

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2005-20449; Airspace  
Docket No. 05-AAL-06]

**Revision of Class E Airspace; Nome,  
AK**

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects an error in the airspace description contained in a Final Rule that was published in the **Federal Register** on Monday, May 2, 2005 (70 FR 22590). Airspace Docket No. 05-AAL-06.

**DATES:** Effective June 8, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Jesse Patterson, AAL-538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5898; fax: (907) 271-2850; email: [Jesse.CTR.Patterson@faa.gov](mailto:Jesse.CTR.Patterson@faa.gov). Internet address: <http://www.alaska.faa.gov/at>.

**SUPPLEMENTARY INFORMATION:****History**

**Federal Register** Document 05-8723, Airspace Docket No. 05-AAL-06, published on Monday, May 2, 2005 (70 FR 22590), revised the Class E airspace at Nome, AK. An error was discovered in the airspace description that indicated the Class E airspace designated as surface area was effective during specific dates and times. This statement was inaccurate. The Class E airspace designated as surface area is effective continuously. This action corrects that error.

**Correction to Final Rule**

■ Accordingly, pursuant to the authority delegated to me, the airspace description of the Class E airspace designated as surface area published in the **Federal Register**, Monday, May 2, 2005 (70 FR 22590), (FR Doc 05-8723; page 22590, column 3) is corrected as follows:

**§ 71.1 [Corrected]**

\* \* \* \* \*

**AAL AK E2 NOME, AK [Corrected]**

By removing, "This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

Issued in Anchorage, AK, on May 27, 2005.

**Anthony M. Wylie,**

*Acting Area Director, Alaska Flight Services  
Area Office.*

[FR Doc. 05-11325 Filed 6-7-05; 8:45 am]

**BILLING CODE 4910-13-P**

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

[CGD07-05-044]

**RIN 1625-AA09**

**Drawbridge Operation Regulations;  
Atlantic Intracoastal Waterway, Mile  
1012.6, North Palm Beach, Palm Beach  
County, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the regulations governing the operation of the PGA Boulevard bridge, Intracoastal Waterway mile 1012.6, North Palm Beach, Palm Beach County, Florida. This rule is needed to provide for workman and mariner safety during repairs to the bridge. The bridge will be on single and double-leaf operations during the repair period and several waterway closures will be needed to ensure personal safety.

**DATES:** This rule is effective from June 8, 2005 until May 15, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD07-05-044 and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Room 432, Miami, FL 33131, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Chief Petty Officer Terrell, Sector Miami at (305) 535-4317 or Mr. Michael Lieberum, Project Officer, Seventh Coast Guard District, Bridge Branch, at (305) 415-6744.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

We did not publish a notice of proposed rulemaking (NRPM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM is contrary to the public interest because the rule provides for workman and public safety during repairs to the bridge. The repairs are

needed as sections of the bridge will be completely replaced due to safety concerns. It will be necessary to use dynamite in order to destroy those portions of the bridge and it is in the public interest to protect them from the associated safety risks.

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** for the same reasons noted above.

**Background and Purpose**

The PGA Boulevard bridge, Intracoastal Waterway mile 1012.6, North Palm Beach, Palm Beach County, Florida is being repaired. The Florida Department of Transportation notified the Coast Guard that the bridge's current schedule of operation must be changed to effectuate the repairs. The changes will require single-leaf bridge openings on the hour and half-hour although double-leaf openings will continue to be available on most dates. Additionally, the waterway will be closed for short periods to allow for the safe repair of the bridge. More specific times and dates will be published in the Local Notice to Mariners and Broadcast Notice to Mariners. In cases of emergency, the bridge will be opened as soon as possible.

**Discussion of Rule**

The rule will require single-leaf bridge openings of the PGA Boulevard Bridge on the hour and half-hour. Double-leaf openings will continue to be available on most dates. Waterway closures shall be authorized by the Captain of the Port Miami and will be published in the Local Notice to Mariners and Broadcast Notice to Mariners. The draw shall open as soon as practicable for tugs with tows, public vessels of the United States and vessels in dangerous situations.

**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). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary because the rule will allow for bridge openings while bridge repairs are ongoing so long

as it is safe. Also, all closure times will be published in advance so that mariners may plan accordingly.

#### 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 would not have a significant economic impact on a substantial number of small entities because the regulations provide for bridge openings, short closure periods and for the reasonable needs of navigation.

#### 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 this rule so that they can better evaluate its effects on them and participate in the rulemaking process by providing contact information for those personnel that can address questions regarding this regulation. If this rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

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 would not result in such an expenditure, we do discuss the effects of this rule elsewhere in the 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 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 because this is a drawbridge operation regulation. Under figure 2–1, paragraph (32)(e), 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 117

Bridges.

■ For the reasons discussed 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 authority of Pub. L. 102-587, 106 Stat. 5039.

■ 2. In § 117.261, from June 8, 2005 through May 15, 2006, suspend paragraph (s) and add paragraph (tt) to read as follows:

**§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.**

\* \* \* \* \*

(tt) PGA Boulevard bridge, mile 1012.6 at North Palm Beach. The draw need not open except to provide on signal a single-leaf opening on the hour and half-hour. Vessels may request double-leaf operations, which will be provided as repair work permits, and notice of the availability of double-leaf openings will be published in the Local Notice to Mariners and Broadcast Notice to Mariners.

\* \* \* \* \*

Dated: May 20, 2005.

**D.B. Peterman,**

*RADM, U.S. Coast Guard, Commander,  
Seventh Coast Guard District.*

[FR Doc. 05-11320 Filed 6-7-05; 8:45 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[CGD08-05-035]

**Drawbridge Operating Regulations; Galveston Channel, Gulf Intracoastal Waterway, Galveston, TX**

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Pelican Island Causeway Bascule Span Bridge across Galveston Channel, mile 4.5, Gulf Intracoastal Waterway, mile 356.1, at Galveston, Texas.

**DATES:** This deviation is effective from 11 p.m. on Thursday, June 9, 2005, until 9 a.m. on Friday, June 10, 2005.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, Room 1313, 500 Poydras Street, New Orleans, Louisiana, 70130-3310 between 7 a.m. and 3 p.m., Monday

through Friday, except Federal holidays. The telephone number is (504) 589-2965. The Bridge Administration Branch maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Phil Johnson, Bridge Administration Branch, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:** The Galveston County Navigation District has requested a temporary deviation in order to replace the synchro motor position transmitter and associated electrical switches of the Pelican Island Bascule Span Bridge across the Galveston Channel, mile 4.5, Gulf Intracoastal Waterway, mile 356.1, west of Harvey Lock at Galveston, Galveston County, Texas. Replacement of the synchro motor position transmitter is necessary for the continued operation of the draw span. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 11 p.m. on Thursday, June 9, 2005, until 9 a.m. on Friday, June 10, 2005. There may be times, during the closure period, when the draw will not be able to open for emergencies.

The bridge provides 12 feet of vertical clearance in the closed-to-navigation position. Thus, most commercial vessels and some recreational vessels will not be able to transit through the bridge site when the bridge is closed. Navigation on the waterway consists of tugs with tows, fishing vessels and recreational craft including sailboats and powerboats. Due to the existence of a practical alternate route of no greater distance, it has been determined that this closure will not have a significant effect on these vessels.

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: June 2, 2005.

**Marcus Redford,**

*Bridge Administrator.*

[FR Doc. 05-11424 Filed 6-3-05; 3:33 pm]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Parts 148, 149, and 150**

[USCG-1998-3884]

RIN 1625-AA20 (formerly RIN 2115-AF63)

**Deepwater Ports; Voluntary Guidelines**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Coast Guard announces the availability of a Navigation and Vessel Inspection Circular (NVIC), providing voluntary guidelines in connection with the regulation of deepwater oil and natural gas ports pursuant to the Deepwater Port Act of 1974, as amended. The NVIC guidelines relate to the design, plan review, fabrication, installation, inspection, maintenance, and oversight of these deepwater ports. Compliance with the NVIC is voluntary and no new legal requirements are imposed.

**DATES:** The Coast Guard issued NVIC 03-05 on May 16, 2005.

**ADDRESSES:** You may request a copy of NVIC 03-05 from U.S. Coast Guard Headquarters (G-MSO-5), Room 1508, 2100 2nd Street SW., Washington DC 20593. The NVIC is available on the Internet at: <http://www.uscg.mil/hq/g-m/nvic/>. It is also available in the public docket (USCG-1998-3884) and is available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL-402, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this public docket on the Internet at <http://dms.dot.gov/>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call LCDR Kevin Tone, Deepwater Port Standards Division, Coast Guard, telephone 202-267-0226, e-mail: [ktone@comdt.uscg.mil](mailto:ktone@comdt.uscg.mil). If you have questions on viewing the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone: 202-366-0271.

**SUPPLEMENTARY INFORMATION:** Under the Deepwater Port Act of 1974, as amended, 33 U.S.C. 1501 *et seq.*, a deepwater port is a fixed or floating manmade structure other than a vessel, or a group of structures, located beyond State seaward boundaries and used or intended for use as a port or terminal for the transportation, storage, and further handling of oil or natural gas for