

under the Administrative Procedure Act (5 U.S.C. 553). Notice and public comment are unnecessary because FDA is merely correcting a nonsubstantive error.

#### List of Subjects in 21 CFR Part 113

Food and Drug Administration, Food packaging, Foods, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 113 is amended as follows:

#### PART 113—THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

1. The authority citation for 21 CFR part 113 continues to read as follows:

**Authority:** Secs. 402, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342, 371, 374); sec. 361 of the Public Health Service Act (42 U.S.C. 264).

#### § 113.40 [Amended]

2. Section 113.40 *Equipment and procedures* is amended in paragraph (b)(10)(ii) by removing the word "warm" and adding in its place the word "warn".

Dated: June 3, 1997.

**William K. Hubbard,**

*Associate Commissioner for Policy Coordination.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD08-96-056]

RIN 2115-AE47

#### Drawbridge Operation Regulation; Industrial Seaway Canal, Mississippi

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the regulation governing the operation of the double leaf bascule span drawbridge on Lorraine-Cowan Road, across the Industrial Seaway Canal, mile 11.3, near Handsboro, Harrison County, Mississippi. The new operating schedule allows the draw to remain closed to navigation from 6:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays. The new schedule will provide relief for congested vehicular

traffic during these periods and still provide for the reasonable needs of navigation.

**DATES:** This regulation becomes effective on July 11, 1997.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Phil Johnson, Bridge Administration Branch, Eighth Coast Guard District, telephone (504) 589-2965.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

The Coast Guard published a notice of proposed rulemaking on March 3, 1997 (62 FR 9408). No comments were received in response to the proposed rule. No public hearing was requested and none was held.

##### Discussion of the Rule

Growing industry and commercial retail development in the area over the past few years has increased vehicular traffic on Lorraine-Cowan Road. The traffic has become unreasonably delayed during bridge openings in the mornings and afternoons when local residents are enroute to work and school.

Data submitted by the Harrison County Board of Supervisors showed that, on average, 50,540 vehicles cross and 8 vessels pass each month during the morning from 6:30 a.m. to 8:30 a.m. and 46,000 vehicles cross and 3 vessels pass each month during the afternoon from 4:30 p.m. to 6 p.m. The notice of proposed rulemaking proposed to allow the bridge to remain closed during these time periods. No comments were received on the notice of proposed rulemaking. Few vessels pass the bridge during the bridge closure periods and the revised schedule discontinues the one-hour noon closure. Vessel operators will be able to adjust their arrival times at the bridge to avoid the temporary closure periods with very little inconvenience or added expense. The Coast Guard is, therefore, revising the draw opening schedule as proposed.

##### Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000. A public notice was issued, requesting comments or objections to this proposed rule, specifying how the proposed rule would create a hardship on the objector's method of operation. The public notice was mailed to a list of all business owners and operators which are located on the Industrial Seaway Canal. No letters of objection were received from any of the businesses. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rulemaking will not have a significant economic impact on a substantial number of small entities.

##### Collection of Information

This final rule contains no collection of information requirements under the Paperwork 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 making does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

##### Environment

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

#### List of Subjects in 33 CFR Part 117

Bridges.

##### Regulations

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended 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); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.680 is revised to read as follows:

**§ 117.680 Industrial Seaway Canal.**

The draw of the Lorraine-Cowan Road Bridge across the Industrial Seaway Canal, mile 11.3, need not be opened from 6:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays.

Dated: May 21, 1997.

**Paul J. Prokop,**

*Captain, U.S. Coast Guard, Commander, Eighth Coast Guard District, Acting.*

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 117**

[CG11-90-03]

RIN-2115-A47

**Drawbridge Operation Regulations; Cerritos Channel, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule; change of effective date.

**SUMMARY:** At the request of the Port of Los Angeles, the Coast Guard is temporarily extending the effective date for the temporary change to the regulation for operation of the Henry Ford Avenue Railroad Bridge (Ford Bridge), across Cerritos Channel of Los Angeles/Long Beach, mile 4.8 Long Beach, California to authorize it to remain in the closed to navigation position for an additional period from July 1 to October 2, 1997. The action is necessary both to facilitate reconstruction of the bridge and to avoid disrupting essential rail service during reconstruction. The closure period was most recently established as February 1 to June 30, 1997; however, the project has been delayed, and the closure actually began on May 6, 1997.

**EFFECTIVE DATES:** This temporary final rule is effective from June 30 through October 2, 1997.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of Commander (Pow), Eleventh Coast Guard District, Building 50-6, Coast Guard Island, Alameda, CA 94501-5100 between 7 a.m. and 4 p.m., Monday through Friday, except Federal

holidays. The telephone number is (510) 437-3514. Commander (Pow) maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Susan Worden, Bridge Administrator, Eleventh Coast Guard District, (510) 437-3514.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

On August 28, 1990, the Coast Guard published a notice of proposed rulemaking NPRM in the **Federal Register** (55 FR 35154) concerning closure of the Henry Ford Avenue Railroad Bridge (Ford Bridge), across Cerritos Channel of Los Angeles/Long Beach, mile 4.8 Long Beach, California, for rehabilitation. On July 8, 1996, the Coast Guard published a supplemental notice of proposed rulemaking (SNPRM) in the **Federal Register** (61 FR 35702) concerning closure of the bridge for replacement. On November 20, 1996 the Coast Guard published a Temporary Final Rule in the **Federal Register** (61 FR 59025) changing the bridge operation regulation, allowing closure during replacement. On May 6, 1997, the Captain of the Port issued a safety zone (COTP Los Angeles-Long Beach, CA; 97-002; 33 CFR § 165.T11-057) prohibiting general navigation in a defined regulated area around the bridge during replacement.

**Background and Purpose**

At the request of the Port of Los Angeles, the Coast Guard is extending the closure period for the Ford Bridge replacement project because the project is behind schedule. The Ford Bridge, also known as the Badger Avenue Bridge, provides the only rail access to Terminal Island. It crosses a waterway used by oceangoing cargo ships, tugs and barges, tour boats, commercial fishing vessels, and recreational boats. The permanent regulations governing its operation require the bridge to remain fully open except for the passage of trains or for maintenance.

The bridge is over 70 years old and no longer meets California seismic standards or Federal Railroad Administration clearance standards. Interruption or delay of rail and water traffic is likely if the existing bridge were either to malfunction or to be damaged by seismic activity. In 1995, the Coast Guard issued a permit to replace the bridge. Replacement cannot be accomplished without closing the bridge span for a period of five months. Closure of the bridge will require maritime traffic to use an alternate route through the outer harbor. Detours of 5 miles are expected; maximum detours of

10 miles may be experienced. The short term costs attributable to these detours are outweighed by the long-term benefits to be gained by the installation of a new bridge likely to provide uninterrupted rail service and timely, reliable openings for waterborne traffic for many years.

This temporary rule extends the effective date of the previously issued temporary rule authorizing a five month (150 day) closure of the bridge. Closure for 5 months is necessary both to facilitate replacement of the span and reconstruction of the bridge support towers, as well as to avoid disrupting essential rail service during reconstruction. The SNPRM advertised a closure beginning in November 1996. Due to construction delays, the temporary final rule established the change in operating regulation effective February 1, 1997. Additional construction delays were experienced and actual closure of the span did not begin until May 6, 1997, necessitating this extension of the effective period.

**Regulatory Evaluation**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). The Coast Guard previously calculated the expected economic impact of this rule to be approximately \$1 million to waterways users (to detour around the work site) and \$2.5 million to the bridge owner (to expedite work). Although the current extension may cause these figures to be elevated, the Coast Guard estimates that they remain below the threshold levels requiring a formal Regulatory Evaluation. (Since the original figures contemplate detours around the work site, the additional economic impact of the safety zone is marginal.) The draft economic analysis published with the NPRM was superseded by a more detailed economic analysis in the Environmental Impact Statement, which is available in the docket for inspection or copying where indicated under **ADDRESSES**.

**Small Entities**

Under the Regulatory flexibility Act (5 U.S.C. 601 *et seq.*) the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small