

(3) The vehicle is not directly leased, either as a separate line item in the contract separate from the cost of the driver's services, or under a separate contract.

(c) Under section 606(c) of the FAA, USAID cannot finance any pharmaceutical product that is manufactured outside of the United States if the pharmaceutical is covered by a valid U.S. patent, unless the U.S. patent holder expressly authorizes the manufacture of the pharmaceutical. Without such express authorization, the pharmaceutical must be purchased from the U.S. patent holder. In addition, USAID shall not finance non-contraceptive pharmaceuticals without prior written approval as provided in USAID's Automated Directives System Chapter 312. Contraceptives may be financed in accordance with the procedures in ADS 312.

### Subpart C—Conditions Governing the Eligibility of Commodity-Related Services for USAID Financing

#### § 228.20 Purpose.

Sections 228.21 through 228.24 of this part set forth the rules governing the eligibility of commodity-related services, both delivery services and incidental services, for USAID financing. These rules, except for §§ 228.21 and 228.22, may be waived in accordance with the provisions in subpart D of this part. The rules on delivery services apply whether or not USAID is also financing the commodities being transported. In order to be identified and eligible as incidental services, such services must be connected with a USAID-financed commodity procurement.

#### § 228.21 Ocean transportation.

When transporting commodities subject to the provisions of the Cargo Preference Act, 46 U.S.C. 55305, USAID will administer its programs in accordance with that act and its implementing regulations in 46 CFR part 381 (and any waivers applicable thereto). Subpart D of 22 CFR part 228 does not apply to this provision.

#### § 228.22 Air transportation.

The Fly America Act, Title 49 of the United States Code, Subtitle VII, part A, subpart I, Chapter 401, 40118—Government-Financed Air Transportation, is applicable to all transportation of commodities subject to this part. Subpart D of 22 CFR part 228 does not apply to this provision.

#### § 228.23 Other delivery services.

No source or nationality rules apply to other delivery services, such as

export packing, loading, commodity inspection services, and services of a freight forwarder. Such services are eligible when provided as part of a commodity procurement financed by USAID.

#### § 228.24 Incidental services.

Source and nationality rules do not apply to suppliers of incidental services specified in a purchase contract relating to equipment.

### Subpart D—Waivers

#### § 228.30 General.

USAID may waive the rules contained in subparts A, B and C of this part (except for prohibited sources as defined in § 228.01, and §§ 228.21 and 228.22), in order to accomplish project or program objectives. For any waivers authorized, the principal geographic code shall be Code 935, any area or country but excluding prohibited sources. All waivers must be in writing, and where applicable, are limited to the term established by the waiver. All waiver decisions will be made solely on the basis of the following criteria:

(a) Waivers to permit procurement outside of Code 937 or 110 must be based on a case by case determination that

(1) The provision of assistance requires commodities or services of the type that are not produced in and available for purchase in Code 937 or 110, or;

(2) It is important to permit procurement from a country not specified in Code 937 or 110 to meet unforeseen circumstances, or;

(3) To promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives

(b) Case by case waivers under paragraph (a) of this section may be made on the basis of a commodity or service type or category, rather than processing repeat, individual waivers for an identical or substantially similar commodity or service. Such waivers may be approved on a regional, country or program basis. For purposes of paragraph (a)(1) of this section, “produced in and available for purchase in” shall have the same meaning as the definition of “available for purchase” in § 228.01. A waiver under paragraph (a)(1) may also be based on the fact that a commodity is not available for purchase in Code 937 or 110 in sufficient, reasonable and available quantities or sufficient and reasonable quality that is fit for the intended purpose.

(c) A waiver to authorize procurement from outside the United States of agricultural commodities, motor vehicles, and pharmaceuticals must meet the requirements of § 228.19.

(d) Any individual transaction not exceeding \$25,000 (excluding those covered by special procurement rules in § 228.19 and excluding procurements from prohibited sources) does not require a waiver and is hereby authorized.

#### § 228.31 Authority to approve waivers.

The authority to approve waivers of established policies under this regulation is delegated within USAID. Recipients or contractors shall request any necessary waivers through the USAID agreement or contracting officer.

**Raj Shah,**

*USAID Administrator.*

[FR Doc. 2011–33240 Filed 1–5–12; 4:15 pm]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2011–1160]

### Drawbridge Operation Regulation; Gulf Intracoastal Waterway, LA

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the SR 384 (Grand Lake) pontoon bridge across the Gulf Intracoastal Waterway, mile 231.4 West of Harvey Locks, at Grand Lake, Cameron Parish, Louisiana. The deviation is necessary to allow for the safe movement of the increased vehicular traffic crossing the bridge due to another bridge in the area being temporarily removed from service. This deviation allows the bridge to remain closed to navigation during the morning and evening rush hours Monday through Saturday for three months.

**DATES:** This deviation is effective from 6:30 a.m. on Monday, January 9, 2012 until 5 p.m. on Friday, March 30, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG–2011–1160 and are available online by going to <http://www.regulations.gov>, inserting USCG–2011–1160 in the “Keyword” box and then clicking “Search”. They

are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email David Frank, Bridge Administration Branch; telephone (504) 671-2128, email [David.m.frank@uscg.mil](mailto:David.m.frank@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** The Louisiana Department of Transportation and Development (LDOTD) has requested a temporary deviation from the operating schedule for the Grand Lake Pontoon Bridge across the Gulf Intracoastal Waterway, mile 231.5 west of Harvey Lock (WHL), at Grand Lake, Cameron Parish, Louisiana. The deviation will allow the bridge to remain closed to navigation from 6:30 a.m. until 8 a.m. and from 3 p.m. until 5 p.m. Monday through Friday beginning on Monday, January 9, 2012 and continuing until Friday, March 30, 2012. The purpose of the deviation is to allow for increased vehicular traffic to safely cross the bridge during the morning and evening rush hours. LDOTD is temporarily removing the Black Bayou Pontoon Bridge from service to conduct repairs to the barge. The bridge is located six miles upstream from the Grand Lake Bridge and is the only other vehicular crossing over the Gulf Intracoastal Waterway.

The pontoon bridge has no vertical clearance in the closed-to-navigation position. The bridge normally opens to pass navigation an average of 1005 times a month. In accordance with 33 CFR 117.5, the bridge opens on signal for the passage of vessels. The bridge will be able to open for emergencies during the closure period.

Navigation on the waterway consists mainly of tugs with tows and some fishing vessels. The delay of up to four hours for six weeks will not have a significant effect on these vessels. No practical alternate route is readily available. Notices will be published in the Eighth Coast Guard District Local Notice to Mariners and will be broadcast via the Coast Guard Broadcast Notice to Mariners System.

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. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: December 20, 2011.

**David M. Frank,**

*Bridge Administrator.*

[FR Doc. 2012-170 Filed 1-9-12; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2011-1158]

#### Drawbridge Operation Regulations; Northeast Cape Fear River, Wilmington, NC

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, Fifth Coast Guard District, has issued a temporary deviation from the regulations governing the operation of the Isabel S. Holmes Bridge, mile 1.0, across the Northeast Cape Fear River, at Wilmington, NC. The deviation restricts the operation of the draw span to facilitate structural, electrical and mechanical upgrades and repairs of the bridge.

**DATES:** This deviation is effective from 7 a.m. January 16, 2012, to 11 p.m. April 30, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket USCG-2011-1158 and are available online by going to <http://www.regulations.gov>, inserting USCG-2011-1158 in the "Keywords" box, and then clicking "Search". This material is also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Mr. Bill H. Brazier, Bridge Management Specialist, Fifth Coast Guard District, telephone (757) 398-6422, email [Bill.H.Brazier@uscg.mil](mailto:Bill.H.Brazier@uscg.mil). If you have questions on reviewing the docket, call Renee V. Wright, Program Manager, Docket Operations, (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** The North Carolina Department of Transportation, who owns and operates this double-leaf bascule bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.829(a), to facilitate structural, electrical and mechanical upgrades and repairs of the bridge.

Under the regular operating schedule, the bridge operates as follows: The draw will be closed to pleasure craft from 6 a.m. to 6 p.m. every day except at 10 a.m. and 2 p.m. when the draw will open for all waiting vessels; the draw will open on signal for Government and commercial vessels at all times; and the draw will open for all vessels on signal from 6 p.m. to 6 a.m.

In the closed position to vessels, the Isabel S. Holmes Bridge has a vertical clearance of 42 feet above mean high water.

Under this temporary deviation, the drawbridge will be closed to vessels requiring an opening from 7 a.m. on January 16, 2012 until and including 11 p.m. on April 30, 2012. However, during the period of deviation, vessel openings will be provided if at least three hours advance notice is given to the bridge tender at (910) 251-5774 or via marine radio on channel 13 VHF.

Vessels that can pass under the drawbridge without an opening may do so at all times. There are no alternate routes for vessels transiting this section of the Northeast Cape Fear River. The drawbridge will be able to open in the event of an emergency.

The Coast Guard has coordinated these upgrades and repairs with the Cape Fear River Pilots Association and will use Local and Broadcast Notice to Mariners to inform all users of the waterway of the closure periods for the drawbridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its original operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: December 22, 2011.

**Waverly W. Gregory, Jr.,**

*Bridge Program Manager, Fifth Coast Guard District.*

[FR Doc. 2012-172 Filed 1-9-12; 8:45 am]

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