

Intracoastal Waterway, mile 357.2 west of Harvey Locks, at Galveston, Galveston County, Texas. The repairs are necessary to ensure the safety of the bridge. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 7:30 a.m. until 11:30 a.m. and from 1:30 p.m. until 5:30 p.m. on Tuesday, May 25, 2004.

The bridge has a vertical clearance of 10 feet above mean high water in the closed-to-navigation position. Navigation at the site of the bridge consists mainly of tows with barges and some recreational pleasure craft. Due to prior experience, as well as coordination with waterway users, it has been determined that this closure will not have a significant effect on these vessels. No alternate routes are available.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 21, 2004.

**J.W. Stark,**

*Captain, U.S. Coast Guard, Acting  
Commander, 8th Coast Guard Dist.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-04-039]

#### Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and Their Tributaries, NY

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Metropolitan Avenue Bridge, mile 3.4, across English Kills at New York City, New York. Under this temporary deviation the bridge may remain closed from 7 a.m. on May 17, 2004 through 4 p.m. on May 22, 2004, to facilitate bridge maintenance.

**DATES:** This deviation is effective from May 17, 2004 through May 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The New York City Department of Transportation (NYCDOT) Metropolitan Avenue Bridge has a vertical clearance in the closed position of 10 feet at mean high water and 15 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.801(e).

NYCDOT, requested a temporary deviation from the drawbridge operation regulations to facilitate bridge maintenance repairs. The bridge must remain in the closed position to perform these repairs.

Under this temporary deviation the NYCDOT Metropolitan Avenue Bridge may remain in the closed position from 7 a.m. on May 17, 2004 through 4 p.m. on May 22, 2004.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: April 27, 2004.

**John L. Grenier,**

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

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD01-04-040]

RIN 1625-AA00

#### Safety Zone; Transit of Rig Pride Portland, Portland, ME

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone around the oilrig Pride Portland and its assisting tugs during the unmooring and outbound transit of the rig from the vicinity of the Portland Ocean Terminal in Portland Harbor out to conduct sea trials, the return of the rig from sea trials and the final transit out of Portland Harbor upon completion of the rig's construction. This safety zone is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with the transit of a large tow with limited maneuverability. Entry into this safety zone is prohibited unless authorized by the Captain of the Port, Portland, Maine.

**DATES: Effective Date:** This rule is effective from April 29, 2004 through June 30, 2004.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD01-04-040 and are available for inspection or copying at Marine Safety Office Portland, 27 Pearl Street, Portland, ME 04101 between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant R. F. Pigeon, Port Operations Department, Marine Safety Office Portland at (207) 780-3251.

#### 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. Due to the complex planning and coordination involved, final details for the transit were not provided to the Coast Guard until April 23, 2004, making it impossible to publish a NPRM or a final rule 30 days in advance.

Under 5 U.S.C. 533(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**. Any delay in implementing this rule would be contrary to the public interest due to the risks inherent in the transit of a large rig and assisting tugs with limited maneuverability in a narrow channel.

##### Background and Purpose

On April 23, 2004 representatives of Petrodrill Engineering NV presented the Coast Guard with plans for the transit of the oilrig Pride Portland. The rig will be towed from the Portland Ocean Terminal in Portland Harbor through the main channel out to sea with the assistance tugs. The tentative date for this operation is April 29, 2004 but may be changed due to weather, winds, or other unexpected delays. The rig will remain on sea trials for approximately two weeks and will then return to Portland. The tentative date for the return is May 15, 2004. Once final repairs and adjustments are made, and provisions loaded, the rig will depart Portland Harbor for its final destination. The tentative date for this departure is May 29, 2004 but may be earlier or later depending upon the necessary repairs, adjustments and provision schedules. This safety zone will remain in effect anytime the rig is underway, in the process of mooring or unmooring in Portland Harbor and during its