

**§ 602.101 OMB Control numbers.**

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CFR part or section where identified and described	Current OMB control No.
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1.195-1 .....	1545-1582.
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**Bob Wenzel,**  
*Deputy Commissioner of Internal Revenue.*  
 Approved: November 30, 1998.

**Donald C. Lubick,**  
*Assistant Secretary of the Treasury.*  
 [FR Doc. 98-33124 Filed 12-16-98; 8:45 am]  
 BILLING CODE 4830-01-U

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 117**

[CGD08-98-075]

RIN 2115-AE47

**Drawbridge Operation Regulation; Lake Pontchartrain, LA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is temporarily changing the regulation for the operation of the draws of the Greater New Orleans Expressway Commission causeway, north bascule spans across Lake Pontchartrain between Metairie, Jefferson Parish and Mandeville, St. Tammany Parish, Louisiana. From December 14, 1998 through March 20, 1999, the draws will remain closed to navigation Mondays through Saturdays except for federal holidays and the weekends inclusive of federal holidays and on Mardi Gras Day, the draws will open on signal if at least three hours notice is given. This temporary rule is issued to allow for completion of a project to clean and paint the bascule structures, an extensive but necessary maintenance operation.

**DATES:** This temporary rule is effective from December 14, 1998 through March 20, 1999.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs 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 Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary rule.

**FOR FURTHER INFORMATION CONTACT:** Phil Johnson or David Frank, Bridge Administration Branch, at the address and telephone number given above.

**SUPPLEMENTARY INFORMATION:** On June 23 1998, the Coast Guard issued a temporary rule [63 FR 35820 (July 1, 1998)] for the regulation governing the operation of the draws of the Greater New Orleans Expressway Commission causeway, north bascule spans across Lake Pontchartrain, to allow the draws to remain closed Monday through Saturday from July 6, 1998 through November 10, 1998. The temporary rule was issued to allow for the cleaning and painting of the bascule structures. However, the contractor was unable to complete the project for reasons including the approach of two hurricanes in the month of September which required the removal of all equipment from the site. Presently, the contractor is prepared to continue with the project and is expending funds to maintain barges, tugs and related equipment needed to complete the project. The temporary rule expired on November 10, 1998. November 27, 1998, the Coast Guard received a request from the Greater New Orleans Expressway Commission for another temporary rule to allow the work to begin on December 4, 1998 and to continue through March 13, 1999. Since this request did not provide an opportunity for notices to mariners to be issued, the effective dates were changed to December 14, 1998 through March 20, 1999. The portions of the bascule structure which have not been stripped and painted remain in a deteriorated condition which warrants the closures so that remedial work can be accomplished. The contractor is prepared to resume work and will experience loss of funds if not allowed to continue without unnecessary delays. The Coast Guard was not notified in time to issue a notice of proposed rulemaking. For these reasons, good cause exists to issue this temporary rule without notice to provide an opportunity for comments and to make this temporary rule effective in less than 30 days after publication.

**Background and Purpose**

The south channel span of the Greater New Orleans Expressway Commission causeway across Lake Pontchartrain Louisiana provides an alternate route with a vertical clearance of 50 feet above mean high water. Navigation on the

waterway consists of small tugs with tows, fishing vessels, sailing vessels and other recreational craft. The special equipment used for this procedure has to be removed each time the draw span is opened. Since this process is time consuming and costly, the equipment must remain in place for 6-day periods, allowing the contractor to maximize work time. While the draw span being serviced is in the closed to navigation position, the equipment will be supported by two crane barges which must remain in place below the draw span. The short term inconvenience, attributable to a delay of vessel traffic which is not able to use the south channel span as an alternate route, for a maximum of six days, is outweighed by the long term benefits to be gained by keeping the bridges free of corrosion and in proper working condition. The work is essential for the continued operation of the draw spans. Presently, the draws open on signal if at least three hours notice is given.

**Regulatory Evaluation**

This temporary rulemaking 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This is because of the majority of vessels affected by the closure is minimal. The majority of commercial vessels and most of the recreational sailboats sailboats which normally transit the causeway bridge are able to do so at one of the navigation humps, located at four mile intervals along the bridge, or through the south channel span, which provides a vertical clearance of 50 feet above mean high water.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this temporary rule 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 majority of commercial vessels and fishing vessels which normally transit the causeway bridge will still be able to do so through the south channel span. Thus, the Coast Guard expects there to be no significant economic impact on these vessels. The Coast Guard is not aware of any other waterway users who would suffer economic hardship from being unable to transit the waterway during these closure periods. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This temporary 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 under 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 temporary rule and concluded that, under figure 2-1, paragraph 32(e), of COMDTINST M16475.1C, this temporary rule is categorically excluded from further environmental documentation. This is a Bridge Program Administrative action, promulgating operating regulations or procedures of drawbridges. The project consists of cleaning and painting the bascules on a permitted bridge, consistent with Federal, State and local laws and administrative determinations relating to the environment. A "Categorical Exclusion Determination" is available to 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 is amending Part 117 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; and 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Effective December 14, 1998 through March 20, 1999, § 117.467 is amended by suspending paragraph (b) and adding paragraph (c) to read as follows:

#### § 117.467 Lake Pontchartrain.

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(c) From December 14, 1998 through March 20, 1999 the draws of the Greater New Orleans Expressway Commission causeway, north bascule span, need not open for the passage of vessels Monday through Saturday except for December 25, 26 and 27, 1998, January 1, 2, 3, 16, 17, and 18, 1999, and February 13, 14, 15 and 16, 1999. From 12:01 a.m. on Sundays to 12:01 a.m. on Mondays and on December 25, 26 and 27, 1998, January 1, 2, 3, 16, 17 and 18, 1999, and February 13, 14, 15 and 16, 1999, the draws will open on signal if at least three hours notice is given.

Dated: December 7, 1998.

**Paul J. Pluta,**

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

[FR Doc. 98-33395 Filed 12-16-98; 8:45 am]

BILLING CODE 4910-15-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[NH037-7164; A-1-FRL-6203-5]

#### Approval and Promulgation of Air Quality Implementation Plans; State of New Hampshire; Interim Final Determination That New Hampshire has Avoided the Deficiencies of its I/M SIP Revision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Interim final rule.

**SUMMARY:** Elsewhere in today's **Federal Register**, EPA has published rulemaking actions proposing to determine that the one hour ozone standard no longer applies in New Hampshire and other nearby areas, and proposing approval of the State of New Hampshire's motor vehicle inspection and maintenance (I/M) program, under Section 110 of the Clean Air Act (CAA). Additionally, EPA is proposing to lift the requirement that New Hampshire submit an enhanced I/M program consistent with specific Clean Air Act requirements for the Ozone Transport Region (OTR). Based on these proposed actions, EPA is making an interim final determination, by this action, that the State is more likely than not no longer subject to the requirements prompting the original

disapproval of the New Hampshire enhanced I/M SIP revision. This action will defer the application of the offset sanction that is otherwise applicable beginning December 6, 1998, and defers the future application of the highway sanction. Although this action is effective upon publication, EPA will take comment on this interim final determination as well as EPA's action proposing approval of the State's submittal and a determination that the one-hour ozone standard no longer applies in New Hampshire and other nearby areas. EPA will publish a final notice taking into consideration any comments received on EPA's proposed actions and this interim final action.

**DATES:** Effective December 17, 1998. Written comments must be received on or before January 19, 1999. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

**ADDRESSES:** Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment, at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Air Resources Division, Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302-2033.

**FOR FURTHER INFORMATION CONTACT:** Robert C. Judge, (617) 918-1045.

**SUPPLEMENTARY INFORMATION:** On September 4, 1998, New Hampshire submitted a revision to its State Implementation Plan (SIP) for an I/M program. This submittal was supplemented by a letter dated November 20, 1998 providing additional information about the New Hampshire I/M program and a request for further flexibility from requirements applicable to the OTR in light of the current air quality status of the area. The SIP revision includes New Hampshire Code of Administrative Rules, Part Saf-C 3220 "Official Motor Vehicle Inspection Requirements" and Part Saf-C 5800 "Roadside Diesel Opacity Inspection" and additional supporting material including authorizing legislation, administrative items, and a description of the program being implemented. This action is being taken under Section 110 of the Clean Air Act.