

boilers must continue to use the ranges that were published on September 23, 1994 (59 FR 48796). These manufacturers must continue to base the disclosures of estimated annual operating cost required at the bottom of EnergyGuides for these products on the 1994 Representative Average Unit Costs of Energy for electricity (8.41 cents per kilo Watt-hour), natural gas (60.4 cents per therm), propane (98 cents per gallon), and/or heating oil (\$1.05 per gallon) that were published by DOE on December 29, 1993 (58 FR 68901), and by the Commission on February 8, 1994 (59 FR 5699).

Manufacturers of gas-fired instantaneous water heaters must continue to use the ranges of comparability that were published on December 20, 1999 (64 FR 71019). They must continue to base the disclosures of estimated annual operating cost required at the bottom of EnergyGuides for these products in the 1999 Representative Average Unit Costs of Energy for natural gas (68.8 cents per therm) and propane (77 cents per gallon) that were published by DOE by January 5, 1999 (64 FR 487) and by the Commission on February 17, 1999 (64 FR 7783).

Manufacturers of pool heaters must continue to use the ranges that were published on August 21, 1995 (60 FR 43367). Manufacturers of room air conditioners must continue to use the corrected ranges for room air conditioners that were published on November 13, 1995 (60 FR 56945, at 46949). Manufacturers of room air conditioners must continue to base the disclosures of estimated annual operating cost required at the bottom of EnergyGuides for these products on the 1995 Representative Average Unit Costs of Energy for electricity (8.67 cents per kilo Watt-hour), natural gas (63 cents per therm), propane (98.5 cents per gallon), and/or heating oil (\$1.008 per gallon) that were published by DOE on January 5, 1995 (60 FR 1773), and by the Commission on February 17, 1995 (60 FR 9295).

For up-to-date tables showing current range and cost information for all covered appliances, see the Commission's Appliance Labeling Rule web page at <http://www.ftc.gov/appliances>.

II. Administrative Procedure Act

The amendments published in this notice involve routine, technical and minor, or conforming changes to the Rule's labeling requirements. These technical amendments involve a change to the ranges for heat pump water heaters covered by the Rule.

Accordingly, the Commission finds for good cause that public comment and a 30-day effective date for these technical, procedural amendments are impractical and unnecessary (5 U.S.C. 553(b)(A)(B) and (d)).

III. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 USC 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. These technical amendments involve a routine change to the ranges for heat pump water heaters covered by the Rule. Thus, the amendments will not have a "significant economic impact on a substantial number of small entities." 5 U.S.C. 605. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

IV. Paperwork Reduction Act

In the 1988 NPR, the Commission stated that the Rule contains disclosure and reporting requirements that constitute "information collection requirements" ad defined by 5 CFR 1320.7(c), the regulation that implements the Paperwork Reduction Act ("PRA").³ The Commission noted that the Rule had been reviewed and approved in 1984 by the Office of Management and Budget ("OMB") and assigned OMB Control No. 3084–0068. OMB has extended its approval for its recordkeeping and reporting requirements until September 30, 2004. The amendments now being adopted do not change the substance or frequency of the recordkeeping, disclosure, or reporting requirements and, therefore, do not require further OMB clearance.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR part 305 is amended as follows:

PART 305—[AMENDED]

1. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix D5 to Part 305 is revised to read as follows:

Appendix D5 To Part 305—Water Heaters—Heat Pump

RANGE INFORMATION

Capacity First hour rating	Range of estimated annual energy consumption (KWh/Yr.)	
	Low	High
Less than 21	(*)	(*)
21 to 24	(*)	(*)
25 to 29	(*)	(*)
30 to 34	(*)	(*)
35 to 40	(*)	(*)
41 to 47	(*)	(*)
48 to 55	(*)	(*)
56 to 64	(*)	(*)
65 to 74	(*)	(*)
75 to 86	(*)	(*)
87 to 99	(*)	(*)
100 to 114	(*)	(*)
115 to 131	(*)	(*)
Over 131	(*)	(*)

* No data submitted.

By direction of the Commission.

Donald S. Clark,

Secretary.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[DEA–230I]

Schedules of Controlled Substances: Excluded Veterinary Anabolic Steroid Implant Products

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Interim rule and request for comments.

SUMMARY: The Drug Enforcement Administration (DEA) is designating three veterinary anabolic steroid implant products as being excluded from the Controlled Substances Act. This action is part of the ongoing implementation of the Anabolic Steroid Control Act.

DATES: Effective: June 24, 2002.

Comments must be submitted on or before August 23, 2002.

ADDRESSES: Comments must be submitted to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

³ 44 U.S.C. 3501–3520.

Attention: DEA Federal Register Representative/CCR

FOR FURTHER INFORMATION CONTACT:

Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307-7183.

SUPPLEMENTARY INFORMATION:

Background

The Anabolic Steroids Control Act (ASCA) of 1990 (Title XIX of Pub. L. 101-647) placed anabolic steroids into Schedule III of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). Section 1902(b)(41)(B)(i) of the ASCA provides for the exclusion of any anabolic steroid which the Secretary of Health and Human Services has

approved for administration through implants to cattle or other nonhuman species. The procedure for implementing this section of the ASCA is described in § 1308.25 of Title 21 Code of Federal Regulations. The purpose of this rule is to identify three products which the Deputy Assistant Administrator, Office of Diversion Control, finds meet the excluded veterinary anabolic steroid implant product criteria.

What Anabolic Steroid Veterinary Implant Products Are Being Added to the List of Products Excluded From Application of the CSA?

The Deputy Assistant Administrator, having reviewed the applications which were made in conformance with 21

U.S.C. 802(41)(B)(i) and 21 CFR 1308.25, finds that the anabolic steroid products, Revalor®-IS, Revalor®-IH and Revalor®-200, are expressly intended for administration through implants to cattle and have been approved by the Secretary of Health and Human Services for such use. Therefore, pursuant to the authority vested in the Attorney General by Title XIX of Pub. L. 101-647 as delegated to the Administrator of DEA pursuant to 21 U.S.C. 871(a) and 28 CFR 0.100, the Deputy Assistant Administrator hereby orders that the following anabolic steroid veterinary implant products be added to the list of products excluded from application of the CSA and referenced in 21 CFR 1308.26(a).

EXCLUDED VETERINARY ANABOLIC STEROID IMPLANT PRODUCTS

Trade name	Company	NDC code	Delivery system	Ingredients	Quantity
Revalor-IS	Intervet Inc., Millsboro, DE.	57926-022-01	10 implant cartridge 4 pellets/implant	Trenbolone Acetate Estradiol-17beta	20 mg/Pellet. 4 mg/Pellet.
Revalor-IH	Intervet Inc., Millsboro, DE.	57926-025-01	10 implant cartridge 4 pellets/implant	Trenbolone Acetate Estradiol-17beta	20 mg/Pellet. 2 mg/Pellet.
Revalor-200	Intervet Inc., Millsboro, DE.	57926-024-01	10 implant cartridge 10 pellets/implant	Trenbolone Acetate Estradiol-17beta	20 mg/Pellet. 2 mg/Pellet.

The exemption of these products relates to their production, distribution, and use in animals only. If any person distributes, dispenses or otherwise diverts these products to use in humans, he/she shall be deemed to have distributed a Schedule III controlled substance and may be prosecuted for CSA violations.

Section 102(41)(b) of the CSA (21 U.S.C. 802(41)(B)(i)) states that the term "anabolic steroid" "does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for such administration." Title 21 CFR 1308.25(a) permits any person to apply for an exemption from any schedule of the CSA for any product meeting the above criteria. Therefore, in compliance with 21 CFR 1308.25, and having been presented with the proper documentation, DEA is issuing this order that the three identified products are excluded from the definition of anabolic steroid pursuant to 21 U.S.C. 802(41)(B)(i).

Interested persons are invited to submit their comments in writing with regard to this interim rule. If any comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which this order is based, the Deputy Assistant

Administrator shall immediately suspend the effectiveness of this order until she may reconsider the application in light of the comments and objections filed. Thereafter, the Deputy Assistant Administrator shall reinstate, revoke, or amend her original order as she determines appropriate.

Regulatory Certifications

Regulatory Flexibility Act

The granting of excluded status relieves persons who handle the excluded products in the course of legitimate business from the registration, record keeping, security, and other requirements imposed by the CSA. Accordingly, the Deputy Assistant Administrator certifies that this action will not have a significant economic impact upon a substantial number of small entities whose interests must be considered under the Regulatory Flexibility Act (5 U.S.C. 605(b)).

Executive Order 12866

It has been determined that drug control matters are not subject to review by the Office of Management and Budget (OMB) pursuant to the provisions of Executive Order 12866. Accordingly, this action is not subject to those provisions of Executive Order 12778 which are contingent upon review by OMB. Nevertheless, the Deputy Assistant Administrator has

determined that this is not a "major rule," as that term is used in Executive Order 12866, and that it would otherwise meet the applicable standards of Sections 2(a) and 2(b)(2) of Executive Order 12778.

Executive Order 12988

This interim rule meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

Executive Order 13132

This interim rule does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own law. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

This interim 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 significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Dated: June 14, 2002.

Laura M. Nagel,

*Deputy Assistant Administrator, Office of
Diversion Control.*

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08-02-011]

RIN 2115-AE46

**Special Local Regulations; SAIL
MOBILE 2002, Port of Mobile, Mobile,
AL**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations in the Port of Mobile for SAIL MOBILE 2002 in Mobile, Alabama. This action is necessary to provide for the safety of life and property on the navigable waters of the United States during SAIL MOBILE 2002 activities. These regulations establish special anchorages and regulate vessel traffic in Mobile Bay and the Mobile River from July 3, 2002 to July 8, 2002.

DATES: This rule is effective from 6 a.m. on July 3, 2002 to 5 p.m. on July 8, 2002.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket [CCGD8-02-011] and are available for inspection or at copying Marine Safety Office Mobile, 150 North Royal Street, P.O. Box 2924, Mobile, AL 36652-2924, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant (LT) Jeff Morgan or Lieutenant Junior Grade (LTJG) Mark Sawyer, Marine Safety Office Mobile,

Operations Department, at (251) 441-5121.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and, under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Information was made available to the Coast Guard in insufficient time to publish an NPRM or for publication in the **Federal Register** 30 days prior to the event. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to protect participating vessels and mariners as well as the public from the hazards associated with this event.

Background and Purpose

The City of Mobile, Alabama is sponsoring a Parade of Tall Ships, titled SAIL MOBILE 2002, in Mobile Bay and Mobile River as part of the city's tri-centennial celebration. Events are scheduled from July 3, 2002 through July 8, 2002. Participating vessels, including tall ships, will be at anchorage in Mobile Bay on July 3, 2002. On July 4, 2002, the participating vessels will transit from anchorage up the Mobile Bay Ship Channel to the Mobile River where they will make a 180 degree turn just south of the Cochran Bridge and proceed to their designated berth or anchorage. Participating vessels are scheduled to remain in Mobile until July 8, 2002. The Coast Guard expects a minimum of 2,000 spectator craft for this event.

The Coast Guard is establishing a temporary regulated area to provide for the safety of spectators and participants of SAIL MOBILE 2002. This regulated area is intended to protect participating vessels and spectators by restricting vessel traffic around participating vessels, establishing spectator viewing areas, and establishing temporary anchorages for participating vessels. All vessels, other than officially registered participants of SAIL MOBILE 2002 are prohibited from using the participant anchorage areas as described in this rule.

The regulated area includes all waters of Mobile Bay from the mouth of the bay between Fort Morgan and Dauphin Island to the Mobile River south of the Cochran Bridge near mile 3 of the Mobile River. Within this regulated area there will be two participant anchorages

for participating vessels only. Only vessels officially registered in the Parade of Tall Ships will be permitted to anchor in these areas.

Participant Anchorage 1 will be in effect from 6 a.m. on July 3, 2002 to 11 p.m. on July 4, 2002, and will include that portion of the Mobile Bay within the following boundaries: 30°14'48" N, 88°02'14" W to 30°14'47" N, 88°00'53" W to 30°14'12" N, 88°00'55" W to 30°13'47" N, 88°01'52" W to 30°14'48" N, 88°02'14" W [NAD 83].

Participant Anchorage 2 will be in effect from 11 a.m. on July 4, 2002 to 5 p.m. on July 8, 2002, and will include all the waters of the Mobile River within the following boundaries: 30°41'36" N, 88°02'04" W to 30°41'04" N, 88°02'06" W to 30°41'31" N, 88°02'05" W to 30°41'32" N, 88°02'02" W to 30°41'36" N, 88°02'04" W [NAD 83].

While participating vessels are underway within the regulated area, other vessels may not approach within 100 yards of the participating vessel without the express permission of the Coast Guard Patrol Commander. While participating vessels are at anchor or moored, other vessels may not approach within 50 feet of the participating vessel without the express permission of the Coast Guard Patrol Commander. The Coast Guard Patrol Commander will be the Captain of the Port, Mobile or a designated commissioned, warrant or petty officer of the U.S. Coast Guard.

Event organizers plan to establish spectator viewing areas for vessels along the parade route in the Mobile River. Spectator areas will be located outside of the Mobile Shipping Channel in the Mobile River south of the Cochran Bridge. Markers along the channel south of the Cochran Bridge will outline these spectator areas. More precise information regarding these spectator areas will be published via local notices and general media as soon as the information is available. Spectator vessels are not allowed outside these specially marked areas 30 minutes immediately prior to and during the passing of the Parade of Tall Ships without the express permission of the Coast Guard Patrol Commander. The parade is scheduled from 11 a.m. to 5 p.m. on July 4, 2002.

These special local regulations are necessary to ensure the safety of life and property on the navigable waters of the United States. It may be necessary for the Coast Guard to establish additional safety or security zones in addition to these rules to safeguard dignitaries and certain vessels participating in the event. If the Coast Guard deems it necessary to establish such zones at a later date, the details of those zones may