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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07-98-083]

RIN 2115AE 47

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule with request for comments.

SUMMARY: The Coast Guard is temporarily changing the regulations governing the operation of the Boca Grande Bridge, mile 34.3 at Placida. This change is being made because of concerns expressed by the bridgeowner about vehicle traffic congestion at the tollbooth near the bridge. The toll collection facilities are expected to be improved prior to the year 2000 winter season, therefore this rule will only be in effect for the remainder of the 1999 winter season. This proposal will accommodate the needs of vehicle traffic and still provide for the reasonable needs of navigation.

DATES: This temporary rule will be in effect from March 5, 1999, until May 31, 1999. Comments must be received on or before June 4, 1999.

ADDRESSES: Comments must be mailed to Commander (oan) Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131-3050, or may be delivered to room 406 at the above address between 7:30 a.m. and 4 p.m. Monday through Friday, except federal holidays. The comments received will be available for inspection and copying at room 406 at the same address and times.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Project Manager, Bridge Section, (305) 536-4103.

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 the rulemaking [CGD07-98-083] and the specific section of this rule to which each comment applies, and give the reason for each comment.

The Coast Guard will consider all comments received during the comment

period. It may change this rule in view of the comments received. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to 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**.

Background and Purpose

The existing regulation 33 CFR 117.287(a-1) requires the bridge to open on signal except that from January 1 to May 31, from 10 a.m. to 5 p.m., the draw need open only on the hour, quarter-hour, half-hour, and three quarter-hour. The Coast Guard is temporarily changing the time the bridge is on scheduled openings because of vehicle congestion at the bridge tollbooth during the winter season. Because the toll facilities are expected to be improved prior to the year 2000 winter season, the Coast Guard is temporarily adding three additional hours of scheduled opening times for the winter 1999 season. This temporary rule will allow the 15 minutes schedule start at 7 a.m. vice 10 a.m. until 5 p.m. This action should improve the flow of highway traffic through the tollbooth during the morning commuter periods without unreasonably impacting navigation.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to public interests as the Coast Guard was just advised of the problems at the bridge by the bridgeowner, and immediate action is needed to alleviate the congestion at the bridge prior to the new tollbooths being constructed.

Regulatory Evaluation

This 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 the 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 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. The regulations will only increase waiting times for vessels by a maximum of 15 minutes.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this 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 field and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) that this rule will not have a significant effect upon a substantial number of small entities as the vessels involved will only have to wait a maximum of an additional 15 minutes.

Federalism

The Coast Guard has analyzed the rule under the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and has concluded under Figure 2-1, paragraph 32 of Commandant Instruction M16475.1C, that the promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection and copying.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Regulations: In consideration of the foregoing, the Coast Guard amends 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; 33 CFR 1.05-1(g), 33 CFR 117.43

2. From March 5, 1999, through May 31, 1999, in § 117.287, paragraph (a-1) is suspended and a new paragraph (a-3) is added to read as follows:

§ 117.287 Gulf Intracoastal Waterway.

* * * * *

(a-3) The Draw of the Gasparilla Island drawbridge, mile 34.3 at Placida,

shall open on signal, except that from March 5 to May 31, 1999, from 7 a.m. to 5 p.m. the draw need open only on the hour, quarter-hour, half-hour, and three quarter-hour.

* * * * *

Dated: March 5, 1999.

Norman T. Saunders,

*Rear Admiral, U.S. Coast Guard Commander,
Seventh Coast Guard District.*

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6317-5]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of partial deletion of the Treasure Island Naval Station—Hunters Point Annex Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA), Region 9, announces the deletion of operable unit (OU) No. 1, also known as Parcel A, of Treasure Island Naval Station—Hunters Point Annex, also known as Hunters Point Naval Shipyard (HPS), Superfund Site (EPA ID # CA1170090087) from the NPL. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA and the State of California have determined that all appropriate responses under CERCLA have been implemented on Parcel A of HPS, and that no further cleanup is appropriate for Parcel A of HPS. Moreover, EPA and the State of California have determined that the remedial actions conducted on Parcel A to date remain protective of public health, welfare, and the environment.

This partial deletion is in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60 FR 55466 (November 1, 1995). The other parcels of HPS, Parcels B, C, D, E, and F, are still undergoing remedial actions, and are not to be removed from the NPL.

EFFECTIVE DATE: April 5, 1999.

ADDRESSES: Information Repositories: Information on this Site is available for viewing at the following locations:

U.S. EPA, Region 9, Superfund Records Center, 4th floor, 95 Hawthorne St., San Francisco, CA 94105, 415-536-2000. Anna E. Waden Branch Library, 5075 Third St., San Francisco, CA 94124, 415-715-4100. San Francisco Main Public Library, Civic Center, San Francisco, CA 94102, 415-557-4400.

FOR FURTHER INFORMATION CONTACT:

Claire Trombadore (SFD-8-2), RPM, U.S. EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94105, 415-744-2409, Fax 415-744-1916, e-mail TROMBADORE.CLAIRE@EPAMAIL.EPA.GOV.

SUPPLEMENTARY INFORMATION: The site to be partially deleted from the NPL is: Parcel A, of Treasure Island Naval Station—Hunters Point Annex, San Francisco, California. After performing a Preliminary Assessment and Site Inspection (PA/SI) and a Remedial Investigation (RI) of Parcel A the Navy determined that Parcel A posed no significant threat to public health or the environment. Therefore, the Navy, which owns HPS, issued a “no action” Record of Decision (ROD) for Parcel A of HPS in November of 1995. The U.S. EPA concurred with this ROD.

The Navy has implemented all appropriate response actions required under CERCLA on Parcel A. Since the ROD for Parcel A specified “no action,” a five year review is not necessary for this parcel. The other parcels of HPS, Parcels B, C, D, E, and F, are still undergoing remedial actions, and are not to be removed from the NPL.

A Notice of Intent for Partial Deletion for this Site was published on December 15, 1998 in the **Federal Register** (63 FR 69032-69034). The closing date for comments on the Notice of Intent for

Partial Deletion was January 14, 1999. EPA received only one comment letter. This letter, from the San Francisco Redevelopment Agency, expressed support for the partial deletion of Parcel A. This letter is available for review in the HPS site file at the U.S. EPA, Region 9, Superfund Records Center, 4th floor, 95 Hawthorne St., San Francisco, CA 94105, 415-536-2000 and also in the repositories listed above.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment, and it maintains the National Priorities List containing those sites. Remedial Actions at sites on the NPL may be funded by the Hazardous Substance Response Trust Fund (Fund). Any site or portion of a site deleted from the NPL remains eligible for remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous wastes, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: March 16, 1999.

Felicia Marcus,

Regional Administrator, Region 9.

For the reason set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351, E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

2. Table 2 of Appendix B to part 300 is amended by revising the entry for “Treasure Island Naval Station—Hun Pt An,” San Francisco, California, to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 2.—FEDERAL FACILITIES SECTION

State	Site name	City/county	Notes ^a
CA	Treasure Island Naval Station—Hun Pt An	San Francisco	P