

In accordance with the provisions of 21 U.S.C. 811(a) of the CSA, this action is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, are exempt from review by the Office of Management and Budget pursuant to Executive order (E.O.) 12866, section 3(d)(1).

The Deputy Assistant Administrator, Office of Diversion Control, in accordance with the Regulatory Flexibility Act [5 U.S.C. 605(b)], has reviewed this rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small-business entities. The inclusion of a product in 21 CFR 1308.34 relieves persons who handle the product in the course of legitimate business from the registration, records, reports, prescription, physical security, import and export requirements associated with Schedule III controlled substances under the CSA. Specifically, the products are exempted from application of sections 302 through 309 and 1002 through 1004 of the CSA (21 U.S.C. 822-829 and 952-954) and §§ 1301.11, 1301.13, and 1301.71 through 1301.76 of Title 21 Code of Federal Regulations.

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under provisions of the Unfunded Mandates Reform Act of 1995.

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

This rule 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 E.O. 12612, it is determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Dated: September 8, 1997.

**John H. King,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD13-97-023]

#### Safety Zone Regulations; Interstate 5 Bridge Repair Project, Columbia River, Vancouver, WA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone for the Interstate 5 bridge repair project on the Columbia River in Vancouver, Washington. This project will run from Tuesday, September 16, 1997, from 5 a.m. (PDT) through Wednesday, October 8, 1997, at 1 p.m. (PDT). The Coast Guard, through this action, intends to protect persons, facilities, and vessels from safety hazards associated with heavy equipment and falling debris in the vicinity of the repair project. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATES:** This regulation becomes effective on September 16, 1997, at 5 a.m. (PDT) and terminates on October 8, 1997, at 1 p.m. (PDT).

#### FOR FURTHER INFORMATION CONTACT:

Lt. T.G. Allan, c/o Captain of the Port, Portland, 6767 N. Basin Ave., Portland, Oregon 97217-3992, (503) 240-9327.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective less than 30 days from the date of publication in the **Federal Register**. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is necessary to ensure the safety of structures and vessels operating in the area of the bridge repair. Due to the complex planning and coordination involved, the event sponsor, the Oregon Department of Transportation, was unable to provide the Coast Guard with notice of the final details until 30 days prior to the date of the event. Therefore, sufficient time was not available to publish a proposed rule

in advance of the event or to provide a delayed effective date. Following normal rulemaking procedures in this case would be impracticable.

**Drafting Information:** The drafters of this regulation are LT T.G. Allan, Project Manager for the Captain of the Port, and LT K.A. Boodell, Project Counsel, Thirteenth Coast Guard District Legal Office.

##### Background and Purpose

The event requiring this regulation is the Oregon Department of Transportation's Interstate 5 bridge repair project. The repair project is scheduled to begin on September 16, 1997, at 5 a.m. (PDT) with work to continue twenty-four hours a day until the project is complete on or about October 8, 1997. This event may result in a large number of vessels congregating near the bridge and construction barges. To promote the safety of both spectators and workers, a safety zone is being established on the waters of the Columbia River around the repair project, and entry into this safety zone is prohibited unless authorized by the Captain of the Port. This action is necessary due to hazards associated with heavy equipment and possible debris falling into the Columbia River in the vicinity of the repair project. This safety zone will be enforced by representatives of the Captain of the Port, Portland, Oregon. The Captain of the Port may be assisted by other federal agencies.

##### Regulatory Evaluation

This temporary final 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 regulatory policies and procedures of the Department of Transportation (DOT) (44 CFR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the safety zone will restrict less than a quarter of a square mile of the waterway. The entities most likely to be affected by this action are commercial ship, and tug and barge operators on the Columbia River. These entities are aware of the Interstate bridge repair project and the safety zone, and they can schedule their transits accordingly. If safe to do so, the representative of the

Captain of the Port assigned to enforce this safety zone may authorize commercial vessels to pass through the safety zone on a case-by-case basis.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). For the reasons outlined in the Regulatory Evaluation above, the Coast Guard expects the impact of this final rule to be minimal on all entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule 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 the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environmental Assessment

The Coast Guard has considered the environmental impact of this final rule and has concluded that, under section 2.B.2.c. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination will be made available in the rulemaking docket.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

#### Final Regulation

For the reasons set out in the preamble, the Coast Guard amends Part 165 of Title 33, Code of Federal Regulations, 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; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A temporary section 165.T13020 is added to read as follows:

#### § 165.T13020 Safety Zone: Columbia River, Vancouver, WA.

(a) *Location:* The following area is a safety zone: All waters of the Columbia River in the vicinity of Vancouver, Washington, extending approximately 500 feet on both sides of the I–5 bridge from the Washington shore to the alternate barge channel. More specifically, this area is all waters of the Columbia River bounded by a line commencing at the Washington shore position 45°37.307'N latitude, 122°40.573'W longitude; thence to position 45°37.268'N latitude, 122°40.599'W longitude; thence to position 45°37.166'N latitude, 122°40.544'W longitude; thence to position 45°37.131'N latitude, 122°40.415'W longitude; thence to position 45°37.202'N latitude, 122°40.316'W longitude; thence to the Washington shore at position 45°37.240'N latitude, 122°40.293'W longitude; thence returning along the Washington shoreline to the point of origin.

(b) *Definitions:* The designated representative of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Portland, to act on his behalf. The following officers have or will be designated by the Captain of the Port: The Coast Guard Patrol Commander, the senior boarding officer on each vessel enforcing the safety zone, and the Duty Officer at Coast Guard Group, Portland, Oregon.

(c) *Regulations:* (1) In accordance with the general regulations in § 165.23, entry into this safety zone is prohibited unless authorized by the Captain of the Port or his designated representatives.

(2) A succession of sharp, short signals by whistle, siren, or horn from vessels patrolling or by the person acting under the area under the direction of the Patrol Commander shall serve as a signal to stop. Vessels or persons signalled shall stop and comply with the orders of the patrol vessels; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) *Effective Dates:* This section is effective on September 16, 1997, at 5 a.m. (PDT) and terminates on October 8, 1997, at 1 p.m. (PDT), unless sooner terminated by the Captain of the Port.

Dated: September 4, 1997.

**M.J. Hall,**

*Captain, U.S. Coast Guard, Captain of the Port.*

[FR Doc. 97–26336 Filed 10–2–97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[[COTP] Tampa 97–046]

RIN 2115–AE84

#### Regulated Navigation Area; Egmont Channel, Tampa Bay, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the regulated navigation area on the Egmont Channel. The Channel has been dredged and the restriction of one way vessel movement for vessels with drafts in excess of 36 feet are no-longer required.

**DATES:** This rule is effective on November 3, 1997.

**ADDRESSES:** Documents referred to in this preamble are available for inspection and copying at U.S. Coast Guard Marine Safety Office Tampa, 155 Columbia Drive, Tampa, FL 33606 between 7:30 a.m. and 3:30 p.m. Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Murk, Project Manager, Coast Guard Marine Safety Office Tampa, at (813) 228–2189.

#### SUPPLEMENTARY INFORMATION:

##### Background and Purpose

This final rule cancels the Regulated Navigation Area on the Egmont Channel. Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation. This Regulated Navigation Area was created because of shoaling in the channel that posed possible impediments for vessels with drafts in excess of 36 feet when meeting or passing in the channel. The channel has been dredged, and no-longer poses a danger for vessels with drafts in excess of 36 feet. Consequently, the regulated navigation area is no-longer required.

##### 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