

a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense), for a period of time that begins on the date of the release and is not less than twice the length of the period served on active duty under that call or order to active duty, and in overseas areas, civilians, other than local-hire employees, who are in the employ of, serving with, or accompanying the U.S. Armed Forces, and their dependents, when and if the workload of the office renders such service feasible, and other persons authorized by the Judge Advocate General of the Navy.

Dated: April 5, 2004.

J.T. Baltimore,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 04-8630 Filed 4-15-04; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 752

RIN 0703-AA72

Admiralty Claims

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its regulations concerning the limit on the Secretary of the Navy's settlement authority on admiralty claims to reflect recent changes to Chapter XII of the Manual of the Judge Advocate General (JAGMAN).

DATES: Effective April 16, 2004.

FOR FURTHER INFORMATION CONTACT:

LCDR Jason Baltimore, Personnel Law Branch, Administrative Law Division (Code 13), Office of the Judge Advocate General, 1322 Patterson Avenue SE., Suite 3000, Washington Navy Yard, DC 20374-5066, (703) 604-8208.

SUPPLEMENTARY INFORMATION: Pursuant to the authority cited below, the Department of the Navy amends 32 CFR part 752. This amendment provides notice that the Judge Advocate General of the Navy has made administrative corrections to the Admiralty Claims regulations found in Chapter XII of the JAGMAN. It has been determined that invitation of public comment on this amendment would be impractical and unnecessary, and is therefore not required under the public rule-making provisions of 32 CFR parts 336 and 701. However, interested persons are invited to comment in writing on this

amendment. All written comments received will be considered in making subsequent amendments or revisions of 32 CFR part 752, or the instructions on which they are based. It has been determined that this final rule is not a major rule within the criteria specified in Executive Order 12866, as amended by Executive Order 13258, and does not have substantial impact on the public. This submission is a statement of policy and as such can be effective upon publication in the **Federal Register**.

Matters of Regulatory Procedure

Executive Order 12866, Regulatory Planning and Review

This rule does not meet the definition of "significant regulatory action" for purposes of Executive Order 12866, as amended by Executive Order 13258.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities for purposes of the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Paperwork Reduction Act

This rule does not impose collection of information requirements for purposes of the Paperwork Reduction Act (44 U.S.C. Chapter 35, 5 CFR Part 1320).

List of Subjects in 32 CFR Part 752

Admiralty Claims.

■ For the reasons set forth in the preamble, the Department of the Navy amends 32 CFR Part 752 to read as follows:

PART 752—ADMIRALTY CLAIMS

§ 752.2 [Amended]

■ 1. Section 752.2, paragraph (a), is amended by removing the date "(1994)" following all citations to the United States Code.

§ 752.3 [Amended]

■ 2. Section 752.3, paragraph (a), is amended by removing the date "(1994)" following the citation to the United States Code and by removing the amount "\$1,000,000" and adding in its place the amount "\$15,000,000" wherever it occurs.

§ 752.4 [Amended]

■ 3. Section 752.4, paragraphs (a) and (c), are amended by removing the date "(1994)" following all citations to the United States Code.

§ 752.5 [Amended]

■ 4. Section 752.5, paragraph (b), is amended by removing the date "(1994)"

following all citations to the United States Code.

Dated: April 5, 2004.

J.T. Baltimore,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 04-8631 Filed 4-15-04; 8:45 am]

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SELECTIVE SERVICE SYSTEM

32 CFR Parts 1602, 1605, 1609, and 1656

RIN 3240-AA01

Alternative Service Worker Appeals of Denied Job Reassignments

AGENCY: Selective Service System

ACTION: Final rule.

SUMMARY: The Selective Service System (SSS) amends its regulations regarding the procedures for conscientious objectors, who have been placed in the Alternative Service Program as Alternative Service Workers (ASW), to appeal denied requests for job reassignments during a military draft. Civilian Review Boards (CRB), whose sole responsibility is to decide ASW appeals of denied job reassignments, are abolished with their responsibilities transferred to District Appeal Boards (DAB). This organizational change is necessary to ensure a more efficient and economical administration of the SSS. Its primary intended effect is to eliminate the administrative costs of maintaining separate appeal boards for ASWs without adversely impacting on the Agency's ability to expeditiously decide appeals of denied job reassignments or appeals of local board classification decisions. A secondary intended effect is to improve customer service to ASWs during a military draft.

EFFECTIVE DATE: April 16, 2004.

FOR FURTHER INFORMATION CONTACT:

Rudy G. Sanchez, Jr., Office of the General Counsel, Selective Service System, 1515 Wilson Blvd., Arlington, VA 22209-2425. 703-605-4012.

SUPPLEMENTARY INFORMATION:

Proposed Rule and Public Comment

The proposed amendments to Selective Service Regulations were published for public comment in the **Federal Register** on February 6, 2004 (69 FR 5797). No comments were received. The proposed amendments to Selective Service regulations will become a final rule.

Background

Selective Service regulations are published pursuant to section 13(b) of the Military Selective Service Act (MSSA), 50 U.S.C. App. 463(b), and Executive Order 11623. The regulations implement the MSSA (50 U.S.C. App. 451 *et seq.*), which authorizes the President to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions [50 U.S.C. App. 460(b)(3)]. Executive Order 11623 delegates to the Director of Selective Service the authority to prescribe the necessary rules and regulations to carry out the provisions of the MSSA.

Under existing regulations, 48 Civilian Review Boards (CRB) were established to decide appeals of denied requests for job reassignments made by conscientious objectors who have been placed in the Alternative Service Program as Alternative Service Workers (ASW). The sole function of CRBs was to decide such appeals during a military draft. Selective Service determined that maintaining CRBs was unnecessary for it to carry out its functions because their responsibilities could be transferred to the 96 DABs, which had previously been solely responsible for deciding appeals of local board classification decisions during a military draft. The conversion will not result in a significant increase in the workload of DABs, and their primary responsibility of deciding appeals of local board decisions will be unimpeded. If it becomes necessary to accommodate an unexpectedly high workload during a draft, the number of members on a DAB could be increased to create separate panels thereof.

This conversion will have three significant benefits. First, it will eliminate the unnecessary administrative costs of maintaining separate boards for ASW appeals of denied job reassignments. Second, it will result in more frequent pre-mobilization training of board members on the requirements for deciding ASW appeals. Finally, customer service to ASWs during a military draft will be improved by doubling the number of locations for them to appeal denied job reassignments. In view of the foregoing, CRBs are abolished with their responsibilities transferred to DABs.

Implementation

To implement the conversion, the following parts and sections in 32 CFR chapter XVI are amended:

Section 1602.11—To change the definition of “District Appeal Board” to include the ability to act on cases in accordance with part 1656 (Alternative Service);

Section 1605.24—To give DABs jurisdiction to decide appeals of denied job reassignment requests;

Section 1609.1—To remove members of “civilian review boards” as uncompensated positions within Selective Service;

Section 1656.1—To remove the definition of “Civilian Review Board”, and renumber the section’s definitions accordingly;

Section 1656.3—To remove the paragraph establishing CRBs, and renumber the paragraphs accordingly;

Section 1656.13—To remove paragraph “e”, which requires the establishment of CRBs, and to re-letter the section’s paragraphs accordingly;

Section 1656.18—To amend paragraph “c” for conformity of citations therein to the re-lettering of paragraphs in § 1656.13;

Finally, throughout part 1656 several sections are amended to remove the words, “Civilian Review Board”, and add the words, “District Appeal Board” in their place.

Matters of Rule Making Procedure

In promulgating these amendments to Selective Service regulations, I have adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. These amendments have not been reviewed by the Office of Management and Budget under that Executive Order, as they are not deemed “significant” thereunder.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), I certify that the amendments do not have a significant economic impact on a substantial number of small entities.

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rule does not contain an information collection requirement that requires approval of the Office of Management and Budget.

Certificate

Whereas, on February 6, 2004, the Director of Selective Service published a Notice of Proposed Amendments of Selective Service Regulations at 69 FR 5797; and whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act [50 U.S.C. App. 463(b)] in that more than 30 days have elapsed subsequent to such

publication during which period the public was given an opportunity to submit comments; and whereas I certify that I have requested the view of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Therefore, by virtue of the authority vested in me by the Military Selective Service Act, as amended, (50 U.S.C. App. 451 *et seq.*) and Executive Order 11623 of October 12, 1971, the Selective Service Regulations constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, as stated below.

List of Subjects in 32 CFR Parts 1602, 1605, 1609, and 1656

Selective Service System.

■ For the reasons stated in the preamble, the Selective Service System amends 32 CFR parts 1602, 1605, 1609, and 1656 as follows:

PART 1602—DEFINITIONS

■ 1. The authority citation for part 1602 continues to read as follows:

Authority: Military Selective Service Act (50 U.S.C. App. 451 *et seq.*); E.O. 11623.

■ 2. Revise § 1602.11 to read as follows:

§ 1602.11 District appeal board.

A district appeal board or a panel thereof of the Selective Service System is a group of not less than three civilian members appointed by the President to act on cases of registrants in accordance with the provisions of parts 1651 and 1656 of this chapter.

PART 1605—SELECTIVE SERVICE SYSTEM ORGANIZATION

■ 1. The authority citation for part 1605 continues to read as follows:

Authority: Military Selective Service Act (50 U.S.C. App. 451 *et seq.*); E.O. 11623.

■ 2. Amend § 1605.24 by redesignating the introductory text and paragraphs (a), (b), and (c) as paragraph (a) introductory text and paragraphs (a)(1), (2) and (3), respectively, and by adding paragraph (b) to read as follows:

§ 1605.24 Jurisdiction.

* * * * *

(b) The district appeal board shall have jurisdiction to review and to affirm or change any Alternative Service Office Manager decision appealed to it by an Alternative Service Worker pursuant to part 1656 of this chapter.

PART 1609—UNCOMPENSATED PERSONNEL

- 1. The authority citation for part 1609 continues to read as follows:

Authority: Military Selective Service Act (50 U.S.C. App. 451 *et seq.*); E.O. 11623.

- 2. Amend § 1609.1 by revising the first sentence to read as follows:

§ 1609.1 Uncompensated positions.

Members of local boards, district appeal boards, and all other persons volunteering their services to assist in the administration of the Selective Service Law shall be uncompensated.
* * *

PART 1656—ALTERNATIVE SERVICE

- 1. The authority citation for part 1656 continues to read as follows:

Authority: Military Selective Service Act (50 U.S.C. App. 451 *et seq.*); E.O. 11623.

PART 1656—[AMENDED]

- 2. Amend part 1656, Alternative Service, to remove the words “Civilian Review Board” and add, in their place, the words “District Appeal Board,” in the following places:

- a. § 1656.11(b)(4)
- b. § 1656.13(d), (f), (g), and (h)
- c. § 1656.18(c)

§ 1656.1 [Amended]

- 3. Amend § 1656.1 by removing paragraph (b)(6) and redesignating paragraphs (b)(7) through (14) as paragraphs (b)(6) through (13).

§ 1656.3 [Amended]

- 4.–5. Amend § 1656.3 by removing paragraph (a)(10) and redesignating paragraphs (a)(11) through (13) as paragraphs (a)(10) through (12).

§ 1656.13 [Amended]

- 6.–7. Amend § 1656.13 by removing paragraph (e) and by redesignating paragraphs (f) through (h) as paragraphs (e) through (g).

§ 1656.18 [Amended]

- 8. Amend § 1656.18(c) by revising the phrase “§ 1656.13(c) or (g)” to read “§ 1656.13(c) or (f)”.

Lewis C. Brodsky,

Acting Director of Selective Service.

[FR Doc. 04–8606 Filed 4–15–04; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117**

[CGD05–04–070]

RIN 1625–AA09

Drawbridge Operation Regulations; Kent Island Narrows, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations and request for comments.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation regulation for the U.S. Route 50/301 Bridge, mile 1.0, across Kent Island Narrows at Kent Island, Maryland. Under this temporary 90-day deviation, from May 1, through July 29, from 6 a.m. to 9 p.m., the bridge will open on the hour and half hour for the passage of all waiting vessels. The purpose of this temporary deviation is to test an alternate drawbridge operation schedule for 90 days and solicit comment from the public.

DATES: This deviation is effective from May 1, 2004, through July 29, 2004. Comments must reach the Coast Guard on or before 31 August 2004.

ADDRESSES: You may mail comments and related material to Commander (obr), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or they may be hand delivered to the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. The Commander (obr), Fifth Coast Guard District maintains the public docket for this test deviation. Comments and 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 the above address.

Request for Comments

We encourage you to participate in evaluating this test schedule by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this test deviation CGD05–04–070, indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an

unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

FOR FURTHER INFORMATION CONTACT: Bill Brazier, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6422.

SUPPLEMENTARY INFORMATION: The U.S. Route 50/301 Bridge across Kent Island Narrows has a vertical clearance in the closed position of 18 feet at mean high water and 19 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.561. The bridge owner, the Maryland State Highway Authority, requested a temporary deviation from the drawbridge operation regulations to test for a period of 90 days an alternate drawbridge operation schedule. This deviation will expand the time the bridge is required to open to vessel traffic to on the hour and half hour for the period specified. This will assist in determining if additional openings are needed. The current bridge opening schedule has impacted navigational users attempting to transit through the bridge.

The existing drawbridge operation regulations, outlined at 33 CFR 117.561 (b), states that: from May through October 31, on Monday (except when Monday is a holiday) through Thursday (except when Thursday is the day before a Friday holiday), the draw shall open on signal on the hour from 7 a.m. to 7 p.m., but need not be opened at any other time; on Friday (except when Friday is a holiday) and on Thursday when it is the day before a Friday holiday, the draw shall open on signal on the hour from 6 a.m. to 3 p.m. and at 8 p.m., but need not be opened at any other time; on Saturday and on a Friday holiday, the draw shall open on signal at 6 a.m. and 12 noon and on signal on the hour from 3 p.m. to 8 p.m., but need not be opened at any other time; on Sunday and on a Monday holiday, the draw shall open on signal on the hour from 6 a.m. to 1 p.m., and at 3:30 p.m., but need not be opened at any other time; the draw shall open at scheduled opening times only if vessels are waiting to pass. At each opening, the draw shall remain open for a sufficient period of time to allow passage of all waiting vessels; and if a vessel is approaching the bridge and cannot reach the bridge exactly on the hour, the drawtender may delay the hourly opening up to ten minutes past the hour for the passage of