

## DISTRICT QUARTERLY REPORT—4TH QUARTER 2003—Continued

District docket	Location	Type	Effective date
05-03-202	Hampton Roads, Virginia	Security Zone	12/11/2003
05-03-203	Hampton Roads, Virginia	Security Zone	12/16/2003
05-03-208	Delaware Bay and River	Safety Zone	12/16/2003
05-03-209	Hampton Roads, Virginia	Security Zone	12/19/2003
05-03-210	Hampton Roads, Virginia	Security Zone	12/26/2003
05-03-212	Hampton Roads, Virginia	Security Zone	12/26/2003
09-03-250	Chicago, IL	Safety Zone	10/4/2003
09-03-279	COTP Detroit Zone, Renaissance Center	Security Zone	10/2/2003
09-03-281	Chicago, IL	Safety Zone	11/22/2003
09-03-282	Saint Lawrence Seaway, New York	Safety and Security	11/2/2003
09-03-286	Chicago, IL	Safety Zone	12/7/2003
11-03-007	Stockton, CA	Drawbridge	12/1/2003
13-03-037	Puget Sound, Washington	Security Zone	10/8/2003
13-03-038	Columbia River	Safety Zone	11/8/2003
13-03-039	Puget Sound, Washington	Security Zone	12/9/2003

[FR Doc. 04-1861 Filed 1-28-04; 8:45 am]

BILLING CODE 4910-15-M

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[CGD07-02-141]

RIN 1625-AA09

**Drawbridge Operation Regulations; Caloosahatchee River Bridge (SR 29), Okeechobee Waterway, Labelle, Florida.**

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is changing the regulations governing the operation of the Caloosahatchee River bridge (SR 29), Okeechobee Waterway, mile 103, Labelle, Florida. This rule requires the bridge to open on signal, except that from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the bridge need not open. This action is intended to improve movement of vehicular traffic while not unreasonably interfering with the movement of vessel traffic.

**DATES:** This rule is effective March 1, 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 [CGD07-02-141] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131 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. Barry Dragon, Project Manager, Seventh Coast Guard District, Bridge Branch, (305) 415-6743.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

On March 19, 2003, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Caloosahatchee River bridge (SR 29), Okeechobee Waterway, Labelle, Florida, in the **Federal Register** (68 FR 13242). We received one (1) comment on this notice of proposed rulemaking (NPRM). No public hearing was requested, and none was held.

**Background and Purpose**

The Mayor of Labelle requested a change in regulations governing the operation of the Caloosahatchee River bridge (SR 29), to ease vehicle traffic congestion, during morning and evening rush hours. The roadway is a two-lane, narrow, undivided arterial roadway. The waterway has safe waiting areas on each side of the bridge for all vessels; however, the waterway is used predominantly by small to mid-sized recreational vessels. The roadway is severely congested due to insufficient vehicular capacity. The existing regulation for this bridge is published in 33 CFR 117.5 and requires the bridge to open on signal. The rule will continue to require the bridge to open on signal, except that from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need not open. Tugs with tows, public vessels of the United States and vessels in distress shall be passed at any time.

**Discussion of Comments and Changes**

We received one (1) comment on the notice of proposed rulemaking (NPRM) against the rule change, citing that the period of closure was too long for vessels to wait.

We have carefully considered the comment and decided not to change the proposed rule. Vessels transiting the area would have a 20-hour period during which the bridge would open on signal and adequate safe waiting areas are available.

**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, because the rule will only affect a small percentage of vessel traffic through this bridge.

**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 will not have

a significant economic impact on a substantial number of small entities.

#### 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 can better evaluate its effects on them and participate in the rulemaking. The Coast Guard offered small businesses, organizations, or governmental jurisdictions that believed the rule would affect them, or that had questions concerning its provisions or options for compliance, to 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 will 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. 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.

#### 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. § 117.317(k) is added to read as follows:

#### § 117.317 Okeechobee Waterway.

\* \* \* \* \*

(k) *Caloosahatchee River Bridge (SR 29), Mile 103, Labelle, Florida.*

The Caloosahatchee River bridge (SR 29), mile 103, shall open on signal, except that from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the bridge need not open. Exempt vessels shall be passed at any time.

Dated: January 15, 2004.

**F.M. Rosa,**

*Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.*  
[FR Doc. 04-1857 Filed 1-28-04; 8:45 am]

**BILLING CODE 4910-15-P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

#### 33 CFR Part 126

[USCG-1998-4302]

RIN 1625-AA07 (Formerly RIN 2115-AE22)

#### Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In the final rule with this same title published September 26, 2003, we noted that the Office of Management and Budget (OMB) had not approved a collection of information associated with our requirement that owners or operators of waterfront facilities desiring to handle packaged and bulk-solid dangerous cargo must post warning signs constructed and installed according to National Fire