

Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** The FHWA published a document in the **Federal Register** of February 27, 2004 (69 FR 9470) with an incorrect paragraph designation in § 970.208. The FHWA is correcting this typographical error in the lettering sequence of the paragraph.

**§ 970.208 [Amended]**

■ In rule FR Doc. 04-4052 published on February 27, 2004 (69 FR 9470) make the following correction. On page 9475, in the second column of § 970.208, replace the paragraph designation “(e)” with “(d)”.

Issued on: March 25, 2004.

**D.J. Gribbin,**

*Chief Counsel, Federal Highway Administration.*

[FR Doc. 04-7116 Filed 3-30-04; 8:45 am]

**BILLING CODE 4910-22-P**

**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 an extension of 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. The extension allows the bridge to remain closed to navigation during daylight hours during weekdays only for an additional two weeks. The extension of the deviation is necessary to complete the repairs to the damaged portions of the fender system.

**DATES:** This extension of the deviation is effective from 7 a.m. on Thursday, April 15, 2004, through 5 p.m. on Wednesday, April 28, 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:** On March 1, 2004, a temporary deviation for the operation of the Black Bayou Pontoon Bridge across the Gulf Intracoastal Waterway, mile 237.5 west of Harvey Lock, in Calcasieu Parish, LA was published in the **Federal Register** (69 FR 9549). The temporary deviation allowed 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. The Louisiana Department of Transportation and Development (LDOTD) has now requested a two-week extension to the temporary deviation in order to complete the repairs. The extension of the temporary deviation is necessary to ensure the complete repair of the fender system for the safety of the bridge. The extension of the 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 until April 28, 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: March 23, 2004.

**Marcus Redford,**

*Bridge Administrator.*

[FR Doc. 04-7111 Filed 3-30-04; 8:45 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[CGD07-04-033]

RIN 1625-AA09

**Drawbridge Operation Regulations; St. Johns River, Mile 24.7 at Jacksonville, Duval County, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the regulations governing the operation of the Main Street Bridge, mile 24.7, St. Johns River, Jacksonville, Florida. The Florida Department of Transportation's contractor for bridge repairs was unable to complete the scheduled repairs by January 31, 2004, the date provided in the temporary rule published on October 6, 2003. This temporary rule is required to allow the bridge owner to complete the project by May 31, 2004. Under this temporary rule, the bridge need not open from 6 p.m. to 6 a.m. each day from March 31, 2004 until May 31, 2004. Due to repair work, the vertical clearance of the bridge will be reduced by 5 feet.

**DATES:** This rule is effective from 6 p.m., on March 31, 2004, to 6 a.m., on May 31, 2004.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket [CGD07-04-033] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE. 1st Avenue, Room 432, Miami, FL 33131, 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) 415-6743.

**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. Publishing an NPRM was impracticable and contrary to the public interest, because the rule was needed to allow the contractor to provide for worker safety while repairing the bridge. Also, since this rule provides for bridge openings during the majority of the day, during daytime hours, when the area is most heavily traveled, vessel traffic will not

be unduly disrupted during the repair process. Two temporary final rules were previously published (68 FR 47462 and 68 FR 57614), that requested a similar schedule though occurring on different dates. The contractor contacted the Coast Guard on January 27, 2004 and requested the date change due to various delays outside the contractor's control.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after **Federal Register** publication. The contractor submitted a letter on January 27, 2004, requesting an extension and change to the bridge's operating schedule to effect repairs, due to delays beyond their control. Accordingly, there was insufficient time remaining to either publish an NPRM or delay the effective date of the rule. This temporary rule provides for a reduction in bridge openings to allow the contractor to safely repair the bridge while providing for the reasonable needs of navigation during daylight hours.

#### Background and Purpose

The Main Street Bridge, mile 24.7, St. Johns River at Jacksonville, Duval County, Florida, has a vertical clearance of 40 feet at mean high water and a horizontal clearance of 350 feet between the fender systems. The existing operating regulation in 33 CFR 117.325(a) requires the bridge to open on signal except that, from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m., Monday through Saturday, except Federal holidays, the draw need not open for the passage of vessels. The draw opens at any time for vessels in an emergency involving life or property.

Royal Bridge, Inc., contractors, notified the Coast Guard on January 27, 2004, that work on the vertical lift bridge was delayed by events outside their control and that an additional temporary schedule change was needed to complete the project. They also requested an extra 2 hours per day for the closure period (6 p.m. to 6 a.m.). Finally, due to worker safety issues, there will be a 5-foot reduction in vertical clearance for scaffolding. This rule is necessary to provide for worker safety during repairs to the bridge and does not significantly hinder navigation, as openings will be provided throughout the remainder of the day when the transit area is most heavily traveled.

#### Discussion of Rule

Under this temporary rule, the bridge need not open from 6 p.m. until 6 a.m., March 31, 2004, to May 31, 2004. This action is necessary for worker safety

during repairs to the bridge and does not significantly hinder navigation.

#### 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). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. This rule will impact vessels greater than 35 feet in height because of the reduction in vertical clearance. This rule, however, will only affect a small percentage of vessel traffic through the bridge, because of limited nighttime navigation at this location, and openings are available during daylight hours.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we 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 would not have a significant economic impact on a substantial number of small entities, because the regulations will affect only a limited amount of marine traffic and will still provide for navigation needs by opening on signal from 6:01 a.m. to 5:59 p.m.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this temporary rule would have a significant economic impact on it, please submit a comment (*see ADDRESSES*) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this temporary rule so that they can better evaluate its effects on them and comment if necessary. 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 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 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 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. 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 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 Checklist" and a "Categorical Exclusion Determination" are not required for this rule.

## List of Subjects in 33 CFR Part 117

Bridges.

## Regulations

■ 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 p.m. on March 31, 2004, until 6 a.m. on May 31, 2004, in § 117.325, paragraph (a) is suspended and a new paragraph (d) is added to read as follows:

#### § 117.325 St. Johns River.

\* \* \* \* \*

(d) The draw of the Main Street (US 17) Bridge, mile 24.7 at Jacksonville, shall open on signal, except that from 6 p.m. until 6 a.m., the draw need not open for the passage of vessels. The draw shall open at any time for vessels in an emergency involving life or property.

Dated: March 15, 2004.

**Harvey E. Johnson, Jr.,**  
*Rear Admiral, U.S. Coast Guard, Commander,*  
*Seventh Coast Guard District.*  
[FR Doc. 04–7110 Filed 3–30–04; 8:45 am]  
**BILLING CODE 4910–15–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD13–04–008]

RIN 1625–AA00

#### Safety Zone; Fireworks Displays in the Captain of the Port Portland Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of implementation of regulation.

**SUMMARY:** Between May 7, 2004, October 17, 2004, the Coast Guard will enforce permanent safety zones for Annual Fireworks displays on the Willamette River, the Columbia River and the Coos River in the Captain of the Port Portland zone. The Coast Guard is taking this action to safeguard watercraft and their occupants from safety hazards associated with these fireworks displays. Entry into these safety zones is prohibited unless authorized by the Captain of the Port.

**DATES:** The safety zones in 33 CFR 165.1315 will be enforced from May 7, 2004, October 17, 2004.

**ADDRESSES:** Documents referred to in this notice are available for inspection or copying at COTP Portland, 6767 N. Basin Ave, Portland, OR 97217.

**FOR FURTHER INFORMATION CONTACT:** LTJG Ryan Wagner, c/o Captain of the Port Portland, 6767 N. Basin Ave, Portland, OR 97217, (503) 240–9370.

**SUPPLEMENTARY INFORMATION:** The safety zones in 33 CFR 165.1315 were established to provide for the safety of vessels in the vicinity of annual fireworks displays on the Willamette River, the Columbia River and the Coos River. Entry into these zones is prohibited during the following enforcement periods unless authorized by the Captain of the Port or his designee:

- The safety zone for the Cinco de Mayo Fireworks Display will be enforced May 7, 2004, from 9:30 p.m. until 10 p.m.
- The safety zone for the Portland Rose Festival Fireworks Display will be enforced June 30, 2004, from 9:50 p.m. until 10:30 p.m.
- The safety zone for the Tri-City Chamber of Commerce Fireworks Display will be enforced July 4, 2004, from 10 p.m. until 10:30 p.m.
- The safety zone for the Cedco Inc. Fireworks Display will be enforced July 3, 2004, from 10 p.m. until 10:30 p.m.
- The safety zone for the Astoria 4th of July Fireworks Display will be enforced July 4, 2004, from 10 p.m. until 10:30 p.m.
- The safety zone for the Oregon Food Bank Blues Festival will be enforced July 4, 2004, from 10 p.m. until 10:30 p.m.
- The safety zone for the Oregon Symphony Concert Fireworks Display will be enforced September 2, 2004, from 9 p.m. until 9:30 p.m.
- The safety zone for the Vancouver Celebrate America Fireworks Display will be enforced October 17, 2004, from 9 p.m. until 9:20 p.m.

The Captain of the Port may be assisted by other Federal, State, or local agencies in enforcing these security zones.

Dated: March 16, 2004.

**Paul D. Jewell,**  
*Captain, U.S. Coast Guard, Captain of the Port, Portland.*  
[FR Doc. 04–7112 Filed 3–30–04; 8:45 am]  
**BILLING CODE 4910–15–P**