

permitting more nectarines and peaches to be shipped into fresh market channels, without adversely impacting the market for higher quality fruit.

The committees considered several alternatives at the meeting. One alternative was to leave the percentage of U.S. No. 1 nectarines and peaches permitted in "CA Utility" containers unchanged. It was determined that alternative would not address the problem which faced the industry. The NAC and PCC also considered increasing the 30 percent U.S. No. 1 tolerance to not more than 40 percent or to not more than 50 percent, but determined that such a relaxation could render "CA Utility" boxes less distinctive from U.S. No. 1 and create confusion in the marketplace. Another alternative included a requirement that at least 90 percent of the individual fruits in all boxes marked with "CA Utility" possess defects. Such a requirement would create a box of fruit which would be distinct from U.S. No. 1 due to a greater number of defects present. However, this alternative was determined to be unacceptable because it represented too radical a change of "CA Utility" quality given the emergency nature of the recommendation. This alternative failed to offer a sound basis for comparison with the requirement of not more than 30 percent U.S. No. 1 because it did not reference the U.S. No. 1 grade. Such comparison may be necessary as the committees continue to study marketplace reaction to changes in quality requirements of "CA Utility."

This action does not impose any additional reporting and recordkeeping requirements on either small or large handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements that are contained in Parts 916 and 917 have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB Nos. 0581-0072 and 0581-0080, respectively.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. However, as previously stated, nectarines and peaches under the orders have to meet certain requirements set forth in the standards issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627). Standards issued under the Agricultural Marketing Act of 1946 are otherwise voluntary.

In addition, the committees' meetings were widely publicized throughout the nectarine and peach industries and all interested parties were invited to attend the meetings and participate in committee deliberations on all issues. Like all committee meetings, the September 15, 1998, meetings were public meetings and all entities, both large and small, were able to express views on these issues. The committees themselves are composed of producers, the majority of whom are small entities.

An interim final rule concerning this action was published in the **Federal Register** on September 22, 1998. Copies of the rule were made available to all committee members and nectarine and peach handlers by the committees' staff. The rule was also made available through the Internet by the Office of the Federal Register. That rule provided for a 15-day comment period which ended October 7, 1998. No comments were received.

After consideration of all relevant matter presented, including the information and recommendations submitted by the committees, and other available information, it is hereby found that finalizing the interim final rule, without change, as published in the **Federal Register** (63 FR 50461, September 22, 1998) will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the changes made to the regulations were to relax the "California Utility" quality requirements for California nectarines and peaches for the remainder of the 1998 season and the season has ended or will end shortly for these commodities. Accordingly, this rule should be made final as soon as possible. Also, a 15-day comment period was provided for in the interim final rule and no comments were received.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

PART 916—NECTARINES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 916 which was

published at 63 FR 50461 on September 22, 1998, is adopted as a final rule without change.

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 917 which was published at 63 FR 50461 on September 22, 1998, is adopted as a final rule without change.

Dated: November 4, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 318

Defense Threat Reduction Agency (DTRA)

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This rule changes the name "Defense Special Weapons Agency" to "Defense Threat Reduction Agency (DTRA)". This name change is made to reflect the organization restructuring as defined in DoD Directive 5105.62.

EFFECTIVE DATE: November 9, 1998.

FOR FURTHER INFORMATION CONTACT: L. Bynum or P. Toppings, 703-697-4111.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 318

Privacy.

PART 318—[AMENDED]

1. The authority citation for part 318 continues to read as follows:

Authority: Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

2. The heading of 32 CFR part 318 is revised to read "Defense Threat Reduction Agency (DTRA)".

3. Sections 318.1(b)(1), 318.4(a), 318.5(a), 318.6(a), 318.9(a), 318.11(a) are amended by revising "Defense Special Weapons Agency" to read "Defense Threat Reduction Agency".

4. Sections 318.1 (b)(1) and (d), 318.2, 318.3 (b), (c), and (d), 318.9 (a), (b) introductory text, (b)(1) and (b)(4), 318.10, 318.11 (b), (d) introductory text, and (d)(3)(1), are amended by revising "DSWA" to read "DTRA".

5. Sections 318.1(c), 318.2, and 318.3(a) are amended by revising

"Headquarters, Defense Special Weapons Agency" to read "Defense Threat Reduction Agency".

6. In § 318.3 footnote (1) in paragraph (d) is amended by revising "Headquarters Defense Special Weapons Agency, Washington, DC 20305-1000" to read "Defense Threat Reduction Agency, 45045 Aviation Drive, Dulles, VA 20166-7517".

7. Sections 318.4(d), 318.6(b), 318.8(b) are amended by revising "Defense Special Weapons Agency, 6801 Telegraph Road, Alexandria, VA 22310-3398" to read "Defense Threat Reduction Agency, 45045 Aviation Drive, Dulles, VA 20166-7517".

8. Section 318.2 is amended by removing the acronyms "HQ" and "FC" and the words "Field Command".

Dated: November 2, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07-97-020]

RIN 2115-AE47

Drawbridge Regulations; Atlantic Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the Flagler Memorial, Royal Park, and Southern Boulevard drawbridges across the Atlantic Intracoastal Waterway at Palm Beach County, Florida. This rule has been established as a result of complaints about extensive highway traffic delays caused by bridge openings. This rule is intended to relieve highway congestion while still meeting the reasonable needs of navigation.

DATES: This rule becomes effective on October 26, 1998.

FOR FURTHER INFORMATION CONTACT: Miss Evelyn Smart, Project Manager, Bridge Section, (305) 536-6546.

SUPPLEMENTARY INFORMATION:

Regulatory History

On August 12, 1997, the Coast Guard published a Notice of Proposed Rulemaking entitled Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida, in the

Federal Register (62 FR 43131). On June 30, 1998, the Coast Guard published a Supplemental Notice of Proposed Rulemaking entitled Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida, in the **Federal Register** (63 FR 35552). The Coast Guard received 14 letters commenting on the supplemental proposal. No public hearing was requested, and none was held.

Background and Purpose

The Coast Guard completed an analysis of highway traffic data, traffic analysis and bridge logs provided by the Florida Department of Transportation in 1997. The analysis indicated that the reduced highway level of service and limited number of bridge openings for all three bridges does not warrant additional bridge opening restrictions during the off season summer months. In addition, the analysis and subsequent investigations during 1998 indicate the significant increase in vessel traffic experienced on weekends during the Winter season is beneficial to the local community and should not be unreasonably impacted by bridge opening restrictions which do not provide clearly offsetting benefits to the seasonal traffic across the bridge. The changes to the seasonal weekday opening schedules have been modified to remove the existing 8 a.m. opening on the Flagler Memorial Bridge and the 8 a.m. and 5 p.m. openings on the Royal Park Bridge which will reduce highway traffic delays during commuter periods.

These revised regulations will maintain the existing seasonal weekday 30 minute opening schedules for Flagler Memorial and Royal Park Bridges, and will add a seasonal weekday 30 minute opening schedule to the Southern Boulevard Bridge which now operates on signal. The seasonal restriction for all three bridges will start one month earlier on 1 October to help reduce traffic congestion created by earlier arrival of seasonal visitors to the Palm Beach areas. These changes will relieve seasonal highway congestion while still meeting the reasonable needs of navigation. The amended regulations will still provide an exception to the opening schedules for public vessels of the United States, tugs with tows, and vessels in situations where a delay would endanger life or property.

In accordance with 5 U.S.C. 553, good cause exists for making these regulations effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The regulations were changed to allow for seasonal bridge schedules to begin on

October 1 each year, and there was not sufficient time remaining after the comment period to provide for a delayed effective date.

Discussion of Comments and Changes

Fourteen letters were received in response to the public notice. The National Marine Fisheries Service and the U.S. Fish and Wildlife Service stated in their letters that the proposal would not adversely affect fishery resources and offered neither support nor objection. U.S. Environmental Protection Agency concluded in their letter that this rulemaking would not negatively impact the principal water source in the vicinity of the bridge. The Florida State Historic Preservation Officer stated that the rulemaking would have no effect on any sites listed, or eligible for listing in the National Register. Four letters were in opposition to the proposed rule because they felt that the bridge should not open to the passage of vessels at any time during morning and afternoon rush hours. Although complete closure of 3 bridges over the Intracoastal Waterway for over 3 hours each weekday is considered unreasonable to navigation, two openings during peak traffic periods have been eliminated with this rulemaking. In addition, a 30 minute schedule has been established at the Southern Boulevard Bridge because of increased in-season traffic demands during morning and afternoon rush hour. Four letters were in opposition to the proposed rule because they felt that the existing in-season weekday regulations should be extended to the off-season. However, the lack of highway traffic levels (LOS C) during the off-season and only one opening or less per hour doesn't justify placing additional restrictions on navigation. Two letters were in favor of the rulemaking and recommended that these changes be enforced.

Regulatory Evaluation

This revised 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 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