

Environmental Policy Act, and in accordance with the Council on Environmental Quality regulations and CPSC procedures for environmental review. The Commission found that, because the rule would have no adverse effect on the environment, neither an environmental assessment nor an environmental impact statement is required.

**H. Executive Orders**

According to Executive Order 12988 (February 5, 1996), agencies must state in clear language the preemptive effect, if any, of new regulations.

The PPPA provides that, generally, when a special packaging standard issued under the PPPA is in effect, “no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the [PPPA] standard.” 15 U.S.C. 1476(a). A State or local standard may be excepted from this preemptive effect if (1) the State or local protection provides a higher degree of protection from the risk of injury or illness than the PPPA standard; and (2) the State or political subdivision applies to the Commission for an exemption from the PPPA’s preemption clause and the Commission grants the exemption through a process specified at 16 CFR part 1061. 15 U.S.C. 1476(c)(1). In addition, the Federal government, or a State or local government, may establish and continue in effect a non-identical special packaging requirement that provides a higher degree of protection than the PPPA requirement for a household substance for the Federal, State or local government’s own use. 15 U.S.C. 1476(b).

Accordingly, with the exceptions noted above, the rule exempting HRT products from special packaging requirements would preempt non-identical state or local special packaging standards for those products.

The Commission has also evaluated the rule in light of the principles stated in Executive Order 13132 concerning federalism, even though that Order does not apply to independent regulatory agencies such as CPSC. The Commission does not expect that the rule will have any substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government.

**List of Subjects in 16 CFR Part 1700**

Consumer protection, Drugs, Infants and children, Packaging and containers, Poison prevention, Toxic substances.

For the reasons given above, the Commission amends 16 CFR part 1700 as follows:

**PART 1700—[AMENDED]**

1. The authority citation for part 1700 continues to read as follows:

**Authority:** Pub. L. 91–601, secs. 1–9, 84 Stat. 1670–74, 15 U.S.C. 1471–76. Secs 1700.1 and 1700.14 also issued under Pub. L. 92–573, sec. 30(a), 88 Stat. 1231. 15 U.S.C. 2079(a).

2. The introductory text of paragraphs (a) and (a)(10) is republished. Section 1700.14 is amended by adding new paragraph (a)(10)(xxi) to read as follows:

**§ 1700.14 Substances requiring special packaging.**

(a) *Substances.* The Commission has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging meeting the requirements of § 1700.20(a) is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

\* \* \* \* \*

(10) *Prescription Drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15(a),(b), and (c), except for the following:

\* \* \* \* \*

(xxi) Hormone Replacement Therapy Products that rely solely upon the activity of one or more progestogen or estrogen substances.

\* \* \* \* \*

Dated: October 28, 2002.

**Todd Stevenson,**  
*Secretary, Consumer Product Safety Commission.*

**List of Relevant Documents**

1. Briefing memorandum from Jacqueline Ferrante, Ph.D., Directorate for Health Sciences, to the Commission, “Final Rule to Exempt Hormone Replacement Therapy Products from the Special Packaging Requirements of the Poison Prevention Packaging Act,” October 9, 2002.

2. Memorandum from Robert Franklin, Directorate for Economic Analysis, to Jacqueline Ferrante, Ph.D., Project Manager, “Small Business and Environmental Considerations Related to Exempting HRT Products from PPPA Requirements,” September 9, 2002.

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 117**

[CGD01–02–118]

**Drawbridge Operation Regulations: Danvers River, MA**

**AGENCY:** Coast Guard, DOT.

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

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Kernwood Bridge, mile 1.0, across the Danvers River in Massachusetts. This temporary deviation will allow the bridge to remain in the closed position from 7 a.m. on November 12, 2002 through 8 p.m. on November 14, 2002. This temporary deviation is necessary to facilitate structural repairs at the bridge.

**DATES:** This deviation is effective from November 12, 2002 through November 14, 2002.

**FOR FURTHER INFORMATION CONTACT:** John McDonald, Project Officer, First Coast Guard District, at (617) 223–8364.

**SUPPLEMENTARY INFORMATION:** The Kernwood Bridge has a vertical clearance in the closed position of 8 feet at mean high water and 17 feet at mean low water. The existing regulations are listed at 33 CFR 117.595.

The bridge owner, Massachusetts Highway Department, requested a temporary deviation from the drawbridge operating regulations to facilitate structural maintenance, replacement of the pinion bearing and support frame, at the bridge. The bridge must remain closed during these repairs. The bridge opening records indicate this bridge has received few requests to open during the requested closure time during past years.

This deviation from the drawbridge operation regulations will allow the bridge to remain in the closed position from 7 a.m. on November 12, 2002 through 8 p.m. on November 14, 2002.

This deviation from the drawbridge operation regulations is authorized

under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: October 23, 2002.

V.S. Crea,

Rear Admiral, U.S. Coast Guard, Commander,  
First Coast Guard District.

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-02-100]

RIN 2115-AE47

#### Drawbridge Operation Regulations: Connecticut River, CT

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary final rule governing the operation of the Route 82 Bridge, at mile 16.8, across the Connecticut River at East Haddam, Connecticut. This temporary final rule allows the bridge to operate on fixed opening schedule from November 1, 2002 through October 31, 2003. This action is necessary to facilitate major rehabilitation of the bridge.

**DATES:** This temporary final rule is effective from November 1, 2002 through October 31, 2003.

**ADDRESSES:** Material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01-02-100) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, 6:30 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joseph Schmied, Project Officer, First Coast Guard District, (212) 668-7165.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On September 10, 2002, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Connecticut River, Connecticut, in the *Federal Register* (67 FR 57355). We received no comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

Pursuant to 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists

for making this final rule effective in less than 30 days after publication in the *Federal Register*. Any delay encountered in this regulation's effective date would be unnecessary and contrary to the public interest because the rehabilitation construction is necessary in order to assure continued reliable operation of the bridge.

##### Background and Purpose

The Route 82 Bridge has a vertical clearance of 22 feet at mean high water, and 25 feet at mean low water in the closed position. The existing drawbridge operating regulations listed at 33 CFR 117.205(c), require the bridge to open on signal at all times; except that, from May 15 to October 31, 9 a.m. to 9 p.m., the bridge is required to open for recreational vessels on the hour and half hour only. The bridge is required to open on signal at all times for commercial vessels.

The Route 82 Bridge was scheduled for major repairs in the summer of 2001, but due to a funding shortfall the work was delayed. Subsequent to that, the bridge has continued to deteriorate. Funding has now been made available and the necessary repairs should be performed with due speed to assure safe reliable continued operation of the bridge.

The bridge owner, Connecticut Department of Transportation, has requested a temporary final rule to allow the bridge to open for recreational and commercial vessels at specific times; however, commercial vessels may obtain unscheduled openings at any time provided they give a twenty-four hour notice with a two-hour confirmation to the bridge tender.

The bridge owner has also requested one seven day bridge closure, two eight-hour closures and one twenty-four hour bridge closure required to facilitate the bridge repairs. The exact dates for the above closures are not known at this time. The Coast Guard plans to publish the exact times and dates in the Local Notice to Mariners at least thirty-days in advance of the anticipated occurrence to assist mariners in their planning.

The operating schedule that would be in effect at the Route 82 Bridge from November 1, 2002 through October 31, 2003, is as follows:

From November 1 through July 6, the draw shall open on signal at 5:30 a.m., 1:30 p.m., and 8 p.m., daily.

From July 7 through October 31 the draw shall open on signal Monday through Thursday at 6:30 a.m., 1:30 p.m., and 8 p.m., with one additional opening on Friday at 11:30 p.m., three additional openings on Saturday at 9:30 a.m., 4 p.m., and 11:30 p.m., two

additional openings on Sunday at 9:30 a.m. and 4 p.m.

The draw shall open on signal at any time for Commercial vessels provided a twenty-four hour notice with a two-hour confirmation is given to the drawtender at the bridge.

The Coast Guard and the bridge owner have successfully coordinated the above temporary operating schedule with the mariners. The Coast Guard believes this temporary final rule is reasonable as a result of the above information.

##### Discussion of Comments and Changes

We received no comments in response to the notice of proposed rulemaking.

The effective dates of this temporary final rule have been changed to be effective from November 1, 2002 through October 31, 2003. The notice of proposed rulemaking listed the effective dates as October 15, 2002 through April 30, 2004.

We changed the effective dates of this temporary final rule because the new dates depict the actual time period that the operating schedule of the bridge will be changed.

##### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3), of that Order. The Office of Management and Budget has not reviewed it 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).

This conclusion is based on the fact that vessel traffic will not be prevented from transiting the bridge as a result of this temporary final rule.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

This conclusion is based on the fact that vessel traffic will not be prevented