ 1.500 through 1.512 are revised to read as follows: