This order raises the issue of whether the Commission will provide local distribution companies (LDCs) a reasonable opportunity to respond to the threat of being bypassed. Faced with complaints that the "on behalf of" definition adopted on remand will encourage bypass, and if so what to do about it, the Commission's response is that the interstate pipeline must give notice of the transaction to the LDC. That "notice" is notice in name only; there is no requirement for advance notice with a meaningful opportunity for the LDC to respond. I have argued for a 30-day notice period to give the LDC that opportunity. My arguments have fallen on deaf ears. This decision is one more example of where the majority has taken steps to make bypass easier while, at the same time, continuing to do nothing to address rate consequences. I simply cannot support the result.

In recent years, the Commission has approved numerous applications filed by interstate pipelines to bypass LDCs, and to serve the end-users behind them directly. The Commission's bypass policy is clear. The Commission will approve a bypass—any bypass—in the absence of unfair competition or undue discrimination.[1] The policy is driven by a desire for the LDCs to compete at the local level to retain their industrial load.

The broad policy has been upheld in the courts.[2] However, the courts have told the Commission in clear terms that we cannot blindly approve bypass:

> [I]f parties oppose bypass on the ground that it thwarts state efforts to subsidize residential customers with economic rents secured from businesses, the Commission will have to address such claims.[3]

Rather than developing the requisite policy, the Commission is moving in the opposite direction. It should be clear to all that the Commission will approve, without delay, virtually any bypass negotiated between an interstate pipeline and end-user. At the same time the Commission has done nothing to address the concerns about cost shifts which will occur at the local level. The Commission has either refused to recognize that the cost shifts will occur, saying those cost shifts are speculative, or advised state commissions that certain, unspecified steps, could be taken to avoid any cost shifting. All the while the Commission refuses to reduce the contract demand of a bypassed LDC on either a generic, or case specific, basis, or by reallocating ongoing take or pay costs to the end-user.[4] This is no accident. The Commission's policy makes bypass easier, thwarts LDC's efforts to respond, and refuses to adjust rates once the bypass occurs.

The lack of notice problem is exacerbated by other changes the Commission is making in the rules governing construction. Under the regulations in effect today, interstate pipelines constructing bypass facilities under Section 7(c) of the Natural Gas Act must give LDCs notice of the proposed construction and a 30-day period in which to protest.[5] Protests received, and not withdrawn or otherwise resolved, must be acted on by the Commission. There is no comparable notice and protest requirement for construction of facilities under Section 311 of the NGPA. In addition, in the final rule on NGPA 311 construction,[6] the Commission is allowing the construction of facilities costing up to $6.2 million without notice to any party. The rule refuses to address arguments of various parties[7] favoring a 30-day notice period prior to construction of 311 facilities.[8]

What does this complex set of rules and regulations mean when one takes into account the interplay of the instant order on remand, and the section 311 construction rule? I believe the answer is simple: Construction of bypass facilities costing less than $6.2 million under section 311 of the NGPA can and will occur with no Commission review. Service will be able to commence without any meaningful notice; indeed, actual notice to the LDC and state commission of the operation of those facilities can conceivably occur the second before the commencement of service.

That is not good policy if the purpose of our bypass policy is to force LDCs to compete for service. To compete, the LDC and state commission must first have adequate notice so they can respond with appropriate measures.

In conclusion, one can disagree with what should be the proper vehicle for addressing bypass concerns and what the proper approach should be. However, the Commission must first recognize that a problem exists and then be willing to address that problem. I do not see that willingness presently on the part of the Commission. Thus, I dissent.

Elizabeth Anne Moler,

Commissioner.

[1] *See* Northern Natural Gas Co., 46 FERC ¶ 61.270, *reh'g denied*, 48 FERC ¶ 61.232 (1989).

[2] *Michigan Consol. Gas Co.* v. *FERC*, 883 F.2d 117 (D.C. Cir. 1989); *Kansas Power and Light Company* v. *FERC*, *891 F.2d 939 (D.C. Cir. 1989); Cascade Natural Gas Corp.* v. *FERC*, 955 F.2d 1412 (10th Cir. 1992).

[3] Kansas Power and Light, 891 F.2d. 939 at 943.

[4] For example, in Order No. 636–A, the Commission stated that it will consider requests for relief relating to LDC bypass on a case-by-case basis in the context of the new regime of this rule, but will not adopt a policy that would grant automatic relief in all circumstances. Order No. 636–A, 57 FR 36,128 (August 12, 1992), III FERC Stats. & Regs. Preambles ¶30,950 at 30,659 (August 3, 1992). See also Northern Illinois Gas Company v. Natural Gas Pipeline Company of America, 48 FERC ¶61,337 (1989), *order denying reh'g*, 56 FERC ¶61,215 (1991).

[5] 18 CFR 157.205 (1992).

[6] Revisions to Regulations Governing NGPA section 311 Construction and the Replacement of Facilities, RM92–13–000, which is being issued contemporaneously with this Order on Rehearing.

[7] Southern California Gas Company, Northern Illinois Gas Company, Peoples Gas Light and Coke Company, the American Gas Association, and Associated Gas Distributors.

[8] The order says that this matter will be addressed on rehearing of Order No. 555. In Order No. 555, the Commission adopted a rule that would allow sales and delivery taps constructed under section 7(c) to be done without any prior notice and opportunity to comment by the LDC. The effective date of that order has been delayed, pending further action by the Commission. Thus I find it little comfort to tell the LDCs that their bypass arguments will be addressed in that rule.

[FR Doc. 92–24521 Filed 10–8–92; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 92–98]

Treatment of Certain Interest Payments Under the United States-Canada Free-Trade Agreement

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Interim regulation; solicitation of comments.

SUMMARY: This document amends the Customs Regulations pertaining to the treatment of certain costs includable as direct costs of processing or assembling for purposes of the value-content requirement under the United States-Canada Free-Trade Agreement (CFTA). The change is made to reflect the recent recommendations of a panel convened pursuant to Chapter 18 of the CFTA that Article 304 of the CFTA includes any *bona fide* interest payments on debt of any form, secured or unsecured, to finance the acquisition of fixed assets used in the production of goods in the territory of a Party. Comments are solicited regarding the interim regulation particularly addressing procedures which would provide an objective traceable connection between proceeds of a loan and the acquisition of fixed production assets.

DATES: Interim rule effective October 9, 1992. Comments must be received on or before December 8, 1992.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229. Comments submitted may be inspected at the above location until November 4, 1992, and after November 9, 1992, at 1099 14th St., NW., 4th floor, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Valentine, International Nomenclature Staff, (202) 566–8530.

SUPPLEMENTARY INFORMATION:

Background

On January 2, 1988, the United States and Canada (the Parties) entered into a bilateral reciprocal free-trade area agreement: The United States-Canada Free-Trade Agreement (CFTA). The objectives of the CFTA are to eliminate barriers to trade in goods and services between the territories of the Parties, facilitate conditions of fair competition within the free-trade area, liberalize significantly conditions for investment within this free-trade area, establish effective procedures for the joint administration of the CFTA and the resolution of disputes, and lay the foundation for further bilateral and multilateral cooperation to expand and enhance the benefits of the CFTA. Article 304 of the CFTA defines the phrases "direct cost of processing" and "direct cost of assembling" for purposes of applying a specific rule of origin requiring a value-content determination; Chapter 18 of the CFTA provides the institutional framework—a binational Commission and dispute resolution panels as required—for avoiding or settling certain disputes under the CFTA regarding the interpretation or application of CFTA provisions.

The CFTA became law on September 28, 1988, with enactment of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (the Act), Public Law 100–449, 102 Stat. 1851 (codified at 19 U.S.C. 2112 note), and took effect on January 1, 1989. On December 23, 1988, Customs published T.D. 89–3, 53 FR 51762, which set forth interim regulations to implement those portions of the Act which form the basis for determining whether goods imported into the U.S. from Canada are eligible for the preferential duty treatment accorded to goods originating in Canada, and solicited comments regarding the regulations. Sections 10.301–10.311, Customs Regulations (19 CFR 10.301–10.311). Following an analysis of the comments received, the interim regulations became final on January 22, 1992, with the publication of T.D. 92–8, 57 FR 2447.

The final regulations included, at § 10.305(a)(3)(iv), an interpretation of interest expenses that would be treated as a direct cost of processing or assembling for purposes of the CFTA, and provided that "mortgage interest," secured by real property, would be treated as a direct cost of processing or assembling, but only that portion of the interest which is related to real property directly used in the production of exported goods. This interpretation was based in part on an administrative decision dated May 22, 1991, issued in response to an advice request dated November 7, 1989, concerning the treatment of certain interest as a direct cost of processing under Article 304 of the Act.

On January 6, 1992, Canada invoked the dispute settlement mechanism under Chapter 18 of the CFTA. A panel was convened to determine whether the definition of "direct cost of processing" or "direct cost of assembling" set forth in Article 304 of the CFTA included interest payments on debt of any form, secured or unsecured, undertaken to finance the acquisition of fixed assets used in the production of goods in the territory of a Party.

In its Final Report, the Panel concluded that "mortgage interest" includes:

bona fide interest payments on debt of any form, secured or unsecured, undertaken on arm's length terms in the ordinary course of business to finance the acquisition of fixed assets such as real property, a plant, and/or equipment used in the production of goods in the territory of a Party, and that are subject to a determination based on the criteria specified in FTA [CFTA] Annex 301.2, are includable in the 'direct cost of processing' or 'direct cost of assembling' set forth in Article 304 of the FTA [CFTA].

The Panel also determined that the U.S. interpretation of Article 304 contained in the Customs letter and the Customs Regulations relating to interest other than mortgage interest on funds used to acquire real property, equipment and other fixed assets used in the production of the goods was inconsistent with the provisions of the CFTA.

This document amends 19 CFR 10.305(a)(3)(iv) by removing the language limiting the phrase "mortgage interest," thus allowing other forms of interest payments to be includable as the direct cost of processing or assembling for purposes of the CFTA and the Act.

Comments

Before adopting this interim regulation as a final rule, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with section 552 of the Freedom of Information Act (5 U.S.C. 552), § 1.4 of the Treasury Department Regulations (31 CFR 1.4), and § 103.11(b) of the Customs Regulations (19 CFR 103.11(b), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC until November 4, 1992, and after November 9, 1992, at 1099 14th St., NW., 4th floor, Washington, DC. Because the governments of the United States and Canada are consulting concerning the establishment of an objective, traceable connection between a loan and production assets, the scrutiny of intra corporation loans, and the ascertainment of ordinary business practices, Customs seeks, in particular, public comments concerning procedures that would provide an objective traceable connection between proceeds of a loan and the acquisition of fixed production assets.

Inapplicability of Notice and Delayed Effective Date Requirements, the Regulatory Flexibility Act, and Executive Order 12291

Pursuant to the provisions of 5 U.S.C. 553(a)(1), public notice is inapplicable to this interim regulation because it implements a provision of the CFTA, which constitutes a foreign affairs function of the U.S. The regulation implements commitments made to foreign governmental entities by the Executive Office of the President and is in accordance with the President's statutory authority regarding administration of the CFTA. Further, because this interim regulation is necessary to support the objectives of the existing CFTA, pursuant to 5 U.S.C. 553(b)(A), public notice is not required. Furthermore, for the above reasons, pursuant to 5 U.S.C. 553(d)(2), the requirement for a delayed effective date is inapplicable. Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this amendment implements a foreign affairs function of the United States, it is not subject to E.O. 12291; therefore, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Gregory R. Vilders, Regulations Branch. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 10

Customs duties and inspection, Imports, U.S.-Canada Free-Trade Agreement.

Amendment to the Regulations

Accordingly, for the reason stated above, part 10, Customs Regulations (19 CFR part 10), is amended as set forth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The general authority citation for Part 10 continues to read as follows:

Authority: 19 U.S.C. 66, 1202, 1481, 1484, 1498, 1508, 1623, 1624;

* * * * *

2. Section 10.305(a)(3)(iv) is revised to read as follows:

§ 10.305 Value content requirement.

(a) * * *

(3) * * *

(iv) *Interest expense. Bona fide* interest payments on debt of any form, secured or unsecured, undertaken on arm's length terms in the ordinary course of business to finance the acquisition of fixed assets such as real property, a plant, and/or equipment used in the production of goods in the territory of Canada or the U.S. are includable in the direct cost of processing or direct cost of assembling. Interest will be treated as a direct cost of processing or assembling, but only that portion of the interest which is related to a fixed asset directly used in the production of the goods exported; thus, where a entire production facility is covered by a mortgage and incorporates both production and administrative or other general expense space, an appropriate allocation must be made in order to ensure that only that portion of the interest allocated to the production area is counted toward the value-content requirement. Interest expenses attributable to general and administrative costs or expenses, including interest on funds borrowed to meet the payroll of personnel directly involved in the production of goods, are not considered direct costs of processing or assembly.

* * * * *

Carol Hallett,

Commissioner of Customs.

Approved: September 25, 1992.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 92-24364 Filed 10-8-92; 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; Bacitracin and Monensin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by A. L. Laboratories, Inc. The NADA provides for the use of separately approved bacitracin zinc and monensin Type A medicated articles in making Type C medicated feeds for increased rate of weight gain, improved feed efficiency, and as an aid in the prevention of coccidiosis in broiler chickens.

EFFECTIVE DATE: October 9, 1992.

FOR FURTHER INFORMATION CONTACT: James F. McCormack, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8602.

SUPPLEMENTARY INFORMATION: A. L. Laboratories, Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, filed NADA 134-830, providing for combining separately approved Type A medicated articles to make Type C medicated feeds containing 90 to 110 grams (g) per ton of monensin and 4 to 50 g per ton of bacitracin zinc. The feeds are used in broiler chickens as an aid in the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima,* for increased rate of weight gain and improved feed efficiency.

The NADA is approved as of September 1, 1992. The regulations are amended in 21 CFR 558.355 by revising paragraph (b)(11) and by adding new paragraph (f)(1)(xxv) to reflect the approval. The basis for the approval is discussed in the freedom of information summary. Monensin and bacitracin zinc are new animal drugs used in Type A medicated articles to make Type C medicated feeds. Both drugs are Category I drugs which, as provided in 21 CFR 558.4(a), do not require an approved FDA Form 1900 for making Type C medicated feeds as in approved NADA 134-830 and in the regulation contained in 21 CFR 558.355(f)(1)(xxv).

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval qualifies for 3 years exclusivity beginning September 1, 1992, because it contains reports of new clinical or field investigations essential to the approval of the application.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(ii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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, 21 CFR 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: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

2. Section 558.355 is amended by revising paragraph (b)(11) and by adding new paragraph (f)(1)(xxv) to read as follows:

§ 558.355 Monensin.

* * * * *

(b) * * *

(11) To 046573: 45 and 60 grams per pound, as monensin sodium provided by No. 000986, paragraphs (f)(1)(xviii), (xix), (xxiii), (xxiv), and (xxv) of this section.

* * * * *

(f) * * *

(1) * * *

(xxv) *Amount per ton.* Monensin, 90 to 110 grams plus bacitracin, 4 to 50 grams.

(a) *Indications for use.* For increased rate of weight gain and improved feed efficiency; as an aid in the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*

(b) *Limitations.* Do not feed to laying chickens; feed continuously as sole ration; in the absence of coccidiosis, the use of monensin with no withdrawal period may limit feed intake resulting in reduced weight gain; as bacitracin zinc provided by No. 046573 in § 510.600(c) of this chapter, as monensin sodium.

* * * * *

Dated: September 30, 1992.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 92-24629 Filed 10-8-92; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-90-026]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the drawbridge across the Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River, mile 8.8, in Chesapeake, Virginia, by restricting drawbridge openings during the morning and evening rush hours, providing one opening for recreational vessels during the evening rush hour period, and allowing commercial vessels passage through the bridge at any time. This is intended to provide for regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge.

EFFECTIVE DATE: These regulations become effective on November 9, 1992.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principle persons involved in drafting this document are Linda L. Gilliam, Project Officer, and CAPT M. K. Cain, Project Attorney.

Regulatory History

On August 6, 1990, the Coast Guard published a notice of proposed rulemaking entitled Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, Virginia, in the **Federal Register** (55 FR 31846). It would have closed the Dominion Boulevard Bridge to recreational, commercial and public vessels of the United States during morning and evening rush hours, Monday through Friday, from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m., but allow the draw to open on signal at all times for vessels in distress. Based on the comments received from the commercial maritime industry, on July 29, 1991, the Coast Guard published a supplemental public notice entitled Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, Virginia in the **Federal Register** (56 FR 35839). As a result of the comments received, on July 10, 1992, the Coast Guard published a second supplemental proposed rule entitled Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, Virginia, in the **Federal Register** (57 FR 30705) in the **Federal Register**. A public hearing was not requested and one was not held.

Background and Purpose

Concerned motorists requested that the regulations for the drawbridge across the Southern Branch of the Elizabeth River, mile 8.8 in Chesapeake, Virginia, be amended to restrict openings during the peak highway traffic hours to help reduce traffic congestion, but remain open on signal during the rest of the time. As a result of the second supplemental proposed rule and comments received from the maritime industry and motoring public, the Coast Guard is restricting drawbridge openings to recreational traffic from 7 a.m. to 8 a.m. and from 4 p.m. to 6 p.m. with the exception of one opening at 5 p.m.., Monday through Friday, except Federal holidays. Commercial traffic will be allowed access through the bridge at any time. The original proposal restricted commercial traffic from requesting bridge openings during the morning and evening rush hours; however, after receiving comments from the marine industry and the City of Chesapeake as a result of the last two proposals, the decision to restrict commercial traffic during the restricted times was changed to allow commercial traffic access any time. Providing an opening for recreational vessels at 5 p.m. during the evening rush hour was the result of comments received from concerned marina owners located upstream and downstream of the bridge.

Discussion of Comments

As a result of the proposed rule and the public notice, comments were received from the motoring public and the maritime industry. The motorists were all in favor of closing the bridge to navigation during the morning and evening rush hours since elimination of draw openings would help reduce traffic disruption, delays, congestion and minor accidents. The maritime industry was against such restrictions based on economic impact, and waterway safety concerns.

The comments indicated that the proposed three hour restriction in the morning and the evening was too severe and would cause undue hardships for waterway traffic transiting on the Southern Branch of the Elizabeth River. The Coast Guard issued a supplemental proposed rule with shorter morning and evening rush hour restrictions. The proposed new hours of restriction were from 6:30 a.m. to 7:30 a.m. and 3:30 p.m. to 5 p.m., Monday through Friday. All vessel traffic was still restricted, except vessels in distress. This supplemental proposed rule (56 FR 35839) was published on July 29, 1991, with the comment period ending September 12, 1991. A supplemental public notice was issued September 5, 1991, extending the comment period to October 12, 1991, to allow the maritime industry more time to submit comments on the supplemental proposed rule.

As a result of the supplemental proposed rule and the public notice issued on August 1, 1991, comments were received from the maritime community and the motoring public. The comments from the motorists again were all in favor of the proposed restrictions during peak traffic hours. The majority of the comments from the motorists suggested extending the morning and evening rush hours. All suggestions varied on the appropriate hours of restriction. The comments from the commercial maritime industry were opposed to restricting the drawbridge based on such factors as economic impact concerns and safety. The City of Chesapeake also forwarded a resolution to the U.S. Coast Guard requesting that the proposed regulations for this drawbridge restrict openings to recreational vessels only during hours that better reflect peak highway traffic usage to help reduce traffic congestion, but remain open on signal during the rest of the time.

The second supplemental proposed rule issued July 10, 1992, has resulted in one change to the proposal. The marinas requested that two openings be provided during the afternoon restrictions to allow recreational vessels passage through the bridge. They based this request on business and city economies being negatively impacted by delayed arrivals of recreational vessels. The Coast Guard has decided to include one opening for recreational vessels during the afternoon restrictions to alleviate economic impacts to the marinas and the local cities within the Hampton Roads area. This opening will occur at 5 p.m., Monday through Friday, except Federal holidays.

Regulatory Evaluation

This action is considered to be non-major under Executive Order 12291 and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This opinion is based on the fact that commercial traffic will not be restricted during the morning and evening rush hours, and recreational traffic will not be totally restricted since one opening will be provided during the evening rush hour.

Small Entities

No comments were received concerning small entities or on the economic impact this rule would have on small entities. Since the impact on these regulations is expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paper Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rule does not raise sufficient federalism implications to warrant the preparation of a federalism assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, this final rule is categorically excluded from further environmental documentation. A Categorical Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. In § 117.997, paragraphs (d) and (e) are redesignated as paragraphs (e) and (f) and a new paragraph (d) is added to read as follows:

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

* * * * *

(d) The draw of the Dominion Boulevard Bridge, mile 8.8, in Chesapeake shall open on signal, except:

(1) From 7 a.m. to 8 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the drawbridge may not be opened for recreational vessels except it may be opened at 5 p.m. for recreational vessels waiting to pass.

(2) Vessels in an emergency involving danger to life or property shall be passed at any time.

* * * * *

Dated: September 28, 1992.

W.T. Leland,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard Division.

[FR Doc. 92-24667 Filed 10-8-92; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 165

[COTP Los Angeles/Long Beach Regulation 92-03]

Safety Zone Regulations: Ports of Los Angeles/Long Beach, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone of the territorial seas of the United States within 100 yards around the barges; St. Thomas, Isla Del Sol, Crowley 020, Crowley 411, Crowley 415, Crowley 417, Crowley 419, and the Crowley 420 and their attending tugs as they navigate in the territorial seas of the United States. The zone is needed to protect the public which may be attracted by the unusual appearance of, and danger posed by, tugs and barges carrying the topside platforms for offshore oil wells as they navigate in the territorial seas of the United States. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 12 midnight, PDT October 2, 1992. It terminates at 12 midnight, PST November 30, 1992.

FOR FURTHER INFORMATION CONTACT: Lt. R.F. Shields at (310) 980-4457.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days after Federal Regulation publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to protect the public which may be attracted by the unusual appearance of, and danger posed by, tugs and barges carrying the topside platforms for offshore oil wells as they navigate in the territorial seas of the United States.

Drafting Information

The drafters of this regulation are Lt. R.F. Shields, project officer for the Captain of the Port, and Capt. B.E. Weule, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation will occur between 12 midnight, PDT October 2, 1992 and 12 midnight, PST November 30, 1992. This safety zone is necessary to protect the public which may be attracted by the unusual appearance of, and danger posed by, tugs and barges carrying the topside platforms for offshore oil wells as they navigate in the territorial seas of the United States.

List of Subjects in 33 CFR Part 165

Harbors marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new § 165.T1106 is added to read as follows:

§ 165.T1106 Safety Zone: Port of Los Angeles/Long Beach, CA.

(a) *Location.* The following area is a safety zone: The territorial waters of the United States within 100 yards around the following barges; St. Thomas, Isla Del Sol, Crowley 020, Crowley 411, Crowley 415, Crowley 417, Crowley 419, and the Crowley 420, and their attending tugs as they navigate in the territorial seas of the United States.

(b) *Effective Date.* This regulation becomes effective effective at 12 midnight, PDT October 2, 1992. It terminates at 12 midnight, PST November 30, 1992.

(c) *Regulations.* In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited