SUMMARY: Under provisions of the Internal Revenue Service Restructuring and Reform Act of 1998, the Federal tax refund of a taxpayer who owes a past-due, legally enforceable State income tax obligation may be reduced, or offset, by the amount owed by the taxpayer. The funds offset from the taxpayer's Federal tax refund are forwarded to the State that reported the past-due State income tax obligation. On December 20, 1999, the U.S. Department of the Treasury's Financial Management Service (FMS) published a notice of proposed rulemaking in the **Federal Register** by cross-reference to an interim rule published in the **Federal Register** on the same day. This final rule adopts the interim rule without change.

DATES: This rule is effective January 26, 2005.

FOR FURTHER INFORMATION CONTACT: Gerry Isenberg, Financial Program Specialist, at (202) 874–6660; Ellen Neubauer or Ronda Kent, Senior Attorneys, at (202) 874–6680. A copy of this final rule is being made available for downloading from the Financial Management Service Web site at the following address: *http://www.fms.treas.gov/debt*.

SUPPLEMENTARY INFORMATION:

Background

The Internal Revenue Code authorizes the Secretary of the Treasury to offset Federal tax refund payments to satisfy debts owed to the United States and to collect past-due support for States. Under the Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105–206, 112 Stat. 685, 779 (1998), the authority to offset tax refund payments was amended to allow for the offset of Federal tax refund payments to collect past-due, legally enforceable State income tax obligations reported to the Secretary of the Treasury by States. The amendments authorizing such offsets were effective January 1, 2000.

Offsets to collect delinquent State income tax debts from Federal tax refunds are processed through the Treasury Offset Program (TOP), which is operated by FMS, the disbursing office for the Treasury Department. TOP is a centralized offset program through which FMS offsets tax refund payments, as well as other nontax Federal payments, to collect delinquent debts owed to Federal agencies and States. This rule governs only the offset of one type of payment (*i.e.*, tax refunds) to pay one type of delinquent debt (*i.e.*, past-due, legally enforceable State income tax obligations).

On December 20, 1999, FMS published a notice of proposed rulemaking, 64 FR 71233 (NPRM), concerning the offset of tax refunds to collect delinquent income tax obligations owed to States. On the same day, FMS published an interim rule with request for comments, 64 FR 71228, which contained the text for the NPRM. The closing date for comments regarding the proposed and interim rules was January 19, 2000.

Comments on the Proposed and Interim Rules

FMS did not receive any comments on the NPRM by the close of the comment period. Likewise, FMS did not receive any comments on the interim rule, which served as the text for the NPRM. Therefore, the interim rule is adopted, without change, as a final rule.

Regulatory Analysis

This final rule is not a significant regulatory action as defined in Executive Order 12866. Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that this rule will not have a significant economic impact on a substantial number of small entities. The basis for this certification is that this rule only assists States in the collection of past-due legally enforceable State income tax debt. Therefore, a regulatory flexibility analysis is not required.

Special Analysis

FMS has determined that good cause exists to make this final rule effective upon publication without providing the 30-day period between publication and the effective date contemplated by 5 U.S.C. 553(d). The purpose of a delayed effective date is to afford persons affected by a rule a reasonable time to prepare for compliance. However, in this case, FMS has been collecting past-due income tax obligations owed to States by tax refund offset since January 2000. Procedures affecting States submitting delinquent income tax obligations for collection and persons owing delinquent income tax obligations to States remain substantially unchanged. This final rule provides important guidance that is expected to facilitate States' participation in the tax refund offset program. Therefore, FMS believes that good cause exists to make the rule effective upon publication.

List of Subjects in 31 CFR Part 285

Administrative practice and procedure, Black lung benefits, Child support, Claims, Credit, Debts, Disability benefits, Federal employees, Garnishment of wages, Hearing and appeal procedures, Loan programs, Privacy, Railroad retirement, Railroad unemployment insurance, Salaries, Social Security benefits, Supplemental Security Income (SSI), Taxes, Veteran's benefits, Wages.

Adoption as Final Rule

■ Accordingly, the interim rule adding § 285.8 to 31 CFR part 285, subpart A, which was published at 64 FR 71228 on December 20, 1999, is adopted as a final rule without change.

Dated: January 21, 2005.

Richard L. Gregg,

Commissioner.

[FR Doc. 05–1421 Filed 1–25–05; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 110 and 165

[CGD07–04–090]

RIN 1625–AA11, 1625–AA87, 1625–AA01

Regulated Navigation Areas, Security Zones, and Temporary Anchorage Areas; St. Johns River, Jacksonville, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a series of temporary regulated navigation areas, security zones and temporary anchorage areas on the St. Johns River, Jacksonville, FL, from Winter Point to the Intracoastal Waterway, for Super Bowl XXXIX activities and events. The river will be divided into two regulated navigation areas and four security zones in order to provide increased layered security in close proximity to the downtown area of the river. Additionally, the size of existing fixed security zones around docked cruise ships will be increased. Existing anchorage grounds will be modified and temporary anchorages will be added to accommodate the vessel traffic expected during the Super Bowl events. The regulated navigation areas, security zones and temporary anchorages are necessary to protect national security interests and the safety of navigation during Super Bowl events. These areas will be enforced at various designated time periods beginning February 2, 2005, through February 7, 2005. Entry into the security zones will be prohibited to all persons and vessels unless authorized by the Coast Guard Captain of the Port Jacksonville or his designated representatives.

DATES: This rule is effective from February 2, 2005, through February 7, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD07–04–090 and are available for inspection or copying at Coast Guard Marine Safety Office Jacksonville between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander James Tedtaotao at Coast Guard Marine Safety Office Jacksonville, FL, tel: (904) 232–2640 ext 111.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On December 10, 2004, we published a notice of proposed rulemaking (NPRM) entitled Regulated Navigation Areas, Security Zones, and Temporary Anchorage Areas; St. Johns River, Jacksonville, FL in the **Federal Register** (Volume 69, Number 237). We received one letter commenting on the proposed rule. No public meeting was requested, and none was held.

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**. Delaying the effective date would be contrary to the public interest because the events will take place less than 30 days after publication and immediate action is needed to minimize potential danger to the public, port and waterways. There is significant national security interest during the Super Bowl in protecting the waterways surrounding downtown Jacksonville, cruise ships, nearby vessels, and the public from destruction, loss, or injury from sabotage or other subversive acts, accidents or other causes of a similar nature.

Background and Purpose

In light of terrorist attacks on New York City and the Pentagon in Arlington, VA, on September 11, 2001, and the continuing concern for future terrorist and or subversive acts against the United States, especially at high visibility events where a large number of persons are likely to congregate, the Coast Guard is establishing temporary regulated navigation areas and security zones in certain waters of the St. Johns River.

The Super Bowl is a sporting event, hosted each year in a different city in the United States, sponsored by the National Football League (NFL). Super Bowl XXXIX will be held in Jacksonville, FL, on Sunday, February 6, 2005, at ALLTEL Stadium. Security measures for Super Bowl XXXIX and the events preceding it, including temporary regulated navigation areas, security zones and anchorages designated herein, are necessary from February 2, 2005, to February 7, 2005, and are needed to safeguard the maritime transportation infrastructure, the public, and designated participants from potential acts of violence or terrorism during Super Bowl XXXIX activities.

The planning for these regulated navigation areas and security zones has been conducted in conjunction with federal, state and local law enforcement agencies. There is significant national security interest during the Super Bowl in protecting the waterways surrounding downtown Jacksonville, cruise ships, nearby vessels, and the public from destruction, loss, or injury from sabotage or other subversive acts, accidents or other causes of a similar nature.

These regulations amend existing security zones established at 33 CFR § 165.759 to increase the fixed security zones around cruise ships docked at the Talleyrand Marine Terminal and the Jacksonville Cruise Ship Passenger Terminal from 100 yards to 400 yards.

These regulations also amend existing anchorage regulations established at 33 CFR 110.183 by removing Anchorage A, modifying Anchorage B, and establishing various temporary anchorages marked by buoys. Some of the temporary anchorages will be exclusively for use by small recreational vessels and others will be for larger recreational vessels and commercial vessels.

Discussion of Comments and Changes

Coast Guard Marine Safety Office Jacksonville received one letter comment in response to the notice of proposed rulemaking. The letter requested clarification on the procedures by which permission to remain within a security zone by a vessel already in the zone when it becomes effective is requested from the Captain of the Port. The inquiry was addressed by telephone and the procedures described in paragraph (c)(2) of proposed § 165.T07–090 were explained. Additionally, a minor modification to the text of the temporary final rule was made.

This temporary final rule will incorporate the following changes to the proposed rule:

(1) *Security Zones*: The proposed rule explained how vessels or persons desiring to enter or transit the security zones could seek permission from the Captain of the Port or his designated representatives on VHF Channel Marine 12, but did not give a corresponding instruction for vessels or persons desiring to remain when located within a zone at the time it becomes effective. This temporary final rule contains a clarifying sentence to include the instruction that vessels or persons within a security zone when it becomes effective may contact the Coast Guard Captain of the Port or his designated representatives on VHF Channel Marine 12 to seek permission to remain in the security zone.

(2) *Anchorage Regulations*: The proposed rule added new paragraph (c) to existing anchorage regulations in 33 CFR 110.183 to modify the coordinates for Anchorage B. The temporary final rule changes the latitude of the point of beginning for Anchorage B from 30°21′00″ N to 30°20′50″ N, for greater accuracy.

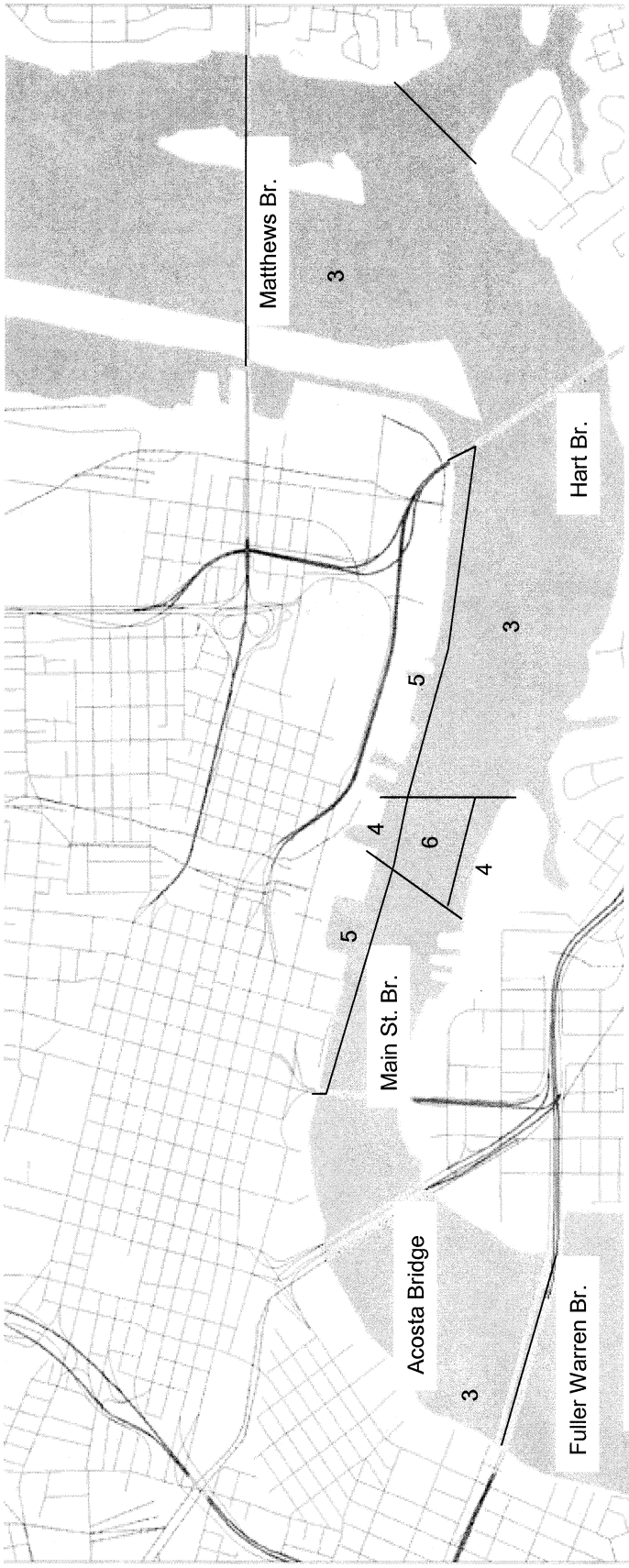
(3) *Anchorage Regulations*: The proposed rule added new paragraph (e) to existing anchorage regulations at 33 CFR § 110.183 to limit anchoring between the Fuller Warren Bridge and the Matthews Bridge to recreational vessels 40 feet or less in length within areas to be marked by temporary buoys. This temporary final rule broadens the proposed restriction to allow anchoring between the Fuller Warren Bridge and the Matthews Bridge by recreational vessels 60 feet or less in length within areas to be marked by temporary buoys.

BILLING CODE 4910–15–P

Figure 1

Security Zones for Super Bowl XXXIX

St. Johns River, Jacksonville, FL



3. Security Zone – All Waters from Fuller Warren Bridge to Matthews Bridge 11:59 p.m. February 4, 2005 until 3 a.m. February 7, 2005
4. Security Zone – Within 25 yards of River Bank at Passenger Terminals; JEA Park and Transportation Hub 6:00 a.m. February 2, 2005 until 11:59 p.m. February 7, 2005
5. Security Zone – Within 25 yards of North River Bank from Main Street Bridge to Hart Bridge 11:59 a.m. February 6, 2005 until 3 a.m. February 7, 2005
6. Security Zone – All Waters, bank to bank from JEA Park to the Transportation Hub 11:59 a.m. February 6, 2005 until 3 a.m. February 7, 2005

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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).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although the regulated navigation areas apply to a large section of the St. Johns River, traffic will be allowed to pass through the zones with the permission of the Captain of the Port Jacksonville or his designated representatives. Additionally, the Coast Guard has consulted with industry representatives to obtain concurrence with the rule and has attended public meetings with recreational boaters to discuss impact of the rule. Before the effective period, the Coast Guard will issue maritime advisories widely available to users of the river.

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 might be small entities: the owners or operators of vessels intending to transit or anchor in portions of the St. Johns River at various times between February 2, 2005 and February 7, 2005.

These regulations will not have a significant economic impact on a substantial number of small entities for the following reasons. Each area, zone or anchorage restriction in this rule will only be in effect for a limited duration. With the exception of vessels carrying certain dangerous cargo as defined in 33 CFR 160.204, vessels will still be allowed to transit after obtaining authorization from the Captain of the Port or his designated representatives. All vessels carrying certain dangerous cargo as defined in 33 CFR 160.204 will be prohibited from transiting the security zones. Based upon consultation with local industry representatives it has been determined there is no regular traffic of such vessels on the St Johns River through the area of the anticipated security zones and no such traffic is expected.

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. On December 10, 2004, we published a notice of proposed rulemaking (NPRM) for this rule in the **Federal Register** (Volume 69, Number 237) on December 10, 2004. One comment was received in response to the NPRM.

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 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.lD, 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)(f) and (g), of the Instruction, from further environmental documentation. As anchorage regulations, regulated navigation areas and security zones, the temporary final rules satisfy the requirements of paragraphs 34(f) and (g).

Under figure 2–1, paragraph (34)(f) and (g) of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule.

List of Subjects

33 CFR Part 110

Anchorage grounds.

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 parts 110 and 165 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 33 CFR 1.05–1(g; Department of Homeland Security Delegation No. 0170.1.

■ 2. From 6 a.m.(EST) on February 2, 2005 until 11:59 p.m.(EST) on February 7, 2005, in § 110.183, paragraphs (a) and (b) are suspended in their entirety and new paragraphs (c), (d) and (e) are added to read as follows:

§ 110.183 St. Johns River, Florida.

* * * * *

(c) *Anchorage B.* (Lower Anchorage) The Anchorage is established within the following coordinates, the area enclosed by a line starting at a point on the eastern shore of the river at 'Floral Bluff' at 30°20′50″ N, 081°36′41″ W; thence to 30°20′50″ N, 081°37′08″ W in vicinity of buoy G″75″; thence to 30°21′50″ N, 081°36′56″ W; thence to 30°21′54″ N, 081°36′48″ W; thence returning to the point of beginning.

(d) *Regulations.* (1) Except in case of emergency, only vessels meeting the conditions of this paragraph will be authorized by the Captain of the Port to anchor in Anchorage B. Vessels unable to meet any of the following restrictions must obtain specific authorization from the Captain of the Port prior to anchoring in Anchorage B.

(2) All vessels intending to enter and anchor in Anchorage B must notify the Captain of the Port prior to entering.

(3) Anchorage B is a temporary anchorage. Additionally, Anchorage B is used as a turning basin. Vessels may not anchor for more than 24 hours without specific written authorization from the Captain of the Port.

(4) All vessels at anchor must maintain a watch on VHF–FM channels 13 and 16 by a person fluent in English, and must make a security broadcast on channel 13 upon anchoring and every 4 hours thereafter.

(5) Anchorage B is restricted to vessels with a draft of 24 feet or less, regardless of length.

(6) Any vessel transferring petroleum products within Anchorage B must have a pilot or Docking Master aboard, and employ sufficient assist tugs to assure the safety of the vessel at anchor and any vessels transiting the area.

(7) Any vessel over 300 feet in length within Anchorage B must have a pilot or Docking Master onboard, and employ sufficient assist tugs to assure the safety of the vessel at anchor and any vessels transiting the area.

(e) *Temporary Anchorages.* (1) Five temporary anchorage areas will be established in the waters of the St. Johns River between the Fuller Warren Bridge and the southern end of Anchorage B to exclusively accommodate recreational vessels, 60 feet in length or less, for various events during the effective period. Vessels must seek authorization from the Captain of the Port prior to anchoring. Up to twenty recreational vessels may raft outboard of one another. Buoys will mark all temporary anchorage areas.

(2) Several temporary anchorage areas will be established in the waters north of the Matthews Bridge to accommodate larger recreational vessels and commercial vessels. Buoys will mark all temporary anchorage areas.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 3. 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.

■ 4. From February 2, 2005, at 6 a.m.(EST) until February 7, 2005, at 11:59 p.m.(EST) in § 165.759, paragraph (a) is suspended and a new paragraph (e) is added to read as follows:

§ 165.759 Security Zones; Ports of Jacksonville, Fernandina, and Canaveral, Florida.

* * * * *

(e) *Regulated area.* (1) Moving Security zones are established around all tank vessels, cruise ships, and military pre-positioned ships during transits entering or departing the ports of Jacksonville, Fernandina, and Canaveral, Florida. These moving security zones are activated when the subject vessels pass the St. Johns River Sea Buoy, at approximate position 30°23′35″ N, 81°19′08″ W, when entering the port of Jacksonville, or pass port Canaveral Channel Entrance Buoys # 3 or # 4, at respective approximate positions 28°22.7′ N, 80°31.8′ W, and 28°23.7′ N, 80°29.2′ W when entering Port Canaveral. Fixed security zones are established 100 yards around all tank vessels and military pre-positioned ships docked in the Ports of Jacksonville, Fernandina, and Canaveral, Florida.

(2) Fixed security zones are established 100 yards around all cruise ships docked in the Ports of Jacksonville, Fernandina, and Canaveral, Florida except for security zones around vessels docked at the Talleyrand Marine Terminal and the Jacksonville Cruise Ship Passenger Terminal in the Port of Jacksonville that extend 400 yards around cruise ships.

■ 5. Add § 165.T07–090 to read as follows:

§ 165.T07–090 Regulated Navigation Areas and Security Zones; St. Johns River, Jacksonville, FL.

(a) *Locations. (1) Regulated navigation area; Winter Point to the Matthews Bridge.*

(i) *Area.* All waters, shore-to-shore and surface to bottom, between an imaginary line drawn between Winter Point (30°18′36″ N, 81°40′36″ W), south through Winter Point Light 1 (30°17′48″ N, 81°40′24″ W) to Point La Vista (30°16′42″ N, 81°39′48″ W), and the Matthews bridge, excluding the waters of the Arlington River east of an imaginary line between 30°19′12″ N, 81°36′42″ W and 30°19′00″ N, 81°36′48″ W.

(ii) *Enforcement period.* The regulated navigation area in paragraph (a)(1)(i) will be enforced from 6 a.m. on February 2, 2005, until 6 p.m. on February 7, 2005.

(2) Regulated navigation area; St. Johns River, Matthews Bridge to St. Johns Bluff Reach.

(i) *Area.* All waters, surface to bottom, and bank to bank, within the St. Johns River from the Matthews Bridge to an imaginary line between the south bank of the Trout River at 30°20′06″ N, 81°38′00″ W and 30°23′06″ N, 81°37′18″ W, and within 400 yards of the Federal Channel of the St. Johns River, as visually marked by buoys and day boards, including around both sides of Blount Island, from an imaginary line between the south bank of the Trout River at 30°23′06″ N, 81°38′00″ W and 30°23′06″ N, 81°37′18″W, to an imaginary line at the front range light of the Fulton Cutoff Range between 30°23′36″ N, 81°30′06″ W South to 30°23′12″ N, 81°30′06″ W.

(ii) *Enforcement period.* The regulated navigation area in paragraph (a)(2)(i) will be enforced from 6 a.m. on February 2, 2005, until 6 p.m. on February 7, 2005.

(3) Security Zone, St. Johns River, Fuller Warren Bridge to the Matthews Bridge.

(i) *Area.* All waters shore-to-shore and surface to bottom of the St. Johns River, between the Fuller Warren Bridge and the Matthews Bridge excluding the waters of the Arlington River east of an imaginary line between 30°19′12″ N, 81°36′42″ W and 30°19′00″ N, 81°36′48″ W.

(ii) *Enforcement period.* The security zone in paragraph (a)(3)(i) will be enforced from 11:59 p.m. on February 4, 2005, until 3 a.m. on February 7, 2005.

(4) Security Zone, St. Johns River, Passenger terminals at JEA Park and the Transportation Hub.

(i) *Area.* All waters extending 25 yards into the river and following the contour of the southern bank of the river between 30°19.04′ N, 081°38.59′ W and 30°18.53′ N, 081°38.40′ W, and all waters extending 25 yards into the river and following the contour of the northern bank of the river between 30°19.16′ N, 081°38.50′ W and 30°19.16′ N, 081°38.41′ W.

(ii) *Enforcement period.* The security zone in paragraph (a)(4)(i) will be enforced from 6 a.m. on February 2, 2005, until 11:59 a.m. on February 7, 2005.

(5) Security Zone, St. Johns River, Main Street Bridge to the Hart Bridge.

(i) *Area.* All waters, extending 25 yards into the river and following the contour of the northern bank of the river, between the Main Street Bridge and the Hart Bridge.

(ii) *Enforcement period.* The security zone in paragraph (a)(5)(i) will be enforced from 11:59 a.m. on February 6, 2005 until 3 a.m. on February 7, 2005.

(6) Security Zone, St. Johns River, JEA Park to the Transportation Hub.

(i) *Area.* All waters within the perimeter of the following: originating at 30°19.04′ N, 081°38.59′ W then north to 30°19.16′ N, 081°38.50′ W, then east following the contour of the northern bank of the river to 30°19.16′ N, 081°38.41′ W, then south to 30°18.53′ N, 081°38.40′ W, and west following the contour of the south bank of the river to the origin at 30°19.04′ N, 081°38.59′ W.

(ii) *Enforcement period.* The security zone in paragraph (a)(6)(i) will be enforced from 11:59 a.m. on February 6, 2005 until 3 a.m. on February 7.

(b) Definitions.

The following definitions apply to this section.

Designated representatives means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and Federal, State, and local officers designated by or assisting the Captain of the Port (COTP), Jacksonville, Florida, in the enforcement of the regulated navigation areas and security zones.

Minimum Safe Speed means the speed at which a vessel proceeds when it is fully off plane, completely settled in the water and not creating excessive wake. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, no specific speed is assigned to minimum safe speed. In no instance should minimum safe speed be interpreted as a speed less than that required for a particular vessel to maintain steerageway. A vessel is not proceeding at minimum safe speed if it is:

(1) On a plane;

(2) In the process of coming up onto or coming off a plane; or

(3) Creating an excessive wake.

Motorized personal watercraft means vessels less than 16 feet in length which are designed to be operated by a person or persons sitting, standing, or kneeling on the craft, rather than within the confines of a hull.

(c) Regulations. (1) *Regulated Navigation Areas.* The regulations in paragraph (c)(1) apply to the areas in paragraphs (a)(1) and (a)(2) of this section.

(i) All vessels and persons entering and transiting through the regulated navigation area must proceed continuously and at a minimum safe speed. In no instance should minimum safe speed be interpreted as a speed less than that required for a particular vessel to maintain steerageway. Nothing in this rule alleviates vessels or operators from complying with all state and local laws in the area.

(ii) All vessels and persons must comply with orders from the Coast Guard Captain of the Port, Jacksonville, Florida, or that officer's designated representatives, regulating their speed, course, direction and movements within the regulated navigation areas.

(2) *Security zones.* The regulations in this paragraph apply to the zones in paragraph (a)(3) through (a)(6) of this section. All vessels that seek entry to the zones, and those vessels located in the zones when the zones become effective, will be subject to a security screening. Vessel operators must receive express permission to enter, or, for vessels already inside the zone when it becomes effective, permission to remain in the security zone from federal, state or local personnel designated by the Captain of the Port; vessels must not transport or possess certain dangerous cargo as defined in 33 CFR 160.204; and persons must not operate or place in the water jet skis or other motorized personal watercraft at any time while the security zone is in effect. Entry into and continued presence within the security zones by vessels or persons that entered without authorization from the Captain of the Port is prohibited unless authorized by the Coast Guard Captain of the Port, Jacksonville, Florida, or that officer's designated representatives. Vessels moored, docked or anchored in the security zones when they become effective must remain in place unless ordered by or given permission from the COTP to do otherwise. Security Zone (a)(5) further prohibits vessel movement within the zone without prior approval by the Captain of the Port or his designated representatives. Vessels or persons desiring to enter or transit the

areas encompassed by any of the security zones, or those vessels or persons located within a zone when it becomes effective and who desire to remain inside the zone, may contact the Coast Guard Captain of the Port or his designated representatives on VHF Channel Marine 12 to seek permission to enter, transit or remain in the zone. If permission is granted, all persons and vessels must comply with the instructions of the COTP or that officer's designated representatives.

(d) *Effective period.* This section is effective from 6 a.m. on February 2, 2005, until 11:59 p.m. on February 7, 2005.

Dated: January 12, 2005.

D. Brian Peterman,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–05–006]

RIN 1625–AA00

Safety Zone; Delaware River

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the Delaware River encompassing all waters from the Tacony-Palmyra Bridge to the Bellevue/Marcus Hook ship ranges at Buoy 2M, shoreline to shoreline. The temporary safety zone prohibits persons or vessels from entering the zone, unless authorized by the Captain of the Port Philadelphia, PA or designated representative. This safety zone is necessary to provide for the safety of life, property and to facilitate oil spill environmental response activities.

DATES: This rule is effective from January 15, 2005 until February 15, 2005.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05–05–006 and are available for inspection or copying at Coast Guard Marine Safety Office Philadelphia, One Washington Avenue, Philadelphia, Pennsylvania, 19147, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Jill Munsch or ENS Otis Barrett, Coast Guard Marine Safety Office/Group Philadelphia, at (215) 271–4889.

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) and (d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this regulation effective less than 30 days after publication in the **Federal Register**. Publishing a NPRM and delaying its effective date would be contrary to public interest, since immediate action is needed to protect mariners against potential hazards associated with oil spill recovery operations and to ensure the safety of the environment on the Delaware River and its tributaries. Due to the amount of time needed to clean up the oil spill, this safety zone is needed to facilitate safe oil spill recovery operations.

Background and Purpose

On November 27, 2004 at 9:30 p.m. the T/V ATHOS I reported a major discharge of oil on the waters of the Delaware River. Oil spill response operations are being conducted in the safety zone. A number of oil spill response vessels and clean up personnel will be in the safety zone during the duration of the response operations. This rule establishes a safety zone, on the Delaware River covering all the waters of the area bound from the Tacony-Palmyra Bridge to the Bellevue/Marcus Hook ship ranges, at Buoy 2M. Mariners will only be allowed to transit the safety zone with the permission of the COTP or his designated representative. The safety zone will protect mariners and oil spill responders from the hazards associated with spill recovery and clean up operations. The Captain of the Port will notify the maritime community, via marine broadcasts, of the ability of vessels to transit through the safety zone. Mariners allowed to travel through the safety zone with the permission of the COTP must maintain a minimum safe speed, in accordance with the Navigation Rules as seen in 33 CFR Chapter I, Subchapters D and E.

Regulatory Evaluation

This temporary rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 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).

We expect the economic impact of this proposed rule to be minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we 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.

This rule will have virtually no impact on any small entities. This rule does not require a general notice of proposed rulemaking and, therefore, it is exempt from the requirement of the Regulatory Flexibility Act. Although this rule is exempt, we have reviewed it for potential economic impact on small entities.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C 605(b)) that this rule will not have a significant impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can 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 (1–888–743–3247).

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.).