

City, New Jersey, bounded by a line drawn between the following points: southeasterly from a point along the shoreline at latitude 39°21'31" N, longitude 074°25'04" W, thence to latitude 39°21'08" N, longitude 074°24'48" W, thence southwesterly to latitude 39°20'16" N, longitude 074°27'17" W, thence northwesterly to a point along the shoreline at latitude 39°20'44" N, longitude 074°27'31" W, thence northeasterly along the shoreline to latitude 39°21'31" N, longitude 074°25'04" W. All coordinates reference Datum NAD 1983.

(b) *Definitions:* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Delaware Bay.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Delaware Bay with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) *Special local regulations:* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area must:

(i) Stop the vessel immediately when directed to do so by the Coast Guard Patrol Commander or any Official Patrol.

(ii) Proceed as directed by the Coast Guard Patrol Commander or any Official Patrol.

(d) *Enforcement period.* This section will be enforced from 10:30 a.m. to 3 p.m. on August 31, 2005.

Dated: June 26, 2005.

**Sally Brice-O'Hara,**

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

[FR Doc. 05-13576 Filed 7-8-05; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 49 CFR Chapter I

[USCG-2005-20052]

#### Potable Water on Inspected Vessels

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of inquiry; request for information.

**SUMMARY:** This notice solicits public input on the amount of potable water that should be available on inspected

vessels. Section 416 of the Coast Guard and Marine Transportation Act of 2004 amended 46 U.S.C. 3305 on "Scope and standards of inspection." This amendment adds a new item to the inspection process; that is, to ensure that each inspected vessel has an adequate supply of potable water for drinking and washing by passengers and crew. The Coast Guard is considering the options for implementing the new statute and seeks public input and information on criteria to determine the amount of potable water that should be available on inspected vessels.

**DATES:** Information and related material must reach the Docket Management Facility on or before September 9, 2005.

**ADDRESSES:** You may submit information identified by Coast Guard docket number USCG-2005-20052 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) Web site: <http://dms.dot.gov>.

(2) Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001.

(3) Fax: 202-493-2251.

(4) Delivery: Room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(5) Federal eRulemaking Portal: <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail Mr. Craig Burch, U.S. Coast Guard Office of Design and Engineering Standards, telephone 202-267-2206, e-mail [cburch@comdt.uscg.mil](mailto:cburch@comdt.uscg.mil). If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202-366-0271.

#### SUPPLEMENTARY INFORMATION:

##### Request for Information

All comments and information received will be posted, without change, to <http://dms.dot.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's "Privacy Act" paragraph below.

*Submitting comments and information:* If you submit information, please include your name and address, identify the docket number for this notice (USCG-2005-20052) and give the reason for each comment or for bringing

information to our attention. You may submit your information by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your information by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and information received during the comment period.

*Viewing comments and documents:* To view comments, go to <http://dms.dot.gov> at any time and conduct a simple search using the docket number. You may also visit the Docket Management Facility in room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy Act:* Anyone can search the electronic form of all comments and information received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

#### Background and Purpose

Section 416 of the Coast Guard and Marine Transportation Act of 2004 amended 46 U.S.C. 3305 on "Scope and standards of inspection." This amendment adds a new item to the inspection process; that is, to ensure that each inspected vessel has an adequate supply of potable water for drinking and washing by passengers and crew. The Coast Guard seeks public input and information on criteria that could be used to determine an adequate supply of potable water on inspected vessels. In this case, inspected vessels include ships, manned barges, and Mobile Offshore Drilling Units. Factors that will be used to determine an adequate supply are:

- The size and type of vessel;
- The number of passengers and crew on board;
- The duration and routing of voyages; and
- Guidelines for potable water recommended by the Centers for Disease Control and Prevention and the Public Health Service.

Through this notice, the Coast Guard asks for comments and information related to the following questions:

- What other factors should be considered in determining the amount of potable water that should be available on a vessel?
- What design practices and policies are used for potable water systems on vessels?
- Are periodic water tests conducted on U.S. vessels to determine continued potability?
- What protocols or test methods are being used and who is conducting the testing?
- What industry standards could be applied to the design and testing of potable water systems on vessels?
- Should the Coast Guard consider incorporating the International Organization for Standardization (ISO) standards 15748-1 on Ships and marine technology—Potable water supply on ships and marine structures—Part 1: Planning and Design and 15748-2 on Ships and marine technology—Potable water supply on ships and marine structures—Part 2: Method of calculation?

ISO standards 15748-1 and 15748-2 have not been put into the public docket because they are protected by copyright. These standards are available for purchase through the International Organization for Standardization, 1, rue de Varembé, Case postale 56, CH-1211 Geneva 20, Switzerland. These standards may also be viewed at U.S. Coast Guard Headquarters. Please call or e-mail Mr. Craig Burch, U.S. Coast Guard Office of Design and Engineering Standards, telephone 202-267-2206, e-mail [cburch@comdt.uscg.mil](mailto:cburch@comdt.uscg.mil) to schedule an appointment.

**Authority:** 46 U.S.C. 3305, 46 U.S.C. 3306, Department of Homeland Security Delegation No. 0170.1.

Dated: June 27, 2005.

**Howard L. Hime,**

*Acting Director of Standards, Marine Safety, and Environmental Protection.*

[FR Doc. 05-13074 Filed 7-8-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[Docket No. 040517149-5173-03; I.D. 050304C]

#### Petition for Emergency Rulemaking to Protect Deep-Sea Coral and Sponge Habitat from Mobile Bottom-Tending Fishing Gear Under the Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Provisions

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Petition for rulemaking; denial of emergency action.

**SUMMARY:** NMFS announces its decision on a petition for rulemaking under the Administrative Procedure Act (APA). Oceana, a non-governmental organization (NGO), petitioned the U.S. Department of Commerce to promulgate immediately a rule to protect deep-sea coral and sponge (DSCS) habitat from the impacts of mobile bottom-tending fishing gear. NMFS finds that the petitioned emergency rulemaking is not warranted. NMFS will work actively with each Regional Fishery Management Council (Council) to evaluate, and take action where appropriate to protect DSCS and may pursue future rulemakings to protect DSCS in specific locations based on analyses for specific fisheries. Additionally, NMFS plans to develop a strategy to address research, conservation, and management issues regarding DSCS habitat, which eventually may result in rulemaking for some fisheries.

**ADDRESSES:** Copies of NMFS decision on the Oceana petition are available from Tom Hourigan, NMFS Coral Reef Coordinator, Office of Habitat Conservation, NMFS, 1315 East-West Highway, Silver Spring, MD 20910; telephone 301-713-3459 ext. 122. NMFS decision on the Oceana petition is available via internet at: [http://www.nmfs.noaa.gov/habitat/habitatconservation/DSC\\_petition](http://www.nmfs.noaa.gov/habitat/habitatconservation/DSC_petition).

**FOR FURTHER INFORMATION CONTACT:** Tom Hourigan, NMFS Coral Reef Coordinator; telephone: 301-713-3459 Ext. 122; e-mail: [Tom.Hourigan@noaa.gov](mailto:Tom.Hourigan@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS published a notice of receipt of petition for rulemaking on June 14, 2004 (69 FR 32991) and invited public comments for

60 days ending August 13, 2004. NMFS reopened the comment period on August 31, 2004 (69 FR 53043) to allow for more time to comment. This comment period ran 45 days, concluding on October 15, 2004. NMFS received 16 letters from interest groups including 6 Councils, commercial fishermen, fisheries organizations, a Federal agency, environmental groups, and other interested individuals. NMFS also received more than 32,000 form letters of similar content and two lists of signatures from interested members of the general public. Summaries of and responses to comments are provided under the Public Comments section below.

#### The Petition

The petition filed by Oceana sought rulemaking to protect DSCS habitat. This petition states that DSCS habitat comprises long-lived, slow-growing organisms that are especially vulnerable to destructive fishing practices, such as the use of mobile bottom-tending fishing gear and claims that without immediate protection, many of these sensitive DSCS habitats will suffer irreparable harm.

The petition cites specific legal responsibilities of NMFS for EFH and HAPCs under the Magnuson-Stevens Act and the EFH regulatory guidelines at 50 CFR 600, subparts J and K, and concludes that NMFS must: identify and describe DSCS habitat as EFH; designate some, if not all, of these habitat types as HAPCs; take appropriate measures to minimize to the extent practicable adverse fishing effects on this EFH; and protect such habitat from other forms of destructive activity. The petition gives a short overview of known DSCS habitat in regions off the mainland United States, including areas known in the North Pacific, Pacific, Northeast and Mid-Atlantic, Southeast, and Gulf of Mexico fishery management regions. The petition asserts that DSCS habitat satisfy the definition of EFH in the Magnuson-Stevens Act and concludes that such areas must be identified and described as EFH under the relevant FMPs. In addition, the petition states that DSCS habitat should be identified as HAPCs because it meets the definition of HAPC and satisfies one or more of the criteria set forth in the EFH guidelines for creating HAPCs. Further, the petition argues that the Magnuson-Stevens Act requires NMFS to protect areas identified as EFH and HAPC and that such protection, as articulated in the petition, is "practicable." Finally, the petition asserts that the Magnuson-Stevens Act requires the Secretary and the Councils to develop FMPs