

and "disseminate", application of this provision to the Seized Asset and Case Tracking System (SEACATS) would hinder the initial collection of any information that could not, at the moment of collection, be determined to be accurate, relevant, timely, and complete. Similarly, application of this provision would seriously restrict the ability of Customs to disseminate information from SEACATS pertaining to a possible violation of law to law enforcement and regulatory agencies. In collecting information during a criminal investigation, it is often impossible or unfeasible to determine accuracy, relevance, timeliness or completeness prior to collection of the information. Information that may initially appear inaccurate, irrelevant, untimely, or incomplete may, when collected and analyzed with other available information, become more pertinent as an investigation progresses. In addition, application of this provision could seriously impede criminal investigators and intelligence analysts in the exercise of their judgment in reporting results obtained during criminal investigations.

(11) Under 5 U.S.C. 552a(e)(8) an agency must make reasonable efforts to serve notice on an individual when the agency makes any record on the individual available to any person under compulsory legal process, when such process becomes a matter of public record. The Seized Asset and Case Tracking System (SEACATS) should be exempted from this provision to avoid revealing investigative techniques and procedures outlined in those records and to prevent revelation of the existence of an ongoing investigation where there is need to keep the existence of the investigation secret.

(12) Under 5 U.S.C. 552a(g) civil remedies are provided to an individual when an agency wrongfully refuses to amend a record or to review a request for amendment, when an agency wrongfully refuses to grant access to a record, when an agency fails to maintain accurate, relevant, timely, and complete records which are used to make a determination adverse to the individual, and when an agency fails to comply with any other provision of 5 U.S.C. 552a so as to adversely affect the individual. The Seized Asset and Case Tracking System (SEACATS) is exempted from this provision to the extent that the civil remedies may relate to this provision of 5 U.S.C. 552a from which these rules exempt the Seized Asset and Case Tracking System (SEACATS), since there are civil remedies for failure to comply with provisions from which SEACATS is exempted. Exemption from this

provision will also protect the Seized Asset and Case Tracking System from baseless civil court actions that might hamper its ability to collate, analyze, and disseminate investigative intelligence and law enforcement data.

Consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), 1.4 Treasury Department Regulations (31 CFR 1.4), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Office of Regulations and Rulings, 1300 Pennsylvania Avenue, NW., Washington, DC.

After consideration of the comments received, notice will be given concerning the exempt status of the system of records. If the Department finally exempts as herein proposed, a conforming amendment to 31 CFR 1.36 will also be published.

As required by Executive Order 12866, it has been determined that this proposed rule is not a significant regulatory action and, therefore, does not require a regulatory impact analysis.

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby certified that this rule will not have significant economic impact on a substantial number of small entities.

In accordance with the provisions of the Paperwork Reduction Act of 1995, the Department of the Treasury has determined that this proposed rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

#### List of Subjects in 31 CFR Part 1

Privacy.

Part 1 of Title 31 of the Code of Federal Regulations is amended as follows:

#### PART 1—[AMENDED]

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

**Authority:** 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 522 as amended. Subpart C also issued under 5 U.S.C. 552a.

#### § 1.36 [Amended]

2. Section 1.36 of Subpart C is amended by adding the following text in numerical order in paragraphs a.1. and b.1. under the heading UNITED STATES CUSTOMS SERVICE:

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a. * * *
1. * * *
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00.213—Seized Asset and Case Tracking System (SEACATS)

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b. * * *
1. * * *
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00.213—Seized Asset and Case Tracking System (SEACATS)

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Dated: November 19, 1998.

**Shelia Y. McCann,**

*Deputy Assistant Secretary (Administration).*

[FR Doc. 99-355 Filed 1-7-99; 8:45 am]

BILLING CODE 4820-02-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-98-032]

RIN 2115-AE47

#### Drawbridge Operation Regulations; Lake Champlain, NY and VT

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to change the operating regulations for the US2 Bridge, mile 91.8, between South Hero Island and North Hero Island over Lake Champlain in Vermont. This change is proposed to relieve vehicular traffic congestion at the bridge due to frequent openings during the height of the boating season. It is expected that the proposed bridge operating regulations will better balance the needs of vehicular traffic and the needs of navigation during peak traffic hours.

**DATES:** Comments must be received by the Coast Guard on or before March 9, 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 First Coast Guard District Bridge 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 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 matter by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-98-032) 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. 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 subsequent notice published in the *Federal Register*.

### Background

The US2 Bridge, mile 91.8, over Lake Champlain in Vermont, has a vertical clearance of 4.7 feet at mean high water and 9.7 feet at mean low water.

The current operating regulations published in both 33 CFR 117.993(b) and 117.797(b) require the bridge to open from May 15 through October 15, on signal from 7 a.m. to 9 p.m., on four hours advance notice from 9 p.m. to 7 a.m., and on twenty four hours advance notice from October 16 through May 14.

This published operating schedule, from May 15 to October 15, 7 a.m. to 9 p.m., was too disruptive on the great deal of vehicular traffic that used the US2 Bridge. Vehicular delay and congestion at the bridge due to openings was a significant problem. Several years ago, without the Coast Guard's knowledge, the bridge owner, Grand Isle County residents, and Grand Isle County mariners met to try to develop a bridge operating schedule that was less disruptive to vehicular traffic than the published regulations. The schedule developed at this meeting changed the May 15 to October 15 on call operating hours to 8 a.m. to 8 p.m. and restricted openings to on the hour and half-hour. The 4 hour advance notice period

changed to 8 p.m. to 8 a.m., but the schedule for October 16 to May 14 remained the same. The bridge owner adopted the schedule and has operated the US2 Bridge under it for several years.

The Coast Guard recently learned that the US2 Bridge was not operating in accordance with the published requirements from May 15 to October 15 and directed the bridge owner to operate the bridge according to 33 CFR 117.993(b). After receiving the Coast Guard's direction to operate the US2 Bridge in accordance with 33 CFR 117.993(b), the bridge owner submitted a request to change the operating regulations to allow the bridge to operate in accordance with the schedule developed at the meeting.

Based upon bridge opening data, vehicle traffic counts, and that the bridge has been operating under the proposed schedule for several years without noted problems, the Coast Guard has determined that the proposed operating regulations balance the needs of navigation and vehicular traffic.

### Openings on the Hour and Half Hour

The Coast Guard has determined that the change from immediate on signal openings to openings on the hour and half hour balances the needs of navigation and vehicular traffic. In 1998, from May 15 through October 15, 8 a.m. to 8 p.m., there were 1,125 openings with 2,917 boats passing through, for an average of 2.6 boats per opening. In 1997, during the same time period, there were 1,122 openings with 2,551 boats passing through, for an average of 2.3 boats per opening. This data suggests that if the bridge opened on signal versus on the hour and half hour, there could have been over 2,000 openings during those time periods. Restricting bridge openings from those time periods. Restricting bridge openings from on signal to on the hour and half hour effectively reduced the number of openings while it only added, at most, a 30 minute delay for boaters who requested an opening.

This restriction on openings has clear benefits to vehicular traffic because in May 1998, an average of 2,402 vehicles per day used the bridge from 8 a.m. to 8 p.m., and in July 1998, an average of 3,439 vehicles per day used the bridge from 8 a.m. to 8 p.m. Based on the above, the Coast Guard has determined that restricting bridge openings from on signal to on signal on the hour and half hour balances the needs of navigation and vehicular traffic.

### Decrease in Operating Hours

The Coast Guard has determined that changing the on call operating hours from 7 a.m. to 9 p.m., May 15 through October 15, to 8 a.m. to 8 p.m., May 15 through October 15, balances the needs of navigation and vehicular traffic. The Coast Guard does not have relevant bridge log data from 7 a.m. to 8 a.m. and from 8 p.m. to 9 p.m. to help determine whether the proposed change is reasonable because the bridge has been operating from 8 a.m. to 8 p.m. over the past several years. However, based on an analysis of the bridge log data from 8 a.m. to 9 a.m. and from 7 p.m. to 8 p.m., the Coast Guard is confident that changing on call hours to 8 a.m. to 8 p.m. is reasonable.

In 1998, from May 15 through October 15, 8 a.m. to 8 p.m., there were 1,125 openings, and 1,064 of those openings (94.6%) occurred between 9 a.m. and 7 p.m. Similarly, in 1997 during the same periods, 96.2% of bridge openings occurred between 9 a.m. and 7 p.m. Based on the above data, the Coast Guard concludes the needs of navigation between 7 a.m. to 8 a.m. and 8 p.m. to 9 p.m. would also not be significant if the bridge operated under the current operating regulations.

Vehicular traffic will benefit from the proposed restriction on operating hours. In 1997 and 1998, over 150 vehicles per day used the bridge between 7 a.m. and 8 a.m., and over 130 vehicles per day used the bridge between 8 p.m. and 9 p.m. Relatively few bridge openings are requested during hours that there is significant vehicular traffic. Based on the above, the Coast Guard has determined it is reasonable to change the US2 Bridge's operating hours from 7 a.m. to 9 p.m., May 15 through October 15, to 8 a.m. to 8 p.m., May 15 through October 15.

The Coast Guard did consider leaving the bridge operating regulations unchanged. This alternative was rejected because openings could effectively double, based on average boats per opening, from what they were in 1997 and 1998 during hours when vehicle traffic is at its peak. Doubling the number of openings during peak traffic hours would have a substantial negative impact on vehicular traffic. The Coast Guard also realizes that the US2 Bridge has been operating over the past several years under this proposed operating schedule, and all indications lead the Coast Guard to believe that this proposed operating schedule balances the needs of navigation and vehicular traffic.

## Discussion of Proposal

The Coast Guard proposes to change the Code of Federal Regulations by revising § 117.993(b) and § 117.797(b). The proposed hours of operation were determined as a result of discussions between the Vermont Agency of Transportation, Grand Isle County residents, and the mariners located in Grand Isle County.

The proposed change will allow the bridge to open on signal on the hour and half hour from May 15 through October 15 from 8 a.m. to 8 p.m., daily. From May 15 to October 15 from 8 p.m. to 8 a.m. the bridge shall open on signal after four hour advance notice is given by calling the number posted at the bridge. From October 16 to May 14 the bridge will open on signal after a 24 hour advance notice is given by calling the number posted at the bridge. This action is expected to help reduce traffic congestion created when the bridge opens on signal from May 15 to October 15.

## 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; Feb. 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be some 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 the bridge has been operating unofficially on this proposed schedule for several years and the Coast Guard has not received any comments or complaints to date regarding this operating schedule for the bridge. The Coast Guard believes this proposed rule will promulgate a more balanced schedule of operation and still meet the needs of navigation.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, 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) of the Regulatory Flexibility Act that this proposed rule, if adopted, 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 proposed 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 implications for federalism 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 not to 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. Revise § 117.993(b) to read as follows:

### § 117.993 Lake Champlain.

\* \* \* \* \*

(b) The draw of the US2 Bridge, mile 91.8, over Lake Champlain, between South Hero Island and North Hero Island, shall operate as follows:

(1) The draw shall open on signal on the hour and the half hour from May 15 through October 15 from 8 a.m. to 8 p.m. daily.

(2) The draw shall open on signal from May 15 through October 15 from 8 p.m. to 8 a.m. if at least four hours notice is given by calling the number posted at the bridge.

(3) The draw shall open on signal from October 16 through May 14 if at least twenty four hours notice is given by calling the number posted at the bridge.

\* \* \* \* \*

3. Revise § 117.797(b) to read as follows:

### § 117.797 Lake Champlain.

\* \* \* \* \*

(b) The draw of the US2 Bridge, mile 91.8, over Lake Champlain, between South Hero Island and North Hero Island, shall operate as follows:

(1) The draw shall open on signal on the hour and the half hour from May 15 through October 15 from 8 a.m. to 8 p.m. daily.

(2) The draw shall open on signal from May 15 through October 15 from 8 p.m. to 8 a.m. if at least four hours notice is given by calling the number posted at the bridge.

(3) The draw shall open on signal from October 16 through May 14 if at least twenty four hours notice is given by calling the number posted at the bridge.

\* \* \* \* \*

Dated: December 3, 1998.

**R.M. Larrabee,**

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

[FR Doc. 99-387 Filed 1-7-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-300690A; FRL-6019-8]

RIN 2070-AC18

**Certain Plant Regulators: Cytokinins, Auxins, Gibberellins, Ethylene, and Pelargonic Acid; Tolerance Exemptions**

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