

3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 5. Section 772.1 is amended by revising the definitions for “COCOM (Coordinating Committee on Multilateral Export Controls)” and “NATO (North Atlantic Treaty Organization)” to read as follows:

§ 772.1 Definitions of Terms as Used in the Export Administration Regulations (EAR).

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COCOM (Coordinating Committee on Multilateral Export Controls). A multilateral organization that cooperated in restricting strategic exports to controlled countries. COCOM was officially disbanded on March 31, 1994. COCOM members included: Australia, Belgium, Canada, Denmark, France, Germany, Greece, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, United Kingdom, and United States.

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NATO (North Atlantic Treaty Organization). A strategic defensive organization that consists of the following member nations: Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, the United Kingdom, and the United States.

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PART 774—[AMENDED]

■ 6. The authority citation for 15 CFR part 774 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 7. In Supplement No. 1 to part 774, Category 9 “Propulsion Systems, Space Vehicles and Related Equipment”, ECCNs 9D018 and 9E018 are amended by revising the “TSR” entry in the License Exception sections to read as follows:

9D018 “Software” for the “use” of equipment controlled by 9A018.

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License Exceptions

CIV: * * *

TSR: Yes for Australia, Japan, New Zealand, and NATO countries that are also listed in Country Group B of Supplement No. 1 to part 740 of the EAR.

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9E018 “Technology” for the “development”, “production”, or “use” of equipment controlled by 9A018.

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License Exceptions

CIV: * * *

TSR: Yes for Australia, Japan, New Zealand, and NATO countries that are also listed in Country Group B of Supplement No. 1 to part 740 of the EAR.

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Dated: June 17, 2004.

Peter Lichtenbaum,
Assistant Secretary for Export Administration.

[FR Doc. 04–14625 Filed 6–25–04; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD05–04–118]

RIN 1625–AA09

Drawbridge Operation Regulations; Chincoteague Channel, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations and request for comments.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation regulation for the Route 175 Bridge across Chincoteague Channel, mile 3.5, at Chincoteague, Virginia. Under this temporary 90-day deviation, the draw of the bridge will open every two hours on the even hour from 6 a.m. to Midnight; except from 7 a.m. to 5 p.m., on the last consecutive Wednesday and Thursday in July, the draw need not be opened. At all other times, the draw need not open.

The purpose of this temporary deviation is to test an alternate drawbridge operation schedule for 90 days and solicit comments from the public.

DATES: This deviation is effective from July 2, 2004 through September 29,

2004. Comments must reach the Coast Guard on or before 15 October 2004.

ADDRESSES: You may mail comments and related material to Commander (obr), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or they may be hand delivered to the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. The Commander (obr), Fifth Coast Guard District maintains the public docket for this test deviation. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address.

Request for Comments

We encourage you to participate in this test schedule by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this test deviation CGD05–04–118, indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

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

SUPPLEMENTARY INFORMATION: Effective on June 16, 2004, the bridge owner, the Virginia Department of Transportation (VDOT), was officially permitted to operate the Route 175 Bridge across Chincoteague Channel with new regulations. The new operating regulations listed at 33 CFR § 117.1005 allows the draw of the bridge to remain in the closed position from 7 a.m. to 5 p.m. on the last consecutive Wednesday and Thursday in July of every year, to facilitate public safety during the Annual Pony Swim.

On behalf of the Chincoteague Town Council (the Town Council), residents and business owners in the area, VDOT has requested a temporary deviation from the drawbridge regulations to test for a period of 90 days an alternate drawbridge operation schedule in an effort to balance the needs of vessel and vehicular traffic transiting in and around this seaside resort area. The new

proposal will test new regulations that will require the bridge to open on two-hour intervals on the even hour from 6 a.m. to Midnight; except from 7 a.m. to 5 p.m., on the last consecutive Wednesday and Thursday in July, the draw need not be opened. At all other times, the draw need not open.

The Town Council has recommended this test regulation to reduce vehicular traffic congestion, to increase public safety on this small island as a result of the reduced number of drawbridge openings, and to extend the structural and operational integrity of the movable span.

Under this 90-day temporary deviation, effective from July 2, 2004 through September 29, 2004, the Route 175 Bridge across Chincoteague Channel shall open every two hours on the even hour from 6 a.m. to Midnight; except from 7 a.m. to 5 p.m., on the last consecutive Wednesday and Thursday in July, the draw need not be opened. At all other times, the draw need not open.

This deviation from the operating regulations is authorized under 33 CFR § 117.43.

Dated: June 21, 2004.

Waverly W. Gregory, Jr.,

Chief, Bridge Administration Branch, Fifth Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay 04-013]

RIN 1625-AA00

Safety Zone; Middle River, San Joaquin County, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of the Middle River, San Joaquin County due to ongoing repair operations to a break in the Upper Jones Tract Levee that resulted in the flooding of the Upper Jones Tract. The safety zone is located within the area bounded on the north by the Santa Fe Cut Canal, on the south by the entrance of the Woodward Cut Canal, on the east by the Upper Jones Tract, and on the west by the eastern edge of Woodward Island. This temporary safety zone is necessary to

ensure the safety of the personnel and vessels involved in response operations, as well as other personnel, vessels and property from the associated flooding hazards. Persons and vessels are prohibited from entering into or transiting through the safety zone, unless authorized by the Captain of the Port or his designated representative.

DATES: This rule is effective from 12:30 p.m. (PDT) on June 12, 2004, until 5 p.m. (PDT) on July 12, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket COTP San Francisco Bay 04-013 and are available for inspection or copying at Coast Guard Marine Safety Office San Francisco Bay, Coast Guard Island, Alameda, California, 94501, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Ensign John Bannon, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437-3082.

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. Due to the urgency in responding to the levee damage, the Coast Guard determined that drafting and publishing a NPRM would cause unnecessary delay in implementation of this rule and would act contrary to the public's interest in seeking continued response to this emergency situation.

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 publication in the **Federal Register**. Given the urgency of the levee damage and the strong public interest served in immediate response and repair of the levee, good cause exists in making the rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

On June 3, 2004, the Coast Guard was notified that a section of the Upper Jones Tract Levee had collapsed in the vicinity of the Middle River in San Joaquin County, California. Coast Guard personnel from Station Rio Vista responded and observed an estimated 200-foot section of the levee destroyed and subsequent flooding of the agricultural land within the Upper Jones Tract. Initial response efforts included personnel from the Coast Guard, the California Department of Fish and

Game, and the San Joaquin County Sheriff. A temporary safety zone was established for one week to limit access to the waterway and assist with the safety of repair operations to the levee and restore it to a working condition.

On June 12, 2004 the San Joaquin County Sheriff Marine Patrol requested that the Coast Guard reestablish a safety zone in the vicinity of the Upper Jones Tract Levee break due to recreational vessel traffic disrupting repair operations. The previous safety zone expired on June 10, 2004. The Coast Guard has determined that a safety zone remains necessary and this temporary safety zone is established for a period of 30 days.

Discussion of Rule

This safety zone is necessary to protect the personnel involved in the response operations, and all other personnel, vessels and property from the associated river hazards resulting from the levee break. Entry into, transit through or anchoring within this safety zone is prohibited, unless authorized by the Captain of the Port, or his designated representative.

U.S. Coast Guard personnel and San Joaquin County Sheriff Marine Patrol will enforce this safety zone and may be assisted by other Federal, State, or local agencies, including the Coast Guard Auxiliary. Section 165.23 of Title 33, Code of Federal Regulations, prohibits any unauthorized person or vessel from entering or remaining in a safety zone. Vessels or persons violating this section will be subject to the penalties set forth in 33 U.S.C. 1232. Pursuant to 33 U.S.C. 1232, any violation of the safety zone described herein, will be punishable by civil penalties (not to exceed \$32,500 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment up to 6 years and a maximum fine of \$250,000), and in rem liability against the offending vessel. Any person who violates this section, using a dangerous weapon, or who engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce this regulation, also faces imprisonment up to 12 years.

Once the Coast Guard concludes that the safety zone is no longer required or response operations will involve a smaller area of the navigable waterway than is described by this safety zone, the Captain of the Port will announce the end of enforcement or reduction in size of this safety zone via broadcast notice to mariners.