

Original amendment submission date	Date of final publication	Citation/description
February 24, 2004	June 1, 2004	IAC 27—40.1(1), 40.1(4); 40.3(207); 40.4(207), 40.4(2), 40.4(3), 40.4(9), 40.4(11); 40.5(207); 40.6(207), 40.6(2); 40.7(207); 40.11(207); 40.12(207); 40.13(207); 40.21(207), 40.21(4) through 40.21(6); 40.22(207), 40.22(2); 40.23(207); 40.30(207), 40.30(1), 40.30(4); 40.31(207), 40.31(1) through 40.31(9), 40.31(12) through 40.31(15); 40.32(207), 40.32(1), 40.32(2), 40.32(4); 40.33(207); 40.34(207), 40.34(2), 40.34(3); 40.35(207), 40.35(3); 40.36(207); 40.37(207), 40.37(4); 40.38(207), 40.38(2), 40.38(3); 40.39(207); 40.41(207); 40.51(207); 40.61(207), 40.61(4); 40.62(207); 40.63(207), 40.63(6), 40.63(9); 40.64(207), 40.64(4), 40.64(6); 49.65(207); 40.66(207); 40.67(207); 40.71(207); 40.73(2)g, 40.73(4)d; 40.74(207), 40.74(9); 40.75(207), 40.75(2); 40.81(207); 40.82(207); 40.92(8).

■ 3. Section 915.16 is amended by adding paragraph (b) to read as follows:

§ 915.16 Required program amendments.

* * * * *

(b) Before Iowa implements its regulations at IAC 27—40.41(207), it must revise Iowa Code section 207.4, subsection 1, paragraph d to include the changes that were made to section 507(c)(1) of SMCRA on November 5, 1990, and October 24, 1992.

[FR Doc. 04–12248 Filed 5–28–04; 8:45 am]
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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 67

[USCG–2001–10714]

RIN 1625–AA34

Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys

AGENCY: Coast Guard, DHS.

ACTION: Final rule; correction.

SUMMARY: The Coast Guard published in the *Federal Register* of May 5, 2004, a final rule concerning an update of rules on aids to navigation. The final rule, as published, contained an error—a request to remove two sentences from a section in which the sentences are not present. This document corrects that error.

DATES: Effective June 1, 2004.

FOR FURTHER INFORMATION CONTACT: For questions on this correction notice, call or e-mail Dan Andrusiak, Office of Aids to Navigation (G-OPN), U.S. Coast

Guard, at telephone 202–267–0327, or *dandrusiak@comdt.uscg.mil*.

SUPPLEMENTARY INFORMATION:

Need for Correction

The final rule, as published, contained an error. The rule removes two sentences from six sections in 33 CFR part 67 subpart 67.50. Section 67.50–35 was added to this list of sections by mistake. The two identified sentences do not appear in § 67.50–35.

Correction of Publication

PART 67—[CORRECTED]

■ In FR Doc. 04–9908 published on May 5, 2004, (69 FR 24979), make the following corrections:

§ 67.50–35 [Corrected]

- 1. On page 24984, in the second column, on line 7, correct the list of section numbers by removing “67.50–35.”
- 2. In amendatory instruction 30, correct the instruction by removing “67.50–35(b).”

Dated: May 24, 2004.

David S. Belz,
Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 04–12360 Filed 5–28–04; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–04–048]

Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and Their Tributaries, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Metropolitan Avenue Bridge, mile 3.4, across English Kills at New York City, New York. Under this temporary deviation the bridge may remain closed from 7 a.m. through 4 p.m., from June 11 to June 12, June 14 to June 19, and June 21 to June 26, 2004, to facilitate necessary bridge maintenance.

DATES: This deviation is effective from June 11, 2004 through June 26, 2004.

FOR FURTHER INFORMATION CONTACT: Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668–7195.

SUPPLEMENTARY INFORMATION: The New York City Department of Transportation (NYCDOT) Metropolitan Avenue Bridge has a vertical clearance in the closed position of 10 feet at mean high water and 15 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.801(e).

NYCDOT, requested a temporary deviation from the drawbridge operation regulations to facilitate repairs to the electrical controls at the bridge. The bridge must remain in the closed position to perform these repairs.

Under this temporary deviation the NYCDOT Metropolitan Avenue Bridge may remain in the closed position from 7 a.m. through 4 p.m., from June 11 to June 12, June 14 to June 19, and June 21 to June 26, 2004.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: May 20, 2004.

John L. Grenier,

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

[FR Doc. 04-12320 Filed 5-28-04; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01-04-021]

RIN 1625-AA09

Drawbridge Operation Regulations: Harlem River, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Triborough (125th Street) Bridge, mile 1.3, across the Harlem River at New York City, New York. This temporary final rule allows the bridge owner to require a forty-eight hour notice for bridge openings from June 1, 2004, through January 31, 2005. This action is necessary to facilitate structural rehabilitation at the bridge.

DATES: This rule is effective from June 1, 2004, through January 31, 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 (CGD01-04-021) and are available for inspection or copying the First Coast Guard District, Bridge Branch Office, One South Street, New York, New York, 10004, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668-7165. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. Joe Arca, Project Officer, First Coast Guard District, (212) 668-7069.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 5, 2004, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Harlem River, New York, in the **Federal Register** (69 FR 17616). Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal**

Register. Making this rule effective in less than 30 days is necessary in order to allow bridge repairs to start on June 1, 2004. The Coast Guard believes this is reasonable since the bridge has not received an opening request in over three years.

Background and Purpose

The Triborough (125th Street) Bridge has a vertical clearance of 54 feet at mean high water and 59 feet at mean low water in the closed position.

The existing drawbridge operation regulations listed at 33 CFR 117.789(d) require the bridge to open on signal from 10 a.m. to 5 p.m. after at least a four-hour notice is given.

The owner of the bridge, the Triborough Bridge and Tunnel Authority (TBTA), requested a temporary change to the drawbridge operation regulations to allow the bridge owner to require a forty-eight hour notice for bridge openings from June 1, 2004, through January 31, 2004, to facilitate structural rehabilitation of the bridge. The Triborough (125th Street) Bridge has not received any requests to open for the past three years.

The bridge owner plans to replace the structural steel deck system at the bridge between June 1, 2004, and January 31, 2005. Temporary concrete roadway barriers will be used to redirect vehicular traffic over the bridge to facilitate lane closures required to structurally rehabilitate sections of the bridge roadway steel decking.

Under the existing drawbridge operation regulations, which require a four-hour advance notice, unscheduled bridge opening requests would be impossible to grant. Such openings would be impossible because of the time needed to safely remove construction equipment, concrete barriers, and construction workers from the lift span. The additional advanced notice will allow time for the bridge operators to properly remove construction materials so that the bridge may operate safely upon request for an opening. Additionally, the Coast Guard believes the requested forty-eight hour advance notice requirement is reasonable based upon the lack of bridge opening requests over the past three years.

Discussion of Comments and Changes

We received no comment letters in response to the notice of proposed rulemaking. No changes were made to this final rule.

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). This conclusion is based on the fact that the bridge has received no vessel traffic for the past three years, thus there will be little, if any, impact on vessel traffic by the increased advance notice requirement. The bridge will continue to open for vessel traffic with 48 hours advance notice.

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 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. The reasoning for this conclusion is the same as that found under the "Regulatory Evaluation" section.

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.

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).