

regulations governing the operation of the Broward County bridges across the Atlantic Intracoastal Waterway, Broward County, Florida. This temporary deviation allows the Coast Guard to test an operating schedule with the bridges opening twice an hour. It will allow the Coast Guard to gather data to determine if this schedule meets the reasonable needs of navigation while accommodating an increase in vehicle traffic throughout the county and whether it should be proposed as a permanent change.

**DATES:** This deviation is effective from 6 a.m. on December 1, 2004, until 8 p.m. on February 28, 2005. Comments must reach the Coast Guard on or before March 15, 2005.

**ADDRESSES:** You may mail comments and related material to Commander (obr), Seventh Coast Guard District, 909 SE. 1st Avenue, Room 432, Miami, FL 33131. Comments and material received from the public, as well as comments indicated in this preamble as being available in the docket, are part of docket [CGD07-04-136] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE. 1st Avenue, Room 432, Miami, FL 33131 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Project Manager, Seventh Coast Guard District, Bridge Branch at (305) 415-6743.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

We encourage you to comment on this test schedule by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this notice [CGD07-04-136], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

**Discussion of the Test Schedule**

This test schedule has been requested by various public officials within the County of Broward to ease vehicular traffic, which has overburdened roadways, and to standardize bridge openings for vessel traffic. This test will allow the bridges in Broward County to operate on a standardized schedule,

which will meet the reasonable needs of navigation and improve the vehicular traffic. The schedules will be staggered in order to facilitate the movement of vessels from bridge to bridge along the Atlantic Intracoastal Waterway.

The existing regulations governing the operation of the County bridges are published in 33 CFR 117.5 and 117.261. This temporary deviation includes all bridges across the Atlantic Intracoastal Waterway in Broward County. During the deviation period, from 6 a.m. on December 1, 2004, until 8 p.m. on February 28, 2005, the bridges will operate as follows:

*Open on the Hour and Half Hour:* Atlantic Boulevard, mile 1056.0, Commercial Boulevard, mile 1059.0, East Sunrise Boulevard, mile 1062.6, SE. 17th Street Causeway, mile 1065.9, Dania Beach Boulevard, mile 1069.4, Hollywood Boulevard, mile 1072.2.

*Open on the Quarter Hour and Three-Quarter Hour:* NE. 14th Street, mile 1055.0, Oakland Park Boulevard, mile 1060.5, East Las Olas Boulevard, mile 1064.0, Sheridan Street, mile 1070.5, Hallandale Beach Boulevard, mile 1074.0.

If at any time during this test deviation it is determined that the test schedule poses any safety concerns at any location, this test deviation may be withdrawn.

The District Commander has granted a test deviation from the operating regulations listed in 33 CFR 117.5 and 117.261 to evaluate the effectiveness of these new schedules on vehicular and vessel traffic.

Dated: November 4, 2004.

**Greg E. Shapley,**

*Chief, Bridge Administration, Seventh Coast Guard District.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

**[CGD01-04-096]**

**RIN 1625-AA09**

**Drawbridge Operation Regulations: Annisquam River, Danvers River, Fore River, and Saugus River, MA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard has changed the drawbridge operation regulations that govern the operation of four

Massachusetts Highway Department bridges; the Blynman (SR127) Bridge, mile 0.0, across the Annisquam River; the Kernwood Bridge, mile 1.0, across the Danvers River; the Quincy Weymouth SR3A Bridge, mile 2.8, across the Fore River; and the Fox Hill (SR107) Bridge, mile 2.5, across the Saugus River, Massachusetts. This final rule allows the four bridges to operate on an advance notice basis from noon to 6 p.m. on Thanksgiving Day each year. This action is expected to allow the draw tenders to spend the holiday with their families while still meeting the reasonable needs of navigation.

**DATES:** This rule is effective on November 25, 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 (CGD01-04-096) 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. Gary Kassof, Bridge Administrator, First Coast Guard District, (212) 668-7165.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

On September 1, 2004, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations, Annisquam River, Danvers River, Fore River, and Saugus River, Massachusetts, in the **Federal Register** (69 FR 53376). The Coast Guard provided a 30-day comment period to the public to comment on the proposed rule. 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. 553(d)(3), the Coast Guard finds good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard believes making this final rule effective less than 30 days after publication, in time for Thanksgiving Day, November 25, 2004, is reasonable because there have been no requests to open these bridges on Thanksgiving Day in past years and any mariner requiring a bridge opening during the advance notice time period on Thanksgiving Day noon to 6 p.m. need only provide the one-hour advance notice for a bridge opening at any time.

## Background and Purpose

### *Annisquam River and Blynman Canal*

The Blynman (SR127) Bridge, mile 0.0, across the Annisquam River has a vertical clearance of 7 feet at mean high water and 16 feet at mean low water in the closed position. The existing operating regulations are listed at 33 CFR 117.586.

### *Danvers River*

The Kernwood Bridge, at mile 1.0, across the Danvers River has a vertical clearance of 8 feet at mean high water and 17 feet at mean low water in the closed position. The existing operating regulations are listed at 33 CFR 117.595(c).

### *Fore River*

The Quincy Weymouth (SR3A) Bridge, at mile 2.8, across the Fore River has a vertical clearance of 45 feet at mean high water and 55 feet at mean low water in the closed position. The existing operating regulations are listed at 33 CFR 117.621.

### *Saugus River*

The Fox Hill (SR107) Bridge, at mile 2.5, across the Saugus River has a vertical clearance of 6 feet at mean high water and 16 feet at mean low water in the closed position. The existing operating regulations are listed at 33 CFR 117.618(c).

The owner of the bridges, Massachusetts Highway Department (MHD), requested a change to the drawbridge operation regulations to allow the four bridges to operate on an advance notice basis on Thanksgiving Day each year.

The existing drawbridge operation regulations already allow the four bridges to operate on an advance notice basis on Christmas and New Years Day each year. Therefore, it is expected that adding Thanksgiving Day to that existing requirement should not impact navigation adversely since there have been very few requests to open these bridges on Thanksgiving Day in past years.

The Coast Guard believes this rule is reasonable because the bridges would still open on demand at any time on Thanksgiving Day after the advance notice is given.

## Discussion of Comments and Changes

The Coast Guard received no comments in response to the notice of proposed rulemaking. Therefore, 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 bridges will continue to open on signal at any time after the advance notice is given.

## 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 bridges will continue to open on signal at any time after the advance notice is given.

## Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 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.

No small entities requested Coast Guard assistance and none was given.

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 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. 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.

**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 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. Revise § 117.586 to read as follows:

**§ 117.586 Annisquam River and Blynman Canal.**

The draw of the Blynman (SR127) Bridge shall open on signal, except that, from noon to 6 p.m. on Thanksgiving Day, 6 p.m. on December 24 to midnight on December 25, and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour advance notice is given by calling the number posted at the bridge.

■ 3. Section 117.595 is amended by revising paragraph (c) to read as follows:

**§ 117.595 Danvers River.**

\* \* \* \* \*

(c) The Kernwood Bridge, at mile 1.0, shall operate as follows:

(1) From May 1 through September 30, midnight to 5 a.m., and from October 1 through April 30, 7 p.m. to 5 a.m., draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

(2) From noon to 6 p.m. on Thanksgiving Day and all day on Christmas and New Years Day, the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

■ 4. Section 117.618 is amended by revising paragraph (c) to read as follows:

**§ 117.618 Saugus River.**

\* \* \* \* \*

(c) The Fox Hill (SR107) Bridge, at mile 2.5, shall operate as follows:

(1) The draw shall open on signal, except that, from October 1 through May 31, from 7 p.m. to 5 a.m., the draw shall open after at least a one-hour advance notice is given by calling the number posted at the bridge.

(2) From noon to 6 p.m. on Thanksgiving Day, and all day on Christmas, and New Years Day, the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

■ 5. Section 117.621 is amended by revising paragraph (c) to read as follows:

**§ 117.621 Fore River.**

\* \* \* \* \*

(c) From noon to 6 p.m. on Thanksgiving Day, from 6 p.m. on

December 24 to midnight on December 25, and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal after at least a two-hour advance notice is given by calling the number posted at the bridge.

Dated: November 4, 2004.

**David P. Pecoske,**

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

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[CA 309–0468a; FRL–7834–3]

**Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Imperial County Air Pollution Control District (ICAPCD) portion of the California State Implementation Plan (SIP). The revisions concern the emission of particulate matter (PM–10) and sulfur compounds into the atmosphere from industrial processes. We are approving local rules that administer regulations and regulate emission sources under the Clean Air Act as amended (CAA or the Act). **DATES:** This rule is effective on January 18, 2005, without further notice, unless EPA receives adverse comments by December 16, 2004. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Mail or e-mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, or e-mail to [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov), or submit comments at <http://www.regulations.gov>.

You can inspect copies of the submitted rule revisions and EPA’s technical support document (TSD) at our Region IX office during normal business hours. You may also see copies of the submitted rule revisions and TSD at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460.