

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 analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction.

List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 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; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. § 117.307 is revised to read as follows:

§ 117.307 Miami River, North Fork.

The draw of the FDOT Railroad Bridge, mile 5.3 at Miami, shall open on signal if at least 48-hour notice is given to CSX System Operating Headquarters (800) 232–0144.

Dated: February 13, 2004.

Harvey E. Johnson, Jr.,
*Rear Admiral, U.S. Coast Guard, Commander,
Seventh Coast Guard District.*

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–04–008]

Drawbridge Operation Regulations; Gulf Intracoastal Waterway—Black Bayou, 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 Black Bayou Pontoon Bridge across the Gulf Intracoastal Waterway, mile 237.5 west of Harvey Lock, in Calcasieu Parish, LA. This deviation allows the bridge to remain closed to navigation during daylight hours during weekdays only for four weeks. The deviation is necessary to repair and replace damaged portions of the fender system.

DATES: This deviation is effective from 7 a.m. on Wednesday, March 17, 2004 through 5 p.m. on Wednesday, April 14, 2004.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 500 Poydras Street, New Orleans, Louisiana 70130–3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: David Frank, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: The Louisiana Department of Transportation and Development (LDOTD) has requested a temporary deviation in order to remove and replace damaged portions of the fender system of the Black Bayou Pontoon Bridge across the Gulf Intracoastal Waterway, mile 237.5 west of Harvey Lock, in Calcasieu Parish, LA. The repairs are necessary to ensure the safety of the bridge. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 7 a.m. until 11 a.m. and from 1 p.m. until 5 p.m. Monday through Friday from March 17, 2004 through April 14, 2004.

As the bridge has no vertical clearance in the closed-to-navigation position, vessels will not be able to transit through the bridge sight when the bridge is closed. Navigation at the site of the bridge consists mainly of tows with barges and some recreational pleasure craft. Due to prior experience, as well as coordination with waterway users, it has been determined that this closure will not have a significant effect on these vessels. The bridge normally opens to pass navigation an average of 878 times per month. The bridge opens on signal as required by 33 CFR 117.5. The bridge will be able to open for emergencies during the closure period with proper notice. Alternate routes are not available.

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: February 18, 2004.

Marcus Redford,

Bridge Administrator.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–04–014]

Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and Their Tributaries, NY

AGENCY: Coast Guard, DHS.

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 Metropolitan Avenue Bridge, mile 3.4, across English Kills at New York City, New York. Under this temporary deviation the bridge may remain closed from 7 a.m. on March 8, 2004 through 4 p.m. on March 9, 2004, and from 7 a.m. on April 2, 2004 through 4 p.m. on April 4, 2004, to facilitate necessary bridge maintenance.

DATES: This deviation is effective from March 8, 2004 through April 4, 2004.

FOR FURTHER INFORMATION CONTACT: Joe Arca, Project Officer, First Coast Guard District, at (212) 668–7069.

SUPPLEMENTARY INFORMATION: The New York City Department of Transportation (NYCDOT) Metropolitan Avenue Bridge has a vertical clearance in the closed position of 10 feet at mean high water and 15 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.801(e).

NYCDOT, requested a temporary deviation from the drawbridge operation regulations to facilitate repairs to the electrical controls at the bridge. The bridge must remain in the closed position to perform these repairs.

Under this temporary deviation the NYCDOT Metropolitan Avenue Bridge may remain in the closed position from 7 a.m. on March 8, 2004 through 4 p.m. on March 9, 2004, and from 7 a.m. on

April 2, 2004 through 4 p.m. on April 4, 2004.

This deviation from the operating 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: February 17, 2004.

John L. Grenier,

*Captain, U.S. Coast Guard, Acting
Commander, First Coast Guard District.*

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD07-03-072]

RIN 1625-AA09

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Boca Grande, Charlotte County, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating regulations and the name of the Gasparilla Island Causeway Bridge, across the Gulf Intracoastal Waterway, mile 34.3, in Boca Grande, Florida. This rule requires the bridge to open only two times an hour during the weekdays and four times an hour during certain times on the weekends and Federal holidays. This action will improve vehicular traffic movement, while not unreasonably interfering with navigation.

DATES: This rule is effective March 31, 2004.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD07-03-072] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Project Manager, Seventh Coast Guard District, Bridge Branch, (305) 415-6743.

SUPPLEMENTARY INFORMATION:

Regulatory History

On July 17, 2003, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Boca Grande, Charlotte County, Florida in the **Federal Register** (68 FR 42331). We received 10 comments on this NPRM. No public hearing was requested, and none was held.

Background and Purpose

The Gasparilla Island Bridge Authority requested a change in the regulations governing the operation and the name of the Gasparilla Island Causeway Bridge. This is a swingbridge with a vertical clearance of 9 feet at mean high water and a horizontal clearance of 81 feet. The existing regulation for this bridge is published in 33 CFR 117.287(a-1), and requires the bridge to open on signal; except that from January 1 to May 31, from 7 a.m. to 5 p.m., the bridge need open only on the hour, quarter hour, half hour and three quarter hour. The owner requested a change to the bridge operating schedule so that the bridge would open on signal, except that from 7 a.m. to 6 p.m., Monday through Friday, except Federal holidays, the bridge need open only on the hour and half hour, and, from 7 a.m. to 6 p.m. on weekends and Federal holidays, the bridge need open only on the hour, quarter hour, half hour and three quarter hour. Tugs with tows, public vessels of the United States and vessels in distress shall pass at any time. This regulation will ease vehicular traffic congestion while providing for the reasonable needs of navigation. The bridge currently opens less than two times per hour on both weekends and weekdays.

In addition, the owner requested that the name of the bridge be changed to the Boca Grande Swingbridge, as it is locally known. The local name is more descriptive of the bridge's swingbridge design.

Discussion of Comments and Changes

We received 10 comments on the NPRM, 6 from the same company against the rule change, citing that the period of closure was too long for their vessels to wait and 4 from residents of Boca Grande in favor of the rule change.

We have carefully considered the comments and decided not to change the proposed rule. The bridge currently opens less than twice an hour, and vessels transiting the area have ample opportunity to adjust to the operating schedule. Additionally, there are numerous, sufficient safe waiting areas in the vicinity.

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 Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. The rule only affects a small percentage of vessel traffic through this bridge and provides approximately the same amount of openings that the bridge's current activity level exhibits.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have 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 of 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 rule may affect the following entities, some of which might be small entities: the owners or operators of vessels and vehicles intending to transit under and over the Gasparilla Bridge during the hours of 7 a.m. to 6 p.m., Monday through Friday, except Federal holidays, and 7 a.m. to 6 p.m., weekends and Federal holidays. The rule only affects a small percentage of vessel traffic through this bridge and provides approximately the same amount of openings that the bridge's current activity level exhibits.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offered to assist small entities in understanding this rule so that they could better evaluate its effects on them and participate in the rulemaking process. The Coast Guard offered small businesses, organizations, or governmental jurisdictions having questions concerning the rule's provisions or options for compliance, to contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine