

Dated: April 13, 2004.

Sally Brice-O'Hara,

*Rear Admiral, U. S. Coast Guard,
Commander, Fifth Coast Guard District.*

[FR Doc. 04-8864 Filed 4-19-04; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD07-04-039]

Drawbridge Operation Regulations; Royal Park (SR 704) Bridge, Atlantic Intracoastal Waterway Mile 1022.6, Palm Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Royal Park (SR 704) Bridge across the Atlantic Intracoastal Waterway, mile 1022.6, Palm Beach, Florida. This deviation allows for bridge closures during certain times due to bridge alignment of the new spans.

DATES: This deviation is effective from 7 a.m. on April 15, 2004, until 5 p.m. on May 29, 2004.

ADDRESSES: Material received from the public, as well as documents indicated in this preamble as being available in the docket [CGD07-04-039] will become part of this docket and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE. 1st Avenue, Miami, Florida 33131-3050 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Project Officer, Seventh Coast Guard District, Bridge Branch at (305) 415-6744.

SUPPLEMENTARY INFORMATION: The Royal Palm (SR 704) Bridge across the Atlantic Intracoastal Waterway, mile 1022.6, Palm Beach, Florida, is a new double-leaf bascule bridge with a vertical clearance of 25 feet above mean high water (MHW) measured at the fenders in the closed position with a horizontal clearance of 125 feet. The current operating regulation in 33 CFR 117.261(v) requires that the Royal Park (SR 704) Bridge, mile 1022.6 at Palm Beach, shall open on signal, except that from October 1 through May 31, Monday through Friday, except Federal

holidays, from 7:45 a.m. to 9:45 a.m. and from 3:30 p.m. to 5:45 p.m., the draw need open only at 8:45 a.m., 4:30 p.m., and 5:15 p.m., and from 9:30 a.m. to 3:30 p.m., the draw need open only on the quarter-hour and three-quarter hour.

On March 2, 2004, the bridge owner, Florida Department of Transportation, requested a deviation from the current operating regulations to allow the owner and operator to close the bridge during certain times. On March 10, 2004, a meeting was held to determine an operating schedule for both the temporary bridge and the new bridge that would not unreasonably restrict navigation and allow for workers' safety during alignment of the new bridge. On April 2, 2004, this office received a revised schedule. Based on this paperwork, the following operating schedule has been approved:

From April 15 to April 20, 2004 the bridge will remain closed to navigation from 7:01 a.m. to 12:59 p.m. and 2:01 p.m. to 5:59 p.m. daily. From April 21 to May 16, 2004, from 7 a.m. to 5 p.m. daily, the bridge will only open at 7 a.m., 8:30 a.m., 10 a.m., 11:30 a.m., 1 p.m., 2:30 p.m., 4 p.m. and 5 p.m. On May 17, 2004, the bridge will remain closed to navigation from 9 a.m. to 5 p.m. From May 18 to May 22, 2004, the bridge will remain closed to navigation from 7:01 a.m. to 12:59 p.m. and 2:01 p.m. to 5:59 p.m. daily.

From May 24 to May 29, 2004, from 7 a.m. to 5 p.m. daily, the bridge will only open at 7 a.m., 8:30 a.m., 10 a.m., 11:30 a.m., 1 p.m., 2:30 p.m., 4 p.m. and 5 p.m. This deviation is necessary to ensure workers' safety during the alignment of the bridge. The Commander, Seventh Coast Guard District has granted a temporary deviation from the operating requirements listed in 33 CFR 117.261(v) to complete the alignment of the new bridge leafs. Under this deviation, both the temporary Royal Park Bridge and the new Royal Park bridge (SR 704), Atlantic Intracoastal Waterway mile 1022.6, Palm Beach, Florida, shall remain closed to navigation from April 15 to April 20, 2004, from 7:01 a.m. to 12:59 p.m. and 2:01 p.m. to 5:59 p.m. daily. From April 21 to May 16, 2004, from 7 a.m. to 5 p.m., the bridges will only open at 7 a.m., 8:30 a.m., 10 a.m., 11:30 a.m., 1 p.m., 2:30 p.m., 4 p.m. and 5 p.m. On May 17, 2004, the bridges will remain closed to navigation from 9 a.m. to 5 p.m. From May 18 to May 22, 2004, the bridges shall remain closed to navigation from 7:01 a.m. to 12:59 p.m. and 2:01 p.m. to 5:59 p.m. daily. From May 24 to May 29, 2004, from 7 a.m. to

5 p.m., the bridges will only open at 7 a.m., 8:30 a.m., 10 a.m., 11:30 a.m., 1 p.m., 2:30 p.m., 4 p.m. and 5 p.m. At all other times, the bridges shall open on signal, except Monday through Friday, except Federal holidays, from 7:45 a.m. to 9:45 a.m. and from 3:30 p.m. to 5:45 p.m., the draw need open only at 8:45 a.m., 4:30 p.m., and 5:15 p.m., and, from 9:30 a.m. to 3:30 p.m., the draw need open only on the quarter-hour and three-quarter hour.

Dated: April 9, 2004.

Greg Shapley,

Chief, Bridge Administration, Seventh Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01-04-023]

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 April 26, 2004 through 4 p.m. on May 1, 2004, and from 7 a.m. on June 9, 2004 through 4 p.m. on June 12, 2004, to facilitate necessary bridge maintenance.

DATES: This deviation is effective from April 26, 2004 through June 12, 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 April 26, 2004 through 4 p.m. on May 1, 2004 and from 7 a.m. on June 9, 2004 through 4 p.m. on June 12, 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: April 7, 2004.

John L. Grenier,

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

[FR Doc. 04-8862 Filed 4-19-04; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[CGD08-03-039]

RIN 1625-AA78

Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Mississippi Canyon 474

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone around a petroleum and gas production facility in Mississippi Canyon 474 "A" of the Outer Continental Shelf in the Gulf of Mexico while the facility is being constructed and after the construction is completed. The construction site and facility need to be protected from vessels operating outside the normal shipping channels and fairways, and placing a safety zone around this area will significantly reduce the threat of allisions, oil spills and releases of natural gas. This rule prohibits all vessels from entering or remaining in the specified area around the facility's location except for attending vessels, vessels under 100 feet in length overall not engaged in towing, or vessels authorized by the Eighth Coast Guard District Commander.

DATES: This final rule is effective May 20, 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 [CGD08-03-039] and are available for inspection or copying at Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans, LA,

between 8 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (LT) Kevin Lynn, Project Manager for Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans, LA 70130, telephone (504) 589-6271.

SUPPLEMENTARY INFORMATION:

Regulatory History

On January 20, 2004, we published a notice of proposed rulemaking (NPRM) entitled "Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Mississippi Canyon 474" in the **Federal Register** (69 FR 2694). We received one comment on the proposed rule. No public hearing was requested, and none was held.

Background and Purpose

The Coast Guard is establishing a safety zone around a petroleum and gas production facility in the Gulf of Mexico: Na Kika Floating Oil and Gas Development System (FDS), Mississippi Canyon 474 "A" (MC 474 "A"), located at position 28°31'14.86" N, 88°17'19.69" W. The safety zone will be in effect while the facility is being constructed and after the construction is completed.

This safety zone is in the deepwater area of the Gulf of Mexico. For the purposes of this regulation it is considered to be in waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ) contiguous to the territorial sea of the United States and extending to a distance up to 200 nautical miles from the baseline from which the breadth of the sea is measured. Navigation in the area of the safety zone consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel. The deepwater area of the Gulf of Mexico also includes an extensive system of fairways. The fairways nearest the safety zone include the South Pass (Mississippi River) to Mississippi River-Gulf Outlet Channel Fairway and Southwest Pass (Mississippi River) to South Pass (Mississippi River) Safety Fairway. Significant amounts of vessel traffic occur in or near the various fairways in the deepwater area.

Shell Exploration and Production Company, hereafter referred to as "Shell" requested that the Coast Guard establish a safety zone in the Gulf of Mexico around the Na Kika FDS construction site and for the zone to remain in effect after construction is completed.

The request for the safety zone was made due to the high level of shipping

activity around the site of the facility and the safety concerns for construction personnel, the personnel on board the facility after it is completed, and the environment. Shell indicated that the location, production level, and personnel levels on board the facility make it highly likely that any allision with the facility during and after construction would result in a catastrophic event.

The Coast Guard has evaluated Shell's information and concerns against Eighth Coast Guard District criteria developed to determine if an Outer Continental Shelf facility qualifies for a safety zone. Several factors were considered to determine the necessity of a safety zone for the Na Kika FDS construction site and for a safety zone to remain in effect after the facility is completed: (1) The construction site is located approximately 46 nautical miles east-southeast of the South Pass (Mississippi River) to Mississippi River-Gulf Outlet Channel Fairway and Southwest Pass (Mississippi River) to South Pass (Mississippi River) Safety Fairway, (2) the facility will have a high daily production capacity of petroleum oil and gas; (3) the facility will be manned; (4) the facility will be a semi-submersible; and (5) the semi-submersible will be moored by a 16-line permanent mooring system.

We conclude that the risk of allision to the facility and the potential for loss of life and damage to the environment resulting from such an accident during and following the construction of Na Kika FDS warrants the establishment of this safety zone. The regulation will significantly reduce the threat of allisions, oil spills and natural gas releases and increases the safety of life, property, and the environment in the Gulf of Mexico. This regulation is issued pursuant to 14 U.S.C. 85 and 43 U.S.C. 1333 as set out in the authority citation for 33 CFR part 147.

Discussion of Comment and Changes

We received one comment endorsing the proposed safety zone. The Coast Guard has made no changes to the provisions of this regulation.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 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).