

(t) *Parker (US-1) bridge, mile 1013.7, at Riviera Beach.* The draw shall open on the quarter and three-quarter hour.

(u) *Flagler Memorial (SR A1A) bridge, mile 1020.8, at Palm Beach.* The draw shall open on the quarter and three-quarter hour.

(v) *Royal Park (SR 704) bridge, mile 1022.6, at Palm Beach.* The draw shall open on the hour and half-hour.

(w) *Southern Boulevard (SR 700/80) bridge, mile 1024.7, at Palm Beach.* The draw shall open on the hour and half-hour.

(x) *Ocean Avenue bridge, mile 1031.0, at Lantana.* The draw shall open on the hour and half-hour.

(y) *Ocean Avenue bridge, mile 1035.0, at Boynton Beach.* The draw shall open on the hour and half-hour.

(z) [Reserved]

(z-1) *Atlantic Avenue (SR 806) bridge, mile 1039.6, at Delray Beach.* The draw shall open on the quarter and three-quarter-hour.

(z-2) *Linton Boulevard bridge, mile 1041.1, at Delray Beach.* The draw shall open on the hour and half-hour.

(z-3) *Spanish River bridge, mile 1044.9, at Boca Raton.* The draw shall open on the hour and half-hour.

(aa) *Palmetto Park bridge, mile 1047.5, at Boca Raton.* The draw shall open on the hour and half-hour.

(aa-1) *Boca Club, Camino Real bridge, mile 1048.2, at Boca Raton.* The draw shall open on the hour, twenty minutes past the hour and forty minutes past the hour.

\* \* \* \* \*

Dated: June 4, 2004.

**Harvey E. Johnson, Jr.,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.*

[FR Doc. 04-13608 Filed 6-16-04; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 147

[CGD08-04-004]

RIN 1625-AA84

### Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 608

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone around a petroleum and gas production facility in Green Canyon 608 of the Outer

Continental Shelf in the Gulf of Mexico. The facility needs to be protected from vessels operating outside the normal shipping channels and fairways, and placing a safety zone around this area would significantly reduce the threat of allisions, oil spills and releases of natural gas. This rule prohibits all vessels from entering or remaining in the specified area around the facility's location except for the following: An attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander.

**DATES:** This final rule is effective July 19, 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 [CGD08-04-004] and are available for inspection or copying at Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans, LA, between 8 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant (LT) Kevin Lynn, Project Manager for Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans, LA 70130, telephone (504) 589-6271.

**SUPPLEMENTARY INFORMATION:**

#### Regulatory History

On March 15, 2004, we published a notice of proposed rulemaking (NPRM) entitled "Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 608" in the **Federal Register** (69 FR 12098). We received no comments on the proposed rule. No public hearing was requested, and none was held.

#### Background and Purpose

The Coast Guard is establishing a safety zone around the Marco Polo Tension Leg Platform (the Platform), a petroleum and gas production facility in the Gulf of Mexico. The Platform is located in Green Canyon (GC 608), at position 27°21'43.32" N, 90°10'53.01" W.

This safety zone is in the deepwater area of the Gulf of Mexico. For the purposes of this regulation it is considered to be in waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ) contiguous to the territorial sea of the United States and extending to a distance up to 200 nautical miles from the baseline from which the breadth of the sea is measured. Navigation in the area of the

safety zone consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel. The deepwater area of the Gulf of Mexico also includes an extensive system of fairways. The fairway nearest the safety zone is the South of Gulf Safety Fairway. Significant amounts of vessel traffic occur in or near the various fairways in the deepwater area.

Anadarko Petroleum Corporation, hereafter referred to as Anadarko, requested that the Coast Guard establish a safety zone in the Gulf of Mexico around the Marco Polo Tension Leg Platform (TLP).

The request for the safety zone was made due to the high level of shipping activity around the site of the facility, high levels of production volumes, the number of persons onboard the Platform, and environmental safety concerns. Anadarko indicated that the location, production level, and personnel levels on board the facility make it highly likely that any allision with the facility would result in a catastrophic event.

The Coast Guard has evaluated Anadarko's information and concerns against Eighth Coast Guard District criteria developed to determine if an Outer Continental Shelf facility qualifies for a safety zone. Several factors were considered to determine the necessity of a safety zone for the Marco Polo TLP facility: (1) The facility is located approximately 35 nautical miles south-southwest of the South of Gulf Safety Fairway; (2) the facility has a high daily production capacity of petroleum oil and gas; (3) the facility is manned; and (4) the facility is a tension leg platform.

We conclude that the risk of allision to the facility and the potential for loss of life and damage to the environment resulting from such an accident warrants the establishment of this safety zone. This regulation will significantly reduce the threat of allisions, oil spills and natural gas releases and increases the safety of life, property, and the environment in the Gulf of Mexico. This regulation is issued pursuant to 14 U.S.C. 85 and 43 U.S.C. 1333 as set out in the authority citation for 33 CFR part 147.

#### Discussion of Comments and Changes

We received no comments on the proposed rule. Therefore, we have not made any change in the final rule.

#### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 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 under the regulatory policies and procedures of DHS is unnecessary. The impacts on routine navigation are expected to be minimal because the safety zone will not overlap any of the safety fairways within the Gulf of Mexico.

#### **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 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. Since the Platform is located far offshore, few privately owned fishing vessels and recreational boats/yachts operate in the area. This rule will not impact an attending vessel or vessels less than 100 feet in length overall not engaged in towing. Alternate routes are available for all other vessels impacted by this rule. Use of an alternate route may cause a vessel to incur a delay of four to ten minutes in arriving at their destinations depending on how fast the vessel is traveling. Therefore, the Coast Guard expects the impact of this regulation on small entities to be minimal.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies 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 (Pub. L. 104–121), we offered to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking.

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 expenditure, we discuss the effects of this rule elsewhere in this 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 does not create an environmental risk to

health or risk to safety that may 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 categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1 paragraph (34)(g), of the instruction, from further environmental documentation because this rule is not expected to result in any significant environmental impact as described in NEPA.

A final “Environmental Analysis Check List” and a final “Categorical Exclusion Determination” are available in the docket where indicated under **ADDRESSES**.

#### **List of Subjects in 33 CFR Part 147**

Continental shelf, Marine safety, Navigation (water).

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 147 as follows:

**PART 147—SAFETY ZONES**

■ 1. The authority citation for part 147 continues to read as follows:

**Authority:** 14 U.S.C. 85; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 147.837 to read as follows:

**§ 147.837 Marco Polo Tension Leg Platform Safety Zone.**

(a) *Description.* Marco Polo Tension Leg Platform, Green Canyon 608 (GC 608), located at position 27°21'43.32" N, 90°10'53.01" W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon [NAD 83].

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

- (1) An attending vessel;
- (2) A vessel under 100 feet in length overall not engaged in towing; or
- (3) A vessel authorized by the Commander, Eighth Coast Guard District.

Dated: June 4, 2004.

**R.F. Duncan,**

*Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 181**

[USCG-2003-14272]

[RIN 1625-AA53]

**Country of Origin Codes and Revision of Regulations on Hull Identification Numbers**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising its regulations to allow U.S. manufacturers of recreational boats to display a 2-character country of origin code before the 12-character hull identification number (HIN) without separating the two by means of borders or on a separate label. This removal of our previous restriction will allow U.S. manufacturers to comply with the International Organization for Standardization (ISO) HIN standard, without changing the information collected by States on undocumented vessels that they register because the U.S. HIN remains only 12 characters.

**DATES:** This final rule is effective August 16, 2004.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2003-14272 and are available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this final rule, call Mr. Alston Colihan, Office of Boating Safety, Coast Guard, telephone 202-267-0984. If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202-366-0271.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

On June 20, 2003, we published in the **Federal Register** (68 FR 36957) a notice of proposed rulemaking (NPRM) entitled "Country of Origin Codes and Revision of Regulations on Hull Identification Numbers." We received six letters commenting on the proposed rule. No public hearing was requested and none was held.

**Background and Purpose**

In 1995, the International Organization for Standardization (ISO) finalized a hull identification number standard (ISO 10087:1995(E)) consisting of the existing Coast Guard 12-character HIN format preceded by a 2-character country code and a hyphen. Boat manufacturers in the United States that export to Europe started using the ISO HIN standard beginning with the 1996 model year.

The ISO standard states that "A HIN shall consist of 14 consecutive characters plus a hyphen \* \* \*" But 33 CFR 181.27 of our HIN standard states, "If additional information is displayed on the boat within two inches of the [12-character] hull identification number, that information must be separated from the hull identification number by means of borders or must be on a separate label so that it will not be interpreted as part of the hull identification number." While the ISO HIN standard includes a paragraph, ISO 10087:1995(E)(6) entitled "Additional information," that contains language nearly identical to that in § 181.27, the ISO additional information requirements do not apply to the country code and hyphen, which

are part of the 14-character, international HIN.

The American Boat and Yacht Council (ABYC) develops voluntary consensus safety standards for the design, construction, equipment, maintenance, and repair of small craft. An ABYC Technical Committee studying the ISO HIN standard and our HIN standard concluded that the differing requirements are a problem for U.S. builders exporting to Europe. One large U.S. manufacturer that exports to Europe pointed out that use of a separate tape to create the border required by our HIN standard often results in misalignment and other flaws that may be confused with attempts to alter an HIN.

This proposal was discussed at the October 29, 2001 meeting of the National Boating Safety Advisory Council (66 FR 49445, September 27, 2001) and there were no objections stated by State boating law administrators in attendance at the meeting. The NBSAC passed a resolution requesting the Coast Guard to immediately pursue rulemaking for an exception to current regulations to allow the U.S. HIN system to conform to the ISO HIN standard while not requiring the states to include the country code in their registration process.

**Discussion of Comments**

By the close of the comment period on September 18, 2003, we received six comments from the following categories: one individual, one State boating official, one boat manufacturer, and three associations.

*Rule Beneficial to Import-Export Community*

The individual supported the rule because it removes the limitations of the separate label requirement and will be beneficial to the import-export community.

The boat manufacturer supported the rule because separation of the 2-character country of origin code from the HIN by means of borders or on a separate label is burdensome and costly due to the necessity to maintain two different HIN labeling systems: One for boats sold domestically and a second one for boats exported for sale overseas. Removal of the requirement for borders or a separate label around the country of origin code will allow U.S. manufacturers to comply with the ISO HIN standard, without changing the information collected by the States on undocumented vessels they register.

This manufacturer stated that one of the challenges the company faces as an exporter is being cost-effective while