

is available in the docket where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 100

Marine safety, Navigation (water), Reporting and Recordkeeping requirements, waterways.

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard is amending 33 CFR parts 100 and 165 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

§ 100.114 [Amended]

■ 2. In the table for § 100.114(a), remove 6.4 and redesignate 6.5 and 6.6 as 6.4 and 6.5 respectively, remove 7.38, 7.39, 7.41 and 7.42, and redesignate 7.40 as 7.38, and 7.43 through 7.51 as 7.39 through 7.47 respectively.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 3. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226 and 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 4. Revise § 165.151(a)(10) and add new § 165.151(a)(18) to (26), and revise paragraphs (b) and (c) to read as follows:

§ 165.151 Safety Zones; Long Island Sound annual fireworks displays.

(a) * * *

(10) *Mashantucket Pequot Fireworks Safety Zone*. All waters of the Thames River off of New London, CT, within a 1200-foot radius of a fireworks barge located in approximate position 41°20'57.1" N, 72°05'22.1" W; and within 1000-feet of fireworks barges located in approximate positions: barge one, 41°21'03.3" N, 72°05'24.5" W; and barge two, 41°20'51.75" N, 72°05'18.90" W.

* * *

(18) *Norwich July Fireworks Safety Zone*. All waters of the Thames River within a 600-foot radius of the fireworks launch area in approximate position 41°31'20.9" N, 72°04'45.9" W, located off of Norwich, CT.

(19) *Town of Branford Fireworks Safety Zone*. All waters of Branford Harbor off of Branford Point within a 600-foot radius of the fireworks launch area located on Branford Point in approximate position 41°15'30" N, 072°49'22" W.

(20) *Vietnam Veterans Local 484/ Town of East Haven Fireworks Safety Zone*. All waters of Long Sound off of Cosey Beach, East Haven, CT within a 1000-foot radius of the fireworks barge in approximate position 41°14'19" N, 072°52'9.8" W.

(21) *Westport Police Athletic League Fireworks Safety Zone*. All waters of Long Island Sound off Compo Beach, Westport, CT within a 800-foot radius of the fireworks barge in approximate position 41°09'2.5" N, 073°23'20" W.

(22) *Westbrook, CT July Celebration Safety Zone*. All waters of Westbrook Harbor in Long Island Sound within a 800-foot radius of the fireworks barge located in approximate position 41°16'50" N, 072°26'14" W.

(23) *Norwalk Fireworks Safety Zone*. All waters of Long Island Sound off of Calf Pasture Beach in Norwalk, CT within a 1000-foot radius of the fireworks barge located in approximate position 40°05'10" N, 073°23'20" W.

(24) *Town of Stratford Fireworks Safety Zone*. All waters of Long Island Sound off of Short Beach in Stratford, CT, within a 800-foot radius of the fireworks launch area located in approximate position 41°09'5" N, 073°06'5" W.

(25) *Old Black Point Beach Association Fireworks Safety Zone*. All waters of Long Island Sound off Old Black Point Beach in East Lyme, CT, within a 1000-foot radius of the fireworks launch area located on Old Black Point Beach in approximate position 41°17'34.9" N, 072°12'55.6" W.

(26) *Village of Asharoken Fireworks Safety Zone*. All waters of Northport Bay off of Asharoken Beach in Asharoken, NY within a 600-foot radius of the fireworks launch area located in approximate position 40°55'30" N, 072°21' W.

(b) *Notification*. Coast Guard Group/ Marine Safety Office Long Island Sound and Coast Guard Group Moriches will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY". Displays launched from shore sites will have a sign labeled

"FIREWORKS—STAY AWAY" with the same size requirements. The signs required by this section must consist of red letters at least 10 inches high, and 1.5 inch thick on a white background.

(c) *Enforcement period*. Specific zones in this section will be enforced from 8 p.m. to 11 p.m. each day a barge or land based launch site with sign reading "FIREWORKS—STAY AWAY" is present in that zone.

* * * * *

Dated: June 24, 2005.

Robert W. Durfee,

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

[FR Doc. 05–15076 Filed 7–28–05; 8:05 am]

BILLING CODE 4910–15–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD07–04–148]

RIN 1625–AA09

Drawbridge Operation Regulation; CSX Railroad, Hillsborough River, Mile 0.7, Tampa, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulation governing the operation of the CSX Railroad Bridge across the Hillsborough River, Mile 0.7, Tampa, Florida. Previously owned by the Seaboard System Railroad, the bridge is now the CSX Railroad Bridge vice the Seaboard System Railroad Bridge. This rule allows the bridge to operate using an automated system without an onsite bridge tender.

DATES: This rule is effective August 29, 2005.

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 [CGD07–04–148] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE 1st Avenue, Suite 432, Miami, Florida 33131–3050, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Bridge Branch (obr), Seventh Coast Guard District, maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. Gwin Tate, Project Manager, Seventh Coast Guard District, Bridge Branch, (305) 415–6747.

SUPPLEMENTARY INFORMATION:**Regulatory History**

On March 3, 2005, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; CSX Railroad, Hillsborough River, Mile 0.7, Tampa, FL, in the **Federal Register** (70 FR 10349). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

The CSX Railroad owner requested that the Coast Guard remove the existing regulation governing the operation of the CSX Railroad Bridge over the Hillsborough River and allow the bridge to operate on an automated system. The request was made because there is only one train transit per day. The CSX Railroad Bridge is located on the Hillsborough River, Mile 0.7, Tampa, FL. The current regulation governing the operation of the CSX Railroad Bridge is published in 33 CFR 117.291 and requires the bridge to open on signal from 4 p.m. to 12 midnight Monday through Friday. At all other times, the draw shall be maintained in the fully open position.

Discussion of Comments and Changes

We received no comments on the NPRM. This change will allow the bridge to open automatically, using a system of electronic signals and laser scanners to operate the closing and opening sequence.

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. Vessel traffic will be able to transit through the open bridge with the exception of the short closure period required for the train to transit over the bridge.

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 will affect the following entities, some of which might be small entities: the owners or operators of vessels that proceed under the bridge during daily train crossings. The rule will not change the number of times the bridge will need to be in a closed position for trains. Additionally, the bridge will remain in the open to navigation position at all other times for the benefit of vessel traffic.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. The Coast Guard offered to assist small businesses, organizations, or governmental jurisdictions by providing a contact person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

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 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 this 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 would 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.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

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 because it deals with drawbridge operations. Under figure 2–1, paragraph (32)(e), of the Instruction, an “Environmental Analysis Check List” and a final “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 the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. In § 117.291 revise paragraph (b) to read as follows:

§ 117.291 Hillsborough River.

* * * * *

(b) The draw of the CSX Railroad Bridge across the Hillsborough River, mile 0.7, at Tampa, operates as follows:

(1) The bridge is not tended.

(2) The draw is normally in the fully open position, displaying green lights to indicate that vessels may pass.

(3) As a train approaches, provided the marine traffic detection laser scanners do not detect a vessel under the draw, the lights change to flashing red and a horn continuously sounds while the draw closes. The draw remains closed until the train passes.

(4) After the train clears the bridge, the lights continue to flash red and the horn again continuously sounds while the draw opens, until the draw is fully open and the lights return to green.

Dated: July 15, 2005.

D.B. Peterman,

*RADM, U.S. Coast Guard, Commander,
Seventh Coast Guard District.*

[FR Doc. 05–15062 Filed 7–28–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD05–05–048]

RIN 1625–AA–09

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Onslow Beach, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Onslow Beach Swing Bridge across the Atlantic Intracoastal Waterway (AICW), mile 240.7, at Camp Lejeune, NC. This deviation allows the drawbridge to remain closed-to-navigation each day from 11 p.m. to 9 a.m., beginning October 6 until November 11, 2005, to facilitate sandblasting and painting.

DATES: The deviation is effective from 11 p.m. on October 6 to 9 a.m. on November 11, 2005.

FOR FURTHER INFORMATION CONTACT: Gary Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6629.

SUPPLEMENTARY INFORMATION: The Onslow Beach Swing Bridge and adjoining property are part of the U.S.

Navy and the Marine Corps Base at Camp Lejeune military reservation, located adjacent to Jacksonville, North Carolina. The current regulations at 33 CFR § 117.821(a)(2), require the Onslow Beach Swing Bridge to open on signal for commercial vessels at all times; and on signal for pleasure vessels, except between 7 a.m. and 7 p.m., the draw need only open on the hour and half-hour.

The U.S. Navy has hired a contractor to sandblast and paint the bridge. This work will utilize an encapsulation unit that will immobilize the operation of the swing span. To facilitate the work, the swing span will be closed-to-navigation each day from 11 p.m. to 9 a.m. on October 6, 2005 until and including November 11, 2005. At all other times, the bridge will operate in accordance with 33 CFR § 117.821(a)(2).

The Coast Guard has informed the known users of the waterway of the closure periods for the bridge so that these vessels can arrange their transits to minimize any impact caused by the temporary deviation.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR § 117.35 for the purpose of repair completion of the drawbridge. The temporary deviation allows the Onslow Beach Swing Bridge across the AICW, mile 240.7, at Camp Lejeune, NC, to remain closed-to-navigation each day from 11 p.m. to 9 a.m. on October 6, 2005 until November 11, 2005.

Dated: July 22, 2005.

Waverly W. Gregory, Jr.,

Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. 05–15066 Filed 7–28–05; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[CGD08–05–012]

RIN 1625–AA00

Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 782

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone around a petroleum and gas production facility in Green Canyon 782 of the Outer Continental Shelf in the Gulf of Mexico.