

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117****[CGD01-98-173]****RIN 2115-AE47****Drawbridge Operation Regulations:
Fort Point Channel, MA****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating rules governing the Northern Avenue Bridge, mile 0.1, across Fort Point Channel in Boston, Massachusetts. This proposed rule removes the two time periods during vehicular traffic rush hours Monday through Friday when the Northern Avenue Bridge is not required to open for vessel traffic. Motor vehicles no longer use the Northern Avenue Bridge to cross Fort Point Channel as a result of the construction of a new highway bridge upstream. It is expected that this proposed rule will remove obsolete restrictions in the regulations to better meet the needs of navigation.

DATES: Comments must reach the Coast Guard on or before April 14, 1999.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, Ma. 02110-3350, or deliver them to the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364. The District Commander 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 above address 7 a.m. to 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

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 (CGD01-98-173) and specific section of this proposal to which their comments apply, and give reasons 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 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 response to comments received. The Coast Guard does not plan to hold a public hearing; however, persons may request a public hearing by writing to the Coast Guard at the address listed under **ADDRESSES** in this document. 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 matter, the Coast Guard will hold a public hearing at a time and place announced by a subsequent notice published in the **Federal Register**.

Background

The Northern Avenue Bridge has a vertical clearance at mean high water (MHW) of 7 feet and at mean low water (MLW) of 17 feet. The Northern Avenue Bridge is presently required to open on signal from 6 a.m. to 8 p.m., except during the two vehicular traffic rush hours, 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday. From 8 p.m. to 6 a.m. the draw need not open for vessel traffic.

The present use of the Northern Avenue Bridge is by pedestrians only. Vehicular traffic no longer uses the Northern Avenue Bridge. The roadway, Northern Avenue, has been relocated to align with the new replacement bridge which has been constructed upstream from the old bridge. Bridges normally open on signal at all times except when there is a demonstrated offsetting benefit to traffic crossing the bridge. In this case the traffic crossing the bridge no longer exists. Motor vehicles no longer cross over this bridge to cross Fort Point Channel. Retention of the two closed periods for rush hour vehicular traffic in the regulation is no longer necessary because it restricts the passage of vessels unnecessarily. The Northern Avenue Bridge provides an alternate pedestrian route to cross Fort Point Channel in addition to the new bridge. The present waterway usage is primarily construction barges working on projects upstream and recreational vessels docked along the Fort Point Channel waterfront.

The Coast Guard recently granted a temporary deviation from the operating regulations for a period of 60 days ending on January 6, 1999, requiring a twenty-four hour advance notice for bridge openings, to assist construction operations repairing the bridge protective fender system. Increased

barge traffic on the waterway has made the repair of the fender system essential.

The period the bridge need not be opened for vessel traffic, 8 p.m. to 6 a.m., will remain unchanged.

The Coast Guard is limiting the comment period to 30 days for this notice of proposed rulemaking. The Coast Guard feels this is reasonable because of the increase in navigation on the waterway both from the upstream construction of the Central Artery Tunnel Project and the additional recreational traffic using the docks located behind the Barking Crab restaurant on Fort Point Channel. Comments are expected to be at a minimum because vehicular traffic no longer uses the Northern Avenue Bridge and can no longer benefit from the restriction in the regulations for rush hour traffic.

The navigational traffic on this waterway, which has increased will benefit from the speedy removal of this unnecessary restriction on navigation.

Discussion of Proposal

The Coast Guard proposes to revise § 117.599 to remove the obsolete clause in the regulations allowing the bridge to need not open for vessel traffic from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. Monday through Friday. This proposal will require the bridge to open on signal from 6 a.m. to 8 p.m. daily.

The Coast Guard also proposes to remove from the regulations the provision of opening the bridge as soon as possible for the passage of state and local vessels used for public safety. This provision is now included under the general operating regulations for bridges at § 117.31.

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 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that this proposal is only removing obsolete language from the regulations that allow the bridge to remain closed during vehicular traffic rush hours. Vehicles no longer pass over the Northern Avenue Bridge to cross Fort Point Channel. This

change to the regulations will economically benefit navigational interests that use this waterway by no longer delaying their transits. The Coast Guard believes that the added cost to crew the bridge is not significant because the bridge owner must crew the bridge during the daytime hours 6 a.m. to 8 p.m. anyway and the additional cost to crew the bridge during the two rush hour periods is offset by the benefit to navigation using this waterway.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this proposed rule will have a significant economic impact on a substantial number of small entities. "Small entities" 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 less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule in accordance with 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 proposed rule and concluded that, under Figure 2-1, paragraph 32(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written "Categorical

Exclusion Determination" is not required for this proposed rule.

List of Subjects in 33 CFR part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 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 117.599 is revised to read as follows:

§ 117.599 Fort Point Channel.

The Northern Avenue Bridge, mile 0.1, at Boston, shall open on signal from 6 a.m. to 8 p.m. daily. From 8 p.m. to 6 a.m. the bridge need not be opened for the passage of vessels.

Dated: March 2, 1999.

R. M. Larrabee,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY108-9904b: FRL-6307-7]

Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Basic Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State implementation plan (SIP) revision submitted on August 27, 1998, by the Commonwealth of Kentucky, through the Kentucky Natural Resources and Environmental Protection Cabinet. This minor revision modifies the implementation of a basic motor vehicle inspection and maintenance (I/M) program in Jefferson County, Kentucky, to require, beginning January 1, 2001, a check of the On Board Diagnostic (OBD) system of 1996 and newer cars and light duty trucks equipped with the system. In the final rules section of this **Federal Register**, the EPA is approving the Commonwealth's SIP revision as a

direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: To be considered, comments must be received by April 14, 1999.

ADDRESSES: Written comments on this action should be addressed to: Dale Aspy at the EPA Regional office listed below.

Copies of the 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.

Air and Radiation Docket and Information Center (Air Docket), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, Atlanta, Georgia 30303.

Air Pollution Control District of Jefferson County 850 Barrett Avenue, Suite 205, Louisville, Kentucky 40204.

Division for Air Quality, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, 316 St. Clair Mall, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Dale Aspy, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Environmental Protection Agency, Region 4, 61 Forsyth Street, Atlanta, Georgia 30303. The telephone number is 404/562-9041. Reference file KY108-9904b.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.