

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in the preamble.

Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not cause an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and

responsibilities between the Federal government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph 32(e), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation. This final rule only affects the timing of the advance notice required for operation of an existing drawbridge and will not have any impact on the environment. A “Categorical Exclusion Determination” is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons set out in the preamble, the Coast Guard is amending part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. § 117.101(a) is revised to read as follows:

§ 117.101 Alabama River.

(a) The Alabama & Gulf Coast Railway Drawbridge, mile 105.3, at Coy, shall open on signal if at least 24 hours notice is given.

* * * * *

Dated: May 29, 2003.

R.F. Duncan,

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

[FR Doc. 03–14430 Filed 6–6–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 117 and 165

[USCG–2003–15330]

Safety Zones, Security Zones and Drawbridge Operation Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules issued by the Coast Guard and temporarily effective between January 1, 2003 and March 31, 2003, that were not published in the **Federal Register**. This quarterly notice lists temporary drawbridge operation regulations, security zones, and safety zones of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This notice lists temporary Coast Guard rules that became effective and were terminated between January 1, 2003 and March 31, 2003.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2003–15330 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Web site:* <http://dms.dot.gov>.

(2) *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

(3) *Fax:* 202–493–2251.

(4) *Delivery:* Room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(5) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact LT Sean Fahey, Office of Regulations and Administrative Law, telephone (202) 267–2830. If you have questions on viewing, or on submitting material to the docket, contact Dorothy

Beard, Chief, Dockets, Department of Transportation at (202) 366-5149.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to prevent injury or damage to vessels, ports, or waterfront facilities. Drawbridge operation regulations authorize changes to drawbridge schedules to accommodate bridge repairs, seasonal vessel traffic, and local public events. Timely publication of these rules in the **Federal Register** is

often precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the beginning of the effective period, mariners were personally notified of the contents of these drawbridge operation regulations, security zones, or safety zones by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations,

drawbridge operation regulations, security zones, and safety zones. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. The safety zones, drawbridge operation regulations, and security zones listed in this notice have been exempted from review under Executive Order 12866, Regulatory Planning and Review, because of their emergency nature, or limited scope and temporary effectiveness.

The following rules were placed in effect temporarily during the period from January 1, 2003, through March 31, 2003, unless otherwise indicated.

Dated: June 3, 2003.

S.B. Venckus,
Chief, Office of Regulations and
Administrative Law.

COTP QUARTERLY REPORT—1ST QUARTER 2003

COTP docket	Location	Type	Effective date
CHARLESTON 03-025	COOPER RIVER, SOUTH CAROLINA	SECURITY ZONE	02/14/2003
CORPUS CHRISTIE 03-001	CORPUS CHRISTIE SHIP CHANNEL, CORPUS CHRISTIE.	SAFETY ZONE	02/14/2003
HOUSTON-GALVESTON 03-001	HOUSTON SHIP CHANNEL, HOUSTON, TX	SAFETY ZONE	01/12/2003
HOUSTON-GALVESTON 03-002	HOUSTON SHIP CHANNEL, HOUSTON, TX	SAFETY ZONE	01/13/2003
JACKSONVILLE 03-019	MATANZAS RIVER, ST. AUGUSTINE, FL	SAFETY ZONE	02/21/2003
JACKSONVILLE 03-027	JACKSONVILLE, FL	SECURITY ZONE	02/13/2003
JACKSONVILLE 03-029	ST. JOHNS RIVER, JACKSONVILLE, FL	SAFETY ZONE	02/14/2003
JACKSONVILLE 03-030	ST. JOHNS RIVER, JACKSONVILLE, FL	SAFETY ZONE	02/17/2003
JACKSONVILLE 03-034	COCOA VILLAGE MARDI GRAS, COCOA, FL ...	SAFETY ZONE	02/22/2003
JACKSONVILLE 03-040	ST. JOHNS RIVER, JACKSONVILLE, FL	SAFETY ZONE	02/23/2003
MIAMI 03-009	BISCAYNE BAY, MIAMI BEACH, FL	SAFETY ZONE	02/03/2003
MIAMI 03-010	BISCAYNE BAY, MIAMI BEACH, FL	SAFETY ZONE	02/05/2003
MIAMI 03-013	LAKE OKEECHOBEE, FL	SAFETY ZONE	02/08/2003
MIAMI 03-020	BUENA VISTA, FL	SAFETY ZONE	02/01/2003
MIAMI 03-023	PORT OF MIAMI, MIAMI, FL	SECURITY ZONE	01/30/2003
MIAMI 03-028	MIAMI BEACH WINTER SPRINTS, MIAMI BEACH, FL.	SAFETY ZONE	03/02/2003
MIAMI 03-033	WEST PALM BEACH, FL	SAFETY ZONE	02/22/2003
MOBILE 03-001	PORT OF MOBILE, MOBILE, AL	SECURITY ZONE	01/07/2003
MOBILE 03-003	PORT OF MOBILE, MOBILE, AL	SECURITY ZONE	01/17/2003
MOBILE 03-004	NICEVILLE, FLORIDA	SAFETY ZONE	02/04/2003
MOBILE 03-005	GULFPORT SHIP CHANNEL, GULFPORT, MS ...	SAFETY ZONE	02/18/2003
MOBILE 03-006	PACAUGOULA, MS	SAFETY ZONE	03/21/2003
MORGAN CITY 03-002	EUGENE ISLAND SEA BUOY TO M. 199.8	SECURITY ZONE	01/20/2003
NEW ORLEANS 03-001	LWR MISSISSIPPI RIVER, M. 94 TO 96	SAFETY ZONE	01/01/2003
NEW ORLEANS 03-002	LAKE PONTCHARTRAIN, KENNER, LA	SAFETY ZONE	01/01/2003
NEW ORLEANS 03-003	LAKE PONTCHARTRAIN, METAIRIE, LA	SAFETY ZONE	01/01/2003
NEW ORLEANS 03-004	INTRACOASTAL WATERWAY, M. 20 TO 15	SAFETY ZONE	01/31/2003
NEW ORLEANS 03-005	LWR MISSISSIPPI RIVER, M. 93 TO 96	SAFETY ZONE	03/03/2003
NEW ORLEANS 03-006	LOWER MISSISSIPPI, RIVER	SECURITY ZONE	03/20/2003
PADUCAH 03-001	UPPER MISSISSIPPI RIVER, M. 51.5 TO 52.5 ...	SAFETY ZONE	01/08/2003
PADUCAH 03-002	UPPER MISSISSIPPI RIVER, M. 51.5 TO 52.5 ...	SAFETY ZONE	01/28/2003
PADUCAH 03-005	UPPER MISSISSIPPI RIVER, M. 51.5 TO 52.5 ...	SAFETY ZONE	03/19/2003
PADUCAH 03-006	UPPER MISSISSIPPI RIVER, M. 51.5 TO 52.5 ...	SAFETY ZONE	03/28/2003
PHILADELPHIA 03-001	DELAWARE BAY AND RIVER	SECURITY ZONE	01/03/2003
PHILADELPHIA 03-002	DELAWARE RIVER, PHILADELPHIA, PA	SECURITY ZONE	01/03/2003
PHILADELPHIA 03-006	SUSQUEHANNA RIVER, YORK, COUNTY, PA ...	SECURITY ZONE	02/04/2003
PHILADELPHIA 03-008	TACONY PALMYRA BRIDGE, DELAWARE RIVER.	SAFETY ZONE	02/10/2003
PHILADELPHIA 03-009	ICE CONDITIONS, CHESAPEAKE & DELAWARE CANAL.	SAFETY ZONE	01/31/2003
PHILADELPHIA 03-010	CHESAPEAKE & DELAWARE CANAL	SAFETY ZONE	02/04/2003

COTP QUARTERLY REPORT—1ST QUARTER 2003—Continued

COTP docket	Location	Type	Effective date
PHILADELPHIA 03-011	DELAWARE RIVER, SALEM RIVER	SAFETY ZONE	02/10/2003
PHILADELPHIA 03-012	CAPE MAY HARBOR/INLET	SAFETY ZONE	02/10/2003
PHILADELPHIA 03-013	DELAWARE RIVER, PHILADELPHIA, PA	SECURITY ZONE	03/31/2003
PITTSBURGH 02-019	OHIO RIVER, M. 119 TO 119.8	SECURITY ZONE	03/15/2003
PITTSBURGH 03-001	ALLEGHENY RIVER, M. 0.3 TO 0.7	SAFETY ZONE	01/21/2003
PORT ARTHUR 03-001	SABINE-NECHES CANAL, PORT ARTHUR, TX ..	SAFETY ZONE	03/02/2003
SAN DIEGO 03-001	SAN DIEGO BAY, CA	SAFETY ZONE	01/25/2003
SAN FRANCISCO BAY 03-001	OAKLAND ESTUARY, CALIFORNIA	SAFETY ZONE	01/25/2003
SAN JUAN 03-026	PONCE, PUERTO RICO	SECURITY ZONE	02/11/2003
SAN JUAN 03-052	SAN JUAN, PUERTO RICO	SECURITY ZONE	03/26/2003
SAVANNAH 03-021	SAVANNAH RIVER, SAVANNAH, GA	SECURITY ZONE	01/24/2003
SAVANNAH 03-042	SAVANNAH RIVER, SAVANNAH, GA	SAFETY ZONE	02/27/2003
SAVANNAH 03-050	SAVANNAH RIVER, SAVANNAH, GA	SECURITY ZONE	03/25/2003
TAMPA 03-043	PORT OF TAMPA, TAMPA FLORIDA	SECURITY ZONE	03/09/2003
05-03-002	PORT OF HAMPTON ROADS, VIRGINIA	SECURITY ZONE	01/13/2003
05-03-004	BOGUE SOUND, MOREHEAD CITY, NC	SECURITY ZONE	01/19/2003
05-03-005	CAPE FEAR RIVER, WILMINGTON, NC	SECURITY ZONE	01/20/2003
05-03-006	CAPE FEAR RIVER, BRUNSWICK COUNTY, NC ..	SECURITY ZONE	01/21/2003
05-03-009	ELIZABETH RIVER, VA	SECURITY ZONE	01/29/2003
05-03-011	HAMPTON ROADS, ELIZABETH RIVER, VA	SECURITY ZONE	02/02/2003
05-03-014	HAMPTON ROADS, JAMES RIVER, VA	SAFETY ZONE	02/01/2003
05-03-015	CHESAPEAKE AND DELAWARE CANAL, MARYLAND.	SAFETY ZONE	01/31/2003
05-03-020	CHESAPEAKE AND DELAWARE CANAL, MARYLAND.	SAFETY ZONE	02/04/2003
05-03-021	ELIZABETH RIVER, PORT OF HAMPTONS ROADS, VA.	SECURITY ZONE	02/06/2003
05-03-024	HAMPTON ROADS, ELIZABETH RIVER, VA	SECURITY ZONE	02/15/2003
05-03-025	PORT OF HAMPTON ROADS, VIRGINIA	SECURITY ZONE	02/15/2003
05-03-026	HAMPTON ROADS, JAMES RIVER, VA	SECURITY ZONE	02/17/2003
05-03-027	HAMPTON ROADS, ELIZABETH RIVER, VA	SECURITY ZONE	02/21/2003
05-03-028	ELIZABETH RIVER, PORT OF HAMPTON ROADS, VA.	SECURITY ZONE	02/23/2003
05-03-033	HAMPTON ROADS, ELIZABETH RIVER, VA	SECURITY ZONE	03/12/2003
07-02-151	MIAMI RIVER, MIAMI-DADE COUNTY	DRAWBRIDGE OPERATION	02/02/2003
09-03-200	CHICAGO RIVER, CHICAGO, IL	SECURITY ZONE	01/07/2003
09-03-201	PORT CHICAGO ZONE, LAKE MICHIGAN	SECURITY ZONE	01/07/2003
13-03-006	PUGET SOUND, WA	SECURITY ZONE	02/23/2003

[FR Doc. 03-14429 Filed 6-6-03; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165****[COTP Huntington-03-001]****RIN 1625-AA00****Safety Zone; Ohio River Miles 171.5 to 172.5, Marietta, OH****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the waters of the Ohio River beginning at mile 171.5 and ending at mile 172.5, extending the entire width of the river. This safety zone is needed to provide for the safety of participating vessels and mariners during the Marietta River Roar,

tunnel boat races. All vessels and persons are prohibited from transiting within this safety zone, except for participating vessels and mariners, unless authorized by the Captain of the Port Huntington or a designated representative.

DATES: This rule is effective from 10 a.m. on July 4 until 7 p.m. on July 5, 2003.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket (COTP Huntington-03-001) and are available for inspection or copying at Marine Safety Office Huntington, 1415 6th Ave., Huntington, WV, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Petty Officer (PO) William Reeves, Marine Safety Office Huntington, Marine Event Coordinator at (304) 529-5524.

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 not making this rule effective less than 30 days after publication in the **Federal Register**. Publishing an NPRM and delaying the effective date would be contrary to public interest since immediate action is needed to provide for the safety of participating vessels and mariners.

Background and Purpose

The Captain of the Port Huntington is establishing a safety zone from miles 171.5 to 172.5 on the Ohio River extending the entire width of the river. This safety zone is necessary to ensure the safety of participating vessels and mariners during the Marietta River Roar tunnel boat races. Participating vessels are vessels registered with event officials to race or work in the Marietta