

rulemaking. If this temporary rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please 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 compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

#### Collection of Information

This temporary final 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 this rule 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 regulatory actions not specifically required by law. 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. Although this temporary rule would 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 effect 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 create an environmental risk to health or risk to safety that might 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. The Administrator of the Office of Information and Regulatory Affairs has not designated it 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. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (32)(e), of the Instruction, from further environmental documentation. Under figure 2-1, paragraph (32)(e), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

#### 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. From 6 a.m. on August 1, 2003, until 8 p.m. on January 9, 2004, § 117.261, a new paragraph (m) is added to read as follows:

#### § 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

\* \* \* \* \*

(m) The North Bridge, mile 964.8 at Fort Pierce, need open only a single-leaf on the hour, 20-minutes after the hour, and 40-minutes after the hour, except that, from 6:01 p.m., August 10, 2003, until 8 p.m., January 9, 2004, both leaves of the bridge will open if the bridge tender receives a two-hour advance notice requesting a double-leaf opening.

\* \* \* \* \*

Dated: July 28, 2003.

**H.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

[CGD08-03-031]

#### Drawbridge Operating Regulation; Illinois Waterway, Joliet, IL

**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 Chicago, Rock Island and Pacific Railway Drawbridge, across the Illinois Waterway, mile 287.6 at Joliet, Illinois. This deviation allows the drawbridge to remain closed to navigation for six separate increments starting at 7 a.m., September 15, 2003, and ending at 7 p.m., September 26, 2003, Central Standard Time. The deviation is

necessary to facilitate maintenance work on the bridge that is essential to the continued safe operation of the drawbridge.

**DATES:** This temporary deviation is effective from 7 a.m., September 15, 2003, until 7 p.m., September 26, 2003.

**ADDRESSES:** Materials referred to in this rule are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Roger K. Wiebusch, Bridge Administrator, Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2832, (314) 539-3900, extension 2378.

**SUPPLEMENTARY INFORMATION:** The CSX Railway Company requested a temporary deviation on July 17, 2003 for the operation of the drawbridge to allow the bridge owner time for preventative maintenance. Presently, the draw opens on signal for passage of river traffic. This deviation allows the bridge to remain closed to navigation for six separate increments from 7 a.m. until 7 p.m., September 15, 2003; from 5 a.m. until 9 p.m., September 17, 2003; from 7 a.m., until 7 p.m., September 19, 2003; from 7 a.m. until 7 p.m., September 22, 2003, from 5 a.m., until 9 p.m., September 24, 2003; and from 7 a.m. until 7 p.m., September 26, 2003. Vessels not exceeding the vertical clearance of the drawbridge may pass under the drawbridge during repairs. There are no alternate routes for vessels transiting through mile 287.6 on the Illinois Waterway. The drawbridge will be incapable of opening for emergencies during the six increment repair periods.

The Chicago, Rock Island and Pacific Railway Drawbridge provides a vertical clearance of 9.5 feet above normal pool in the closed to navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. In order to replace the counterweight cables the bridge must be kept inoperative and in the closed to navigation position. This deviation has been coordinated with waterway users. No objections were received.

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: August 4, 2003.

**Roger K. Wiebusch,**

*Bridge Administrator.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[COTP Tampa-03-080]

RIN 1625-AA00

#### Security Zones; Tampa Bay, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard has established security zones in Tampa Bay, Florida, immediately adjacent to power facilities at Big Bend, and Weedon Island. These zones are needed to ensure public safety and security in the greater Tampa Bay area. Entry into these zones is prohibited unless authorized by the Captain of the Port, or their designated representative.

**DATES:** This rule is effective September 1, 2003.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket [COTP Tampa-03-080] and are available for inspection or copying at Marine Safety Office Tampa, 155 Columbia Drive, Tampa, Florida 33606-3598 between 7:30 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Heath Hartley, Coast Guard Marine Safety Office Tampa, at (813) 228-2189 extension 123.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On April 18, 2003, we published a notice of proposed rulemaking (NPRM) entitled "Security Zones; Tampa Bay, Florida" in the **Federal Register** (68 FR 19166). We did not receive any letters commenting on the proposed rule. No public hearing was requested, and none was held.

##### Background and Purpose

The terrorist attacks of September 11, 2001, killed thousands of people and heightened the need for development of

various security measures throughout the seaports of the United States, particularly those vessels and facilities which are frequented by foreign nationals and are of interest to national security. Following these attacks by well-trained and clandestine terrorists, national security and intelligence officials have warned that future terrorist attacks are likely. The Captain of the Port of Tampa has determined that these security zones are necessary to protect the public, ports, and waterways of the United States from potential subversive acts.

These security zones are similar to the existing temporary security zones established for waters around power facilities in Tampa Bay that will soon expire. The following temporary final rule, temporary final rule correction, and notice of proposed rulemaking were published in the **Federal Register**:

*Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, FL.* (68 FR 15328, March 25, 2003). This temporary final rule established 15 security zones including security zones at Weedon Island and Big Bend Power Facilities. These zones were extended through June 30, 2003.

*Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, FL; Correction.* (68 FR 17291, April 9, 2003) This correction to the temporary final rule published in March 2003 in (68 FR 14328) changed the size of the security zone around the Big Bend Power facility and corrected erroneous descriptions of coordinates at both the Big Bend and Weedon Island Power facilities.

A notice proposing permanent security zones around Weedon Island and Big Bend Power facilities and soliciting comments on this proposal was published in the **Federal Register** (68 FR 19166, April 18, 2003). The comment period on the proposed rule concluded on June 17, 2003.

##### Discussion of Comments and Changes

No comments were received therefore no substantive changes have been made to the rule. We did, however, update the phone number for contacting the COTP.

##### Discussion of the Rule

The Coast Guard is establishing two permanent security zones in waters immediately adjacent to power facilities at Big Bend, and Weedon Island in Tampa Bay, Florida, to ensure public safety and security in the greater Tampa Bay area. Entry into or remaining within