

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 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 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 has considered the environmental impact of this rule and concluded that under section 2.B.2.a (CE#32(e)) 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.

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, 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); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. A new section 117.268 is added to read as follows:

§ 117.268 Billy's Creek.

The draw of the State Road 80 bridge over Billy's Creek at Fort Myers need not be opened for the passage of vessels.

Dated: April 23, 1998.

N.T. Saunders,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–98–014]

RIN 2115–AE47

Drawbridge Operation Regulations; Elizabeth River, South Branch, Portsmouth-Chesapeake, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to change the operating regulations for the Belt Line Railroad drawbridge across the Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River, mile 2.6, at Portsmouth and Chesapeake, Virginia. The proposed rule would eliminate the need for a bridgetender by allowing the bridge to be operated by the bridge/train controller from a remote location at the Berkley Yard office. The Belt Line Bridge would be left in the open position, and would only close for the passage of trains and to perform maintenance.

This proposal would maintain the bridge's current level of operational capabilities and continue providing for the reasonable needs of rail transportation and vessel navigation. **DATES:** Comments must be received on or before July 31, 1998.

ADDRESSES: Comments should 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 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 data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05–98–014) and the specific section of this proposal to which each comment applies, and give the reason 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 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, Fifth Coast Guard District, at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid in this proposed 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 Belt Line Railroad Company has requested that the operating procedures for their drawbridge across the Southern Branch of the Elizabeth River, mile 2.6, located in Portsmouth and Chesapeake, Virginia, be changed by allowing operation of the bridge from a remote location for train crossings or maintenance. Currently, the bridge is left in the open position and only closed by a bridgetender on site. Belt Line has requested that the bridge be operated by the bridge/train controller at the Berkeley Yard office.

Before closing the bridge, the off-site controller would monitor waterway traffic on the Southern Branch of the Elizabeth River in the area of the Belt Line Bridge with closed circuit cameras and surface navigational radar. The cameras would be mounted on top of the bridge and provide visual surveillance of waterway traffic upriver, downriver, and underneath the bridge for the controller. The controller would announce over marine radio at 30 minutes and 15 minutes prior to a bridge closing that the bridge will close to marine traffic. The controller would make a third, final announcement just before lowering the bridge. Channel lights located on top of the bridge would change from green to red any time the bridge is not in the full up position.

This change is being requested to make the closure process more efficient during train crossings and periodic maintenance and to save operational expenses by eliminating bridgetenders while still providing the same bridge operational capabilities.

Discussion of Proposed Amendments

The Coast Guard proposes to amend 33 CFR 117.997, which governs the Belt Line Railroad Bridge across the Southern Branch of the Elizabeth River, mile 2.6, located in Portsmouth and Chesapeake, Virginia, by allowing remote operation of the draw. The bridge would be lowered and raised off site by the controller at the Berkeley Yard office. The drawbridge would be left in the open position and would only close for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

When the bridge closes for any reason, the controller would announce 30 minutes in advance, over marine channel 13, that the Belt Line Railroad Bridge is going to close for river traffic in 30 minutes. All concerned river traffic would be requested to acknowledge on marine channel 13. Then, 15 minutes prior to closing the bridge, the bridge/train controller would again announce the closing over the radio, and request acknowledgment on marine channel 13. Immediately prior to lowering the bridge, the controller would make a final announcement that the bridge is now being lowered and request acknowledgment on marine channel 13.

The bridge would only be lowered if closed circuit visual and radar information shows there are no vessels in the area and if no opposing radio communications have been received.

If the off-site bridge/train controller's visibility of the navigational channel is less than $\frac{3}{4}$ of a mile, the bridge would not be operated from the remote site. Operation in visibility of less than $\frac{3}{4}$ of a mile would be done only by a drawtender at the bridge site.

While the Belt Line Bridge is moving from the full open position to the full closed position, the controller would maintain constant surveillance of the waterway above and below the bridge to ensure no conflict with maritime traffic exists. In the event of failure of a camera or the radar system or loss of marine-radio communications, the bridge shall not be operated from the remote location. In these situations, a bridgetender must be called to operate the bridge on-site.

The Belt Line Bridge mid-channel lights would change from green to red any time the bridge is not in the full open position. During the downward span movement, a warning alarm would sound until the bridge is seated and locked down.

When the rail traffic has cleared, the controller would announce over

channel 13 that the draw is about to return to its full open position. While the draw is being raised, the alarm would sound, and when the bridge is in the fully open position, the bridge/train controller would announce over marine channel 13 that the Belt Line Bridge is open for river traffic. The mid-channel lights would turn from red to green. Operational information will be provided 24 hours a day on marine channel 13 and via telephone (757) 543-1996 or (757) 545-2941.

The Coast Guard proposes to revise 33 CFR 117.997 by redesignating paragraphs (a) through (h) as paragraphs (b) through (i) and adding a new paragraph (a).

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 reached this conclusion based on the fact that the proposed changes will not prevent mariners from transiting the bridge, but merely require mariners to adhere to the proposed new operation procedures during transits of the bridge.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the U.S. Coast Guard must consider whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small independently owned and operated 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 proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, 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. 3510-3520).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order

12612, and it has been determined that this proposed regulation will not raise 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 Commandant Instruction M16475.1C this proposed rule is categorically excluded from further environmental documentation based on the fact that this is a promulgation of an operating regulation for a drawbridge. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subject 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, to read 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 117.997 is amended by redesignating paragraphs (a) through (h) as paragraphs (b) through (i) and by adding a new paragraph (a) to read as follows:

§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albermarle and Chesapeake Canal.

(a) The draw of the Belt Line Railroad Bridge, mile 2.6, in Portsmouth and Chesapeake will operate as follows:

(1) The bridge will be left in the open position at all times and will only be lowered for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

(2) The bridge will be operated by the controller at the Berkeley Yard office.

(3) The controller will monitor waterway traffic in the area of the bridge and directly beneath the bridge with closed circuit cameras mounted on top of the bridge and with surface navigational radar.

(4) When the bridge closes for any reason, the controller will announce 30 minutes in advance, 15 minutes in advance, and immediately preceding the actual lowering, over marine

channel 13, that the Belt Line Railroad Bridge is closing for river traffic. In each of these three announcements, the bridge/train controller will request all concerned river traffic to please acknowledge on marine channel 13.

(5) The bridge shall only be operated from the remote site if closed circuit visual and radar information shows there are no vessels in the area and no opposing radio communications have been received.

(6) While the Belt Line Bridge is moving from the full open position to the full closed position, the bridge/train controller will maintain constant surveillance of the navigational channel to ensure no conflict with maritime traffic exists. In the event of failure of a camera or the radar system, or loss of marine-radio communications, the bridge shall not be operated by the off-site bridge/train controller from the remote location.

(7) If the off-site bridge/train controller's visibility of the navigational channel is less than $\frac{3}{4}$ of a mile, the bridge shall not be operated from the remote location.

(8) When the draw cannot be operated from the remote site, a bridgetender must be called to operate the bridge in the traditional on-site manner.

(9) The Belt Line mid-channel lights will change from green to red anytime the bridge is not in the full open position.

(10) During the downward and upward span movement, a warning alarm will sound until the bridge is seated and locked down or in the full open position.

(11) When the bridge has returned to its full up position, the mid-channel light will turn from red to green, and the controller will announce over marine radio channel 13, "Security, security, the Belt Line bridge is open for river traffic." Operational information will be provided 24 hours a day on marine channel 13 and via telephone (757) 543-1996 or (757) 545-2941.

* * * * *

Dated: May 20, 1998.

Roger T. Rufe, Jr.,

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

[FR Doc. 98-14394 Filed 5-29-98; 8:45 am]

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ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Chapter XI

[Docket No. 98-4]

Petition for Rulemaking; Request for Information on Acoustics

AGENCY: Architectural and
Transportation Barriers Compliance
Board.

ACTION: Request for information.

SUMMARY: The Architectural and Transportation Barriers Compliance Board has received a petition for rulemaking from a parent of a child with a hearing loss requesting that the ADA Accessibility Guidelines be amended to include new provisions for acoustical accessibility in schools for children who are hard of hearing. Several acoustics professionals, parents of children with hearing impairments, individuals who are hard of hearing, and a consortium of organizations representing them have also urged the Board to consider research and rulemaking on the acoustical performance of buildings and facilities, in particular school classrooms and related student facilities. The Board seeks comment on the issues outlined in this request for information. After evaluating responses to this request for information, the Board will determine a course of action. Alternatives under consideration include research, rulemaking, and technical assistance on acoustical issues.

DATES: Comments should be received by July 31, 1998. Late comments will be considered to the extent practicable.

ADDRESSES: Comments should be sent to the Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., suite 1000, Washington, DC 20004-1111. E-mail comments should be sent to acoustic@access-board.gov. Comments sent by e-mail will be considered only if they include the full name and address of the sender in the text. The petition and comments are available for inspection at the above address from 9:00 a.m. to 5:00 p.m. on regular business days.

FOR FURTHER INFORMATION CONTACT: Lois Thibault, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., suite 1000, Washington, DC 20004-1111. Telephone number (202) 272-5434 extension 32 (voice); (202) 272-5449

(TTY). These are not toll-free numbers. Electronic mail address: thibault@access-board.gov.

SUPPLEMENTARY INFORMATION:

Availability of Copies and Electronic Access

Single copies of this publication may be obtained at no cost by calling the Access Board's automated publications order line (202) 272-5434, by pressing 1 on the telephone keypad, then 1 again, and requesting publication C-11. Persons using a TTY should call (202) 272-5449. Please record a name, address, telephone number and request publication C-11. This document is available in alternate formats upon request. Persons who want a copy in an alternate format should specify the type of format (cassette tape, Braille, large print, or computer disk). The petition and this request for information are also posted on the Board's Internet site at <http://www.access-board.gov/rules/acoustic.htm>.

Background

The Architectural and Transportation Barriers Compliance Board¹ (Access Board) is responsible for developing accessibility guidelines under the Americans with Disabilities Act of 1990 (ADA) to ensure that new construction and alterations of facilities covered by the law are readily accessible to and usable by individuals with disabilities. The Access Board initially issued the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in 1991. The guidelines contain scoping provisions and technical specifications for designing elements and spaces that typically comprise a building and its site so that individuals with disabilities will have ready access to and use of a facility.

Although ADAAG contains a number of provisions for access to communications, including requirements for text telephones, assistive listening systems, and visible alarms, it does not include provisions for the acoustical design or performance of spaces within buildings and facilities.

¹ The Access Board is an independent Federal agency established by section 502 of the Rehabilitation Act (29 U.S.C. 792) whose primary mission is to promote accessibility for individuals with disabilities. The Access Board consists of 25 members. Thirteen are appointed by the President from among the public, a majority of who are required to be individuals with disabilities. The other twelve are heads of the following Federal agencies or their designees whose positions are Executive Level IV or above: The departments of Health and Human Services, Education, Transportation, Housing and Urban Development, Labor, Interior, Defense, Justice, Veterans Affairs, and Commerce; General Services Administration; and United States Postal Service.