

Appendix A to Part 44—Guidance

E3.1. *FEMA* In accordance with 44 CFR 333, the FEMA has the authority to adjudicate, before mobilization, conflicts between the mobilization manpower needs of the civilian sector and the military that the Ready Reserve screening process has identified, but has not resolved.

E3.2. Employers of Ready Reservists**E3.2.1. Federal Employers**

E3.2.1.1. The FPC 11 promulgated policy for Ready Reserve screening activities that shall be accomplished by Federal sector employers. To ensure that Federal employees essential to the continuity of the Federal Government are not retained as members of the Ready Reserve, the following guidance is provided:

E3.2.1.1.1. Conduct annual screening program as provided for by the Assistant Secretary of Defense for Reserve Affairs.

E3.2.1.1.2. Responses from Federal Agencies shall be reported under Inter agency Report Control Number 0912—DoD—AN.

E3.2.1.1.3. Some Federal employees occupy key positions. Because of the essential nature of those positions, the Federal Agency head, or designee, concerned shall designate such positions as “key positions” and shall require that they shall NOT be filled by Ready Reservists to preclude such positions from being vacated during a mobilization. The Secretaries of the Military Departments shall transfer Ready Reservists occupying key positions to the Standby Reserve or the Retired Reserve or shall discharge them, as applicable, under 10 U.S.C. 10149. However, Reserve officers with a remaining Military Service obligation at the time of their removal from the Ready Reserve may be transferred only to the Standby Reserve, Active Status List, in accordance with 10 U.S.C. 12645.

E3.2.1.1.4. In determining whether or not a position should be designated as a “key position,” the following questions should be considered by the Federal Agency concerned:

E3.2.1.1.4.1. Can the position be filled in a reasonable time after mobilization?

E3.2.1.1.4.2. Does the position require technical or managerial skills that are possessed uniquely by the incumbent employee?

E3.2.1.1.4.3. Is the position associated directly with defense mobilization?

E3.2.1.1.4.4. Does the position include a mobilization or relocation assignment in an Agency having emergency functions, as designated by E.O. 12656?

E3.2.1.1.4.5. Is the position directly associated with industrial or manpower mobilization, as designated in E.O. 12656 and 12919?

E3.2.1.1.4.6. Are there other factors related to the national defense, health, or safety that will make the incumbent of the position unavailable for mobilization?

E3.2.2. *Non-Federal Employers of Ready Reservists.* Under 44 CFR 333, non-Federal employers of Ready Reservists, particularly in the fields of public health and safety and defense support industries, are encouraged to adopt personnel management procedures designed to preclude conflicts between the

emergency manpower needs of civilian activities and the military during a mobilization. Employers also are encouraged to use the Federal key position guidelines contained in this enclosure for making their own key position designations and, when applicable, for recommending key employees for removal from the Ready Reserve.

E3.2.3. All employers who determine that a Ready Reservist is a key employee, in accordance with the guidelines in this Directive, should promptly report that determination, using the letter format in section E3.4., to the applicable Reserve personnel center, requesting the employee be removed from the Ready Reserve.

E3.3. Individual Ready Reservists

E3.3.1. Each Ready Reservist who is not a member of the Selected Reserve is obligated to notify the Secretary concerned of any change of address, marital status, number of dependents, or civilian employment and any other change that would prevent a member from meeting mobilization standards prescribed by the Military Service concerned (10 U.S.C. 10205).

E3.3.2. All Ready Reservists shall inform their employers of their Reserve military obligation.

E3.4. Letter FORMAT to Reserve Personnel Centers Requesting That Employee Be Removed From the Ready Reserve

From: (Employer-Agency or Company)
To: (Appropriate Reserve Personnel Center)
Subject: Request for Employee to Be Removed from the Ready Reserve

This is to certify that the employee identified below is vital to the nation's defense efforts in (his and/or her) civilian job and cannot be mobilized with the Military Services in an emergency for the following reasons:

Therefore, I request that (he/she) be removed from the Ready Reserve and that you advise me accordingly when this action has been completed.

The employee is:

1. Name of employee (last, first, M.I.):
2. Military grade and Reserve component:
3. Social security number:
4. Current home address (street, city, State, and ZIP code):
5. Military unit to which assigned (location and unit number):
6. Title of employee's civilian position:
7. Grade or salary level of civilian position:
8. Date (YYMMDD) hired or assigned to position:

Signature and Title of Agency or Company Official

E3.5. List of Reserve Personnel Centers to Which Reserve Screening Determination and Removal Requests Shall be Forwarded**Army Reserve**

Army Reserve Personnel Command, 9700 Page Ave., ATTN: ARPC-SFS-T, St. Louis, MO 63132

Naval Reserve

Department of the Navy, Navy Personnel Command (Pers 91), NSA Memphis, Millington, TN 38054

Marine Corps Reserve

Commanding General, Marine Corps Reserve Support Command, ATTN: IRR Division, 15303 Andrews Road, Kansas City, MO 64147-1207

Air Force Reserve

Commander, Air Reserve Personnel Center/DSFA, 6760 E. Irvington Pl. #4100, Denver, CO 80280-4100

Army and Air National Guard

Submit requests to the adjutant general of the applicable State, commonwealth, or territory (including the District of Columbia).

Coast Guard Reserve

Commander (CGPC-RPM), U.S. Coast Guard Personnel Command, 2100 Second St. SW., Washington, DC 20593

Dated: August 20, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117**

[CGD07-98-048]

RIN 2115-AE47

Drawbridge Regulations; Grand Canal, Florida

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulations governing the operation of the Tortoise Island drawbridge across the Grand Canal at Tortoise Island, Brevard County, Florida. The proposal will extend the 2 hours advance notice for opening on signal now authorized during evening hours Sunday through Thursday, to include Friday and Saturday nights and evenings preceding federal holidays. This action will reduce the requirement to maintain bridgetender service on the bridge during evening hours without unreasonably impacting navigation using the Grand Canal.

DATES: Comments must be received on or before October 27, 1998.

ADDRESSES: Comments may 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 4:00 p.m. Monday through Friday, except federal holidays. The telephone number is (305) 536-6546. The Commander, Seventh

Coast Guard District maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Evelyn Smart, Project Manager, Bridge Section, (305) 536-6546.

SUPPLEMENTARY INFORMATION:

Requests 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 [CGD07-98-048] and the specific section of this revised 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. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgement 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 received.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Ms. Evelyn Smart at 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 present opening schedule for the Tortoise Island Drawbridge is as follows: The Tortoise Island Drawbridge which crosses the Grand Canal, mile 2.6 at Tortoise Island, presently opens on signal; except that during the evening hours from 10 p.m. to 6 a.m. from Sunday evening until Friday morning, except on evenings preceding a Federal holiday, the draw opens on signal if at least 2 hours notice is given.

On February 24, 1998, the Tortoise Island Homeowner's Association, Inc. provided bridge logs, highway traffic data and traffic analysis to support extending the 2 hours advance notice to include the weekend evenings and holidays.

The Coast Guard's analysis of the bridge logs indicated that a low volume of boat traffic was experienced over an

extended period of time. From January 1997 through December 1997, only 7 boats required an opening on weekends between the hours of 10 p.m. and 6 a.m.

Discussion of Proposed Rule

The proposal would extend the weekday evening 2 hours advance notice requirement to also include weekend evenings between 10 p.m. and 6 a.m. Advance notification would remain unchanged during the evening hours Sunday through Thursday.

This change is intended to alleviate manning the bridge 24 hours a day on the weekends and holidays. The bridge owner currently provides full time security at the main entrance gate to Tortoise Island and full time bridgetender services on the drawbridge during weekends despite the low volume of nighttime vessel traffic. In addition, there is a roving security patrol available 24 hours each day. Under this proposal, the drawbridge would be tended during each day and the security patrol would respond to vessel calls on VHF radiotelephone or telephone calls during each evening between 10 p.m. and 6 a.m., and would provide an opening within 2 hours of notification. Emergency opening would be provided as rapidly as possible.

Regulatory Evaluation

This revised proposal 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. The Office of Management and Budget has exempted it from review 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. We conclude this because commercial vessels do not use this waterway and recreational vessels would only be delayed a maximum of two hours for an opening.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this revised proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses and 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.

Because it expects the impact of this revised proposal to be minimal, 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 because of the limited usage of the bridge during the effected hours, and the exemption for tugs and tows. If, however, you think that your business or organization qualifies as a small entity and that this revised proposal will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think you qualify and in what way and to what degree this proposed rule will economically affect you.

Collection of Information

This revised proposal 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 revised proposal under the principles and criteria contained in Executive Order 12612, and has determined that this proposal 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 revised proposal and has determined pursuant to Figure 2-1, paragraph 32(e) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation. A Categorical Exclusion Determination for this rulemaking is available in the public 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 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); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In § 117.285 revise paragraph (b) to read as follows:

§ 117.285 Grand Canal.

* * * * *

(b) The draw of the Tortoise Island bridge, mile 2.6, shall open on signal; except that during the evening hours from 10 p.m. to 6 a.m. the draw shall open if at least 2 hours notice is given.

Dated: August 12, 1998.

R.C. Olsen, Jr.,

*Captain, U.S. Coast Guard, Commander,
Seventh Coast Guard District, Acting.*

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 177

[CCGD8-98-020]

RIN 2115-AE47

Drawbridge Operation Regulations for the Missouri River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the regulations governing the operation of the drawbridges across the Missouri River in the States of Missouri, Iowa, Kansas, and Nebraska. The revisions would enable the Coast Guard to coordinate drawbridge operation schedules for these bridges during the winter season with the Army Corps of Engineers' support of commercial navigation on the Missouri River.

DATES: Comments must reach the Coast Guard on or before October 27, 1998.

ADDRESSES: You may mail comments to Director, Western Rivers Operations (ob) (DWRO ob), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103, or deliver them to room 2.107F at the same address between 8 a.m. and 4 p.m. Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT:

Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, 314-539-3900, Ext. 378.

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 (CGD8-98-020) and the specific section of this proposal to which the comment applies, and give the reason 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 stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Individuals may request a public hearing by writing to the DRWO (ob) at 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 Missouri River is a free flowing river traversing several states before it joins the Mississippi River 15.3 miles north of St. Louis, Missouri. The Army Corps of Engineers (ACOE), Missouri River Region manipulates the river's depth by releasing water from upstream reservoirs in accordance with an established plan that provides for a nine-foot channel between the head of navigation at Sioux City, Iowa and the mouth of the river.

Historically the ACOE planned for a commercial navigation season between late March to late November at Sioux City, Iowa and from April 1 to December 1 at the mouth of the river. This timeframe also coincided with the dates that the Coast Guard maintained floating aids to navigation. Additionally, as per 33 CFR 117, drawbridge owners were required to staff their bridges full time in order to open these bridges on demand. Once the commercial navigation season ended, the on-demand-opening requirement shifted to a 24-hour notice requirement for those vessels that required the opening of a drawbridge. In the last decade, the ACOE has adopted a more flexible approach to managing water levels on the Missouri River.

The ACOE's existing commercial-navigation support plan is derived from the water levels in the Missouri River drainage basin reservoir system, which, in turn, is linked to prevailing and anticipated weather conditions. If there is an unusually wet summer or fall, the ACOE may opt to extend the navigation season in order to release more water from the reservoirs. This allows the ACOE to better manage flood conditions that may threaten the Missouri River drainage basin during the spring. On the same token, the ACOE must not allow too much water in the river during the

winter so as to prevent flooding from ice jams. This flow manipulation has the effect of either extending or reducing the commercial navigation season.

The ACOE, Missouri River Region, advises the public of the changes to the navigation season in a variety of ways, including, but not limited to: publication of an Annual Operating Plan for the Missouri River; public meetings to discuss planned flow manipulations; several news releases throughout the year detailing reservoir-runoff statistics and forecasts; and an internet web site that continually updates Missouri River stage trends and other flow information. The ACOE also works closely with other federal and state agencies to coordinate the dissemination of information relating to the closing and opening of the full service flow. The extensive amount of information disseminated by the ACOE ensures that the public is apprised of the opening and closing of the commercial navigation season on the Missouri River.

In order to accommodate vessels during the winter season's low-water period, the Missouri River drawbridge operation regulations contained in 33 CFR 117.411(a) and 117.687(a) require that drawbridges on this waterway shall open on signal; except that, from December 16 through the last day of February, the draws shall open on signal if at least 24 hours notice is given. Additionally, 33 CFR 117.691 requires that the draw of the Illinois Central Gulf railroad bridge located on the Missouri River shall open on signal; except that, from December 1 through the last day of February, the draw shall open on signal if at least 24 hours notice is given. These regulations reflect the actual dates that the ACOE had manipulated the water level on the Missouri River; however, during the past ten years, the ACOE has adopted a more flexible water-management regime.

Although the ACOE has adopted a less rigid commercial navigation season that is no longer directly linked to a given date, drawbridge owners are still required by 33 CFR Part 117 to open their bridges on demand commencing 1 March—regardless of the water level on the Missouri River. This requires drawbridge owners to staff their bridges full time despite the fact that the commercial navigation season is not in effect. This has resulted in a situation where the current bridge regulations governing on-demand openings for the Missouri River spans are not aligned with the ACOE's existing commercial navigation season.

The purpose of this proposed rule is to bring the drawbridge operating