

overpayment you owe when benefits are payable to you under title II, title VIII, or both.

§ 416.573 How much will we withhold from your title II and title VIII benefits to recover a title XVI overpayment?

(a) If past-due benefits are payable to you, we will withhold the lesser of the entire overpayment balance or the entire amount of past-due benefits.

(b)(1) We will collect the overpayment from current monthly benefits due in a month by withholding the lesser of the amount of the entire overpayment balance or 10 percent of the monthly title II benefits and monthly title VIII benefits payable to you in the month.

(2) If we are already recovering a title II, title VIII or title XVI overpayment from your monthly title II benefit, we will figure your monthly withholding from title XVI payments (as described in § 416.571) without including your title II benefits in your total countable income.

(3) Paragraph (b)(1) of this section does not apply if:

(i) You request and we approve a different rate of withholding, or

(ii) You or your spouse willfully misrepresented or concealed material information in connection with the overpayment.

(c) In determining whether to grant your request that we withhold less than the amount described in paragraph (b)(1) of this section, we will use the criteria applied under § 416.571 to similar requests about withholding from title XVI benefits.

(d) If you or your spouse willfully misrepresented or concealed material information in connection with the overpayment, we will collect the overpayment by withholding the lesser of the overpayment balance or the entire amount of title II benefits and title VIII benefits payable to you. We will not collect at a lesser rate. (See § 416.571 for what we mean by concealment of material information.)

§ 416.574 Will you receive notice of our intention to apply cross-program recovery?

Before we collect an overpayment from you using cross-program recovery, we will send you a written notice that tells you the following information:

(a) We have determined that you owe a specific overpayment balance that can be collected by cross-program recovery;

(b) We will withhold a specific amount from the title II or title VIII benefits (see § 416.573);

(c) You may ask us to review this determination that you still owe this overpayment balance;

(d) You may request that we withhold a different amount from your current

monthly benefits (the notice will not include this information if § 416.573(d) applies); and

(e) You may ask us to waive collection of this overpayment balance.

§ 416.575 When will we begin cross-program recovery from your current monthly benefits?

(a) We will begin collecting the overpayment balance by cross-program recovery from your current monthly title II and title VIII benefits no sooner than 30 calendar days after the date of the notice described in § 416.574. If within that 30-day period you pay us the full overpayment balance stated in the notice, we will not begin cross-program recovery.

(b) If within that 30-day period you ask us to review our determination that you still owe us this overpayment balance, we will not begin cross-program recovery from your current monthly benefits before we review the matter and notify you of our decision in writing.

(c) If within that 30-day period you ask us to withhold a different amount from your current monthly benefits than the amount stated in the notice, we will not begin cross-program recovery until we determine the amount we will withhold. This paragraph does not apply when § 416.573(d) applies.

(d) If within that 30-day period you ask us to waive recovery of the overpayment balance, we will not begin cross-program recovery from your current monthly benefits before we review the matter and notify you of our decision in writing. See §§ 416.550 through 416.556.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 27

[USCG-2003-15486]

RIN 1625-AA73

Civil Monetary Penalties—Adjustments for Inflation; Correction

AGENCY: Coast Guard, DHS.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations published in the **Federal Register** on December 23, 2003. The regulations related to inflation adjustments in fines and other civil monetary penalties that

are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

DATES: Effective on January 3, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Spears, Office of Standards Evaluation and Development, Coast Guard, telephone 202-267-1099.

SUPPLEMENTARY INFORMATION:

Background

The Coast Guard published a final rule in the **Federal Register** of December 23, 2003 (68 FR 74189). The final rule was authorized by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended (“the statute”; see 28 U.S.C. 2641 note), and promulgated under a “good cause” exception to the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), because the Coast Guard found good cause to dispense with the usual notice and comment requirements due to the lack of discretion rulemakers can exercise under the statute. One of the amendments made by the final rule revised 33 CFR 27.3 and its accompanying Table 1, “Civil Monetary Penalty Inflation Adjustments.”

Need for Correction

As published, the final rule inadvertently contained some potentially misleading language and omitted certain fines or penalties that, pursuant to the statute, required inclusion.

List of Subjects in 33 CFR Part 27

Marine safety, Oil pollution, Penalties, Vessels, Waterways.

■ Accordingly, 33 CFR part 27 is corrected by making the following correcting amendments:

PART 27—CIVIL MONETARY PENALTIES ADMINISTERED BY THE COAST GUARD

■ 1. The authority citation for part 27 continues to read as follows:

Authority: Secs. 1–6, Pub. L. 101–410, 104 Stat. 890, as amended by Sec. 31001(s)(1), Pub. L. 104–134, 110 Stat. 1321 (28 U.S.C. 2461 note); Department of Homeland Security Delegation No. 0170.1, sec. 2 (106).

§ 27.1 [Removed]

■ 2. Remove § 27.1.

■ 3. Revise § 27.3 to read as follows:

§ 27.3 Penalty Table.

Table 1 lists sections of the United States Code that authorize civil monetary penalties for laws administered by the Coast Guard. These penalties are assessable in either civil judicial or administrative proceedings. Table 1 is periodically amended to

reflect relevant changes in the United States Code and to show adjustments in penalty amounts that are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended,

but Table 1 will not reflect statutory changes that may take effect subsequent to the most recent amendment of Table 1. In any case of conflict between Table 1 and the current provisions of the

United States Code or another Federal statute, the current Code or statutory provision is controlling.

TABLE 1.—CIVIL MONETARY PENALTIES

| U.S. Code citation | Civil monetary penalty description | Statutory penalty (\$) | Inflation adjustments per 1990 Act as amended (\$) |
|-----------------------------|--|------------------------|--|
| 14 U.S.C. 88(c) | Saving Life and Property | 5,000 | 6,500 |
| 14 U.S.C. 645(i) | Confidentiality of Medical Quality Assurance Records (first offense). | 3,000 | 3,300 |
| 14 U.S.C. 645(i) | Confidentiality of Medical Quality Assurance Records (subsequent offenses). | 20,000 | 27,000 |
| 16 U.S.C. 4711(g)(1) | Aquatic Nuisance Species in Waters of the United States | 25,000 | 27,500 |
| 19 U.S.C. 70 | Obstruction of Revenue Officers by Masters of Vessels | 2,000 | 2,200 |
| 19 U.S.C. 70 | Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty. | 500 | 550 |
| 19 U.S.C. 1581(d) | Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge. | 5,000 | (**) |
| 19 U.S.C. 1581(d) | Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty. | 1,000 | (**) |
| 33 U.S.C. 471 | Anchorage Ground/Harbor Regulations General | 100 | 110 |
| 33 U.S.C. 474 | Anchorage Ground/Harbor Regulations St. Mary's river | 200 | 220 |
| 33 U.S.C. 495(b) | Bridges/Failure to Comply with Regulations | * 5,000 | (***) |
| 33 U.S.C. 499(c) | Bridges/Drawbridges | * 5,000 | (***) |
| 33 U.S.C. 502(c) | Bridges/Failure to Alter Bridge Obstructing Navigation | * 5,000 | (***) |
| 33 U.S.C. 533(b) | Bridges/Maintenance and Operation | * 5,000 | (***) |
| 33 U.S.C. 1208(a) | Bridge to Bridge Communication; Master, Person in Charge or Pilot. | 500 | 650 |
| 33 U.S.C. 1208(b) | Bridge to Bridge Communication; Vessel | 500 | 650 |
| 33 U.S.C. 1232(a) | PWSA Regulations | 25,000 | 32,500 |
| 33 U.S.C. 1236(b) | Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge. | 5,000 | 6,500 |
| 33 U.S.C. 1236(c) | Vessel Navigation: Regattas or Marine Parades; Owner On-board Vessel. | 5,000 | 6,500 |
| 33 U.S.C. 1236(d) | Vessel Navigation: Regattas or Marine Parades; Other Persons. | 2,500 | 2,750 |
| 33 U.S.C. 1321(b)(6)(B)(i) | Oil/Hazardous Substances: Discharges (Class I per violation) | 10,000 | 11,000 |
| 33 U.S.C. 1321(b)(6)(B)(i) | Oil/Hazardous Substances: Discharges (Class I total under paragraph). | 25,000 | 32,500 |
| 33 U.S.C. 1321(b)(6)(B)(ii) | Oil/Hazardous Substances: Discharges (Class II per day of violation). | 10,000 | 11,000 |
| 33 U.S.C. 1321(b)(6)(B)(ii) | Oil/Hazardous Substances: Discharges (Class II total under paragraph). | 125,000 | 157,500 |
| 33 U.S.C. 1321(b)(7)(A) | Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment. | 25,000 | 32,500 |
| 33 U.S.C. 1321(b)(7)(A) | Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment. | 1,000 | 1,100 |
| 33 U.S.C. 1321(b)(7)(B) | Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment). | 25,000 | 32,500 |
| 33 U.S.C. 1321(b)(7)(C) | Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment). | 25,000 | 32,500 |
| 33 U.S.C. 1321(b)(7)(D) | Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment. | 3,000 | 3,300 |
| 33 U.S.C. 1321(b)(7)(D) | Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment). | 100,000 | 110,000 |
| 33 U.S.C. 1322(j) | Marine Sanitation Devices; Operating | 2,000 | 2,200 |
| 33 U.S.C. 1322(j) | Marine Sanitation Devices; Sale or Manufacture | 5,000 | 6,500 |
| 33 U.S.C. 1517(a) | Deepwater Ports; Oil Discharge | 10,000 | 11,000 |
| 33 U.S.C. 1608(a) | International Navigation Rules; Operator | 5,000 | 6,500 |
| 33 U.S.C. 1608(b) | International Navigation Rules; Vessel | 5,000 | 6,500 |
| 33 U.S.C. 1908(b)(1) | Pollution from Ships; General | 25,000 | 32,500 |
| 33 U.S.C. 1908(b)(2) | Pollution from Ships; False Statement | 5,000 | 6,500 |
| 33 U.S.C. 2072(a) | Inland Navigation Rules; Operator | 5,000 | 6,500 |
| 33 U.S.C. 2072(b) | Inland Navigation Rules; Vessel | 5,000 | 6,500 |
| 33 U.S.C. 2609(a) | Shore Protection; General | 25,000 | 32,500 |
| 33 U.S.C. 2609(b) | Shore Protection; Operating Without Permit | 10,000 | 11,000 |
| 33 U.S.C. 2716a(a) | Oil Pollution Liability and Compensation | 25,000 | 32,500 |
| 42 U.S.C. 9609(a) | Hazardous Substances, Releases, Liability, Compensation (Class I). | 25,000 | 27,500 |

TABLE 1.—CIVIL MONETARY PENALTIES—Continued

| U.S. Code citation | Civil monetary penalty description | Statutory penalty (\$) | Inflation adjustments per 1990 Act as amended (\$) |
|--------------------------|--|------------------------|--|
| 42 U.S.C. 9609(b) | Hazardous Substances, Releases, Liability, Compensation (Class II). | 25,000 | 27,500 |
| 42 U.S.C. 9609(b) | Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense). | 75,000 | 82,500 |
| 42 U.S.C. 9609(c) | Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment). | 25,000 | 27,500 |
| 42 U.S.C. 9609(d) | Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense). | 75,000 | 82,500 |
| 46 U.S.C. App 1505(a)(2) | Safe Containers for International Cargo | 5,000 | 6,500 |
| 46 U.S.C. App 1805(c)(2) | Suspension of Passenger Service | 50,000 | 60,000 |
| 46 U.S.C. 2110(e) | Vessel Inspection or Examination Fees | 5,000 | 6,500 |
| 46 U.S.C. 2115 | Alcohol and Dangerous Drug Testing | 5,000 | 5,500 |
| 46 U.S.C. 2302(a) | Negligent Operations: Recreational Vessels | 5,000 | (***) |
| 46 U.S.C. 2302(a) | Negligent Operations: Other Vessels | 25,000 | (***) |
| 46 U.S.C. 2302(c)(1) | Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug. | 5,000 | 5,500 |
| 46 U.S.C. 2306(a)(4) | Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent. | 5,000 | 6,500 |
| 46 U.S.C. 2306(b)(2) | Vessel Reporting Requirements: Master | 1,000 | 1,100 |
| 46 U.S.C. 3102(c)(1) | Immersion Suits | 5,000 | 6,500 |
| 46 U.S.C. 3302(i)(5) | Inspection Permit | 1,000 | 1,100 |
| 46 U.S.C. 3318(a) | Vessel Inspection; General | 5,000 | 6,500 |
| 46 U.S.C. 3318(g) | Vessel Inspection; Nautical School Vessel | 5,000 | 6,500 |
| 46 U.S.C. 3318(h) | Vessel Inspection; Failure to Give Notice IAW 3304(b) | 1,000 | 1,100 |
| 46 U.S.C. 3318(i) | Vessel Inspection; Failure to Give Notice IAW 3309(c) | 1,000 | 1,100 |
| 46 U.S.C. 3318(j)(1) | Vessel Inspection; Vessel ≥ 1600 Gross Tons | 10,000 | 11,000 |
| 46 U.S.C. 3318(j)(1) | Vessel Inspection; Vessel < 1600 Gross Tons | 2,000 | 2,200 |
| 46 U.S.C. 3318(k) | Vessel Inspection; Failure to Comply with 3311(b) | 10,000 | 11,000 |
| 46 U.S.C. 3318(l) | Vessel Inspection; Violation of 3318(b)–3318(f) | 5,000 | 6,500 |
| 46 U.S.C. 3502(e) | List/count of Passengers | 100 | 110 |
| 46 U.S.C. 3504(c) | Notification to Passengers | 10,000 | 11,000 |
| 46 U.S.C. 3504(c) | Notification to Passengers; Sale of Tickets | 500 | 650 |
| 46 U.S.C. 3506 | Copies of Laws on Passenger Vessels; Master | 200 | 220 |
| 46 U.S.C. 3718(a)(1) | Liquid Bulk/Dangerous Cargo | 25,000 | 32,500 |
| 46 U.S.C. 4106 | Uninspected Vessels | 5,000 | 6,500 |
| 46 U.S.C. 4311(b)(1) | Recreational Vessels (maximum for related series of violations). | 250,000 | (***) |
| 46 U.S.C. 4311(b)(1) | Recreational Vessels; Violation of 4307(a) | 5,000 | (***) |
| 46 U.S.C. 4311(c) | Recreational vessels | 1,000 | 1,100 |
| 46 U.S.C. 4507(a) | Uninspected Commercial Fishing Industry Vessels | 5,000 | 6,500 |
| 46 U.S.C. 4703 | Abandonment of Barges | 1,000 | 1,100 |
| 46 U.S.C. 5116(a) | Load Lines | 5,000 | 6,500 |
| 46 U.S.C. 5116(b) | Load Lines; Violation of 5112(a) | 10,000 | 11,000 |
| 46 U.S.C. 5116(c) | Load Lines; Violation of 5112(b) | 5,000 | 6,500 |
| 46 U.S.C. 6103(a) | Reporting Marine Casualties | 25,000 | 27,500 |
| 46 U.S.C. 6103(b) | Reporting Marine Casualties; Violation of 6104 | 5,000 | 6,500 |
| 46 U.S.C. 8101(e) | Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement. | 1,000 | 1,100 |
| 46 U.S.C. 8101(f) | Manning of Inspected Vessels | 10,000 | 11,000 |
| 46 U.S.C. 8101(g) | Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG. | 10,000 | 11,000 |
| 46 U.S.C. 8101(h) | Manning of Inspected Vessels; Freight Vessel < 100 GT, Small Passenger Vessel, or Sailing School Vessel. | 1,000 | 1,100 |
| 46 U.S.C. 8102(a) | Watchmen on Passenger Vessels | 1,000 | 1,100 |
| 46 U.S.C. 8103(f) | Citizenship Requirements | 500 | 650 |
| 46 U.S.C. 8104(i) | Watches on Vessels; Violation of 8104(a) or (b) | 10,000 | 11,000 |
| 46 U.S.C. 8104(j) | Watches on Vessels; Violation of 8104(c), (d), (e), or (h) | 10,000 | 11,000 |
| 46 U.S.C. 8302(e) | Staff Department on Vessels | 100 | 110 |
| 46 U.S.C. 8304(d) | Officer's Competency Certificates | 100 | 110 |
| 46 U.S.C. 8502(e) | Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge. | 10,000 | 11,000 |
| 46 U.S.C. 8502(f) | Coastwise Pilotage; Individual | 10,000 | 11,000 |
| 46 U.S.C. 8503 | Federal Pilots | 25,000 | 32,500 |
| 46 U.S.C. 8701(d) | Merchant Mariners Documents | 500 | 650 |
| 46 U.S.C. 8702(e) | Crew Requirements | 10,000 | 11,000 |
| 46 U.S.C. 8906 | Small Vessel Manning | 25,000 | 27,500 |
| 46 U.S.C. 9308(a) | Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge. | 10,000 | 11,000 |

TABLE 1.—CIVIL MONETARY PENALTIES—Continued

| U.S. Code citation | Civil monetary penalty description | Statutory penalty (\$) | Inflation adjustments per 1990 Act as amended (\$) |
|-----------------------|--|------------------------|--|
| 46 U.S.C. 9308(b) | Pilotage: Great Lakes; Individual | 10,000 | 11,000 |
| 46 U.S.C. 9308(c) | Pilotage: Great Lakes; Violation of 9303 | 10,000 | 11,000 |
| 46 U.S.C. 10104(b) | Failure to Report Sexual Offense | 5,000 | 6,500 |
| 46 U.S.C. 10314(a)(2) | Pay Advances to Seamen | 500 | 650 |
| 46 U.S.C. 10314(b) | Pay Advances to Seamen; Remuneration for Employment | 500 | 650 |
| 46 U.S.C. 10315(c) | Allotment to Seamen | 500 | 650 |
| 46 U.S.C. 10321 | Seamen Protection; General | 5,000 | 5,500 |
| 46 U.S.C. 10505(a)(2) | Coastwise Voyages: Advances | 5,000 | 5,500 |
| 46 U.S.C. 10505(b) | Coastwise Voyages: Advances; Remuneration for Employment. | 5,000 | 5,500 |
| 46 U.S.C. 10508(b) | Coastwise Voyages: Seamen Protection; General | 5,000 | 5,500 |
| 46 U.S.C. 10711 | Effects of Deceased Seamen | 200 | 220 |
| 46 U.S.C. 10902(a)(2) | Complaints of Unfitness | 500 | 650 |
| 46 U.S.C. 10903(d) | Proceedings on Examination of Vessel | 100 | 110 |
| 46 U.S.C. 10907(b) | Permission to Make Complaint | 500 | 650 |
| 46 U.S.C. 11101(f) | Accommodations for Seamen | 500 | 650 |
| 46 U.S.C. 11102(b) | Medicine Chests on Vessels | 500 | 650 |
| 46 U.S.C. 11104(b) | Destitute Seamen | 100 | 110 |
| 46 U.S.C. 11105(c) | Wages on Discharge | 500 | 650 |
| 46 U.S.C. 11303(a) | Log Books; Master Failing to Maintain | 200 | 220 |
| 46 U.S.C. 11303(b) | Log Books; Master Failing to Make Entry | 200 | 220 |
| 46 U.S.C. 11303(c) | Log Books; Late Entry | 150 | 165 |
| 46 U.S.C. 11506 | Carrying of Sheath Knives | 50 | 65 |
| 46 U.S.C. 12122(a) | Vessel Documentation | 10,000 | 11,000 |
| 46 U.S.C. 12122(c) | Vessel Documentation; Fishery Endorsement | 100,000 | 110,000 |
| 46 U.S.C. 12309(b) | Numbering of Undocumented Vessels | 1,000 | 1,100 |
| 46 U.S.C. 12507(b) | Vessel Identification System | 10,000 | 11,000 |
| 46 U.S.C. 14701 | Measurement of Vessels | 20,000 | 27,000 |
| 46 U.S.C. 14702 | Measurement; False Statements | 20,000 | 27,000 |
| 46 U.S.C. 31309 | Commercial Instruments and Maritime Liens | 10,000 | 11,000 |
| 46 U.S.C. 31330(a)(2) | Commercial Instruments and Maritime Liens; Mortgagor | 10,000 | 11,000 |
| 46 U.S.C. 31330(b)(2) | Commercial Instruments and Maritime Liens; Violation of 31329. | 25,000 | 27,500 |
| 46 U.S.C. 70119 | Port Security | 25,000 | (***) |
| 49 U.S.C. 5123(a)(1) | Hazardous Materials: Related to Vessels | 25,000 | 32,500 |
| 49 U.S.C. 5123(a)(1) | Hazardous Materials: Related to Vessels—Minimum Penalty | 250 | 275 |

* These penalties will increase in accordance with the statute to: \$10,000 in 2005, \$15,000 in 2006, \$20,000 in 2007, and \$25,000 in 2008 and thereafter.

** Enacted under the Tariff Act of 1930, exempt from inflation adjustments.

*** These penalties did not qualify for an adjustment under the rounding rules of the Act.

Dated: December 23, 2004.

T.H. Gilmour,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety, Security and Environmental Protection.

[FR Doc. 04-28676 Filed 12-30-04; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD13-04-044]

RIN 1625-AA00

Safety Zones: Fireworks Displays in the Captain of the Port Portland Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of the Columbia River during a New Year's fireworks display. The Captain of the Port, Portland, Oregon, is taking this action to safeguard watercraft and their occupants from safety hazards associated with this display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This rule is effective from 11:30 p.m. (p.s.t.) on December 31, 2004, to 12:30 a.m. (p.s.t.) on January 1, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are available for inspection or copying at U.S. Coast Guard MSO/Group Portland, 6767 N. Basin Ave, Portland, Oregon 97217 between 7 a.m. and 4 p.m.,

Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant (Junior Grade) Belen Audirsch, c/o Captain of the Port, Portland 6767 N. Basin Avenue, Portland, Oregon 97217, (503) 240-9301.

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 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing a NPRM would be contrary to public interest since immediate action is necessary to ensure the safety of vessels and spectators gathering in