

SUPPLEMENTARY INFORMATION

Background

In recent years, certain importers of merchandise from countries which impose export restrictions on such merchandise (an export quota, for example) have gained export approval from the government of the country of origin by means which result in the presentation to Customs, upon the entry of the merchandise into the U.S., of documents—usually "visaed invoices"—which contain false statements. A "visaed invoice" is an invoice which is stamped with or otherwise signifies the export approval of the appropriate government authority in the country of origin but, in the situations in question, such approval is premised on false (inflated or deflated) merchandise values set forth in the invoice by the exporter.

For example, the exporter and the U.S. importer may agree on a unit price of \$10 for merchandise which the government of the country of origin will not approve for export to the U.S. at a unit price of less than \$20. To obtain export approval, therefore, the exporter prepares an invoice setting forth a unit price of \$20 for the merchandise; the appropriate authority of the government of the country of origin, based on the invoice information, stamps the invoice or otherwise signifies its approval for the export of the merchandise to the U.S. This document is required to be presented to Customs upon the entry of the merchandise into the U.S. and becomes a part of the entry package.

In many instances, the importer—for duty purposes—will allege the existence of a lower selling price than that recorded on the invoice, offering other evidence of the actual selling price, including: (1) A second invoice prepared by the exporter showing the actual selling price, and evidence of payment by the importer of the latter price; (2) evidence of receipt of a refund from the exporter in an amount of the difference between the invoice price and the actual agreed-upon selling price; or (3) evidence that the "overpayment" to the exporter per the inflated invoice price has been used to create an artificially low price for other goods shipped to the importer (other merchandise not subject to the same export restrictions). Although many importers have revealed the actual purchase details to Customs (in order to avoid any overpayment of duty, to avoid a possible penalty assessment for presenting Customs with a document known to contain false information, or for other reasons), others may not have done so—electing instead to pay the additional duty and to accept

the risk of penalties in an effort to facilitate the processing of the entry by Customs.

Section 484(a), Tariff Act of 1930, as amended (19 U.S.C. 1484(a)), requires that importers file with Customs documentation which, among other things, allows Customs "to assess properly the duties on the merchandise, [and] collect accurate statistics with respect to the merchandise * * *." Clearly, an invoice which sets forth a false purchase price does not satisfy this requirement. Equally clearly, such an invoice fails the requirement imposed by 19 U.S.C. 1481(a)(5), that each invoice of imported merchandise set forth "[t]he purchase price of each item * * *." These requirements are confirmed in the corresponding implementing regulations (e.g., §§ 141.81, 141.83 and 141.86, Customs Regulations, 19 CFR 141.81, 141.83, and 141.86). Sections 141.61(e)(4) and 141.64, Customs Regulations (19 CFR 141.61(e)(4) and 141.64), provide that Customs shall not accept entry and entry summary documentation which clearly appears, or is known by Customs, to be erroneous.

Action

On or after the effective date of this document, any differences or inconsistencies in the information contained in documents presented to Customs in connection with the importation of merchandise shall be considered as an indication that one or more of such documents contains false or erroneous information. In such circumstances, the entry documentation will not be accepted by Customs but will instead be returned to the importer for correction.

In situations where the visaed invoice or document presented to Customs (and necessary for the entry of the merchandise) contains erroneous value or price information, such invoice or document can only be corrected by the presentation to Customs of a new, corrected invoice or document stamped with the visa of the government of the country of origin. Customs will not accept pro forma invoices in any case involving apparent differences in price or value information in the documents required to be submitted to Customs and which involve the production of a document which is required to contain a foreign country's visa.

Customs will fully investigate any suspected attempts to circumvent the foregoing policy, including unusual resales and the submission of other entry documentation corroborating the value or price information set forth in a visa document and otherwise suspected to be false. In appropriate

circumstances, Customs will initiate actions under the civil and criminal penalty statutes it administers, including but not limited to 19 U.S.C. 1592, 18 U.S.C. 542, and 18 U.S.C. 1001.

Previous Customs Rulings

To the extent that any ruling previously issued by Customs, including those discussing whether a transaction value exists in situations similar to those described above, may have indicated that entry documentation containing inconsistencies or differences in price or value information would be accepted by Customs (either because the ruling failed to address the acceptability of such documentation or otherwise), those rulings are hereby amended and modified to conform with the policy hereinabove set forth.

Dated: February 20, 1986.

William von Raab,

Commissioner of Customs.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

[FR Doc. 86-4910 Filed 3-5-86; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor of two new animal drug applications (NADA's) from Vitamin Premixers of Omaha (V.P.O., Inc.) to SmithKline Animal Health Products, Division of SmithKline Beckman Corp.

EFFECTIVE DATE: March 6, 1986.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: SmithKline Animal Health Products, Division of SmithKline Beckman Corp., 1600 Paoli Pike, P.O. Box 2650, West Chester, PA 19380, has informed FDA that it has acquired ownership of two new NADA's from Vitamin Premixers of Omaha (V.P.O., Inc.) (NADA 98-431, tylosin; and NADA 100-127, tylosin/

sulfamethazine). V.P.O., Inc. has confirmed the sale. This change of sponsor does not involve any changes in manufacturing facilities, equipment, procedures, or production personnel. The regulations providing for use of the premises are amended to reflect the change of sponsor.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.
Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

§ 558.625 [Amended]

2. In § 558.625 *Tylosin* in paragraph (b)(25) by removing the sponsor number "043743" and inserting in its place "000007".

§ 558.630 [Amended]

3. In § 558.630 *Tylosin and sulfamethazine* in paragraph (b)(3) by removing the sponsor number "043743" and adding in numerical sequence "000007".

Dated: February 26, 1986.

Marvin A. Norcross,

Acting Associate Director for New Animal Drug Evaluation.

[FR Doc. 86-4836 Filed 3-5-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Pennsylvania Permanent Regulatory Program; Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects letter designations of two subchapters of the Pennsylvania permanent program regulations printed in the *Federal Register* notice published February 19, 1986, which announced the approval of a program amendment to the State of Pennsylvania's permanent regulatory program (51 FR 5997).

The corrections pertain to 30 CFR 938.15(j) which codified the approval of an amendment to the Pennsylvania code of regulations.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101.

Dated: February 27, 1986.

Brent Wahlquist,

Assistant Director, Program Operations.

PART 938—PENNSYLVANIA

1. The authority citation for Part 938 continues to read as follows:

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 938.15(j) is correctly revised as follows:

§ 938.15 Approval of regulatory program amendments.

(j) The following amendment submitted to OSMRE on September 5, 1985 is approved effective February 19, 1986: Act 158 of 1984; Subchapter F of Chapter 87 and Subchapter G of Chapter 88 of the Pennsylvania code of regulations; letters from the Pennsylvania Deputy General Counsel and the First Deputy Attorney General to Rebecca W. Hanmer, Director, Office of Water Enforcement Permits, U.S. EPA, dated July 8, 1985, and August 19, 1985, respectively.

[FR Doc. 86-4855 Filed 3-5-86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 80

[CGD 84-091]

International Regulations for Preventing Collisions at Sea; 1972 COLREGS Demarcation Lines

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is authorized to establish identifiable lines to delineate waters upon which International Regulations for Preventing Collisions at Sea, 1972 (COLREGS) apply and waters upon which Inland Navigation Rules apply. Regulations establishing these lines were promulgated July 11, 1977. Since the establishment of these lines, geographic and marking changes have outdated descriptions contained in the

regulations. The rulemaking will update all the 1972 COLREGS Demarcation Lines. The intent of this final rule is to provide accurate and current location descriptions and identification of these lines as shown on nautical charts.

EFFECTIVE DATE: April 7, 1986.

FOR FURTHER INFORMATION CONTACT:

CDR Charles K. Bell, (202) 245-0108.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the *Federal Register* on September 19, 1985 (50 FR 38013), and interested parties were given until November 4, 1985, to comment. Seven comments to the proposal were received. All seven comments further updated the Demarcation Lines by identifying seven additional locations where the lines had been altered due to reference objects being destroyed or relocated. The Coast Guard has incorporated all the changes suggested by the comments. The additional changes are 33 CFR 80.135(b), 33 CFR 80.305(i), 33 CFR 80.320(a), 33 CFR 80.735(c), 33 CFR 80.830(h), 33 CFR 80.845(a), and 33 CFR 80.1160.

Drafting information: The principal persons involved in drafting this rulemaking are LCDR Charles K. Bell, Project Manager, Office of Navigation, and LT Sandra Sylvester, Office of the Chief Counsel.

Regulatory Evaluation

This final rule is considered to be non-major under Executive Order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. This rule merely updates the 1972 COLREG Demarcation Lines. Since the impact is expected to be minimal, the Coast Guard certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 80

Navigation, Navigable waters.

For the reasons stated above, the Coast Guard is amending Title 33 CFR Part 80 to read as set forth below.

PART 80—COLREGS DEMARCATION LINES

1. The authority citation for Part 80 is revised to read as follows:

Authority: 14 U.S.C. 2; 33 U.S.C. 151(a); 49 CFR 1.46(b).

2. In § 80.115, paragraph (b) is revised to read as follows:

§ 80.115 Portland Head, ME to Cape Ann, MA.

(b) A line drawn from the southernmost tower on Gerrish Island charted in approximate position latitude 43°04.0' N. longitude 70°41.2' W. to Whaleback Light; thence to Jaffrey Point Light 2A; thence to the northeasternmost extremity of Frost Point.

3. In § 80.135, paragraph (b) is revised to read as follows:

§ 80.135 Hull, MA to Race Point, MA.

(b) A line drawn from Canal Breakwater Light 4 south to the shoreline.

4. In § 80.145, paragraph (c) is revised to read as follows:

§ 80.145 Race Point, MA to Watch Hill, RI.

(c) A line drawn from Sakonnet Breakwater Light 2 tangent to the southernmost part of Sachuest Point charted in approximate position latitude 41°28.5' N. longitude 71°14.8' W.

5. In § 80.305, paragraphs (h) and (i) are revised to read as follows:

§ 80.305 Watch Hill, RI to Montauk Point, NY.

(h) A line drawn from Threemile Harbor West Breakwater Light to Threemile Harbor East Breakwater Light.

(i) A line drawn from Montauk West Jetty Light 1 to Montauk East Jetty Light 2.

6. In § 80.310, paragraph (a) is revised to read as follows:

§ 80.310 Montauk Point, NY to Atlantic Beach, NY.

(a) A line drawn from the Shinnecock Inlet East Breakwater Light to Shinnecock Inlet West Breakwater Light 1.

7. In § 80.320, paragraphs (a), (b), and (c) are revised to read as follows:

§ 80.320 Sandy Hook, NJ to Cape May, NJ.

(a) A line drawn from Shark River Inlet North Breakwater Light 2 to Shark River Inlet South Breakwater Light 1.

(b) A line drawn from Manasquan Inlet North Breakwater Light 4 to Manasquan Inlet South Breakwater Light 3.

(c) A line drawn from Barnegat Inlet North Breakwater Light 4A to the seaward extremity of the submerged Barnegat Inlet South Breakwater; thence

along the submerged breakwater to the shoreline.

8. In § 80.505, paragraphs (a) and (b) are revised to read as follows:

§ 80.505 Cape Henlopen, DE to Cape Charles, VA.

(a) A line drawn from the seaward extremity of Indian River Inlet North Jetty to Indian River Inlet South Jetty Light.

(b) A line drawn from Ocean City Inlet Light 6, 225° true across Ocean City Inlet to the submerged south breakwater.

9. In § 80.520, paragraph (a) is revised to read as follows:

§ 80.520 Cape Hatteras, NC to Cape Lookout, NC.

(a) A line drawn from Hatteras Inlet Lookout Tower 255° true to the eastern end of Ocracoke Island.

10. In § 80.525, paragraphs (d) and (f) are revised to read as follows:

§ 80.525 Cape Lookout, NC to Cape Fear, NC.

(d) A line drawn from the southeasternmost extremity on the southwest side of New River Inlet at latitude 34°31.5' N. longitude 77°20.6' W. to the seaward tangent of the shoreline on the northeast side on New River Inlet.

(f) A line drawn from the seaward extremity of the jetty on the northeast side of Masonboro Inlet to the seaward extremity of the jetty on the southeast side of the Inlet.

11. In § 80.712, paragraphs (a) and (f) are revised to read as follows:

§ 80.712 Morris Island, SC to Hilton Head Island, SC.

(a) A line drawn from the easternmost tip of Folley Island to the abandoned lighthouse tower on the northside of Lighthouse Inlet; thence west to the shoreline of Morris Island.

(f) A line drawn from the westernmost extremity of Bull Point on Capers Island to Port Royal Sound Channel Range Rear Light, latitude 32°13.7' N. longitude 80°36.0' W.; thence 259° true to the easternmost extremity of Hilton Head at latitude 32°13.0' N. longitude 80°40.1' W.

12. In § 80.727, paragraphs (d) and (g) are revised to read as follows:

§ 80.727 Cape Canaveral, FL to Miami Beach, FL.

(d) A north-south line (longitude 80°09.7' W.) drawn across St. Lucie Inlet.

(g) A line drawn across the seaward extremity of the Boynton Inlet Jetties.

13. In § 80.735, paragraphs (a) and (c) are revised to read as follows:

§ 80.735 Miami, FL to Long Key, FL.

(a) A line drawn from the southernmost extremity of Fisher Island 212° true to the point latitude 25°45.2' N. longitude 80°08.6' W. on Virginia Key.

(c) A line drawn from Cape Florida Light to Biscayne Channel Light 8; thence to the northernmost extremity on Soldier Key.

14. Section 80.740 is revised to read as follows:

§ 80.740 Long Key, FL to Cape Sable, FL.

A line drawn from the radar dome charted on Long Key at approximate position latitude 24°48.8' N longitude 80°49.6' W. to Long Key Light 1; thence to Arsenic Bank Light 1; thence to Arsenic Bank Light 2; thence to Sprigger Bank Light 5; thence to Schooner Bank Light 6; thence to Oxfoot Bank Light 10; thence to East Cape Light 2; thence through East Cape Daybeacon 1A to the shoreline at East Cape.

15. In § 80.745, paragraph (a) is revised to read as follows:

§ 80.745 Cape Sable, FL to Cape Romano, FL.

(a) A line drawn following the general trend of the mainland, highwater shoreline from Cape Sable at East Cape to Little Shark River Light 1; thence to westernmost extremity of Shark Point; thence following the general trend of the mainland, highwater shoreline crossing the entrances of Harney River, Broad Creek, Broad River, Rodgers River First Bay, Chatham River, Huston River, to the shoreline at coordinate latitude 25°41.8' N. longitude 81°17.9' W.

16. In § 80.748, paragraph (d) is revised to read as follows:

§ 80.748 Cape Romano, FL to Sanibel Island, FL.

(d) A line from the seaward extremity of Gordon Pass South Jetty 014° true to the shoreline at approximate coordinate latitude 26°05.7' N. longitude 81°48.1' W.

17. In § 80.750, paragraph (k) is revised to read as follows:

§ 80.750 Sanibel Island, FL to St. Petersburg, FL.

(k) A line drawn from the northernmost extremity of Mullet Key across Bunces Pass and South Channel to Pass-a-Grille Channel Light 8; thence to Pass-a-Grille Channel Daybeacon 9; thence to the southwesternmost extremity of Long Key.

18. In § 80.753, paragraph (d) is revised to read as follows:

§ 80.753 St. Petersburg, FL to the Anclote, FL.

(d) A line drawn from the northernmost extremity of Honeymoon Island to Anclote Anchorage South Entrance Light 7; thence a straight line through Anclote River Cut B Range Rear Light to the shoreline.

19. In § 80.757, paragraphs (d) and (h) are revised to read as follows:

§ 80.757 Suncoast Keys, FL to Horseshoe Point, FL.

(d) A north-south line drawn through the Cross Florida Barge Canal Daybeacon 48 across the canal.

(h) A north-south line drawn through Suwannee River Wadley Pass Channel Daybeacons 30 and 31 across the Suwannee River.

20. In § 80.805, paragraph (c) is revised to read as follows:

§ 80.805 Rock Island, FL to Cape San Blas, FL.

(c) A line drawn from St. Mark's (Range Rear) Light to St. Mark's Channel Light 11; thence to the southernmost extremity of Live Oak Point; thence in a straight line through Shell Point Light to the southernmost extremity of Ochlockonee Point; thence to Bald Point along longitude 84°20.5' W.

21. In § 80.810, paragraphs (a), (b) and (g) are revised to read as follows:

§ 80.810 Cape San Blas, FL to Perdido Bay, FL.

(a) A line drawn from St. Joseph Bay Entrance Range A Rear Light through St. Joseph Bay Entrance Range B Front Light to St. Joseph Point.

(b) A line drawn across the mouth of Salt Creek as an extension of the general trend of the shoreline to continue across the inlet to St. Andrews sound in the middle of Crooked Island.

(g) An east-west line drawn from Fort McRee Leading Light across the Pensacola Bay Entrance along latitude 30°19.5' N.

22. In § 80.815, paragraph (b) is revised to read as follows:

§ 80.815 Mobile Bay, AL to the Chandeleur Island, LA.

(b) A line drawn from Mobile Point Light to Dauphin Island Channel Light No. 1 to the eastern corner of Fort Gaines at Pelican Point.

23. In § 80.825, paragraphs (b) and (c) are revised to read as follows:

§ 80.825 Mississippi Passes, LA.

(b) A line drawn from coordinate latitude 29°21.5' N. longitude 89°11.7' W. following the general trend of the seaward, highwater shoreline in a southeasterly direction to coordinate latitude 29°15.3' N. longitude 89°06.5' W.; thence to coordinate latitude 29°13.3' N. longitude 89°01.7' W. located on the northwest bank of North Pass.

(c) A line drawn from coordinate latitude 29°13.0' N. longitude 89°01.3' W., to coordinate latitude 29°12.7' N. longitude 89°00.9' W.; thence to coordinate latitude 29°10.6' N. longitude 88°59.8' W.; thence to coordinate latitude 29°03.5' N. longitude 89°03.7' W.; thence to Mississippi River South Pass East Jetty Light 4.

24. In § 80.830, paragraphs (c), (e) and (h) are revised to read as follows:

§ 80.830 Mississippi Passes, LA to Point Au Fer, LA.

(c) An east-west line drawn from the westernmost extremity of Grand Terre Islands in the direction of 194° true to the Grand Isle Fishing Jetty Light.

(e) A line drawn from the westernmost extremity of the Timbalier Island to the easternmost extremity of Isles Dernieres.

(h) A line drawn on an axis of 103° true through Taylors Bayou Entrance Light 2 across the entrances to Jack Stout Bayou, Taylors Bayou, Pelican Pass, and Bayou de West.

25. In § 80.835, paragraphs (a) through (f) are revised to read as follows:

§ 80.835 Point Au Fer, LA to Calcasieu Pass, LA.

(a) A line drawn from Point Au Fer to Atchafalaya Channel Light 34, to Point Au Fer Reef Light 33; thence to

Atchafalaya Bay Pipeline Light D latitude 29°25.0' N. longitude 91°31.7' W.; thence to Atchafalaya Bay Light 1 latitude 29°25.3' N. longitude 91°35.8' W.; thence to South Point.

(b) Lines following the general trend of the highwater shoreline drawn across the bayou and canal inlets from the Gulf of Mexico between South Point and Calcasieu Pass except as otherwise described in this section.

(c) A line drawn on an axis of 140° true through Southwest Pass Vermillion Bay Light 4 across Southwest Pass.

(d) A line drawn across the seaward extremity of the Freshwater Bayou Canal Entrance Jetties.

(e) A line drawn from Mermentau Channel East Jetty Light 6 to Mermentau Channel West Jetty Light 7.

(f) A line drawn from the radio tower charted in approximate position latitude 29°45.7' N. longitude 93°06.3' W. 115° true across Mermentau Pass.

26. In § 80.845, paragraph (a) is revised to read as follows:

§ 80.845 Galveston, TX to Freeport, TX.

(a) A line drawn from Galveston North Jetty Light 6A to Galveston South Jetty Light 5A.

27. In § 80.850, paragraph (c) is revised to read as follows:

§ 80.850 Brazos River, TX to the Rio Grande, TX.

(c) A line drawn from the seaward tangent of Matagorda Peninsula at Decros Point to Matagorda Light.

28. Section § 80.1110 is revised to read as follows:

§ 80.1110 San Diego Harbor, CA.

A line drawn from Zuniga Jetty Light "V" to Zuniga Jetty Light "Z"; thence to Point Loma Light.

27. In § 80.1135, paragraph (a) is revised to read as follows:

§ 80.1135 San Pedro Bay—Anaheim Bay, CA.

(a) A line drawn across the seaward extremities of the Anaheim Bay Entrance Jetties; thence to Long Beach Breakwater East End Light 1.

28. Section 80.1160 is revised to read as follows:

§ 80.1160 Ventura Marina, CA.

A line drawn from Ventura Marina South Jetty Light 6 to Ventura Marina Breakwater South Light 3; thence to Ventura Marina North Jetty Light 7.

29. Section 80.1225 is revised to read as follows:

§ 80.1225 Santa Cruz Harbor, CA.

A line drawn from the seaward extremity of the Santa Cruz Harbor East Breakwater to Santa Cruz Harbor West Breakwater Light.

30. Section 80.1230 is revised to read as follows:

§ 80.1230 Pillar Point Harbor, CA.

A line drawn from Pillar Point Harbor Light 6 to Pillar Point Harbor Entrance Light.

31. Section 80.1275 is revised to read as follows:

§ 80.1275 Crescent City Harbor, CA.

A line drawn from Crescent City Entrance Light to the southeasternmost extremity of Whaler Island.

32. Section 80.1305 is revised to read as follows:

§ 80.1305 Chetco River, OR.

A line drawn across the seaward extremities of the Chetco River Entrance Jetties.

33. Section 80.1310 is revised to read as follows:

§ 80.1310 Rogue River, OR.

A line drawn across the seaward extremities of the Rogue River Entrance Jetties.

34. Section 80.1315 is revised to read as follows:

§ 80.1315 Coquille River, OR.

A line drawn across the seaward extremities of the Coquille River Entrance Jetties.

35. Section 80.1320 is revised to read as follows:

§ 80.1320 Coos Bay, OR.

A line drawn across the seaward extremities of the Coos Bay Entrance Jetties.

36. Section 80.1325 is revised to read as follows:

§ 80.1325 Umpqua River, OR.

A line drawn across the seaward extremities of the Umpqua River Entrance Jetties.

37. Section 80.1330 is revised to read as follows:

§ 80.1330 Siuslaw River, OR.

A line drawn across the seaward extremities of the Siuslaw River Entrance Jetties.

38. Section 80.1340 is revised to read as follows:

§ 80.1340 Yaquina Bay, OR.

A line drawn across the seaward extremities of the Yaquina Bay Entrance Jetties.

39. Section 80.1355 is revised to read as follows:

§ 80.1355 Tillamook Bay, OR.

A line drawn across the seaward extremities of the Tillamook Bay Entrance Jetties.

40. Section 80.1375 is revised to read as follows:

§ 80.1375 Grays Harbor, WA.

A line drawn across the seaward extremities (above water) of the Grays Harbor Entrance Jetties.

41. Section 80.1460 is revised to read as follows:

§ 80.1460 Kahului Harbor, Maui, HI.

A line drawn from Kahului Harbor Entrance Breakwater Light 1 to Kahului Harbor Entrance Breakwater Light 2.

Dated: March 3, 1986.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard, Office of Navigation.

[FR Doc. 86-4917 Filed 3-5-86; 4:45 pm]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD8-85-18]

Drawbridge Operation Regulations; Bayou LaBatre, AL

AGENCY: U.S. Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the City of Bayou LaBatre and the Alabama Highway Department (AHD), the Coast Guard is changing the regulation governing the operation of the lift span bridge on St. Hwy. 188 over Bayou LaBatre, mile 2.3 at Bayou LaBatre, Mobile County, Alabama, by permitting the draw to remain closed from 8 p.m. to 4 a.m. daily, and from 7:00-8:00 a.m. and 2:15-3:30 p.m. from September 15 through June 15. The bridge will open on signal outside these hours. Presently, the draw is closed from 7:30-8:30 a.m. and 3-4:30 p.m. Monday through Friday except Federal holidays, throughout the year. This change is being made because there have been no openings for navigation between 8 p.m. and 4 a.m. since 1955, and because there is no need to close the draw on weekdays while area schools are not in session. This action will relieve the bridge owner of the burden of having a person available at the bridge during the closure periods, and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on April 7, 1986.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge

Administration Branch, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: On November 21, 1985 the Coast Guard published a proposed rule (50 FR 48099) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a public notice dated 3 December 1985. In each notice interested persons were given until 6 January 1986 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

Three letters were received in response to the public notice. Two offered no objections to the proposal. The third, from a small shipbuilding and repair facility located upstream of the bridge, suggested alternative bridge closure periods to permit its employees uninterrupted use of the bridge. In a subsequent meeting with the applicants, shipyard representatives stated acceptance of the proposed closure periods.

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 regulation has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the regulation merely revises the rush hour bridge closure periods to accommodate the revised school bus schedule and permits the bridge to remain closed to navigation during nighttime hours when there have been no bridge openings for navigation since 1955. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows: