

changes. Since the requirement to assign upstream capacity contained in § 284.242 was specific to the implementation of Order No. 636, all interstate pipelines had implemented Order No. 636, and the Commission now allows pipelines to acquire capacity on other pipelines as can any other shipper without seeking prior Commission approval, the Commission stated, Subpart H is no longer necessary.

7. However, as the Commission stated in the NOPR, the removal of the regulation will not modify the Commission's *Texas Eastern* policy under which the appropriateness of a pipeline's acquisitions of capacity on other pipelines is subject to review in a subsequent general section 4 rate proceeding or the Commission's requirement that the shipper must hold title to any gas being shipped through the acquired capacity.

### III. Environmental Analysis

8. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.<sup>9</sup> The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment.<sup>10</sup> No environmental consideration is necessary in this instance since the final rule is clarifying, corrective, or procedural and affects transportation of natural gas that requires no construction of facilities.<sup>11</sup>

### IV. Regulatory Flexibility Impact Statement

9. The Regulatory Flexibility Act of 1980 (RFA)<sup>12</sup> generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. The Commission is not required to make such analysis if a rule would not have such an effect.<sup>13</sup>

10. The Commission does not believe that this rule removal would have such an impact on small entities. The removal of these regulations would have an impact only on interstate pipelines, which generally do not fall within the RFA's definition of small entity.<sup>14</sup>

<sup>9</sup> Order No. 486, Regulations Implementing the National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986-1990 ¶ 30,783 (1987).

<sup>10</sup> 18 CFR 380.4.

<sup>11</sup> See 18 CFR 380.4(a)(2)(ii), 380.4(a)(27).

<sup>12</sup> 5 U.S.C. 601-612.

<sup>13</sup> 5 U.S.C. 605(b).

<sup>14</sup> 5 U.S.C. 601(3), citing to section 3 of the Small Business Act, 15 U.S.C. 632. Section 3 of the Small Business Act defines a "small business concern" as

Accordingly, pursuant to section 605(b) of the RFA, the Commission certifies that the removal of the regulations will not have a significant economic impact on a substantial number of small entities.

### V. Information Collection Statement

11. The Office of Management and Budget's (OMB) regulations require that OMB approve certain information collection requirements imposed by agency rules.<sup>15</sup> However, this final rule contains no information reporting requirements, and therefore is not subject to OMB approval.

### VI. Document Availability

12. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.gov>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

13. From FERC's Home Page on the Internet, this information is available in the Federal Energy Regulatory Records Information System (FERRIS). The full text of this document is available on FERRIS in PDF and WordPerfect format for viewing, printing, and/or downloading. To access this document in FERRIS, type the docket number excluding the last three digits of this document in the docket number field.

14. User assistance is available for FERRIS and the FERC's website during normal business hours. Please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

### VII. Effective Date

15. This Final Rule will take effect January 3, 2003.

16. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB, that this rule is not a "major rule" as defined in Section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

### List of Subjects in 18 CFR Part 284

Continental Shelf, Natural gas, Reporting and recordkeeping

a business which is independently owned and operated and which is not dominant in its field of operations.

<sup>15</sup> 5 CFR Part 1320.

requirements, Incorporation by reference.

By the Commission.

**Magalie R. Salas,**  
*Secretary.*

In consideration of the foregoing, the Commission amends Part 284, Chapter I, Title 18, *Code of Federal Regulations*, as follows.

### PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

1. The authority citation for part 284 continues to read as follows:

**Authority:** 15 U.S.C. 717-717w, 3301-3432; 42 U.S.C. 1331-1356.

#### Subpart H—[Removed and Reserved].

2. In part 284, remove and reserve subpart H, consisting of §§ 284.241 and 284.242.

[FR Doc. 02-30706 Filed 12-3-02; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD07-02-145]

#### Drawbridge Operation Regulations; Atlantic Avenue Bridge (SR 806), Atlantic Intracoastal Waterway, Mile 1039.6, Delray Beach, Palm Beach County, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Atlantic Avenue bridge (SR 806), across the Atlantic Intracoastal Waterway, mile 1039.6, Delray Beach, Palm Beach County, Florida. This deviation allows the bridge owner or operator to keep a single-leaf of the drawbridge in the closed position. A double-leaf opening is available if at least 12 hours notice is provided to the bridge tender. This deviation is necessary to facilitate repairs to the bridge.

**DATES:** This deviation is effective from 8 p.m. on December 9, 2002, until 11:59 p.m. on December 31, 2002.

**ADDRESSES:** Materials received from the public, as well as documents indicated

in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE. 1st Avenue, Room 432, Miami, Florida 33131 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Lieberum, Project Manager, Seventh Coast Guard District, Bridge Branch at (305) 415-6744.

**SUPPLEMENTARY INFORMATION:** The existing regulations in 33 CFR 117.261(aa) governing the operation of the Atlantic Avenue bridge (SR 806), mile 1039.6, at Delray Beach, Florida, allow the draw to open on signal, except that, from November 1 through May 31 from 10 a.m. to 6 p.m., Monday through Friday, the draw need open only on the hour, and half hour. This bridge provides a horizontal clearance of 45 feet between the fender and the down span.

Quinn Construction requested on September 30, 2002, that the Coast Guard allow it to keep a single-leaf of the bridge in the closed position from 8 p.m. on December 9, 2002, until 11:59 p.m. on December 31, 2002, to facilitate repairs to the bridge spans.

The District Commander granted a deviation from the operating requirements listed in 33 CFR 117.261(aa) to allow Quinn Construction, representing the owner, to facilitate repairs to the bridge spans. Under this deviation, one leaf of the Atlantic Avenue bridge may remain in the closed position from 8 p.m. on December 9, 2002, until 11:59 p.m. on December 31, 2002. A double-leaf opening is available if 12 hours notice is provided to the bridge tender.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: November 25, 2002.

**Greg Shapley,**

*Chief, Bridge Administration, Seventh Coast Guard District.*

[FR Doc. 02-30738 Filed 12-3-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD07-02-144]

#### Drawbridge Operation Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, Duval County, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Florida East Coast Railroad bridge across the St. Johns River, mile 24.9, Jacksonville, Duval County, Florida. This deviation allows the bridge to remain in the closed position from 11 p.m. on December 1 until 5 p.m. on December 12, 2002, for the completion of emergency repairs.

**DATES:** This deviation is effective from 11 p.m. on December 1, 2002, until 5 p.m. on December 12, 2002.

**ADDRESSES:** Material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE. 1st Avenue, Miami, FL 33131 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. **FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Chief, Operations Section, Seventh Coast Guard District, Bridge Branch at (305) 415-6743.

**SUPPLEMENTARY INFORMATION:** The Florida East Coast Railroad Bridge across the St. Johns River, Jacksonville, Florida, is a single leaf bascule bridge with a vertical clearance of 9 feet above mean high water (MHW) measured at the fenders in the closed position and a horizontal clearance of 195 feet.

The current operating regulation in 33 CFR 117.325(c) requires that the bridge be constantly tended and have a mechanical override capability for the automated operation. A radiotelephone must be maintained at the bridge for the safety of navigation. The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass. When a train approaches, large signs on both the upstream and downstream sides of the bridge flash "Bridge Coming Down," the lights go to flashing red, and siren signals sound. After an eight minute

delay, the draw lowers and locks if there are no vessels under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied. After the train has cleared, the draw opens and the lights return to flashing green.

This deviation will facilitate repairs to the upper trunnion of the moveable span. The work will be performed on an around-the-clock basis from 11 p.m. on December 1, 2002, until 5 p.m. on December 12, 2002. During this period of work the span will remain in the closed position.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: November 25, 2002.

**Greg Shapley,**

*Chief, Bridge Administration, Seventh Coast Guard District.*

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**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Parts 175, 177, 179, 181, and 183

#### 46 CFR Parts 2, 10, 15, 24, 25, 26, 30, 70, 90, 114, 169, 175, 188, and 199

[USCG-1999-5040]

RIN 2115-AF69

#### Safety of Uninspected Passenger Vessels Under the Passenger Vessel Safety Act of 1993 (PVSA)

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule; announcement of enforcement date.

**SUMMARY:** The Coast Guard is announcing the approval of a collection-of-information requirement pertaining to the implementation of safety measures for uninspected passenger vessels over 100 gross tons, which carry 12 or fewer passengers for hire. The implementation allows owners, operators, and/or agents of those type vessels to submit an application for the issuance of a special permit to participate in a Marine Event of National Significance. It also allows the development of specific manning, structural fire protection, operating, and equipment requirements for a limited fleet of PVSA-exempted vessels.

**DATES:** 46 CFR 26.03-8 as published May 15, 2002 (67 FR 34756), is enforceable as of June 24, 2002.