

the year. However, the user's mission requirements for the airspace now occur during the months of November and December, during the time periods of 0800–1600 local time, Monday–Friday, with an occasional requirement to activate R–2908 outside these periods by Notice to Airmen (NOTAM). This change to the time of designation will more accurately reflect the user's airspace needs and to better inform the flying public as to when that area may be in use.

The Rule

This action amends 14 CFR part 73 by changing the time of designation for R–2908 from “Intermittent, sunrise-sunset, daily; other times by NOTAM 24 hours in advance,” to “November–December, Monday–Friday, 0800–1600 local time; other times by NOTAM 24 hours in advance.” This administrative change reduces the time of designation for R–2908 but does not alter the boundaries, altitudes, or activities conducted within the restricted area. Therefore, I find that notice and public procedures under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested.

Section 73.29 of part 73 was republished in FAA Order 7400.8E, dated November 7, 1997.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This action is a minor administrative change to reduce the published time of designation for Restricted Area R–2908. There are no changes to air traffic control procedures or routes as a result of this action. Therefore, this action is not subject to environmental assessments and procedures in accordance with FAA Order 1050.1D, “Policies and Procedures for Considering Environmental Impacts,”

and the National Environmental Policy Act of 1969.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.29 [Amended]

2. § 73.29 is amended as follows:

* * * * *

R–2908 Pensacola, FL [Amended]

By removing the words “Time of designation. Intermittent, sunrise-sunset, daily; other times by NOTAM 24 hours in advance,” and adding the words “Time of designation. November–December, Monday–Friday, 0800–1600 local time; other times by NOTAM 24 hours in advance.”

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Issued in Washington, DC, on September 28, 1998.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 98–26600 Filed 10–2–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Arizona State Plan; Change in Level of Federal Enforcement: Concrete and Asphalt Batch Plants Connected to Mines

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This document gives notice of the resumption of Federal enforcement responsibility in the State of Arizona over private sector employment at concrete and asphalt batch plants which are physically connected to a mine or so interdependent with the mine as to form one integral enterprise.

OSHA is hereby amending its regulations on approved plans to reflect this change to the level of Federal enforcement authority in Arizona.

EFFECTIVE DATE: October 5, 1998.

FOR FURTHER INFORMATION CONTACT:

Bonnie Friedman, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room, N–3637, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 219–8148.

SUPPLEMENTARY INFORMATION:

A. Background

Section 18 of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. 667, provides that States which wish to assume responsibility for developing and enforcing their own occupational safety and health standards, may do so by submitting, and obtaining Federal approval of, a State plan. State plan approval occurs in stages which include initial approval under section 18(c) of the Act and, ultimately, final approval under section 18(e).

The Arizona State plan was initially approved on October 29, 1974 (39 FR 39037). On June 20, 1985, OSHA announced the final approval of the Arizona State plan pursuant to section 18(e) and amended Subpart CC of 29 CFR Part 1952 to reflect the Assistant Secretary's decision (50 FR 25571). As a result, Federal OSHA relinquished its authority with regard to occupational safety and health issues covered by the Arizona plan. Federal OSHA retained its authority over safety and health in private sector maritime employment, in copper smelters, within Indian reservations and with regard to Federal government employers and employees.

29 CFR 1952.355, which codifies OSHA's final approval decision, provides that any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the plan and shall be subject to Federal enforcement.

The Industrial Commission of Arizona, the State plan agency responsible for occupational safety and health enforcement, is precluded by law from covering working conditions with respect to which any State agency acting under Title 27, Chapter 3, of Arizona Revised Statutes, exercises statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health (Arizona Revised Statutes, section 23–402). Under Arizona Revised Statutes section 27–301(8), the State Mine Inspector has jurisdiction over concrete and asphalt plants that are “physically connected to the mine or so interdependent with the

mine as to form one integral enterprise." Therefore, such facilities are excluded from coverage under the State plan.

Section 4(b)(1) of the Federal Act provides that "nothing in this Act shall apply to working conditions with respect to which other Federal agencies * * * exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health" but does not include language precluding coverage of concrete or asphalt plants comparable to that in the Arizona statute. OSHA coverage of such facilities is specifically provided by a Memorandum of Understanding Between OSHA and the Mine Safety and Health Administration, which was signed on March 29, 1979 (see 44 FR 22,827).

B. Location of Supplement for Inspection and Copying

A copy of the legislation referenced in this notice as well as information on the Arizona plan is available during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor—OSHA, 71 Stevenson Street, Suite 415, San Francisco, CA 94105; Industrial Commission of Arizona, 800 W. Washington, Phoenix, AZ 85007; and the Office of State Programs, 200 Constitution Avenue, N.W., Room N3700, Washington, D.C. 20210. For electronic copies of this notice, contact OSHA's Web Page at <http://www.osha.gov/>.

C. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. Arizona's Final Approval determination issued after an opportunity for public comment in 1985, specifically provides that Federal standards and enforcement will apply to safety or health issues the State is unable to cover under its State plan, and this notice implements that provision. State and Federal OSHA requirements applicable to employment in concrete and asphalt batch plants are identical. Accordingly, OSHA finds that further public participation is not necessary.

D. Decision

To assure worker protection under the OSH Act, Federal OSHA will assume coverage over concrete and asphalt batch plants that are physically connected to or interdependent with mines in Arizona. OSHA is hereby amending 29 CFR part 1952, Subpart

CC, to reflect this change in the level of Federal enforcement.

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health.

This document was prepared under the direction of Charles Jeffress, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under Section 18 of the OSH Act (29 U.S.C. 667), 29 CFR part 1902, and Secretary of Labor's Order No. 6-96 (62 FR 111).

Signed at Washington, D.C. this 21 day of August 1998.

Charles N. Jeffress,
Assistant Secretary of Labor.

For the reasons set out in the preamble 29 CFR part 1952, Subpart CC (Arizona) is hereby amended as set forth below:

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

1. The authority citation for Part 1952 continues to read as follows:

Authority: Sec. 18 Stat. 1608 (29 U.S.C. 667); 29 CFR part 1902, Secretary of Labor's Order No. 6-96 (62 FR 111).

Subpart CC—Arizona

2. Section 1952.354 is amended by revising paragraph (b) to read as follows:

§ 1952.354 Final approval determination.

* * * * *

(b) The plan which has received final approval covers all activities of employers and all places of employment in Arizona except for private sector maritime employment, copper smelters, concrete and asphalt batch plants that are physically connected to a mine or so interdependent with a mine as to form one integral enterprise, and Indian reservations.

* * * * *

3. Section 1952.355 is amended by revising the first four sentences of paragraph (b) to read as follows:

§ 1952.355 Level of Federal enforcement.

* * * * *

(b) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Arizona plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce

all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR part 1915, shipyard employment; part 1917, marine terminals; part 1918, longshoring; part 1919, gear certification) as well as provisions of general industry standards (29 CFR part 1910) appropriate to hazards found in these employments. Federal jurisdiction is also retained with respect to Federal government employers and employees, in copper smelters, in concrete and asphalt batch plants which are physically connected to a mine or so interdependent with the mine as to form one integral enterprise, and within Indian reservations. * * *

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[FR Doc. 98-26525 Filed 10-2-98; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD11-98-013]

Drawbridge Operation Regulations; Carquinez Strait, Solano and Contra Costa Counties, CA, Union Pacific Benicia-Martinez Railroad Bridge

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: Notice is hereby given that the Coast Guard has issued a temporary deviation to the regulations governing the opening of the Union Pacific Martinez Railroad vertical lift bridge over Carquinez Strait between Benicia and Martinez, CA. The deviation specifies that the bridge operator requires 1-hour advance notice from 7 a.m. to 5 p.m. to open the bridge on the following specified dates. Those dates are Tuesday, September 29, 1998, Wednesday, September 30, 1998, Tuesday, October 13, 1998, and Wednesday, October 14, 1998. The purpose of this deviation is to allow the Union Pacific Railroad and its contractors to replace the rail across the bridge. The advance notice is needed to allow sufficient time for workers to remove equipment from the lift span.

DATES: Effective period of the deviation is 7 a.m.-5 p.m. on September 29, 1998, September 30, October 13, and October 14, 1998.

FOR FURTHER INFORMATION CONTACT: