

PART 1609—UNCOMPENSATED PERSONNEL

- 1. The authority citation for part 1609 continues to read as follows:

Authority: Military Selective Service Act (50 U.S.C. App. 451 *et seq.*); E.O. 11623.

- 2. Amend § 1609.1 by revising the first sentence to read as follows:

§ 1609.1 Uncompensated positions.

Members of local boards, district appeal boards, and all other persons volunteering their services to assist in the administration of the Selective Service Law shall be uncompensated.
* * *

PART 1656—ALTERNATIVE SERVICE

- 1. The authority citation for part 1656 continues to read as follows:

Authority: Military Selective Service Act (50 U.S.C. App. 451 *et seq.*); E.O. 11623.

PART 1656—[AMENDED]

- 2. Amend part 1656, Alternative Service, to remove the words “Civilian Review Board” and add, in their place, the words “District Appeal Board,” in the following places:

- a. § 1656.11(b)(4)
- b. § 1656.13(d), (f), (g), and (h)
- c. § 1656.18(c)

§ 1656.1 [Amended]

- 3. Amend § 1656.1 by removing paragraph (b)(6) and redesignating paragraphs (b)(7) through (14) as paragraphs (b)(6) through (13).

§ 1656.3 [Amended]

- 4.–5. Amend § 1656.3 by removing paragraph (a)(10) and redesignating paragraphs (a)(11) through (13) as paragraphs (a)(10) through (12).

§ 1656.13 [Amended]

- 6.–7. Amend § 1656.13 by removing paragraph (e) and by redesignating paragraphs (f) through (h) as paragraphs (e) through (g).

§ 1656.18 [Amended]

- 8. Amend § 1656.18(c) by revising the phrase “§ 1656.13(c) or (g)” to read “§ 1656.13(c) or (f)”.

Lewis C. Brodsky,

Acting Director of Selective Service.

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

[CGD05–04–070]

RIN 1625–AA09

Drawbridge Operation Regulations; Kent Island Narrows, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations and request for comments.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation regulation for the U.S. Route 50/301 Bridge, mile 1.0, across Kent Island Narrows at Kent Island, Maryland. Under this temporary 90-day deviation, from May 1, through July 29, from 6 a.m. to 9 p.m., the bridge will open on the hour and half hour for the passage of all waiting vessels. The purpose of this temporary deviation is to test an alternate drawbridge operation schedule for 90 days and solicit comment from the public.

DATES: This deviation is effective from May 1, 2004, through July 29, 2004. Comments must reach the Coast Guard on or before 31 August 2004.

ADDRESSES: You may mail comments and related material to Commander (obr), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or they may be hand delivered to the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. The Commander (obr), Fifth Coast Guard District maintains the public docket for this test deviation. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address.

Request for Comments

We encourage you to participate in evaluating 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 test deviation CGD05–04–070, 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.

FOR FURTHER INFORMATION CONTACT: Bill Brazier, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6422.

SUPPLEMENTARY INFORMATION: The U.S. Route 50/301 Bridge across Kent Island Narrows has a vertical clearance in the closed position of 18 feet at mean high water and 19 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.561. The bridge owner, the Maryland State Highway Authority, requested a temporary deviation from the drawbridge operation regulations to test for a period of 90 days an alternate drawbridge operation schedule. This deviation will expand the time the bridge is required to open to vessel traffic to on the hour and half hour for the period specified. This will assist in determining if additional openings are needed. The current bridge opening schedule has impacted navigational users attempting to transit through the bridge.

The existing drawbridge operation regulations, outlined at 33 CFR 117.561 (b), states that: from May through October 31, on Monday (except when Monday is a holiday) through Thursday (except when Thursday is the day before a Friday holiday), the draw shall open on signal on the hour from 7 a.m. to 7 p.m., but need not be opened at any other time; on Friday (except when Friday is a holiday) and on Thursday when it is the day before a Friday holiday, the draw shall open on signal on the hour from 6 a.m. to 3 p.m. and at 8 p.m., but need not be opened at any other time; on Saturday and on a Friday holiday, the draw shall open on signal at 6 a.m. and 12 noon and on signal on the hour from 3 p.m. to 8 p.m., but need not be opened at any other time; on Sunday and on a Monday holiday, the draw shall open on signal on the hour from 6 a.m. to 1 p.m., and at 3:30 p.m., but need not be opened at any other time; the draw shall open at scheduled opening times only if vessels are waiting to pass. At each opening, the draw shall remain open for a sufficient period of time to allow passage of all waiting vessels; and if a vessel is approaching the bridge and cannot reach the bridge exactly on the hour, the drawtender may delay the hourly opening up to ten minutes past the hour for the passage of

the approaching vessel and any other vessels that are waiting to pass.

Under this 90-day temporary deviation, effective from May 1, 2004 through July 29, 2004, the U.S. Route 50/301 Bridge across Kent Island Narrows will open from 6 a.m. to 9 p.m., on the hour and half hour, until all waiting vessels have passed.

This deviation from the operating regulations is authorized under 33 CFR 117.43.

Dated: April 9, 2004.

Waverly W. Gregory, Jr.,

Chief, Bridge Branch, Fifth Coast Guard District.

[FR Doc. 04-8710 Filed 4-15-04; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

United States Navy Restricted Area, Naval Base Ventura County, Port Hueneme, California

AGENCY: United States Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers is amending its regulations to establish a restricted area in waters adjacent to Naval Base Ventura County, Port Hueneme, California. This amendment would prohibit vessels and persons from entering Port Hueneme Harbor, from the seaward ends of the two entrance jetties to the shoreline, without first obtaining permission from the Commanding Officer of Naval Base Ventura County. This amendment is necessary to safeguard U.S. Navy vessels and U.S. Government facilities from sabotage and other subversive acts, accidents, or incidents of similar nature.

EFFECTIVE DATE: May 17, 2004.

ADDRESSES: U.S. Army Corps of Engineers, Attn: CECW-OR, 441 G Street, NW., Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Torbett, Headquarters Regulatory Branch, Washington, DC at (202) 761-1075, or Mr. Mark D. Cohen, Corps of Engineers, Los Angeles District, Regulatory Branch, at (213) 452-3413.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in section 7 of the River and Harbor Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3) the Corps is

proposing to amend the restricted area regulations in 33 CFR part 334 by establishing a restricted area in waters of the U.S. adjacent to Naval Base Ventura County, Port Hueneme, California. According to Oxnard Harbor District staff, more informal advanced notification procedures similar to those proposed have been in place for quite some time. Pursuant to Federal regulations at 33 CFR 165, the U.S. Coast Guard has imposed a temporary security zone that requires advanced notification requirements for all vessels entering Port Hueneme Harbor until establishment of this restricted area. The restricted area will permanently establish formal advanced notification procedures for all vessels and persons seeking to enter Port Hueneme Harbor landward of the seaward limits or ends of the two entrance jetties.

Procedural Requirements

a. Review Under Executive Order 12866

This rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review Under the Regulatory Flexibility Act

This rule has been reviewed under the Regulatory Flexibility Act (Public Law 96-354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.*, small businesses and small governments). The Corps expects that the economic impact of this new restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal will have no significant economic impact on small entities.

c. Review Under the National Environmental Policy Act

The Los Angeles District has prepared an Environmental Assessment (EA) for this action. The District has concluded, based on the minor nature of the additional restricted area, that this action will not have a significant impact to the quality of the human environment, and preparation of an Environmental Impact Statement (EIS) is not required. The EA may be reviewed at the Los Angeles District office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

d. Unfunded Mandates Act

This rule does not impose an enforceable duty among the private

sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of section 202 or 205 of the Unfunded Mandates Act. We have also found under section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

e. Submission to Congress and the General Accounting Office

Pursuant to section 801(a)(1)(A) of the Administrative Procedure Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this Rule to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office. This Rule is not a major Rule within the meaning of section 804(2) of the Administrative Procedure Act, as amended.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

■ For the reasons set out in the preamble, the Corps proposes to amend 33 CFR part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Section 334.1127 is added to read as follows:

§ 334.1127 Naval Base Ventura County, Port Hueneme, California; Restricted Area.

(a) *The area.* The waters within Port Hueneme Harbor, beginning at the seaward ends of the two Port Hueneme Harbor entrance jetties, with the northwestern entrance jetty end occurring at latitude 34°8'37.0" N., longitude 119°12'58.8" W. and the southeastern entrance jetty occurring at latitude 34°8'34.8" N, longitude 119°12'43.2" W., and extending northeasterly to the shoreline.

(b) *The regulation.* No vessels or persons may enter the restricted area unless permission is obtained in advance from the Commanding Officer of Naval Base Ventura County. Commercial vessels that are required to make Advanced Notifications of Arrival shall continue to do so. All vessels must obtain clearance from "Control 1" over marine radio channel 06 VHF-FM prior to crossing the COLREGS (Collision Regulations) demarcation line. Vessels without marine radio capability must obtain clearance in advance by