

or copying where indicated under **ADDRESSES**.

This rule relocates one existing anchorage area to the East of the Recommended Traffic Route for Deep Draft Vessels. This designated anchorage will enhance safety in the waters of Buzzards Bay, MA by relieving vessel congestion within the bay. Thus, relocating this designated anchorage would provide a safer approach to the Cape Cod Canal by deep draft vessels.

#### List of Subjects in 33 CFR Part 110

Anchorage grounds.

■ For the reasons set forth in the preamble, the Coast Guard amends 33 CFR part 110 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, 2071; 33 CFR 1.05–1(g) and Department of Homeland Security Delegation No. 0170.1.

■ 2. Section 110.140(b)(3) is revised to read as follows:

#### § 110.140 Buzzards Bay, Nantucket Sound, and adjacent waters, Mass.

\* \* \* \* \*

(b) \* \* \*

(3) *Anchorage L.* The area of water bounded by lines connecting the following points: 41°30'11" N, 070°48'10" W to 41°30'46" N, 070°48'45" W, to 41°32'24" N, 070°45'50" W to 41°31'48" N, 070°45'15" W and thence to start.

\* \* \* \* \*

Dated: December 22, 2004.

**David P. Pekoske,**

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

[FR Doc. 05–655 Filed 1–12–05; 8:45 am]

**BILLING CODE 4910–15–P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

##### 33 CFR Part 117

[CGD08–05–002]

##### Drawbridge Operation Regulations; Vermilion River, Flanders, LA

**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 SR 3073 Swing Bridge across the Vermilion River, mile 44.9, at Flanders, Lafayette Parish, Louisiana. This deviation allows the bridge to remain closed to navigation from 6 a.m. on Sunday, February 13, 2005 until 6 a.m. on Wednesday, March 16, 2005. The deviation is necessary to repair and replace the decking on the bridge.

**DATES:** This deviation is effective from 6 a.m. on Sunday, February 13, 2005 until 6 a.m. on Wednesday, March 16, 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 of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** David Frank, Bridge Administration Branch, telephone (504) 589–2965.

**SUPPLEMENTARY INFORMATION:** The Louisiana Department of Transportation and Development (LDOTD) has requested a temporary deviation in order to remove and replace the decking on the SR 3073 Swing Bridge across the Vermilion River, mile 44.9, at Flanders, Lafayette Parish, Louisiana. The repairs are necessary to maintain the bridge in proper working condition. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 6 a.m. on Sunday, February 13, 2005 until 6 a.m. on Wednesday, March 16, 2005.

The bridge has a vertical clearance of 13.28 feet above high water, elevation 8.2 feet MSL in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. The bridge has only opened 15 times in the previous five years. There were no requests to open the bridge from any vessels in 2004. During the repairs, the bridge will not be able to be opened for navigation because the swing span will be out of balance. No alternate routes are available. Based upon the information provided by the bridge owner regarding the number of bridge openings, it has been determined that this closure will not have a significant effect on vessels which use this reach of the waterway.

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: January 6, 2005.

**Marcus Redford,**

*Bridge Administrator.*

[FR Doc. 05–735 Filed 1–12–05; 8:45 am]

**BILLING CODE 4910–15–P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

##### 33 CFR Part 165

[COTP Western Alaska–04–003]

RIN 1625–AA00

##### Safety Zone; Bering Sea, Aleutian Islands, Unalaska Island, AK

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the Bering Sea, west of and including Makushkin Bay, Unalaska Island, Alaska. The zone is needed to facilitate oil spill recovery operations related to the grounding of the merchant vessel (M/V) SELENDANG AYU, and to mitigate damage to the environment during oil spill recovery operations. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Commander, Seventeenth Coast Guard District, the Coast Guard Captain of the Port, Western Alaska, or their on-scene representative.

**DATES:** This rule is effective from December 11, 2004 through June 11, 2005.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are available for inspection and copying at Coast Guard Marine Safety Office Anchorage, 510 “L” Street, Suite 100, Anchorage, AK 99501. Normal Office hours are 7:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Meredith Gillman, Marine Safety Office Anchorage, at (907) 271–6700.

**SUPPLEMENTARY INFORMATION:**

##### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Any delay

encountered in this regulation's effective date would be contrary to public interest because immediate action is needed to prevent unauthorized vessel traffic from hindering oil spill recovery operations.

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**. The Safety Zone is being implemented in response to the unplanned grounding of the M/V SELENDANG AYU. Any delay encountered in this regulation's effective date would be unnecessary and contrary to public interest, since immediate action is needed to mitigate damage to the environment during oil spill recovery operations. The Coast Guard will terminate the zone when oil recovery operations are complete and the area adjacent to the grounded vessel is considered safe to vessel traffic.

### Background and Purpose

The M/V SELENDANG AYU ran aground at a position of 53.634° N, 167.125° W on December 9, 2004. The vessel then broke in half and began discharging its fuel into the water. The safety zone is necessary to prevent unauthorized vessels from transiting through the oiled waters or otherwise impeding oil recovery operations.

### Discussion of Rule

The Unified Command, which is responding to the grounding of the M/V Selendang Ayu, identified the likely oil trajectory based on the geography of the region, as well as possible wind and weather scenarios. The safety zone was established in the area that is likely to become oiled, and where subsequent oil recovery operations will be taking place. This area is defined by a point at the western tip of Cape Kovrizhka, Unalaska Island, located at 53°51.0' N, 167°9.5' W, then west 10 nautical miles to a point located at 53°51.0' N, 167°26' W, then south to the northern tip of Wedge Point, Unalaska Island, located at 53°27' N, 167°24' W. All coordinates reference Datum: NAD 1983.

### 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 cost 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 under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule will 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 may be small entities: The owners or operators of vessels intending to transit or anchor in the area defined by a point at the western tip of Cape Kovrizhka, Unalaska Island, located at 53°51.0' N, 167°9.5' W, then west 10 nautical miles to a point located at 53°51.0' N, 167°26' W, then south to the northern tip of Wedge Point, Unalaska Island, located at 53°27' N, 167°24' W.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic transiting from the north to south side of Unalaska Island can pass safely around the safety zone. We will terminate the safety zone once oil recovery operations are complete and the area adjacent to the grounded vessel is considered safe for vessel traffic.

### 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.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). A final “Environmental Analysis Check List” and a final “Categorical Exclusion Determination” will be available in the docket where indicated under ADDRESSES.

## List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—[AMENDED]

■ 1. 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.

■ 2. From December 11, 2004 to June 11, 2005, add temporary § 165.T17–010 to read as follows:

#### § 165.T17–010 Safety Zone; Bering Sea, Aleutian Islands, Unalaska Island, AK.

(a) *Description.* The safety zone is defined by a point at the western tip of Cape Kovrizhka, Unalaska Island, located at 53°51.0′ N, 167°9.5′ W, then west 10 nautical miles to a point located at 53°51.0′ N, 167°26′ W, then south to the northern tip of Wedge Point, Unalaska Island, located at 53°27′ N,

167°24′ W. All coordinates reference Datum: NAD 1983.

(b) *Enforcement period.* The safety zones in this section will be enforced from December 11, 2004 through June 11, 2005.

(c) *Regulations.* (1) The Captain of the Port and the Duty Officer at Marine Safety Office, Anchorage, Alaska can be contacted at telephone number (907) 271–6700.

(2) The Captain of the Port may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing the safety zone.

(3) The general regulations governing safety zones contained in § 165.23 apply. No person or vessel may enter or remain in this safety zone, with the exception of attending vessels, without first obtaining permission from the Captain of the Port or his on-scene representative

Dated: December 21, 2004.

**R.J. Morris,**

*Captain, U.S. Coast Guard, Captain of the Port, Western Alaska.*

[FR Doc. 05–657 Filed 1–12–05; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD13–04–045]

RIN 1625–AA87

#### Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule; notice of enforcement and suspension of enforcement.

**SUMMARY:** The Captain of the Port, Puget Sound will begin enforcing the Budd Inlet security zone established by 33 CFR 165.1321 on Tuesday, January 11, 2005, at 8 a.m. Pacific Standard Time. The security zone provides for the security of Department of Defense assets and military cargo in the navigable waters of Puget Sound and adjacent waters. The security zone will be enforced until Saturday, January 15, 2005, at 11:59 p.m. Pacific Standard Time.

**DATES:** The Budd Inlet security zone set forth in 33 CFR 165.1321 will be enforced from Tuesday, January 11, 2005, at 8 a.m. Pacific Standard Time to

Saturday, January 15, 2005, at 11:59 p.m. Pacific Standard Time.

#### FOR FURTHER INFORMATION CONTACT:

Captain of the Port, Puget Sound, 1519 Alaskan Way South, Seattle, WA 98134 at (206) 217–6200 or (800) 688–6664 to obtain information concerning enforcement of this rule.

**SUPPLEMENTARY INFORMATION:** On August 27, 2004, the Coast Guard published a final rule (69 FR 52603) establishing regulations, in 33 CFR 165.1321, for the security of Department of Defense assets and military cargo in the navigable waters of Puget Sound and adjacent waters. On December 10, 2004, the Coast Guard published a final rule (69 FR 71711), which amended 33 CFR 165.1321 by adding Budd Inlet, Olympia, WA as a permanent security zone. These security zones provide for the regulation of vessel traffic in the vicinity of military cargo loading facilities in the navigable waters of the United States. These security zones also exclude persons and vessels from the immediate vicinity of these facilities during military cargo loading and unloading operations. In addition, the regulation establishes requirements for all vessels to obtain permission of the COTP or the COTP’s designated representative, including the Vessel Traffic Service Puget Sound (VTS) to enter, move within, or exit these security zones when they are enforced. Entry into these zones is prohibited unless otherwise exempted or excluded under 33 CFR 165.1321 or unless authorized by the Captain of the Port or his designee. The Captain of the Port, Puget Sound will begin enforcing the Budd Inlet security zone established by 33 CFR 165.1321 on Tuesday, January 11, 2005, at 8 a.m. Pacific Standard Time. The security zone will be enforced until Saturday, January 15, 2005, at 11:59 p.m. Pacific Standard Time. All persons and vessels are authorized to enter, move within, and exit the security zone on or after Saturday, January 15, 2005, at 11:59 p.m. Pacific Standard Time unless a new notice of enforcement is issued before then.

Dated: January 4, 2005.

**Danny Ellis,**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

[FR Doc. 05–734 Filed 1–12–05; 8:45 am]

**BILLING CODE 4910–15–P**