

*Example 1:* A community takes up a collection to buy you a specially equipped van, which is your only vehicle. The value of this gift is *not income* because the van does not provide you with food or shelter and will become an excluded nonliquid resource under § 416.1218 in the month following the month of receipt.

\* \* \* \* \*

**§§416.1104, 416.1121, 416.1124, 416.1130, 416.1133, 416.1140, 416.1142, 416.1144, 416.1145, 416.1147, 416.1148, 416.1149, 416.1157 [Amended]**

■ 4. Remove the words “food, clothing, or shelter” and add, in their place, the words “food or shelter” in the following sections:

- a. Section 416.1104;
- b. Section 416.1121(b) and (h);
- c. Section 416.1124(c)(3);
- d. Section 416.1130(a) and (b);
- e. Section 416.1133(a);
- f. Section 416.1140(a)(1), (a)(2)(i), (a)(2)(ii), (b)(1), and (b)(2);
- g. Section 416.1142(b);
- h. Section 416.1144(b)(2);
- i. Section 416.1145;
- j. Section 416.1147(c) and (d)(1);
- k. Section 416.1148(b)(1) and (b)(2);
- l. Section 416.1149(c)(1)(i) and (c)(1)(ii); and
- m. Section 416.1157(b).

#### Subpart L—[Amended]

■ 5. The authority citation for subpart L of part 416 continues to read as follows:

**Authority:** Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93-66, 87 Stat. 154 (42 U.S.C. 1382 note).

■ 6. Section 416.1210 is amended by revising paragraphs (b) and (c) to read as follows:

#### **§ 416.1210 Exclusions from resources; general.**

\* \* \* \* \*

(b) Household goods and personal effects as defined in § 416.1216;

(c) An automobile, if used for transportation, as provided in § 416.1218;

\* \* \* \* \*

■ 7. Section 416.1216 is revised to read as follows:

#### **§ 416.1216 Exclusion of household goods and personal effects.**

(a) *Household goods.* (1) We do not count household goods as a resource to an individual (and spouse, if any) if they are:

(i) Items of personal property, found in or near the home, that are used on a regular basis; or

(ii) Items needed by the householder for maintenance, use and occupancy of the premises as a home.

(2) Such items include but are not limited to: Furniture, appliances, electronic equipment such as personal computers and television sets, carpets, cooking and eating utensils, and dishes.

(b) *Personal effects.* (1) We do not count personal effects as resources to an individual (and spouse, if any) if they are:

(i) Items of personal property ordinarily worn or carried by the individual; or

(ii) Articles otherwise having an intimate relation to the individual.

(2) Such items include but are not limited to: Personal jewelry including wedding and engagement rings, personal care items, prosthetic devices, and educational or recreational items such as books or musical instruments. We also do not count as resources items of cultural or religious significance to an individual and items required because of an individual's impairment. However, we do count items that were acquired or are held for their value or as an investment because we do not consider these to be personal effects. Such items can include but are not limited to: Gems, jewelry that is not worn or held for family significance, or collectibles. Such items will be subject to the limits in § 416.1205.

■ 8. Section 416.1218 is amended by revising paragraph (b)(1), removing paragraph (b)(2), redesignating paragraph (b)(3) as (b)(2) and revising it, and removing paragraph (c) to read as follows:

#### **§ 416.1218 Exclusion of the Automobile.**

\* \* \* \* \*

(b) \* \* \*

(1) *Total exclusion.* One automobile is totally excluded regardless of value if it is used for transportation for the individual or a member of the individual's household.

(2) *Other automobiles.* Any other automobiles are considered to be nonliquid resources. Your equity in the other automobiles is counted as a resource. (See § 416.1201(c).)

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05-04-179]

RIN 1625-AA09

#### Drawbridge Operation Regulations; Mantua Creek, Paulsboro, NJ

**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. 44 bridge over Mantua Creek, at mile 1.7, in Paulsboro, New Jersey. The bridge will be closed to navigation from 8 a.m. on September 12, 2005, through 6 p.m. on December 9, 2005. The extensive structural, mechanical, and electrical repairs and improvements necessitate this closure.

**DATES:** This rule is effective from 8 a.m. on September 12, 2005, through 6 p.m. on December 9, 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 CGD05-04-179 and are available for inspection or copying at Commander (obr), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Fifth Coast Guard District maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Anton Allen, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6227.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory History**

On October 12, 2004, we published a notice of proposed rulemaking (NPRM) entitled “Drawbridge Operation Regulations; Mantua Creek, Paulsboro, NJ” in the *Federal Register* (69 FR 60595). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

##### **Background and Purpose**

The New Jersey Department of Transportation (NJDOT) owns and operates the S.R. 44 Bridge over Mantua Creek in Paulsboro, NJ. The current regulations set out in 33 CFR 117.729 require the draw to open on signal from March 1 through November 30 from 7 a.m. to 11 p.m., and shall open on signal

at all other times upon four hours notice.

Parsons Brinckerhoff, a design consultant, on behalf of NJDOT requested a temporary change to the existing regulations for the S.R. 44 Bridge over Mantua Creek to facilitate necessary repairs. The repairs consist of structural rehabilitation and various mechanical, electrical repairs and improvements. To facilitate repairs, the vertical lift span must be closed to vessel traffic from 8 a.m. on September 12, 2005, through 6 p.m. on December 9, 2005.

The Coast Guard has reviewed bridge opening data provided by the NJDOT. The data, from years 2000 to 2002, shows a substantial decrease in the numbers of bridge openings and vessel traffic transiting the area after the Labor Day weekend. Based on the data provided, the proposed closure dates will have minimal impact on vessel traffic.

#### 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.

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. We established this conclusion based on historical data, and on the fact that the closure dates support minimal impact due to the reduced number of vessels requiring transit through the bridge.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

#### 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. No assistance was requested from any small entity.

#### Collection of Information

This rule would call 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 would 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 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 would 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), 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); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. Section 117.729 is temporarily amended from 8 a.m. on September 12, 2005, through 6 p.m. on December 9, 2005 by suspending paragraph (b) and adding a new paragraph (c) to read as follows:

#### § 117.729 Mantua Creek.

\* \* \* \* \*

(c) From 8 a.m. on September 12, 2005, through 6 p.m. on December 9, 2005, the S.R. 44 Bridge, mile 1.7, at Paulsboro, may remain closed to navigation.

Dated: January 25, 2005.

**Sally Brice-O'Hara,**

*Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District.*

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#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[CGD7–04–153]

RIN 1625–AA11

#### Regulated Navigation Area Removal; Brunswick, GA, Turtle River, in the Vicinity of the Sidney Lanier Bridge

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is removing the regulated navigation area (RNA) in Brunswick, Georgia in the Turtle River in the vicinity of the Sidney Lanier Bridge. Due to the construction of the new Sidney Lanier Bridge and the removal of the old bridge structures, the maneuvers required by the RNA are no longer necessary to prevent allisions with the old bridge.

**DATES:** This rule is effective March 9, 2005.

**ADDRESSES:** You may mail comments and related material to USCG Marine Safety Office Savannah, 100 W. Oglethorpe Ave., Suite 1017, JGL Federal Building, Savannah, GA 31401. USCG Marine Safety Office Savannah maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at USCG Marine Safety Office Savannah between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Aloysius Zealy, Planning Officer, MSO Savannah at 912–652–4353 ext. 240.

#### 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**. Due to the construction of the new Sidney Lanier Bridge, the widening of the channel, and the removal of the old bridge structure, the maneuver required by the current RNA is no longer necessary. Because the old Sidney Lanier Bridge no longer exists, an NPRM to remove the RNA is unnecessary. Similarly, it is unnecessary to delay the effective date of the regulation beyond the date of publication on the **Federal Register**.

#### Background and Purpose

The Regulated Navigation Area at 33 CFR 165.735 Brunswick, Georgia, Turtle River, Vicinity of Sidney Lanier Bridge was introduced in 1987 to improve navigational safety after the old Sidney Lanier Bridge had suffered allisions in 1972 and 1987. The close proximity of the bridge to the turn from the East River onto the Turtle River, in conjunction with the heavy current and narrow channel width, provided insufficient time for many vessels departing the East River, outbound for sea under the old Sydney Lanier Bridge, to properly shape up for safe transit. The RNA requires every vessel over 500 GRT departing the Port of Brunswick for sea to depart only from the Turtle River, except during flood tide. Vessels over 500 GRT departing for sea southbound down the East River negotiate a 129° starboard turn, westward onto the Turtle River, transit up river to the

turning basin to negotiate a 180° turn, and then transit down bound on the Turtle River through what was previously a 200' wide restricted channel.

Due to the construction of the new Sidney Lanier Bridge and widening of the channel, the maneuver required by the current RNA is no longer necessary. The current navigation requirements of 33 CFR 165.735 pose a greater risk of a vessel casualty due to the now unnecessary complex maneuvering. The rule removes the maneuvers required by the current RNA and will reduce the transit time of vessels bound for sea from the East River. Due to the removal of the old bridge structures, no other navigational or safety requirements are necessary.

#### 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. This rule removes navigation restrictions currently imposed on mariners and make transit easier and quicker. The anticipated beneficial result forms the basis for the determination that the economic impact will be minimal.

#### 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. The current Regulated Navigation Area imposes restrictions on vessels transiting the area. The mariners who pilot the affected vessels have requested this rule. The impact of this rule will be a beneficial one as it removes