

Part No.	DoD Directive	Status
366	5141.1	Current.
367a	5105.45	Current.
368	5100.1	Current.
369	5134.6	Canceled by DoD Directive 5134.12.
370	No document available.
373	5106.1	Current.
376	5100.81	Completely canceled 9/30/2003.
377	5105.41	Current.
380	5141.2	Current.
381	5105.31	Canceled by DoD Directive 5105.62.
382	5134.1	Current.
384	5134.1	Current.
385	5105.21	Current.
386	5105.56	Canceled by DoD Directive 5105.60.
387	5105.36	Current.
391	5105.53	Current.
394	5145.1	Current.
396	No document available.
399	5105.40	Canceled by DoD Directive 5105.60.

List of Subjects in 32 CFR Parts 341, 342, 348, 350, 353, 363, 364, 365, 366, 367A, 368, 369, 370, 373, 376, 377, 380, 381, 382, 384, 385, 386, 387, 391, 394, 396, and 399

Organization and functions (Government agencies).

PARTS 341, 342, 348, 350, 353, 363, 364, 365, 366, 367A, 368, 369, 370, 373, 376, 377, 380, 381, 382, 384, 385, 386, 387, 391, 394, 396, and 399—[REMOVED]

■ Accordingly, by the authority of 10 U.S.C. 301, 32 CFR Parts 341, 342, 348, 350, 353, 363, 364, 365, 366, 367A, 368, 369, 370, 373, 376, 377, 380, 381, 382, 384, 385, 386, 387, 391, 394, 396, and 399 are removed.

Dated: December 19, 2003.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03-31792 Filed 12-24-03; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Morgan City-03-011]

RIN 1625-AA00

Safety Zone; Gulf Intracoastal Waterway, Mile 134 West of the Harvey Locks, Louisa, LA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone 100

feet east and west of the Louisa Bridge on the Gulf Intracoastal Waterway (GIWW), mile 134 West of the Harvey Locks (WHL), extending the entire width of the waterway. This safety zone is needed to protect persons and vessels from the potential safety hazards associated with erecting the north bascule leaf tow section of the new Louisa Bridge. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port Morgan City, or a designated representative.

DATES: This rule is effective from 7 a.m. CDT on January 19, 2004, until 5 p.m. CDT on January 23, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [COTP Morgan City-03-011] and are available for inspection or copying at Marine Safety Office Morgan City, 800 David Drive, Morgan City, Louisiana 70380, between 8 a.m. CDT and 4 p.m. CDT, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT (Lieutenant) Norm Witt, Marine Safety Office Morgan City, at (985) 380-5320.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing an NPRM and delaying this rule's effective date would be contrary to public interest since immediate action is needed to protect vessels and mariners from the hazards

associated with the construction of the new bridge.

Background and Purpose

The Louisiana Department of Transportation and Development will be erecting the north bascule leaf tow section of the new Louisa Bridge. The bridge will be in the closed-to-navigation position during that time. Vessel traffic must remain 100 feet east or west of the bridge from 7 a.m. to 5 p.m. each day, from January 19-23, 2004, to avoid potential hazards while construction is being conducted. Entry into this zone is prohibited to all vessels unless authorized by the Captain of the Port Morgan City, or a designated representative.

Discussion of Rule

The Coast Guard is establishing a temporary safety zone 100 feet east and west of the Louisa Bridge on the Gulf Intracoastal Waterway (GIWW), mile 134 West of the Harvey Locks (WHL), extending the entire width of the waterway. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port Morgan City, or a designated representative.

This rule is effective from 7 a.m. CDT on January 19, 2004, until 5 p.m. CDT on January 23, 2004. This rule will only be enforced from 7 a.m. until 5 p.m. CDT each day that it is effective. During non-enforcement hours, all traffic will be allowed to transit through the zone. Vessels desiring to transit through the zone during enforcement hours must request permission to do so from the Captain of the Port Morgan City, or a designated representative. The Captain of the Port Morgan City will inform the public via broadcast notice to mariners

of the enforcement periods for the safety zone.

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 rule will only be in effect for a short period of time and notifications to the marine community will be made through broadcast notice to mariners. The impacts on routine navigation are expected to be minimal. Although this rule is effective for a period of five days, it will only be enforced for a period of ten hours each day. Vessels desiring to transit through the zone during enforcement hours must request permission to do so from the Captain of the Port Morgan City, or a designated representative. During non-enforcement hours, all traffic will be allowed to transit through the zone.

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. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit through within 100 feet east or west of the Louisa Bridge, located on the GIWW at mile 134 WHL, from 7 a.m. CDT on January 19, 2004 until 5 p.m. CDT on January 23, 2004. This safety zone will not have a significant economic impact on a substantial number of small entities because this rule will be in effect for only five days, and will only be enforced for a period of 10 hours each day. During non-enforcement hours, all traffic will be allowed to transit through the zone.

If you are a small business entity and are significantly affected by this

regulation, please contact LT Norm Witt, Marine Safety Office Morgan City, at (985) 380–5320.

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 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 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 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 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 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 a 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 adverse environmental impact as described in NEPA.

Under figure 2–1, paragraph (34)(g), of the Instruction, an “Environmental

Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (Water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T08–153 to read as follows: § 165.T08–153 Safety Zone; 100 Feet East and West of the Louisa Bridge, Gulf Intracoastal Waterway, Mile 134 West of the Harvey Locks, Louisiana, LA.

(a) *Location.* The following area is a temporary safety zone: all waters within 100 feet east and west of the Louisa Bridge located on the Gulf Intracoastal Waterway at mile 134 West of the Harvey Locks, Louisiana, Louisiana.

(b) *Effective Date.* This rule is effective from 7 a.m. CDT on January 19, 2004, until 5 p.m. CDT on January 23, 2004.

(c) *Periods of Enforcement.* The safety zone in this section will be enforced from 7 a.m. until 5 p.m. CDT each day of the effective period.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into the zone established in this section is prohibited unless authorized by the Captain of the Port Morgan City.

(2) Vessels requiring entry into or passage through the safety zone established in this section must request permission from the Captain of the Port Morgan City, or a designated representative. They may be contacted on VHF Channel 13 or 16, or by telephone at (985) 380–5320.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Morgan City and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel are commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: November 17, 2003.

S.P. Garrity,

Captain, U.S. Coast Guard, Captain of the Port Morgan City.

[FR Doc. 03–31893 Filed 12–24–03; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay 03–030]

RIN 1625–AA00

Security Zone; Suisun Bay, Concord, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone in the navigable waters of the United States adjacent to the Military Ocean Terminal Concord (MOTCO), California (formerly United States Naval Weapons Center Concord, California). In light of recent terrorist actions against the United States, the security zone is necessary to ensure the safe onloading and offloading of military equipment and to ensure the safety of the nearby public from potential subversive acts. The security zone will prohibit all persons and vessels from entering, transiting through or anchoring within a portion of the Suisun Bay surrounding the MOTCO unless authorized by the Captain of the Port (COTP) or his designated representative.

DATES: This rule is effective from 7 a.m. PST on December 21, 2003, to 11:59 p.m. PST on January 3, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [COTP San Francisco Bay 03–030] and are available for inspection or copying at Coast Guard Marine Safety Office San Francisco Bay, Coast Guard Island, Alameda, California, 94501, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Doug Ebberts, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437–3073.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM.

Additionally, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** as the schedule and other logistical details were not known until a date fewer than 30 days prior to the start date of the military operation. Publishing a NPRM and delaying this rule's effective date would be contrary to the public interest since the safety and security of the people, ports, waterways, and properties of the Port Chicago and Suisun Bay areas would be jeopardized without the protection afforded by this security zone. Any delay in implementing this rule would be contrary to the public interest since immediate action is necessary to ensure the protection of all cargo vessels, their crews, the public and national security.

Background and Purpose

Since the September 11, 2001 terrorist attacks on the World Trade Center in New York, the Pentagon in Arlington, Virginia and Flight 93, the Federal Bureau of Investigation (FBI) has issued several warnings concerning the potential for additional terrorist attacks within the United States. In addition, the ongoing hostilities in Afghanistan and the conflict in Iraq have made it prudent for U.S. ports to be on a higher state of alert because Al-Qaeda and other organizations have declared an ongoing intention to conduct armed attacks on U.S. interests worldwide.

The threat of maritime attacks is real as evidenced by the attack on the USS *Cole* and the subsequent attack in October 2002 against a tank vessel off the coast of Yemen. These threats manifest a continuing threat to U.S. assets as described in the President's finding in Executive Order 13273 of August 21, 2002 (67 FR 56215, September 3, 2002) that the security of the U.S. is endangered by the September 11, 2001 attacks and that such aggression continues to endanger the international relations of the United States. *See also* Continuation of the National Emergency with Respect to Certain Terrorist Attacks (67 FR 58317, September 13, 2002), and Continuation of the National Emergency with Respect to Persons Who Commit, Threaten To Commit, Or Support Terrorism (67 FR 59447, September 20, 2002). The U.S. Maritime Administration (MARAD) in Advisory 02–07 advised U.S. shipping interests to maintain a heightened status of alert against possible terrorist attacks. MARAD more recently issued Advisory 03–05 informing operators of maritime interests of increased threat possibilities to vessels and facilities and a higher risk of terrorist attack to the transportation