

requirements of § 431.1 of this chapter, each such request shall contain:

- (i) Results of tests and assays on:
- (a) The doxycycline hyclate used in making the batch for potency, safety, moisture, pH, doxycycline content, identity, and crystallinity.
- (b) The batch for potency, moisture, acid resistance, and dissolution.
- (ii) Samples, if required by the Director, Center for Drugs and Biologics:
- (a) The doxycycline hyclate used in making the batch: 10 packages, each containing approximately 300 milligrams.
- (b) The batch: A minimum of 100 capsules.

(b) *Tests and methods of assay*—(1) *Potency*. Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing 0.1N hydrochloric acid to obtain a stock solution of convenient concentration containing not less than 150 micrograms of doxycycline per milliliter (estimated). Blend for 3 to 5 minutes. Remove an aliquot of the stock solution and further dilute with sterile distilled water to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(2) *Moisture*. Proceed as directed in § 436.201 of this chapter.

(3) *Acid resistance*. Proceed as directed in § 436.543 of this chapter.

(4) *Dissolution*. Empty the contents of one pellet-filled capsule into the basket and proceed as directed in § 436.544 of this chapter. The quantity Q (the amount of doxycycline dissolved) is 85 percent at 30 minutes.

Dated: October 2, 1985.

Daniel L. Michels,

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 85-24471 Filed 10-11-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 107

[Docket No. R-85-1237; FR-2020]

Nondiscrimination and Equal Opportunity in Housing Under Executive Order 11063

Correction

In FR Doc. 85-18428, beginning on page 31359 in the issue of Friday, August 2, 1985, make the following correction:

On page 31360, second column, § 107.30(b), first line, "leaders" should read "lenders".

BILLING CODE 1505-01-M

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 990

[Docket No. R-85-1255; FR-2075]

Implementation of the Single Audit Act of 1984; Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Interim rule; correction.

SUMMARY: The Department published in the Federal Register of September 27, 1985 (50 FR 39083) an interim rule that implements, with reference to HUD program authorities, the requirements of the Single Audit Act of 1984 and OMB Circular A-128. Concerning the single audit requirements for public housing agencies (PHAs) under 24 CFR Part 990 (Annual Contributions for Operating Subsidies), the Department promulgated a new 24 CFR 990.117 (Audit) in the September 1985 rule. However, § 990.117 in the September 1985 rule conflicts with HUD's prior promulgation of 24 CFR 990.117 (Determining Actual Occupancy Percentage) as part of an interim rule published in the Federal Register of June 24, 1985 (50 FR 25951) to revise HUD regulations for the determination of a PHA's operating subsidy. This correction resolves this conflict by redesignating § 990.117 in the September 1985 rule as § 990.120. In addition, this correction revises the preamble of the September 1985 rule to remedy certain typographical errors.

EFFECTIVE DATE: November 1, 1985.

SUPPLEMENTARY INFORMATION:

Accordingly, the following correction is made in FR Doc. 85-1255, published in the Federal Register on September 27, 1985 at page 39083:

1. On page 39092, in the second from the last line of column two and on the first line of column three, "§ 990.117" is corrected to read "§ 990.120".

2. On page 39085, in line four of column two, "in" is corrected to read "an". In line twelve of column two, "that" is removed.

Dated: October 8, 1985.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 85-24567 Filed 10-11-85; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 179

[TD ATF-214]

Removal of References to United States Attorneys and United States Marshals as Possible Certifying Officials and Minor Changes Updating Identification Procedures

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule amends the regulations by deleting the references to United States Attorneys and United States Marshals as law enforcement officials who may certify applications to make or transfer National Firearms Act (NFA) firearms; by changing the required identification forms and by requiring some information previously required on the identification form to be placed on the application form itself.

EFFECTIVE DATE: October 15, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence G. White, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7591).

SUPPLEMENTARY INFORMATION:

Background

The National Firearms Act (NFA), 26 U.S.C. Chapter 53, imposes taxes on the making and transfer of certain firearms. 26 U.S.C. 5811 and 5821. Firearms covered by this Act include machineguns, short-barrelled shotguns and rifles, and destructive devices. In addition, this chapter of the Internal Revenue Code also establishes a system of registration of firearms covered by the Act whereby firearms are registered to the owner in a central registry. 26 U.S.C. 5841. Further, the Act sets forth the procedures for the transfer of NFA weapons. 26 U.S.C. 5812. Pursuant to this section, registered NFA weapons may not be transferred except upon an application approved by the Secretary. The implementing regulations, 27 CFR Part 179, provide that applications to make an NFA weapon are filed on ATF Form 1, while tax-paid transfers are filed on ATF Form 4. (27 CFR 179.62 and 179.84.) Additionally, when the maker or transferee is an individual, certain identification information is required. (27 CFR 179.63 and 179.85.) These

sections require, in part, that the maker or transferee obtain certification from the local chief of police, sheriff of the county, United States Attorney, United States Marshal or such other person whose certificate may be acceptable to the Director, certifying that the law enforcement official has no information indicating that receipt or possession of the firearm by the maker or transferee would place the maker or transferee in violation of State or local law or that the maker or transferee will use the firearm for other than lawful purposes. Forms 1 and 4 enumerate the officials recognized by ATF for certification purposes.

The Executive Office for United States Attorneys and the United States Marshals Service advised ATF that they would no longer execute the law enforcement certification and requested the references to United States Attorneys and United States Marshals be deleted from ATF Forms 1 and 4. They stated that the certifications required them to perform services outside their normal operations as they did not have direct access to the background data necessary to provide proper certifications.

Administrative Procedures Act

Because this Treasury decision merely removes the positions of U.S. Attorney and U.S. Marshal at their request from the list of persons who may execute the law enforcement certification associated with NFA applications and makes other minor editorial and nonsubstantive procedural changes, it is hereby found to be impractical and unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

Executive Order 12291

It has been determined that this final rule is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory

Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this document, because it was not required to be preceded by a notice of proposed rulemaking under 5 U.S.C. 553. These regulations will not have a significant economic impact or compliance burden on a substantial number of small entities.

Drafting Information

The principal author of this Treasury decision is Lawrence G. White, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

List of Subjects In 27 CFR Part 179

Administrative practice and procedure, Arms and Munitions, Authority delegations, Claims, Customs duties and inspection, Excise taxes, Exports, Imports, Penalties, Reporting requirements, Research, Seizures and forfeitures, Transportation, U.S. possessions.

PART 179—[AMENDED]

27 CFR Part 179, Machineguns, Destructive devices and Certain Other Firearms, is amended as follows:

Paragraph 1. The authority citation for Part 179 is revised to read as follows:

Authority: 5 U.S.C. 552a; 18 U.S.C. 920; 22 U.S.C. 2778; 28 U.S.C. Chapter 53, 6091, 6511, 6676, 6805, 7805; 27 U.S.C. 205; 44 U.S.C. 3504(h).

Par. 1a. Section 179.63 is amended by removing the references to the United States Attorney and United States Marshal, by changing the name of the fingerprint card, and by updating the identification procedures, the revised section to read as follows:

§ 179.63 Identification of applicant.

If the applicant is an individual, he or she shall securely attach to each copy of the ATF Form 1 (Firearms), in the space provided on the form, a clear, head and shoulders, full face photograph, approximately 2" x 2" of the applicant, taken within one year prior to the date of the application. The applicant shall attach two properly completed FBI Forms FD-258 (Fingerprint Card) to the

application. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. A certification by the local chief of police, sheriff of the county, or such other person for example, head of the State police, State or local district attorney or prosecutor, Judge, etc., whose certification may in a particular case be acceptable to the Director, must be completed on each copy of the Form 1. The certification must state that the law enforcement official is satisfied that the fingerprints and photograph accompanying the application are those of the applicant, and that the certifying officer has no information indicating that possession of the firearm by the maker would be in violation of State or local law or that the maker will use the firearm for other than lawful purposes.

Par. 2. Section 179.85 is amended by removing the references to United States Attorney and United States Marshal, by changing the name of the fingerprint card, and by updating the identification procedures, the revised section to read as follows:

§ 179.85 Identification of transferee.

If the transferee is an individual, he or she shall securely attach to each copy of the application, ATF Form 4 (Firearms), in the space provided on the form, a clear head and shoulders, full face photograph approximately 2" x 2" of the transferee, taken within one year prior to the date of the application. The transferee shall attach two properly completed FBI Forms FD-258 (Fingerprint Card) to the application. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. A certification by the local chief of police, sheriff of the county, or such other person, for example, head of the State police, State or local district attorney or prosecutor, judge, etc., whose certification may in a particular case be acceptable to the Director, must be completed on each copy of the Form 4. The certification must state that the law enforcement official is satisfied that the fingerprints and photograph accompanying the application are those of the transferee, and that the certifying officer has no information indicating that the receipt or possession of the firearm would place the transferee in violation of State or local law, or that the transferee will use the firearm for other than lawful purposes.

Signed: August 1, 1985.

Stephen E. Higgins,
Director.

Approved: September 12, 1985.

Edward T. Stevenson,
Acting Assistant Secretary (Enforcement and
Operations).

[FR Doc. 85-24582 Filed 10-11-85; 8:45 am]

BILLING CODE 4810-31-M

Office of Foreign Assets Control

31 CFR Part 545

South African Transactions Regulations

AGENCY: Office of Foreign Assets
Control, Treasury.

ACTION: Final rule.

SUMMARY: On October 1, 1985, the President issued Executive Order No. 12535, imposing a ban on the importation of Krugerrands into the United States. In implementation of that order, the Office of Foreign Assets Control is issuing the South African Transactions Regulations, prohibiting the importation of Krugerrands into the United States.

EFFECTIVE DATE: 12:01 a.m. Eastern Daylight Time, October 11, 1985.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Muench, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220; 202/376-0408.

SUPPLEMENTARY INFORMATION: Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply. Because the regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal Regulations. The information collection requests contained in this document are being submitted to the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Notice of OMB action on these requests will be published in the Federal Register.

List of Subjects in 31 CFR Part 545

South Africa. Imports, Krugerrands, Penalties, Reporting and recordkeeping requirements.

Accordingly, 31 CFR Chapter V is amended as set forth below:

New Part 545 is added as follows:

PART 545—SOUTH AFRICA TRANSACTIONS REGULATIONS

Subpart A—Relation of this Part to Other Laws and Regulations

Sec.

545.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

545.201 Prohibition on the importation of Krugerrands.

545.203 Effective date.

545.204 Evasions.

Subpart C—General Definitions

545.301 Krugerrands.

545.302 United States.

Subpart D—Interpretations

Subpart 545.401 Reference to amended sections.

545.402 Effect of amendment of sections of this chapter or of other orders, etc.

545.403 Krugerrand jewelry.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

545.501 Effect of subsequent license or authorization.

545.502 Exclusion from licenses and authorizations.

Subpart F—Reports

545.601 Required records.

545.602 Reports to be furnished on demand.

Subpart G—Penalties

545.701 Penalties.

Subpart H—Procedures

545.801 Licensing.

545.802 Decisions.

545.803 Amendment, modification, or revocation.

545.804 Rulemaking.

545.805 Delegation by the Secretary of the Treasury.

545.806 Rules governing availability of information.

Subpart I—[Reserved]

Authority: 50 U.S.C. 1701 *et seq.*; E.O. 12535, 50 FR 40325, Oct. 3, 1985.

Subpart A—Relation of this Part to Other Laws and Regulations

§ 545.101 Relation of this part to other laws and regulations.

(a) This part is independent of the other parts of this chapter and all other provisions of law. No license or authorization under another part of this chapter or any other provision of law authorizes any transaction prohibited by this part.

(b) No license or authorization under this part authorizes any transaction prohibited by one of the other parts of this chapter or any other provision of law, or relieves the parties involved from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 545.201 Prohibition on the importation of Krugerrands.

Except as authorized under this part, the importation into the United States of South African Krugerrands is prohibited.

§ 545.203 Effective date.

(a) The effective date of the prohibition in section 545.201 shall be 12:01 a.m. Eastern Daylight Time, October 11, 1985.

§ 545.204 Evasions.

Any transaction for the purpose of, or which has the effect of, evading any of the prohibitions in this part is prohibited.

Subpart C—General Definitions

§ 545.301 Krugerrands.

The term "Krugerrands" includes Krugerrands of all denominations and sizes, and Krugerrands that have been modified, as by addition of a clasp or loop, into items that can be worn as jewelry.

§ 545.302 United States.

The term "United States" means the United States and all territories under the jurisdiction thereof, including the Trust Territory of the Pacific Islands.

Subpart D—Interpretations

§ 545.401 Reference to amended sections.

Reference to any section of this chapter or to any regulation, ruling, order, instruction, direction or license issued pursuant to this chapter shall be deemed to refer to the same as currently amended unless otherwise so specified.

§ 545.402 Effect of amendment of sections of this chapter or of other orders, etc.

Any modification of this chapter or of any regulation, ruling, order, instruction, direction or license issued by the Secretary of the Treasury pursuant to Executive Order No. 12535 shall not, unless otherwise specifically provided, be deemed to affect any act performed or omitted, or any civil or criminal proceeding commenced, prior to such modification, and all penalties, forfeitures, and liabilities under any such provision shall continue and may

be enforced as if such modification had not been made.

§ 545.403 Krugerrand jewelry.

Section 545.201 prohibits the importation into the United States of Krugerrands that have been modified, as by the addition of a clasp or loop, into items that can be worn as jewelry. For example, importation of a necklace consisting of a Krugerrand mounted on a chain would be prohibited. Section 545.201 does not prohibit the reimportation into the United States of Krugerrand jewelry which was originally imported into the United States prior to October 11, 1985.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

§ 545.501 Effect of subsequent license or authorization.

No license or other authorization contained in this chapter or otherwise issued by or under the authority of the Secretary of the Treasury pursuant to Executive Order 12535 shall be deemed to authorize or validate any transaction effected prior to the issuance thereof, unless such license or other authorization specifically so provides.

§ 545.502 Exclusion from licenses and authorizations.

The Secretary of the Treasury reserves the right to exclude any person or property from the operation of any license or to restrict the applicability thereof to any person or property. Such action shall be binding upon all persons receiving actual or constructive notice thereof.

Subpart F—Reports

§ 545.601 Required records.

Every person engaging in any transaction subject to this part shall keep a full and accurate record of each transaction in which he engages, including any transaction effected pursuant to license or otherwise, and such records shall be available for examination for at least two years after the date of such transaction.

§ 545.602 Reports to be furnished on demand.

Every person is required to furnish under oath, in the form of reports or otherwise, at any time as may be required, complete information relative to any transaction subject to this part, regardless of whether such transaction is effected pursuant to license or otherwise. Such reports may be required to include the production of any books of account, contracts, letters, and other papers connected with any transaction

in the custody or control of the persons required to make such reports. Reports with respect to transactions may be required either before or after such transactions are completed. The Secretary of the Treasury may, through any person or agency, conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

Subpart G—Penalties

§ 545.701 Penalties.

(a) A civil penalty of not to exceed \$10,000 may be imposed on any person who violates any license, order, or regulation issued under this title.

(b) Whoever willfully violates any license, order, or regulation issued under this title shall, upon conviction, be fined not more than \$50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(50 U.S.C. 1705)

(c) Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(18 U.S.C. 1001)

Subpart H—Procedures

§ 545.801 Licensing.

(a) *General licenses.* [Reserved]

(b) *Specific licenses.* Transactions prohibited under subpart B may be effected only under specific license.

(1) The specific licensing activities of the Office of Foreign Assets Control are performed by its Washington Office and by the Foreign Assets Control Division of the Federal Reserve Bank of New York.

(2) *Applications for specific licenses.* Applications for specific licenses to engage in any transaction prohibited under this part are to be filed in duplicate with the Federal Reserve Bank

of New York, Foreign Assets Control Division, 33 Liberty Street, New York, NY 10045. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing such transaction, and there is no requirement that any other person having an interest in such transaction shall or should join in making or filing such application.

(3) *Information to be supplied.* The applicant must supply all information specified by the respective forms and instructions. Such documents as may be relevant shall be attached to each application except that documents previously filed with the Office of Foreign Assets Control may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as is deemed necessary to a proper determination by the Office of Foreign Assets Control. Failure to furnish necessary information will not be excused because of any provision of South African law. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should be made with the Office of Foreign Assets Control.

(4) *Effect of denial.* The denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition of the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or otherwise.

(6) *Issuance of license.* Licenses will be issued by the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury or by the Federal Reserve Bank of New York, acting in accordance with such regulations, rulings, and instructions as the Secretary of the Treasury or the Office of Foreign Assets Control may from time to time prescribe, or licenses may be issued by the Secretary of the Treasury acting directly or through a designated person, agency, or instrumentality.

§ 540.802 Decisions.

The Office of Foreign Assets Control or the Federal Reserve Bank of New

York will advise each applicant of the decision respecting filed applications. The decision of the Office of Foreign Assets Control with respect to an application shall constitute a final agency action.

§ 545.803 Amendment, modification, or revocation.

The provisions of this part and any rulings, licenses, authorizations, instructions, orders or forms issued hereunder may be amended, modified, or revoked at any time.

§ 545.804 Rulemaking.

(a) All rules and other public documents are issued by the Secretary of the Treasury upon recommendation of the Director of the Office of Foreign Assets Control. Except to the extent that there is involved any military, naval, or foreign affairs function of the United States or any matter relating to the agency management or personnel or to public property, loans, grants, benefits, or contracts, and except when interpretive rules, general statements of policy, or rules of agency organization, practice, or procedure are involved, or when notice and public procedure are impracticable, unnecessary, or contrary to the public interest, interested persons will be afforded an opportunity to participate in rulemaking through the submission of written data, views, or arguments, with oral presentation in the discretion of the Director. In general, rulemaking by the Office of Foreign Assets Control involves foreign affairs functions of the United States. Wherever possible, however, it is the practice to hold informal consultations with interested groups or persons before the issuance of any rule or other public document.

(b) Any interested person may petition the Director of the Office of Foreign Assets Control in writing for the issuance, amendment or revocation of any rule.

§ 545.805 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 12535 may be taken by the Director of the Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

§ 545.806 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control which are required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees,

and other provisions of the regulations on the disclosure of records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as part 1 of this Title 31 of the Code of Federal Regulations.

(b) Any form issued for use in connection with this part may be obtained in person from or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, DC 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045.

Subpart I—Miscellaneous [Reserved]

Dated: October 9, 1985.
Dennis M. O'Connell,
Director, Office of Foreign Assets Control.
 Approved: October 9, 1985.
David D. Queen,
Acting Assistant Secretary Enforcement & Operations,
 [FR Doc. 85-24640 Filed 10-10-85; 2:17 pm]
 BILLING CODE 4810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8-85-12]

Drawbridge Operation Regulation; Bayou Sara, AL

AGENCY: U.S. Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Seaboard System Railroad, the Coast Guard is changing the regulation governing the operation of the swing span railroad bridge over Bayou Sara, mile 0.1, near Saraland, Mobile County, Alabama, by requiring that at least eight hours advance notice be given for an opening of the draw from 6 p.m. to 10 a.m. The bridge would open on signal outside these hours. The bridge presently is required to open on signal from 6 a.m. to 10 p.m. and on four hours advance notice from 10 p.m. to 6 a.m., except that, during periods of severe storms or hurricanes the bridge is required to open on signal. This change is being made because of infrequent requests to open the draw during the advance notice period. This action will relieve the bridge owner of the burden of having a person available at the bridge between 6 p.m. and 10 a.m., and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on November 14, 1985.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, telephone (504) 589-2065.

SUPPLEMENTARY INFORMATION: On 9 July 1985, the Coast Guard published a proposed rule (50 FR 27990) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a public notice dated 19 July 1985. In each notice interested persons were given until 23 August 1985 to submit comments.

Drafting Information: The drafters of this regulation are Perry Haynes, project officer, and Lieutenant Commander James Vallone, project attorney.

Discussion of Comments: Eight letters were received in response to the notice. One response was from a state agency and offered no objection. The other respondents objected to the proposed regulation as an undue hardship for boaters who currently use the bridge, and claimed that the regulation would deny access to Bayou Sara by users of the Tennessee-Tombigbee Waterway. The Coast Guard advised these respondents that the number of bridge openings which occur during the advance notice period of 6 p.m. to 10 a.m. (4.4 openings per month on average, or one opening every seven days), does not justify the expense of a full time bridgetender. It was also pointed out that access to the Tennessee-Tombigbee Waterway users will not be denied because the bridge will open on signal for all vessels between 10 a.m. and 6 p.m., and will open on signal for all vessels between 6 p.m. and 10 a.m. if at least eight hours advance notice is given by a toll-free telephone call to the bridge owner.

Economic Assessment and Certification: This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this change is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the average number of vessels passing this bridge during the advance notice period, 6 p.m. to 10 a.m., is one vessel every seven days. These vessels can reasonably give advance notice for a bridge opening by placing a collect call to the bridge owner at any time. The advance notice for an opening of the