

Western Balkans as well as persons indicted by the Criminal Tribunal for the Former Yugoslavia under parts 586 and 587 of the OFAC regulations (31 CFR 586 and 587). This rule removes outdated references to the individuals identified by the [FRYM] designation by deleting section 744.16 from the EAR. No license requirements under the EAR apply specifically to individuals with the [BALKANS] designation on the Specially Designated Nationals List.

This rule also removes a reference to section 744.16 in section 744.1 of the EAR.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as extended by the Notice of August 6, 2004 (69 FR 48763, August 10, 2004), continues the Regulations in effect under the International Emergency Economic Powers Act.

#### Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by the OMB under control numbers 0694–0088, “Multi-Purpose Application,” which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. Burden hours associated with the Paperwork Reduction Act and Office and Management and Budget control number 0694–0088 are not impacted by this regulation.

3. This rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553 (a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an

opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no public comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sheila Quartermann, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

#### List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

■ Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–799) is amended as follows:

#### PART 744—[AMENDED]

■ 1. The authority citation for part 744 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of October 29, 2003, 68 FR 62209, 3 CFR, 2003 Comp., p. 347; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

#### § 744.1 [Amended]

■ 2. Section 744.1 is amended by removing from paragraph (a)(1) the sentence “Section 744.16 prohibits exports and reexports by U.S. persons of items subject to the EAR to persons designated pursuant to Executive Order 13088, as amended by Executive Order 13192, including Slobodan Milosevic, his close associates, and persons determined to be under open indictment by the International Criminal Tribunal for the former Yugoslavia.”

#### § 744.16 [Removed and reserved]

■ 3. Part 744 is amended by removing and reserving § 744.16.

Dated: November 2, 2004.

**Peter Lichtenbaum,**  
Assistant Secretary for Export Administration.

[FR Doc. 04–25143 Filed 11–10–04; 8:45 am]

**BILLING CODE 3510–33–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05–04–202]

RIN 1625–AA09

#### Drawbridge Operation Regulation: Atlantic Intracoastal Waterway, Wrightsville Beach, NC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the regulations that govern the operation of the S.R. 74 Bridge across the Atlantic Intracoastal Waterway (AICW) mile 283.1, at Wrightsville Beach, NC. The rule allows the bridge to remain in the closed-to-navigation position from 7 p.m. to 10 p.m. on November 27, 2004, to facilitate the Annual Boat Flotilla Parade.

**DATES:** This rule is effective from 7 p.m. to 10 p.m. on November 27, 2004.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket CGD05–04–202 and are available for inspection or copying at Commander (obr), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004 between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6629. Fifth District maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Gary S. Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6629.

#### SUPPLEMENTARY INFORMATION:

#### Good Cause for Not Publishing a NPRM

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. Publishing an NPRM is impracticable and contrary to the public interest as the Annual Boat Flotilla Parade is scheduled for November 27th and immediate action is necessary to minimize the potential danger to the public. The bridge closure is a necessary measure to facilitate public safety that allows for the orderly movement of participants and vehicular traffic after the parade.

#### Good Cause for Making Rule Effective in Less Than 30 Days

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for

making this rule effective in less than 30 days after publication in the **Federal Register**. A 30-day delayed effective date is impracticable and contrary to the public interest as the event is scheduled for November 27th and immediate action is necessary to ensure public safety and provide for the orderly movement of participants and vehicular traffic after the parade.

#### **Background and Purpose**

NCDOT, who owns and operates this drawbridge, requested a temporary change to the operating regulations for the S.R. 74 Bridge at Wrightsville Beach to facilitate the Annual Boat Flotilla Parade. The parade is an annual event, attracting spectators from the surrounding cities and states and the closure of the bridge to vessels will facilitate public safety by allowing for the orderly movement of participants and vehicular traffic after the event.

The existing regulations are outlined at 33 CFR 117.821(a)(5). The bridge has a vertical clearance in the closed position to vessels at approximately 20 feet, at mean high water.

The Coast Guard has informed vessel operators with mast height greater than 20 feet of the closure period for the bridge so that these vessels can arrange their transits to minimize impact after the parade. Vessels with mast heights lower than 20 feet still can transit through the drawbridge and the AICW during this event since the drawbridge is closed, not the waterway.

#### **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 was based on the fact that this rule will have minimal impact on maritime traffic transiting this area. Since the AICW will remain open to navigation during this event, mariners with mast height less than 20 feet may still transit through the bridge and vessels with mast heights greater than 20 feet can transit after the closed hours.

#### **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 not have a significant economic impact on a substantial number of small entities because even though the rule closes the S.R. 74 Bridge to mariners, those with mast heights less than 20 feet will still be able to transit through the bridge during the closed hours and mariners whose mast heights are greater than 20 feet will be able to transit after the closed hours.

#### **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 that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on this action of Federal employee 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 affect 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 would not create an environmental risk to health or risk to safety that might 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. 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.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

■ 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); § 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. From 7 p.m. to 10 p.m. on November 27, 2004, in § 117.821 suspend paragraph (a)(5) and add a temporary paragraph (a)(7) to read as follows:

**§ 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.**

(a) \* \* \*

(7) From 7 p.m. to 10 p.m. on November 27, 2004, the S.R. 74 Bridge

mile 283.1 at Wrightsville Beach may remain closed to navigation.

\* \* \* \* \*

Dated: November 1, 2004.

**Sally Brice-O'Hara,**

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

[FR Doc. 04–25206 Filed 11–10–04; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05–04–189]

**RIN 1625-AA09**

#### Drawbridge Operation Regulation: Cape Fear River, Wilmington, NC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is changing the regulations that govern the operation of the Cape Fear River Memorial Bridge, at mile 26.8, in Wilmington, NC. This rule allows the bridge to remain in the closed-to-navigation position from 7:30 a.m. to 11 a.m. on November 14, 2004, to facilitate the 7th Annual Battleship NC Half Marathon.

**DATES:** This rule is effective from 7:30 a.m. to 11 a.m. on November 14, 2004.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket CGD05–04–189 and are available for inspection or copying at Commander (obr), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004 between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6629. Fifth District maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Gary S. Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6629.

#### SUPPLEMENTARY INFORMATION:

#### Good Cause for Not Publishing a NPRM

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. Publishing an NPRM is impracticable and contrary to the public interest as the 7th Annual Battleship North Carolina Half Marathon is scheduled for November 14th and immediate action is necessary

to minimize the potential danger to the public. The bridge closure is a necessary measure to facilitate public safety that allows for the orderly movement of participants and vehicular traffic during the marathon.

#### Good Cause for Making Rule Effective in Less Than 30 days

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. A 30-day delayed effective date is impracticable and contrary to the public interest as the event is scheduled for November 14th and immediate action is necessary to ensure public safety and provide for the orderly movement of participants and vehicular traffic during the marathon.

#### Background and Purpose

NCDOT, who owns and operates this movable (vertical lift-type) bridge, requested a temporary change to the operating regulations for the Cape Fear River Memorial Bridge in Wilmington NC, to facilitate the 7th Annual Battleship NC Half Marathon. The marathon is an annual event, attracting participants from the surrounding cities and states.

The existing regulations are outlined at 33 CFR 117.5, which requires the bridge to open on signal. The bridge has vertical clearances in the closed and full open positions to vessels of 65 feet and 135 feet at mean high water, respectively.

The Coast Guard has informed vessel operators with mast height greater than 65 feet of the closure period for the bridge so that these vessels can arrange their transits to minimize impact during the marathon. Vessels with mast heights lower than 65 feet still can transit through the drawbridge across Cape Fear River during this event since the drawbridge is closed not the waterway.

#### 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 was based on the fact that this rule will have minimal impact on maritime traffic transiting this area. Since Cape Fear River will remain open to navigation during this event,