

businesses and small Governments). The Corps expects that the economic impact of the establishment of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal if adopted, will have no significant economic impact on small entities.

*c. Review Under the National Environmental Policy Act*

A preliminary environmental assessment has been prepared for this action. The Districts expects, due to the minor nature of the proposed additional restricted area regulations, that this action, if adopted, will not have a significant impact to the quality of the human environment, and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the District office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

*d. Unfunded Mandates Act*

This proposed rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

**List of Subjects in 33 CFR Part 334**

Danger zones, Marine safety, Restricted areas, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR Part 334, as follows:

**PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS**

1. The authority citation for Part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Section 334.82 would be added to read as follows:

**§ 334.82 Naragansett Bay, East Passage, Coasters Harbor Island, Naval Station Newport, Newport, Rhode Island, Restricted Area.**

(a) *The area.* The waters within a “C-shaped” area adjacent to and surrounding Coasters Harbor Island beginning at Coddington Point at latitude 41°31'24.0” N, longitude 71°19'24.0” W; thence west southwest to latitude 41°31'21.5” N, longitude 71°19'45.0” W; thence south southwest

to latitude 41°31'04.2” N, longitude 71°19'52.8” W; thence due south to latitude 41°30'27.3” N, longitude 71°19'52.8” W; thence south southeast to 41°30'13.8” N, longitude 71°19'42.0” W; thence southeast to latitude 41°30'10.2” N, longitude 71°19'32.6” W; thence due east to latitude 41°30'10.2” N, longitude 71°19'20.0” W; thence northerly along the mainland shoreline to the point of origin.

(b) *The regulation.* All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and federal, local or state law enforcement vessels, are prohibited from entering the restricted areas without permission from the Commanding Officer Naval Station Newport, USN, Newport, Rhode Island or his/her authorized representative.

(c) *Enforcement.* (1) The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the United States Navy, Commanding Officer Naval Station Newport, Newport, Rhode Island and/or other persons or agencies as he/she may designate.

(2) [Reserved]

Dated: November 3, 2003.

**Michael B. White,**

*Chief, Operations Division, Directorate of Civil Works.*

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**BILLING CODE 3710-92-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[FRL-7587-9]

**National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent for partial deletion of the Del Monte Corporation (Oahu Plantation) Superfund Site from the National Priorities List; Correction.

**SUMMARY:** The Environmental Protection Agency published a document in the **Federal Register** of October 30, 2003 concerning request for comments on a Notice of Intent for Partial Deletion of the Del Monte Corporation (Oahu Plantation) Superfund Site from the National Priorities List. The document contained an error.

**FOR FURTHER INFORMATION CONTACT:** Janet Rosati, 415-972-3165.

**Correction**

In the **Federal Register** of October 30, 2003, in FR Doc. 03-27161, on page 61784, in the second column under “IV. Site Background and History,” correct the location of the Poamoho Section in relation to the Kunia Well to read:

The southern and northern boundaries of the Poamoho Section are located 3 miles north and 4.5 miles north, respectively, of the Kunia Well.

Dated: November 10, 2003.

**Laura Yoshii,**

*Acting Regional Administrator, Region 9.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AT52**

**Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Mexican Spotted Owl**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce that, based on the October 10, 2003, decision in *Center for Biological Diversity v. Norton*, Civ. 01-409 TUC DCB (D. Ariz.), we are once again soliciting comment on our July 21, 2000, proposed rule (hereinafter referred to as the July 2000 proposal) to designate critical habitat for the Mexican spotted owl (*Strix occidentalis lucida*) (65 FR 45336). We issued a final rule to the July 2000 proposal on February 1, 2001 (66 FR 8530). The final rule did not include some Forest Service and tribal lands that had been proposed for designation as critical habitat in the July 2000 proposal. This final rule is still in effect while we reconsider the proposed rule and issuance of a new final rule. Comments previously submitted on the July 2000 proposal need not be resubmitted because we will incorporate them into the public record as part of this reopening of the comment period and will fully consider them in development of a new final rule.

The Mexican spotted owl (owl) inhabits canyon and montane forest habitats across a range that extends from southern Utah and Colorado, through Arizona, New Mexico, and west Texas, to the mountains of central Mexico. The July 2000 proposal included