

(f) *Forwarding procedure.* The merchandise shall be forwarded in accordance with the general provisions for transportation in bond (§§ 18.1 through 18.8 of this chapter). However, when the alternate procedures under § 144.34(c) are employed, the merchandise need not be delivered to a bonded carrier for transportation, and an entry for transportation (Customs Form 7512) and a rewarehouse entry will not be required.

(g) *Procedure at destination.* \* \* \*

(5) \* \* \*; or

(6) Deposited into the proprietor's bonded warehouse or duty free store warehouse without rewarehouse entry as required in § 144.41, if the merchandise qualifies for the exemption specified in § 144.34(c).

\* \* \* \* \*

4. Section 144.37 is amended by revising paragraph (h)(2)(v), and by revising the fourth sentence and the last sentence in the concluding text of paragraph (h)(3), to read as follows:

**§ 144.37 Withdrawal for exportation.**

\* \* \* \* \*

(h) \* \* \*

(2) \* \* \*

(v) The full name and address of the purchaser. However, the port director may waive the address requirement for all merchandise except for alcoholic beverages in quantities in excess of 4 liters and cigarettes in quantities in excess of 3 cartons. Also, the address requirement is not applicable with respect to purchasers at airport duty-free enterprises; and

\* \* \* \* \*

(3) *Sales ticket register.* \* \* \*

\* \* \* The sales ticket register shall be included in the permit file folder with or in lieu of the blanket permit summary, as provided in § 19.6(d)(5) of this chapter. \* \* \* In lieu of placing a copy of sales tickets in each permit file folder, the warehouse proprietor may keep all sales tickets in a readily retrievable manner in a separate file.

5. Section 144.39 is amended by revising its first sentence to read as follows:

**§ 144.39 Permit to transfer and withdraw merchandise.**

With the exception of merchandise transferred under the procedures of § 144.34(c), if all legal and regulatory requirements are met, the appropriate Customs officer shall approve the application to transfer or withdraw merchandise from a bonded warehouse by endorsing the permit copy and returning it to the applicant. \* \* \*

6. Section 144.41 is amended by revising paragraph (c) to read as follows:

**§ 144.41 Entry for rewarehouse.**

\* \* \* \* \*

(c) *Combining separate shipments.* (1) Separate shipments consigned to the same consignee and received under separate withdrawals for transportation may be combined into one rewarehouse entry if the warehouse withdrawals are from the same original warehouse entry.

(2) Shipments covered by multiple warehouse entries, and shipped from a single warehouse under separate withdrawals for transportation, via a single conveyance, may be combined into one rewarehouse entry if consigned to the same consignee and deposited into a single warehouse. With the exception of alcohol and tobacco products, this procedure shall not be allowed for merchandise which is in any way restricted (for example, quota/visa). The combined rewarehouse entry shall have attached either copies of each warehouse entry package which is being combined into the single rewarehouse entry or a summary with pertinent information, that is, the date of importation, commodity description, size, HTSUS and entry numbers, for all entries withdrawn for consolidation as one rewarehouse entry. Any combining of separate withdrawals into one rewarehouse entry shall result in the rewarehouse entry being assigned the import date of the oldest entry being combined into the rewarehouse entry.

(3) Combining of separate shipments shall be prohibited in all other circumstances.

\* \* \* \* \*

Approved: March 5, 1997.

**George J. Weise,**

*Commissioner of Customs.*

**John P. Simpson,**

*Deputy Assistant Secretary of the Treasury.*

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 117**

[CGD07-96-069]

RIN 2115-AE47

**Drawbridge Regulations; St. Johns River, FL**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Coast Guard is changing the regulations governing the operation of the Fuller Warren (I10/I95) drawbridge, located in Jacksonville,

Florida, by limiting the number of openings during certain periods. This change is being made because of complaints of delays to vehicular traffic on Interstate 95. This action is necessary to accommodate the needs of vehicular traffic flow and still provide for the reasonable needs of navigation.

**DATES:** This rule is effective April 3, 1997. Comments must be received on or before June 2, 1997.

**ADDRESSES:** Comments may be mailed to the Commander (oan), Seventh Coast Guard District, Bridge Section, Brickell Plaza Federal Building, 909 S.E. First Avenue, Miami, Florida 33131-3050, or may be delivered to room 406 at the same address between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (305) 536-4103.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Gary D. Pruitt, Project Manager, Seventh Coast Guard District, Bridge Section, at (305) 536-7331.

**SUPPLEMENTARY INFORMATION:** This rule is being published as an interim rule and is being made effective on the date of publication. This rule is being promulgated without an NPRM because this proposed regulation change is needed immediately due to the large increase on highway traffic on Interstate 95 and the greater number of bridge openings being caused by increased vessel traffic along this reach of the St. Johns River. This interim rule was tested by a ninety day temporary deviation with request for comments (62 FR 3461, January 23, 1997) from November 8, 1996, through February 8, 1997. The change in opening schedules helped to relieve traffic congestion without unreasonably impacting navigation. The Coast Guard did not receive any objections to the temporary deviation during the test period. The interim rule has not changed from the previously tested temporary deviation.

**Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD07-96-069) and the specific section of this rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this rule or the assessment in view of the comments received. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the District Commander at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentation will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

### Background and Purpose

The Coast Guard is changing the regulations governing the operation of the Fuller Warren (I10/I95) drawbridge, located in Jacksonville, Florida, by limiting the number of openings during certain periods. This change is being made because of complaints of delays to vehicular traffic during the heavy morning and afternoon commute periods. The traffic volume has doubled on this interstate highway system since 1991, reducing the Level of Service (LOS) to LOS E during weekdays. This action is necessary to accommodate the needs of vehicular traffic flow and provide for the reasonable needs of the vessel navigation. The regulations governing the operation of the Acosta (SR13) Bridge are being removed since the drawbridge has been replaced with a fixed bridge.

This interim rule is unchanged from the temporary deviation with comments published on January 23, 1997. The interim rule reduces the number of drawbridge openings by increasing the morning and afternoon commuter closed periods from 1½ hours to 2 hours, and establishing hourly openings from 9 a.m. to 4 p.m. Monday through Friday except federal holidays. Tugs with tows shall be passed at any time from 9 a.m. to 4 p.m. Vessels in an emergency involving life or property shall be passed at any time through the drawbridge.

### 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 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. We conclude this because of the infrequent operation of the draw, and commercial tugs with tows shall be passed at any time from 9 a.m. to 4 p.m., and vessels in a situation where a delay would endanger life or property will be passed through the draw at any time.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "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's and (2) governmental jurisdictions with populations of less than 50,000. This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Act. Although this rule is exempt, the Coast Guard has reviewed it for potential impacts on small entities.

The economic impact will not affect a substantial number of small entities since commercial tugs with tows are exempt from the midday restrictions and will be able to plan their passage to avoid the morning and afternoon closed periods.

Therefore, the Coast Guard's position is that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

### Collection of Information

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

### Federalism

The Coast Guard has analyzed the rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have 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.e.(32) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 117

Bridges.

### Final Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

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 117.325 is amended by revising paragraph (a), by redesignating paragraph (b) as paragraph (c), and by adding a new paragraph (b) to read as follows:

#### § 117.325 St. Johns River.

(a) The draw of the Main Street (US17) Bridge, mile 24.7, at Jacksonville, shall open on signal except that, from 7 a.m. to 8:30 a.m. and from 4:30 p.m. to 6 p.m., Monday through Saturday except Federal holidays, the draws need not be opened for the passage of vessels. The draws shall open at any time for vessels in an emergency involving life or property.

(b) The draw of the Fuller Warren (I10-I95) Bridge, mile 25.4, at Jacksonville, shall open on signal except that, from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday except Federal holidays, the draws need not be opened for the passage of vessels. From 9 a.m. to 4 p.m., Monday through Friday except Federal holidays, except for tugs with tows, the draws need open only on the hour for the passage of vessels. The draws shall open at any time for vessels in an emergency involving life or property.

\* \* \* \* \*

Dated: March 4, 1997.

**R.C. Olsen, Jr.,**

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

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