

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 141**

[Docket No. RM03-8-000; Order No. 646]

**Quarterly Financial Reporting and Revisions to the Annual Reports**

Issued June 16, 2004.

**AGENCY:** Federal Energy Regulatory Commission.**ACTION:** Final rule; correction notice.

**SUMMARY:** The Federal Energy Regulatory Commission published in the **Federal Register** a final rule amending its financial reporting regulations to establish new quarterly financial reporting for respondents that file FERC Annual Reports. The filing date for non-major public utilities and licensees to submit the quarterly financial report for the period January 1 through March 31, 2004, was incorrect. This filing date should read July 23, 2004, instead of June 23, 2004. This document corrects the final rule by revising this date.

**DATES:** Effective on June 16, 2004.

**FOR FURTHER INFORMATION CONTACT:** Julia A. Lake, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 (202) 502-8370.

**SUPPLEMENTARY INFORMATION:** The Federal Energy Regulatory Commission published in the **Federal Register** of February 26, 2004, Order No. 646, a final rule amending the Commission's financial reporting regulations to establish new quarterly financial reporting for respondents that currently file Annual Reports with the Commission. 69 FR 9030 (2004). The filing date for non-major public utilities and licensees to submit the quarterly financial report for the period January 1 through March 31, 2004, shown in section 141.400, paragraph (b)(3)(i) was incorrect. This filing date should read July 23, 2004, instead of June 23, 2004. This document corrects the final rule by revising this date.

**List of Subjects in 18 CFR Part 141**

Electric power, Reporting and record keeping requirements.

**Magalie R. Salas,**  
*Secretary.*

■ Accordingly, 18 CFR part 141 is corrected by making the following correcting amendment:

**PART 141—STATEMENTS AND REPORTS (SCHEDULES)**

■ 1. The authority citation for part 141 continues to read as follows:

**Authority:** 15 U.S.C. 79; 16 U.S.C. 791a-828c, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

**§ 141.400 [Amended]**

■ 2. In § 141.400, paragraph (b)(3)(i), the word "June" is removed and the word "July" is inserted in its place.

[FR Doc. 04-14027 Filed 6-21-04; 8:45 am]

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**DEPARTMENT OF JUSTICE****Drug Enforcement Administration****21 CFR Part 1301**

[Docket No. DEA-232C]

RIN 1117-AA70

**Controlled Substances Registration and Reregistration Application Fees**

**AGENCY:** Drug Enforcement Administration (DEA), Department of Justice.

**ACTION:** Final rule correction.

**SUMMARY:** This document corrects an error included in DEA's Final Rule published in the **Federal Register** on October 10, 2003 (68 FR 58587). This Final Rule related to the fees to be charged controlled substances registrants. This correction will not adjust the fees collected to support the Diversion Control Program.

**EFFECTIVE DATE:** June 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537; Telephone (202) 307-7297.

**SUPPLEMENTARY INFORMATION:****Background**

On October 10, 2003, the Drug Enforcement Administration (DEA) published a Final Rule in the **Federal Register** adjusting its controlled substances registration and reregistration fees pursuant to the Controlled Substances Act (21 U.S.C. 821, 886a). In that Final Rule, DEA indicated that Firebird, DEA's information system, was funded through appropriated funds, not through the Drug Diversion Control Fee Account (DDCFA) (68 FR 58591-58592, October 10, 2003).

**Need for Correction**

As published, the Final Rule contains an error which may prove to be misleading and is in need of clarification. In DEA's Fiscal Year 2004 budget, costs attributable to DEA's ADP System (Firebird) were included in the DCFA cost module. Because the Firebird information system is directly used by Diversion personnel to register controlled substances handlers, establish quotas, and conduct regulatory audits and investigations, funding of this system is attributable to the DDCFA rather than appropriated funds. Since Firebird is now funded as part of expenses within the Diversion Control Program, DEA should not have included Firebird in its discussion of costs that are excluded from DDCFA funding.

As costs associated with the Firebird information system were included in the budget calculations used to establish the registration and reregistration fees for Fiscal Years 2004, 2005, and 2006, as finalized in DEA's October 10, 2003 Final Rule (68 FR 58587), it is not necessary for DEA to increase the fees charged to registrants to cover the costs of the Firebird information system.

**Correction of Publication**

■ Accordingly, the Final Rule published October 10, 2003 is corrected as follows:

■ 1. On page 58592, first column, lines 1 through 4, by striking the phrase "; and a portion of the budget for DEA's agency-wide computer network, 'Firebird', related to the work of the DCP".

Dated: June 2, 2004.

**William J. Walker,**

*Deputy Assistant Administrator, Office of Diversion Control.*

[FR Doc. 04-14100 Filed 6-21-04; 8:45 am]

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

[CGD01-04-025]

RIN 1625-AA09

**Drawbridge Operation Regulations: Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, NY****AGENCY:** Coast Guard, DHS.**ACTION:** Final rule.

**SUMMARY:** The Coast Guard has changed the drawbridge operation regulations that govern the Meadowbrook State

Parkway Bridge, at mile 12.8, across Sloop Channel, New York. This final rule allows the bridge to need not open for the passage of vessel traffic from 9 p.m. to midnight, on the Fourth of July each year. This action is necessary to facilitate the annual Fourth of July Jones Beach State Park fireworks display.

**DATES:** This rule is effective on July 4, 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 (CGD01-04-025) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. John McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

On April 5, 2004, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, New York, in the **Federal Register** (69 FR 17618). We received no comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

Under 5 U.S.C. the Coast Guard finds good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The NPRM provided a 60-day comment period for the public to comment on this rule change. We received no comments in response to the NPRM. It is necessary to make this rule effective less than 30 days from the date of publication in order to provide for public safety during this years Forth of July fireworks display, which is scheduled for July 4, 2004.

**Background and Purpose**

The Meadowbrook State Parkway Bridge has a vertical clearance of 22 feet at mean high water and 25 feet at mean low water in the closed position, unlimited vertical clearance in the full open position. The existing regulations are listed at 33 CFR § 117.799(h).

The New York State Office of Parks, Recreation and Historic Preservation, requested that the bridge be allowed to remain closed from 9 p.m. to midnight, during the annual Fourth of July fireworks event at the Jones Beach State Park. The bridge has been closed for the

past several years to facilitate this annual event.

Traditionally, this bridge closure was accomplished each year by publishing a temporary final rule in the **Federal Register**. This final rule makes the traditional Fourth of July bridge closure part of the permanent drawbridge operation regulations.

The Coast Guard believes this rule is reasonable because it would simplify the traditional bridge closure process that has become a traditional closure each year on the Fourth of July.

**Discussion of Comments and Changes**

The Coast Guard received no comments in response to the notice of proposed rulemaking and as a result, no changes have been 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 closure is of short duration for the purpose of public safety during the annual Fourth of July Fireworks display at Jones Beach.

**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 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.

This conclusion is based on the fact that the bridge closure is of short duration for the purpose of public safety during the annual Fourth of July Fireworks display at Jones Beach.

**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).

**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 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 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 concern an environmental risk to health or risk to safety that may disproportionately affect children.

**Indian Tribal Governments**

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

**Technical Standards**

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

**Environment**

We have analyzed this final 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. It has been determined that this final rule does not significantly impact the environment.

**List of Subjects in 33 CFR Part 117**

Bridges.

**Regulations**

■ For the reasons set out 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 the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. Amend § 117.799 by revising paragraph (h) to read as follows:

**§ 117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.**

\* \* \* \* \*

(h) The draw of the Meadowbrook State Parkway Bridge, mile 12.8, across Sloop Channel, shall open on signal if at least a one-half hour notice is given to the New York State Department of Transportation, as follows:

(1) Every other hour on the even hour.

(2) From April 1 through October 31, on Saturdays, Sundays, and Federal holidays, every three hours beginning at 1:30 a.m. Notice may be given from the telephone located at the moorings on each side of the bridge or by marine radio.

(3) From 9 p.m. to midnight, on the Fourth of July, the Meadowbrook State Parkway Bridge need not open for the passage of vessel traffic.

\* \* \* \* \*

Dated: June 10, 2004.

**John L. Grenier,**

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

[FR Doc. 04–14070 Filed 6–21–04; 8:45 am]

**BILLING CODE 4910–15-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[CGD 11–04–005]

**Drawbridge Operation Regulations; Turner Cut, Stockton, CA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eleventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Zuckerman Brothers Drawbridge, mile 2.3, Turner Cut, near Stockton, CA. This deviation allows the drawbridge to remain in the closed-to-navigation position during essential operating machinery repair, to prevent unexpected failure of the drawspan.

**DATES:** This deviation is effective from 7 a.m. on June 23, 2004 to 5 p.m. on June 24, 2004.

**ADDRESSES:** Documents referred to in this temporary rule are available for inspection and copying at Commander (oan), Eleventh Coast Guard District, Building 50–3, Coast Guard Island, Alameda, CA 94501–5100, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, telephone (510) 437–3516.

**SUPPLEMENTARY INFORMATION:** The Delta Farms Reclamation District 2030 has requested to secure the Zuckerman Brothers Drawbridge, mile 2.3, Turner Cut, near Stockton, CA, in the closed-to-navigation position from 7 a.m. on June 23, 2004 to 5 p.m. on June 24, 2004, during essential operating machinery repair, to prevent unexpected failure of the drawspan. The drawbridge provides unlimited vertical clearance in the full open-to-navigation position, and 16 ft. vertical clearance above Mean High Water when closed. The drawbridge opens on signal from approaching vessels, as required by 33 CFR 117.5.

The proposed work was coordinated with waterway users. It was determined that potential navigational impacts will be reduced if the repairs are performed during midweek, resulting in Coast Guard approval of the proposed work from 7 a.m. on June 23, 2004 to 5 p.m. on June 24, 2004.

During these times, the drawspan may be secured in the closed-to-navigation position and need not open for vessels.