

responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation Safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93-14-13 Textron Lycoming: Amendment 39-8637. Docket 91-ANE-55.

Applicability: Textron Lycoming ALF502R and ALF502L turboprop engines installed on but not limited to British Aerospace BAe-146 and Canadair Challenger CL600 aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent third stage turbine disk failure, which could result in engine shutdown, accomplish the following:

(a) For ALF502R series engines with installed third stage turbine rotor shaft assemblies, Part Number (P/N) 2-143-040-12, P/N 2-143-040-15, or P/N 2-143-040-16, rework the third stage turbine disk blade slots and mark the third stage turbine assembly with a new part number in accordance with the Accomplishment Instructions of Textron Lycoming Service Bulletin (SB) No. ALF502R 72-270, dated March 31, 1992, or replace with a serviceable part as follows:

(1) For third stage turbine disks with 15,000 or more cycles in service (CIS) on the effective date of this AD, within 1,000 CIS after the effective date of this AD.

(2) For third stage turbine disks with 10,000 or more CIS but less than 15,000 CIS on the effective date of this AD, within 1,000 CIS, after the effective date of this AD, or at the next shop visit, whichever occurs later, but prior to accumulating 16,000 CIS since new.

(3) For third stage turbine disks with less than 10,000 CIS on the effective date of this AD, at the next blade removal, but prior to accumulating 13,000 CIS since new.

(4) For third stage turbine disks not reworked in accordance with the requirements of this AD and installed on Textron ALF-502R engines as replacement disks when complying with this paragraph, accomplish the requirements of this paragraph as to that replacement disk.

(b) For ALF502L series engines with installed third stage turbine rotor shaft assemblies, Part Number (P/N) 2-143-040-10, P/N 2-143-040-11, P/N 2-143-040-12, P/N 2-143-040-15, or P/N 2-143-040-16,

rework the third stage turbine disk blade slots and mark the third stage turbine assembly with a new part number in accordance with the Accomplishment Instructions of Textron Lycoming SB ALF502L 72-270, dated April 30, 1993, or replace with a serviceable part as follows:

(1) For third stage turbine disks with 15,000 or more CIS on the effective date of this AD, within 1,000 CIS after the effective date of this AD.

(2) For third stage turbine disks with 10,000 or more CIS but less than 15,000 CIS on the effective date of this AD, within 1,000 CIS after the effective date of this AD or at the next shop visit, whichever occurs later, but prior to accumulating 16,000 CIS since new.

(3) For third stage turbine disks with less than 10,000 CIS on the effective date of this AD, at the next blade removal, but prior to accumulating 13,000 CIS since new.

(4) For third stage turbine disks not reworked in accordance with the requirements of this AD and installed on Textron Lycoming ALF-502L engines as replacement disks when complying with this paragraph, accomplish the requirements of this paragraph as to that replacement disk.

(c) For the purpose of this AD, a shop visit is defined as the induction of an engine into a shop for maintenance.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The rework and reidentification shall be done in accordance with the following Textron Lycoming service bulletins:

Document No.	Pages	Revision	Date
ALF502R 72-270	1-4	1	March 31, 1992.
	5	Original	June 28, 1991.
	6-7	1	March 31, 1992.
	8-10	Original	June 28, 1991.
ALF502L 72-270	1-13	Original	April 30, 1993.

Total pages: 10

ALF502L 72-270

Total pages: 13

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Textron Lycoming, 550 Main Street, Stratford, Connecticut 06497. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New

England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(g) This amendment becomes effective on October 4, 1993.

Issued in Burlington, Massachusetts, on July 15, 1993.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93-18514 Filed 8-3-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 93-NM-114-AD; Amendment 39-8649; AD 93-15-03]

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes. This action requires installing a retainer assembly on the upper pedestal flap/slat control module quadrant in the flight compartment. This amendment is prompted by several incidents of inadvertent slat deployment during flight at cruise altitude. The actions specified in this AD are intended to prevent inadvertent slat deployment during flight at cruise altitude, which could result in abrupt pitch up and consequent injury to crew and passengers. Inadvertent slat deployment also could create significant vibrations and cause damage to the elevators.

DATES: Effective August 4, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 4, 1993.

Comments for inclusion in the Rules Docket must be received on or before October 4, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-114-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801-1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-15B. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Maureen Moreland, Aerospace Engineer, Airframe Branch, ANM-121L,

FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5238; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION: There have been several incidents of inadvertent slat deployment on certain Model MD-11 series airplanes during flight at cruise altitude. In some cases, inadvertent slat deployment has been attributed to the flightcrew members inadvertently bumping the slat/flap handle. Testing by the manufacturer indicates that bumping the flap/slat handle forward and upward can cause the handle to come out of the up/retract detent. Subsequently, the handle can move aft and extend the slats. If the slats are inadvertently deployed during flight at cruise altitude, an abrupt pitch up could occur, which could cause injury to crew and passengers. Inadvertent slat deployment also could cause the airplane to enter the stall buffet flight regime, which could cause vibration in the horizontal stabilizer and subsequent damage to the elevators.

The FAA has reviewed and approved McDonnell Douglas MD-11 Alert Service Bulletin A27-38, dated July 8, 1993, that describes procedures for installing a retainer assembly on the upper pedestal flap/slat control module quadrant in the flight compartment. Installing the retainer assembly will provide a means for locking the flap/slat handle in the up/retract position, thus preventing inadvertent slat deployment.

Since an unsafe condition has been identified that is likely to exist or develop on other McDonnell Douglas Model MD-11 series airplanes of the same type design, this AD is being issued to prevent inadvertent slat deployment during flight at cruise altitude. This AD requires installing a retainer assembly on the upper pedestal flap/slat control module quadrant in the flight compartment. The action is required to be accomplished in accordance with the service bulletin described previously.

Operators should note that the FAA previously issued AD 92-26-03, Amendment 39-8430 (57 FR 57906, December 8, 1992), to require installing a cover on the flap/slat control module quadrant in the flight compartment. That AD also was prompted by an incident of inadvertent slat deployment during flight at cruise altitude. Installing the protective cover prevents inadvertent depressing of the zero degree detent gate while the flap/slat handle is stowed, which could lead to uncommanded slat extension. Installing

a retainer assembly, as is required by this amendment, is in addition to the installation of the cover required by AD 92-26-03, and provides additional protection against inadvertent slat deployment.

This action (as well as AD 92-26-03) is considered to be interim action until final action is identified. The manufacturer is currently redesigning the MD-11 slat system. The FAA may consider further rulemaking upon completion of the redesign.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-NM-114-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the

States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93-15-03 McDonnell Douglas: Amendment 39-8649. Docket 93-NM-114-AD.

Applicability: Model MD-11 series airplanes; fuselage numbers 447 through 546 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent slat deployment during flight at cruise altitude, accomplish the following:

(a) Within 15 days after the effective date of this AD, install a retainer assembly on the upper pedestal flap/slat control module quadrant in the flight compartment, in accordance with McDonnell Douglas MD-11 Alert Service Bulletin A27-38, dated July 8, 1993.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The installation shall be done in accordance with McDonnell Douglas MD-11 Alert Service Bulletin A27-38, dated July 8, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801-1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 4, 1993.

Issued in Renton, Washington, on July 23, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-18498 Filed 8-3-93; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4 and 122

[T.D. 93-61]

[Docket No. 921057-3155]

RIN 0607-AA15

Amendments to the Foreign Trade Statistics, Vessels in Foreign and Domestic Trades, and Air Commerce Regulations

AGENCIES: Bureau of the Census, Commerce and U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This rule amends both the Foreign Trade Statistics Regulations (FTSR) of the Census Bureau and the U.S. Customs Regulations to change the procedure for carriers submitting Shipper's Export Declarations (SEDs) and outward cargo manifests for shipments from the United States to Puerto Rico. Effective October 1, 1993, exporting carriers will submit the SEDs and outward cargo manifest for such shipments to the District Director of Customs in Puerto Rico rather than at the port of departure. Furthermore, aircraft carrying merchandise on direct flights between the United States and Puerto Rico will be required to file modified manifests. This action will improve the accuracy and coverage of the statistics on shipments from the United States to Puerto Rico.

EFFECTIVE DATE: October 1, 1993.

FOR FURTHER INFORMATION CONTACT: Harold L. Blyweiss, Chief, Regulations Branch, Foreign Trade Division, Bureau of the Census, (301) 763-5310.

SUPPLEMENTARY INFORMATION: Trade between the United States and Puerto Rico is significant. In 1992, two-way trade amounted to \$28.4 billion. If Puerto Rico were an independent country, it would rank tenth in U.S. exports (\$10.8 billion) and eighth in U.S. imports (\$17.6 billion) with total trade slightly less than U.S. trade with France. The quality of such data is in question because some exporters and carriers treat such shipments as "domestic" and are unfamiliar with the requirements for SEDs and manifests. Also, since Puerto Rico is inside the Customs Territory of the United States, such shipments do not receive the same

scrutiny by the Customs Service as a shipment to a foreign country. Over the past five years increased scrutiny of documentation requirements for shipments from Puerto Rico to the United States, by both the Census Bureau and the Customs Service, resulted in a marked improvement in the accuracy and completeness of the northbound data. Applying this experience to southbound shipments, these amendments will allow better scrutiny for compliance, at lower cost, by both the Census Bureau and the Customs Service by providing for filing these SEDs and manifests in Puerto Rico rather than at the various ports of departure in the United States. Additionally, the Census Bureau established an office in Puerto Rico to process SEDs for all shipments to and from the United States. This rule affects only carriers transporting merchandise between the United States and Puerto Rico. It does not change any requirements for exporters. The Notice of Proposed Rulemaking published in the *Federal Register* on November 30, 1992 (57 FR 56531), proposed amending both the FTSR and the Customs Regulations to require carriers transporting merchandise from the United States to Puerto Rico to submit their SEDs and outward cargo manifests for such shipments to the District Director of Customs in Puerto Rico rather than at the port of departure. Interested parties were given 60 days from the date of publication in the *Federal Register* (November 30, 1992 to January 29, 1993) to submit their comments regarding the notice.

Discussion of Major Comments

The Census Bureau and the U.S. Customs Service received eight comments regarding the proposed amendments. One of the comments was not germane to the proposal. One comment favored the proposal on the basis that it will provide improved accuracy and coverage of the statistics. The comments of one vessel carrier consisted of a request for permission to continue a practice, initiated in 1978, that allowed them to file SEDs in weekly batches rather than by individual ship. While this procedure simplifies document handling by the carrier, it does not allow for any governmental verification or check against the manifest that we are, in fact, receiving all required SEDs. Moving the collection of both the manifest and SEDs to Puerto Rico will provide for such scrutiny. Therefore, we are eliminating this special batch filing procedure at such time as this rule becomes effective. Another vessel carrier suggested that we

clarify the regulations by adding new subsections relating only to shipments between the United States and Puerto Rico rather than integrating them in the present provisions. To do so would require duplicating most of the provisions of §§ 30.20 through 30.24. This carrier also raised questions relating to the possible introduction of Customs' automated export system for filing both manifests and SEDs. Any carrier, exporter, or freight forwarder participating in either the Customs' or Census Bureau's automated program for reporting manifests and/or SEDs electronically will not be required to file duplicate information in hard copy form. Furthermore, participants in the Census Bureau's Automated Export Reporting Program will continue to file their reports directly with the Census Bureau. Two air express carriers and two associations of air carriers raised objections based on potential cost and burden as well as declaring the proposed rule unnecessary. They proposed alternatives including:

- (1) Enforcing current regulations in the U.S. ports of export,
- (2) Obtaining the data from the carrier's manifest, or
- (3) Obtaining the data from the Puerto Rican Tax Authority. In response, the government determined that: (1) Enforcing current regulations in each of the over 200 ports would be much more costly to the government as well as the carriers and providing one location for filing of all documentation will ensure equal and consistent enforcement in all cases, (2) the carrier's manifest simply does not provide sufficient information to produce quality statistics (neither the Schedule B commodity number nor the value are reported on the manifest), and (3) the Puerto Rican Tax Authority does not obtain information in such detail to produce similar statistics—the Puerto Rican Tax Authority does not share information with the Census Bureau. Because most shipments transported to Puerto Rico by air are low valued and do not require SEDs, we are modifying the proposal. Rather than requiring a complete manifest (§ 30.21(b)), we will allow air carriers transporting merchandise between the United States and Puerto Rico to report, in addition to those items requiring SEDs, a single line of information on their Customs' manifests summarizing all shipments exempt from SED reporting requirements. This summary information will include the number of packages and a total weight in kilograms for such exempt shipments. Furthermore, the air waybills for all cargo must be available, in the port of entry or departure in Puerto Rico, for

inspection by Customs and/or the Census Bureau.

Regulatory Impact Analysis and Information Collection

These amendments do not meet the criteria of a major rule as set forth in section 1(b) of Executive Order 12291; therefore, no Regulatory Impact Analysis is required. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612. Pursuant to the provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), the General Counsel of the Department of Commerce and the Commissioner of Customs certified to the Small Business Administration that these amendments will not have a significant economic effect on a substantial number of small entities because they only change the place of filing shipping documents by exporting carriers. The Census Bureau's information collection requirements involved in this rule are cleared under OMB Control Nos. 0607-0001, -0018, and -0152 pursuant to the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

List of Subjects

15 CFR Part 30

Economic statistics, Foreign trade, Reporting and recordkeeping requirements.

19 CFR Part 4

Customs duties and inspection, Exports, Freight, Harbors, Maritime carriers, Reporting and recordkeeping requirements, Vessels.

19 CFR Part 122

Administrative practice and procedure, Air carriers, Aircraft, Airports, Customs duties and inspection, Freight, Penalties, Reporting and recordkeeping requirements.

To effect these changes, the Foreign Trade Statistics Regulations (15 CFR part 30) and the Customs Regulations (19 CFR parts 4 and 122) are amended as set forth below:

Title 15—Commerce and Foreign Trade

PART 30—FOREIGN TRADE STATISTICS

1. The authority citation for 15 CFR part 30 is revised to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 301-307; Reorganization Plan No. 5 of 1950 (3 CFR 1949-1953 Comp., p. 1004), Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 FR 42765.

2. Section 30.20 is amended by revising the first sentence of paragraph

(a), redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and adding new paragraph (b) to read as follows:

§ 30.20 General statement of requirement for the filing of manifests and Shipper's Export Declarations by carriers.

(a) Carriers transporting merchandise from the United States, Puerto Rico, or U.S. Possessions to foreign countries; from the United States or Puerto Rico to the Virgin Islands of the United States; or from Puerto Rico to the United States shall not be granted clearance, where clearance is required, and shall not depart, where clearance is not required, until manifests (for vessels, aircraft, and rail carriers) and Shipper's Export Declarations have been filed with the Customs Director as specified in paragraphs (b) through (d) of this section, except as provided in § 30.24.

(b) For carriers transporting merchandise from the United States to Puerto Rico, the complete manifest, as required, and all required Shipper's Export Declarations shall be filed within one business day after arrival, as defined in 19 CFR 4.2(b), with the Customs Director in Puerto Rico, except as provided in § 30.24.

3. Section 30.21 is amended by revising paragraphs (a) and (b) to read as follows:

§ 30.21 Requirements for the filing of manifests.

(a) *Vessels.* Vessels transporting merchandise as specified in § 30.20 (except vessels exempted by paragraph (d) of this section) shall file a complete Cargo Declaration, Customs Form 1302, or a Cargo Declaration Outward With Commercial Forms, Customs Form 1302-A, either form with copies of bills of lading or equivalent commercial forms relating to all cargo encompassed by the manifest attached thereto. The manifest shall be filed with the Customs Director at the respective ports where the merchandise is laden (for shipments from the United States to Puerto Rico, the manifest shall be filed with the Customs Director in the port where the merchandise is unladen in Puerto Rico), and shall show the destination of the vessel and list all the cargo so laden. For each item of cargo, the manifest shall show a description of the articles, contents, quantities, and values; however, a notation on the Cargo Declaration that values are as stated on the Shipper's Export Declarations, copies of which are attached to such manifest, will be accepted. There shall also be shown for each item of cargo the

bill of lading number on the Shipper's Export Declaration covering the item, except that bill of lading numbers are not required on manifests covering cargo destined for Canada or a nonforeign area. If an item on a Cargo Declaration is one for which a Shipper's Export Declaration is not required, a notation shall be inserted on the Cargo Declaration as to the basis for the exemption with a reference to the number of the section in the regulations where the particular exemption is provided. The bills of lading, cargo lists, or other commercial forms must be securely attached to the Cargo Declaration in such manner as to constitute one document; that they are incorporated by suitable reference on the face of the form such as "Cargo as per bills of lading attached," or "Cargo as per commercial forms attached," and that there is shown on the face of each bill the information required by the Cargo Declaration for the cargo covered by that document. The manifest of vessels (including vessels taking bunker fuel to be laden aboard vessels on the high seas) clearing for foreign countries shall also show the quantities and values of bunker fuel taken aboard at that port for fueling use of the vessel, apart from such quantities as may have been laden on vessels as cargo. The quantity of coal shall be reported in metric tons (2240 pounds), and the quantity of fuel oil shall be reported in barrels of 158.98 liters (42 gallons). Fuel oil shall be described in such manner as to identify diesel oil as distinguished from other types of fuel oil.

(b) *Aircraft.* Aircraft transporting merchandise as specified in § 30.20 shall file a complete manifest on Customs Form 7509. Such manifest shall be filed with the Customs Director at the respective ports where the merchandise is laden (for shipments from the United States to Puerto Rico, the manifests shall be filed with the Customs Director in the port where the merchandise is unladen in Puerto Rico) aboard the aircraft that is to carry the merchandise to the foreign country or to its ultimate destination in a nonforeign area, and shall list all the cargo so laden and show, for each item, the air waybill number or marks and numbers on packages, the number of packages, and the nature of the goods, except as otherwise provided in this paragraph (b). In addition, for any item for which a Shipper's Export Declaration is not required under the regulations in this part, a notation as to the basis for the exemption with a reference to the number of the section in this part where the particular exemption is provided,

shall be inserted on the manifest, or on the waybill filed in lieu of listing on the manifest. In the case of shipments on an air waybill, a copy of each document may be attached to the cargo manifest, the numbers of such air waybills listed in the body of the manifest, and the statement "Cargo as per Air Waybills Attached" noted on the manifest. On direct departures only, for shipments requiring a Shipper's Export Declaration a copy of each declaration may be attached to the cargo manifest. In such case the air waybill numbers of such declarations shall be listed on the cargo manifest in the column for air waybill numbers, and the statement "Cargo as per SEDs Attached" noted on the manifest. Under this alternative procedure, any shipments not requiring a Shipper's Export Declaration shall be listed on the manifest, and a notation as to the basis for the exemption with a reference to the number of the section in this part where the particular exemption is provided, shall be shown. For aircraft transporting merchandise between the United States and Puerto Rico, the manifest shall consist of full detail for cargo requiring Shipper's Export Declarations and summary information for cargo exempt for Shipper's Export Declaration requirements. This summary information will include, on a single line, the total number of packages and the total weight, in kilograms, of such exempt shipments. Additionally, the air waybills for all shipments must be available, in the port of arrival or departure in Puerto Rico, for inspection by Customs and/or the Census Bureau.

4. Section 30.22 is amended by revising paragraph (a) to read as follows:

§ 30.22 Requirements for the filing of Shipper's Export Declarations by departing carriers.

(a) To meet the requirements of § 30.20 for the filing of Shipper's Export Declarations, every departing carrier transporting merchandise as specified in § 30.20, including vessels, aircraft, rail carriers, trucks and other vehicles, ferries, and every other carrier shall deliver to the Customs Director at the port of exportation (for shipments from the United States to Puerto Rico, at the port of arrival in Puerto Rico), with the manifest of the carrier, if a manifest is required by the regulations in this part, Shipper's Export Declarations prepared and signed by the exporters, or their agents, covering all the cargo for which such Shipper's Export Declarations are required by the regulations in this part.

5. Section 30.24 is amended by revising paragraphs (a) introductory text and (a)(1) to read as follows:

§ 30.24 Clearance or departure of carriers under bond on incomplete manifest or Shipper's Export Declarations.

(a) For purposes of the regulations in this part, except when carriers are transporting merchandise from the United States to Puerto Rico, clearance (where clearance is required) or permission to depart (where clearance is not required) may be granted to any carrier by the Customs Director prior to the filing of a complete manifest as required under the regulations in this part, or prior to the filing by the carrier of all required Shipper's Export Declarations, provided that a bond as specified in paragraph (b) of this section is filed with the Customs Director. The condition of the bond shall be that a complete manifest, where a manifest is required by the regulations in this part and all required Shipper's Export Declarations, shall be filed by the carrier not later than the fourth business day after clearance (where clearance is required) or departure (where clearance is not required) of the carrier except as otherwise specifically provided in paragraphs (a) (1) and (2) of this section. For carriers transporting merchandise from the United States to Puerto Rico, if the complete manifest, as required, and all required Shipper's Export Declarations are not available for filing with the Customs Director in Puerto Rico within one business day after arrival, a bond, as specified in paragraph (b) of this section shall be filed with the Customs Director in Puerto Rico.

(1) For shipments aboard a U.S. flag carrier between the United States and Puerto Rico, or from the United States or Puerto Rico to the Virgin Islands of the United States, the condition of the bond shall be that a complete manifest (where a manifest is required) and all required Shipper's Export Declarations shall be filed by the carrier not later than the seventh business day after departure or in the case of shipments from the United States to Puerto Rico, the seventh business day after arrival.

* * * * *

Title 19—Customs Duties

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

6. The general authority citation for 19 CFR part 4 and the specific authority for § 4.84 would continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624; 46 U.S.C. 2103 and 46 U.S.C. App. 3;

Section 4.84 also issued under 13 U.S.C. 303; 19 U.S.C. 1433, 1435, 1437; 46 U.S.C. App. 91, 313, 314, 883-1;

7. Section 4.84 is amended by revising paragraph (c) to read as follows:

§ 4.84 Trade with noncontiguous territory.

(c)(1) A vessel which is not required to clear but which is transporting merchandise from a port in any State or the District of Columbia to any noncontiguous territory of the United States (excluding Puerto Rico), or from Puerto Rico to any State or the District of Columbia, or any other noncontiguous territory, shall not be permitted to depart without filing a complete manifest, when required by regulations of the Bureau of the Census (15 CFR part 30), and all required Shipper's Export Declarations, unless before the vessel departs an approved bond is filed for the timely production of the required documents, as specified in 15 CFR 30.24. Requests for permission to depart may be written or oral and permission to depart shall be granted orally by the appropriate Customs officer. However, if the request is to depart prior to the filing of the required manifest and export declarations, permission shall not be granted unless the appropriate bond is on file. In the latter case, the Customs officer shall keep a simplified record of the necessary information in order to assure that the manifest and export declarations are filed within the required time period. The Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300 (see § 4.63(a)), required at the time of clearance is not required to be taken to obtain permission to depart.

(2) A vessel which is not required to clear but which is transporting merchandise from a port in any State or the District of Columbia to Puerto Rico shall file a complete manifest, when required by the regulations of the Bureau of the Census (15 CFR part 30), and all required Shipper's Export Declarations within one business day after arrival, as defined in § 4.2(b) of this part, with the appropriate Customs officer in Puerto Rico. If the complete manifest and all required Shipper's Export Declarations are not filed with the appropriate Customs officer within that time frame, an appropriate bond shall be filed with the Customs officer for the timely production of the required documents as specified in 15 CFR 30.24. In these instances when a bond is filed,

the Customs officer shall keep a simplified record of the necessary information in order to ensure that the manifest and export declarations are filed not later than the seventh business day after arrival in Puerto Rico.

PART 122—AIR COMMERCE REGULATIONS

8. The authority for 19 CFR part 122 continues to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 303; 19 U.S.C. 58b, 66, 1433, 1436, 1459, 1590, 1594, 1623, 1624, 1644; 49 U.S.C. App. 1509.

9. Section 122.62 is amended by revising paragraph (a) to read as follows:

§ 122.62 Aircraft not otherwise required to clear.

(a) *Bureau of the Census.* Under Bureau of the Census Regulations (15 CFR part 30), aircraft not required to clear by § 122.61 shall obtain permission to depart if carrying merchandise from the U.S. to Puerto Rico or from Puerto Rico to the U.S.

10. Section 122.74 is amended by revising paragraphs (a) and (c)(2) to read as follows:

§ 122.74 Incomplete (pro-forma) manifest.

(a) *Application—(1) Shipments to foreign countries.* Except for aircraft bound for foreign locations referred to in paragraph (b) of this section, clearance, or permission to depart may be given to an aircraft bound for a foreign location by the district director in the port of departure before a complete manifest or all required Shipper's Export Declarations have been filed, if a proper bond is filed on Customs Form 301, containing the bond conditions set forth in subpart G of part 113 of this chapter.

(2) *Shipments to Puerto Rico.* As provided in § 122.79 (b), any required air cargo manifest or Shipper's Export Declarations for direct flights between the U.S. and Puerto Rico shall be filed with the appropriate Customs officer upon arrival in Puerto Rico. If any required manifest or Shipper's Export Declarations are not filed with the appropriate Customs officer within one business day after arrival in Puerto Rico, a proper bond shall be filed at that time on Customs Form 301, containing the bond conditions set forth in subpart G of part 113 of this chapter.

(c) * * *

(2) *Shipments to and from Puerto Rico.* For shipments from the U.S. to Puerto Rico, the complete manifest (when required) and all required

Shipper's Export Declarations shall be filed not later than the seventh business day after arrival into Puerto Rico. For shipments from Puerto Rico to the U.S., the complete manifest (when required) and all required Shipper's Export Declarations shall be filed not later than the seventh business day after departure from Puerto Rico.

11. Section 122.76 is revised to read as follows:

§ 122.76 Shipper's Export Declarations and inspection certificates.

(a) *Shipper's Export Declarations—*
(1) *Other than shipments to Puerto Rico.* For shipments other than to Puerto Rico, at the time of clearance, the aircraft commander or agent shall file with the district director at the departure airport any Shipper's Export Declarations required by the Bureau of the Census (see 15 CFR part 30).

(2) *Shipments to Puerto Rico.* For flights carrying shipments to Puerto Rico from the U.S., the aircraft commander or agent shall file any Shipper's Export Declarations required by the Bureau of the Census (see 15 CFR part 30) upon arrival in Puerto Rico with the district director there.

(b) *Inspection certificates.* The aircraft commander or authorized agent shall deliver a proper export inspection certificate issued by the Veterinary Service, Animal and Plant Inspection Service, Department of Agriculture (9 CFR part 91), to the Customs officer in charge at the time of departure of any aircraft carrying horses, mules, asses, cattle, sheep, swine, or goats.

12. Section 122.79 is amended by revising paragraph (b) and removing the undesignated paragraph following (b)(2) to read as follows:

§ 122.79 Shipments to U.S. possessions.

(b) *Puerto Rico.* When an aircraft carries merchandise on a direct flight from the U.S. to Puerto Rico, any required air cargo manifest or Shipper's Export Declarations shall be filed with the district director at Puerto Rico.

Harry A. Scarr,

Acting Director, Bureau of the Census.

Michael H. Lane,

Acting Commissioner, U.S. Customs Service.

Approved and concurred:

Ronald K. Noble,

Assistant Secretary for Enforcement,
Department of the Treasury.

[FR Doc. 93-18502 Filed 8-3-93; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 791

[Docket No. R-93-1637; FR-3446-01]

RIN 2501-AB62

Allocation of Budget Authority for Housing Assistance

AGENCY: Office of the Secretary, HUD.

ACTION: Interim rule.

SUMMARY: This interim rule amends the regulations governing allocation of budget authority for housing assistance by adding two subcategories of budget authority for uses that the Secretary determines are incapable of geographic allocation by formula. This change is necessary because some housing assistance is incapable of geographic allocation by formula, but does not fall within the current regulatory exceptions.

DATES: *Effective Date:* This interim rule is effective on September 3, 1993, and expires on February 1, 1995 if there are no set asides in the operating plan submitted to Congress in January 1995. *Comment Due Date:* October 4, 1993.

FOR FURTHER INFORMATION CONTACT: For the Public and Indian Housing program, and section 8 voucher, certificate, and moderate rehabilitation programs, William R. Manning, Director, Policy Division, room 4234, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410-0500, telephone (202) 708-0713. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708-0850. For other assisted housing programs, Joel Balsham, Program Advisor, Office of the Deputy Assistant Secretary for Multifamily Housing, room 6124, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410-8000, telephone (202) 708-4135. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 755-4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Background

This interim rule further implements section 213(d) of the Housing and Community Development Act of 1974, as most recently amended by the Department of Housing and Urban Development Reform Act of 1989, which was incorporated into 24 CFR part 791, subpart D, on March 7, 1991 (56 FR 9822). Under § 791.403, the

Department "fair shares" by formula housing assistance described in section 213 of the legislation, except for budget authority which the Secretary determines is for uses incapable of geographic allocation by formula.

The current regulation identifies four such categories of uses incapable of geographic allocation by formula. Three of these categories are program-specific; the fourth consists of "assistance which is the subject of a line item identification in the HUD appropriations law, or in the table customarily included in the Conference Report on the appropriation for the Fiscal Year in which the funds are to be allocated." The purpose of the quoted provision is to enable the Department to allocate assistance expressly identified by the Congress in a particular year for specific purposes where it may not be feasible to allocate that assistance geographically by formula. Such assistance frequently is enacted as a line item in the appropriations statutory text or is identified in the Conference Report on a given appropriation, as a specific set-aside under a program.

The Department can sometimes experience difficulty in meeting Congressional intent where such intent is not reflected in either the enacted statute or the Conference Report table. For example, in its reporting out of the appropriations bill for FY 1993, the House Committee on Appropriations stated that "within the 1993 voucher funds, the Department is directed to make available a sufficient amount for 750 units to continue the joint VA-HUD project to provide housing and treatment services to homeless, mentally ill veterans." H.R. Rep. 102-710 (July 23, 1992), at 25.

The current regulation provides some tolerance for shifting allocation levels by providing at § 791.403(b)(2) that "if the budget authority for a particular program is insufficient to fund feasible projects, or to promote meaningful competition, at the Field Office level, authority may be allocated to the Regional Office with no requirement for suballocation." However, HUD's flexibility under this provision is limited. In this case the "particular program" is the section 8 voucher program and it cannot be said that the budget authority for this particular program is insufficient to fund feasible projects, or to promote meaningful competition, at the Field Office level. Moreover, the regulation implements a statutory requirement enacted in the Reform Act which amended section 213(d)(1)(C) to require that allocations of assistance "be made to the smallest practicable area, consistent with the

delivery of assistance through a meaningful competitive process designed to serve areas with greater needs." The problem with the example described above is that the assistance for homeless, mentally ill veterans is not a "particular program" or a "program of housing assistance" (the term used in section 213(d))—it is a small set-aside under that "particular" section 8 voucher program.

The Department intends to address this problem by adding a further refinement to the listing of uses of budget authority which the Secretary determines not to be geographically allocable by formula. Specifically, the rule is amended to include along with the appropriations statute and the Appropriations Conference Report table, such uses of budget authority as are identified in the Operating Plan submitted to the Appropriations Committees.

The "Operating Plan" is presented annually to these Committees to reflect changes from the budget originally submitted to the Congress by the Administration. Its history dates back to 1987 when the Conference Report accompanying H.J. Res. 395, "Making Further Continuing Appropriations for the Fiscal Year Ending September 30, 1988," stated that "because of the substantial changes in many accounts from the budget estimates (including a number of general reductions), the conferees direct that [HUD and the Independent Agencies covered in the same appropriation] submit a fiscal year 1988 operating plan by February 1, 1988," H.R. Rep. 100-498 (Dec. 22, 1987), at 837. The statement added that "the conferees expect such operating plans to include recommended changes from the budget estimates except that no reductions may be proposed in programs, projects, or activities for which funding has been added by the Congress." Even since that time, the Department has furnished the Committees an Operating Plan annually which identifies changes from published estimates, including reprogramming within amounts set out in the Conference Report table. This year the Department intends to identify in the Operating Plan, for example, the 750 voucher units for homeless, mentally ill veterans.

Tying flexibility in the allocation of budget authority to matters identified in the Operating Plan preserves the mutual comity between Executive and Legislative Branches that has characterized the allocation process. Furthermore, the Department notes that although a set-aside identified in the Operating Plan is to be treated as

described in the interim rule, the objectives of fairness in allocation and competition in distribution of assistance will not be ignored. Where feasible, the Department intends to fair share section 8 certificate and voucher set-asides down to the Regional Office level and to provide for subsequent distribution by competition.

A second change in the regulation regarding assistance incapable of geographic allocation by formula involves recently enacted legislation which prescribes that a portion of program assistance be set aside or otherwise mandated for other than general use. Recent HUD authorization statutory amendments contain provisions which have the effect of specifically targeting appropriated funds. For example, section 101(b) of the Housing and Community Development Act of 1992, Pub. L. 102-550 (Oct. 28, 1992), amended the United States Housing Act of 1937 to require funding of \$20 million in both FY 1993 and FY 1994 for section 8 15 year contracts for project-based assistance to be used for a multicultural tenant empowerment and homeownership project located in the District of Columbia. This assistance obviously is incapable of geographic allocation by formula because it is expressly authorized for one city only.

In the first year following enactment of set-asides like the one described immediately above, the Operating Plan could be expected to address these newly established purposes. In subsequent years, however, they would have been incorporated in the Department's budget. For that reason, this interim rule also adds to § 791.403(b)(ii) the subcategory of assistance included in an authorization statute, such as set-asides, where the Secretary determines that such assistance is incapable of geographic allocation by formula.

II. Other Matters

A. Regulatory Impact—Executive Order 12291

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or (3) have a significant adverse effect 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.

B. Regulatory Flexibility Act

The Secretary in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule revises existing procedures for the allocation of housing assistance funds and for local government and HUD review of applications for housing assistance, but will make no change in the economic impact of these procedures on small entities.

C. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The finding is available for public inspection during regular business hours in the Office of General Counsel, the Rules Docket Clerk, room 10276, 451 Seventh Street SW., Washington, DC 20410.

D. Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the Federal government and the states, or on the distribution of power and responsibilities among the various levels of government. Specifically, this rule will not substantially alter the established roles of HUD and the States and local governments, including PHAs, in administering the affected programs. As a result, the rule is not subject to review under the order.

E. Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being and, thus, is not subject to review under Order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those

policies and programs relate to family concerns.

F. Regulatory Agenda

This rule was listed as item number 1401 in the Department's Semiannual Agenda of Regulations published on April 26, 1993 (58 FR 24382, 24401) in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

G. The Catalog of Federal Domestic Assistance program numbers are as follows:

- 14.103 Interest Reduction Payments—Rental and Cooperative Housing for Lower Income Families
- 14.149 Rent Supplements—Rental Housing for Lower Income Families
- 14.156 Lower Income Housing Assistance Program (Section 8)
- 14.157 Housing for the Elderly or Handicapped
- 14.177 Housing Voucher Program
- 14.850 Public and Indian Housing
- 14.851 Low Income Housing—Homeownership Opportunities for Low Income Families

H. Justification for Interim Rulemaking

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking, 24 CFR part 10. However, part 10 does provide for exceptions from that general rule where the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is "impracticable, unnecessary, or contrary to the public interest." (24 CFR 10.1)

The Department finds that good cause exists to publish this rule for effect without first soliciting public comment, in that prior public comment is contrary to public interest because immediate effectiveness of this rule will permit the Department to assign the great bulk of section 8 voucher and certificate budget authority under the fair share formula to Field Office jurisdictions now for timely competition among Public Housing authorities. At the same time, HUD will not have to run the risk of a specific set-aside, such as the FY 1993 voucher set-aside for homeless, mentally ill veterans, or the section 8 set-asides a multicultural tenant empowerment and homeownership project, being hamstrung by a requirement to allocate below the Regional Office level in an inefficient, infeasible manner.

Moreover, this rule does not involve major changes in the allocation scheme under part 791. Rather, it makes two minor but necessary modifications to facilitate recognition of Congressional intent and agreement on the allocation of housing assistance.

List of Subjects in 24 CFR Part 791

Grant programs—housing and community development, Intergovernmental relations, Public housing, Rent subsidies.

Accordingly, 24 CFR part 791 is amended as follows:

PART 791—REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS

1. The authority citation for 24 CFR part 791 is revised to read as follows:

Authority: 42 U.S.C. 1439; 42 U.S.C. 3535(d).

2. Section 791.403 is amended by revising paragraph (b)(1)(ii) to read as follows:

§ 791.403 Allocation of housing assistance.

* * * * *

(b) * * *

(1) * * *

(ii) Assistance which is—

(A) The subject of a line item identification in the HUD appropriations law, or in the table customarily included in the Conference Report on the appropriation for the Fiscal Year in which the funds are to be allocated;

(B) Reported in the Operating Plan submitted by HUD to the Committees on Appropriations; or

(C) Included in an authorization statute where the nature of the assistance, such as a prescribed set-aside, is, in the determination of the Secretary, incapable of geographic allocation by formula,

* * * * *

Dated: July 30, 1993.

Henry G. Cisneros,
Secretary.

[FR Doc. 93-18597 Filed 8-3-93; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-93-058]

Special Local Regulations for Marine Events; Virginia Beach Offshore Grand Prix, VA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special Local Regulations are being adopted for the Virginia Beach Offshore Grand Prix to be held in the

Atlantic Ocean off Virginia Beach on September 5, 1993. These special local regulations are necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and participants.

EFFECTIVE DATES: The regulations are effective from 7 a.m. to 7 p.m., September 5, 1993. If inclement weather is forecast for September 5, the regulations will then be in effect from 7 a.m. to 7 p.m., on September 4, 1993. If inclement weather causes the postponement of the event, the regulations are effective from 7 a.m. to 7 p.m., September 6, 1993.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, (804) 398-6204, or Commander, Coast Guard Group Hampton Roads (Operations) (804) 483-8559.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Adherence to normal rulemaking procedures would not have been possible. Specifically, the sponsor's application to hold the event was not received until July 2, 1993, leaving insufficient time to publish a notice of proposed rulemaking in advance of the event.

Drafting Information

The drafters of this notice are QM2 Gregory C. Garrison, project officer, Boating Affairs Branch, Fifth Coast Guard District, and LT Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

Background and Purpose

The race will consist of approximately 100 powerboats, from 22 to 50 feet in length, racing over a closed course off the beachfront at Virginia Beach, Virginia. As part of the application, it was requested that the Coast Guard provide control of spectator and commercial traffic along the beachfront and Rudee Inlet areas during portions of the race.

Discussion of Regulations

These regulations will regulate the area surrounding the Virginia Beach Offshore Grand Prix. The race course is generally oval shaped, running parallel to the shoreline. The Rudee Inlet/Lake Rudee area will include the wet pits and