

**PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS**

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for December 2005, as set forth below, is added to the table.

**Appendix B to Part 4044—Interest Rates Used to Value Benefits**

\* \* \* \* \*

For valuation dates occurring in the month—	The values of $i_t$ are:					
	$i_t$	for t =	$i_t$	for t =	$i_t$	for t =
December 2005 .....	.0400	1–20	.0475	>20	N/A	N/A

Issued in Washington, DC, on this 9th day of November 2005.

**James J. Armbruster**,  
Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation.  
[FR Doc. 05–22604 Filed 11–14–05; 8:45 am]  
BILLING CODE 7708–01–P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[CGD05–05–126]

RIN 1625–AA08

**Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek and Severn River, Annapolis, MD**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the special local regulations at 33 CFR 100.511 during the Eastport Yacht Club Lights Parade, a marine event to be held December 10, 2005, on the waters of Spa Creek and the Severn River at Annapolis, Maryland. These special local regulations are necessary to control vessel traffic due to the confined nature of the waterway and expected vessel congestion during the event. The effect will be to restrict general navigation in the regulated area for the safety of event participants, spectators and vessels transiting the event area.

**DATES:** 33 CFR 100.511 will be enforced from 5:30 p.m. to 8:30 p.m. on December 10, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Ronald Houck, Marine Events Coordinator, Commander, Coast Guard Sector Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226–1971, and (410) 576–2674.

**SUPPLEMENTARY INFORMATION:** The Eastport Yacht Club will sponsor a lighted boat parade on the waters of Spa Creek and the Severn River at Annapolis, Maryland. The event will consist of approximately 50 boats traveling at slow speed along two separate parade routes in Annapolis Harbor. The participating boats will range in length from 10 to 60 feet, and each will be decorated with holiday lights. In order to ensure the safety of participants, spectators and transiting vessels, 33 CFR 100.511 will be enforced for the duration of the event. Under provisions of 33 CFR 100.511, vessels may not enter the regulated area without permission from the Coast Guard Patrol Commander. Spectator vessels may anchor outside the regulated area but may not block a navigable channel. Because these restrictions will be in effect for a limited period, they should not result in a significant disruption of maritime traffic.

In addition to this notice, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

Dated: November 2, 2005.

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

[FR Doc. 05–22574 Filed 11–14–05; 8:45 am]

BILLING CODE 4910–15–P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[CGD05–05–123]

RIN 1625–AA87

**Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone at the North Carolina State Port Authority (NCSPA), Wilmington to include the Cape Fear River and Eagle Island. Entry into or movement within the security zone will be prohibited without authorization from the Captain of the Port (COTP), Wilmington, NC. This action is necessary to safeguard the vessels and the facility from sabotage, subversive acts, or other threats.

**DATES:** This rule is effective from October 1, 2005, until December 31, 2005.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD05–05–123 and are available for inspection or copying at the Marine Safety Unit 721 Medical Center Drive, Suite 100, Wilmington, North Carolina 28401 between 7:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG Diego Benavides, Branch Chief, Port Safety and Security (910) 772–2200 or toll free (877) 229–0770.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this rule. The Coast Guard is promulgating this security zone regulation to protect NCSPA Wilmington and the

surrounding vicinity from threats to national security. Accordingly, based on the military function exception set forth in the Administrative Procedure Act, 5 U.S.C. 553(a)(1), notice and comment rulemaking and advance publication are not required for this regulation.

### Background and Purpose

Vessels frequenting the North Carolina State Port Authority (NCSPA) Wilmington facility serve as a vital link in the transportation of military munitions, explosives, equipment, and personnel in support of Department of Defense missions at home and abroad. This vital transportation link is potentially at risk to acts of terrorism, sabotage and other criminal acts. Munitions and explosives laden vessels also pose a unique threat to the safety and security of the NCSPA Wilmington, vessel crews, and others in the maritime and surrounding community should the vessels be subject to acts of terrorism or sabotage, or other criminal acts. The ability to control waterside access to vessels laden with munitions and explosives, as well as those used to transport military equipment and personnel, moored at the NCSPA Wilmington is critical to national defense and security, as well as to the safety and security of the NCSPA Wilmington, vessel crews, and others in the maritime and surrounding community. Therefore, the Coast Guard is establishing this security zone to safeguard human life, vessels and facilities from sabotage, terrorist acts or other criminal acts.

### Discussion of Rule

The security zone is necessary to provide security for, and prevent acts of terrorism against vessels loading or offloading at the NCSPA Wilmington facility during a military operation. It will include an area from 800 yards south of the Cape Fear River Bridge encompassing the southern end of Eagle Island, the Cape Fear River, and the grounds of the State Port Authority Terminal south to South Wilmington Terminal. The security zone will prevent access to unauthorized persons who may attempt to enter the secure area via the Cape Fear River, the North Carolina State Port Authority terminal, or use Eagle Island as vantage point for surveillance of the secure area. The security zone will protect vessels moored at the facility, their crews, others in the maritime community and the surrounding communities from subversive or terrorist attack that could cause serious negative impact to vessels, the port, or the environment, and result in numerous casualties.

No person or vessel may enter or remain in the security zone at any time without the permission of the COTP, Wilmington NC. Each person or vessel operating within the security zone must obey any direction or order of the COTP. The COTP may take possession and control of any vessel in a security zone and/or remove any person, vessel, article or thing from this security zone.

### 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).

Although this regulation restricts access to the security zone, the effect of this regulation will not be significant because: (i) The COTP or his or her representative may authorize access to the security zone; (ii) the security zone will be enforced for limited duration; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

### 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 may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the Cape Fear River that is within the security zone.

This security zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Although the security zone will apply to the entire width of the river, traffic will be allowed to pass through the zone with the permission of the COTP or his or her designated representative. Before the effective period, we will issue maritime

advisories widely available to users of the river.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under **ADDRESSES**.

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 expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This rule will not affect 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), 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)(g), of the Instruction, from further environmental documentation. 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 discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 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. Add temporary § 165.T05–123 to read as follows: § 165.T05–123 Security Zone: Cape Fear River, Eagle Island and North Carolina State Port Authority Terminal, Wilmington, NC.

(a) *Location.* The following area is a security zone: The grounds of the North Carolina State Port Authority, Wilmington Terminal and the southern portion of Eagle Island; and an area encompassed from South Wilmington Terminal at 34°10'38.394" N, 077°57'16.248" W (Point 1); across Cape Fear River to Southern most entrance of Brunswick River on the West Bank at 34°10'38.052" N, 077°57'43.143" W (Point 2); extending along the West bank of the Brunswick River for approximately 750 yards to 34°10'57.062" N, 077°58'01.342" W (Point 3); proceeding North across the Brunswick River to the east bank at 34°11'04.846" N, 077°58'02.861" W

(Point 4) and continuing north on the east bank for approximately 5000 yards along Eagle Island to 34°13'17.815" N, 077°58'30.671" W (Point 5); proceeding East to 34°13'19.488" N, 077°58'24.414" W (Point 6); and then approximately 1700 yards to 34°13'27.169" N, 077°57'51.753" W (Point 7); proceeding East to 34°13'21.226" N, 077°57'19.264" W (Point 8); then across Cape Fear River to the Northeast corner of the Colonial Terminal Pier at 34°13'18.724" N, 077°57'07.401" W (Point 9), 800 yards South of Cape Fear Memorial Bridge; Proceeding South along shoreline (east bank) of Cape Fear River for approximately 500 yards; Proceeding east inland to Wilmington State Port property line at 34°13'03.196" N, 077°56'52.211" W (Point 10); extending South along Wilmington State Port property line to 34°12'43.409" N, 077°56'50.815" W (Point 11); Proceeding to the North entrance of Wilmington State Port at 34°12'28.854" N, 077°57'01.017" W (Point 12); Proceeding South along Wilmington State Port property line to 34°12'20.819" N, 077°57'08.871" W (Point 13); Continuing South along the Wilmington State Port property line to 34°12'08.164" N, 077°57'08.530" W (Point 14); Continuing along State Port property to 34°11'44.426" N, 077°56'55.003" W (Point 15); Proceeding South to the main gate of the Wilmington State Port at 34°11'29.578" N, 077°56'55.240" W (Point 16); Proceeding South approximately 750 yards to the Southeast property corner of the Apex facility at 34°11'10.936" N, 077°57'04.798" W (Point 17); Proceeding West to East bank of Cape Fear River at 34°11'11.092" N, 077°57'17.146" W (Point 18); Proceeding South along East bank of Cape Fear River to Original point of origin at 34°10'38.394" N, 077°57'16.248" W (Point 1). (NAD 1983)

(b) *Captain of the Port.* *Captain of the Port* means the Commanding Officer of the Marine Safety Unit Wilmington, NC, or any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on his or her behalf.

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones in 33 CFR 165.33.

(2) Persons or vessels with a need to enter or get passage within the security zone, must first request authorization from the Captain of the Port. The Captain of the Port's representative enforcing the zone can be contacted on VHF marine band radio, channel 16. The Captain of the Port can be contacted at (910) 772–2200 or toll free (877) 229–0770.

(3) The operator of any vessel within this security zone must:

(i) Stop the vessel immediately upon being directed to do so by the Captain of the Port or his or her designated representative.

(ii) Proceed as directed by the Captain of the Port or his or her designated representative.

(d) *Effective period.* This section is effective from October 1, 2005, until December 31, 2005.

Dated: September 30, 2005.

**Byron L. Black,**

*Commander, U.S. Coast Guard, Captain of the Port, Commanding Officer Marine Safety Unit Wilmington, North Carolina.*

[FR Doc. 05-22576 Filed 11-14-05; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 050801214-5283-02; I.D. 072105D]

RIN 0648-AQ91

#### Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Sea Turtle Mitigation Measures

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule to reduce and mitigate interactions between sea turtles and fisheries managed under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (Pelagics FMP). This rule includes requirements for attending protected species workshops, for handling, resuscitating, and releasing sea turtles that are hooked or entangled in fishing gear, and for fishing gear configuration. This action is being taken in part to comply with the terms and conditions of a 2004 Biological Opinion on impacts on sea turtles by fisheries managed under the Pelagics FMP.

**DATES:** Effective December 15, 2005.

**ADDRESSES:** Copies of the following documents are available from William L. Robinson, Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814:

- Regulatory amendment document entitled "Sea Turtle Mitigation

Measures Gear and Handling Requirements, Protected Species Workshop Attendance, and Shallow-Setting Restrictions A Regulatory Amendment to the Western Pacific Pelagics Fishery Management Plan," which contains an Environmental Assessment (EA), Regulatory Impact Review and a Final Regulatory Flexibility Assessment;

- The Final Regulatory Flexibility Assessment; and

- The Finding of No Significant Impact (FONSI) for the EA.

Requests for these documents should indicate whether paper copies or electronic copies on CD-ROM are preferred. The documents are also available at the following web site: <http://swr.nmfs.noaa.gov/pir>.

#### FOR FURTHER INFORMATION CONTACT:

Robert Harman, Sustainable Fisheries Division, PIR, NMFS, 808-944-2271.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

This **Federal Register** document is also accessible via the Internet at: <http://www.archives.gov/federal-register/publications>.

On August 15, 2005, NMFS published in the **Federal Register** a proposed rule (70 FR 47777) that would require vessel owners and operators to attend protected species workshops, to handle, resuscitate, and release sea turtles that are hooked or entangled in fishing gear, and to modify fishing gear configuration. This action is being taken in part to comply with the terms and conditions of a 2004 Biological Opinion resulting from a section 7 consultation under the Endangered Species Act (ESA) that analyzed the impacts on sea turtles caused by fisheries managed under the Pelagics FMP.

In a Biological Opinion issued on February 23, 2004, NMFS concluded that the fisheries managed under the Pelagics FMP were not likely to jeopardize the continued existence of sea turtles or other species listed as threatened or endangered under the ESA. Among other things, the terms and conditions of the 2004 Biological Opinion require the following: (1) owners and operators of vessels registered for use under longline general permits to attend protected species workshops annually, (2) owners and operators of vessels registered for use under longline general permits to carry and use dip nets, line clippers, and bolt cutters, and follow handling, resuscitation, and release requirements for incidentally hooked or entangled sea turtles, and (3) operators of non-longline vessels using hooks to target pelagic

management unit species to follow sea turtle handling, resuscitation, and release requirements, as well as to remove the maximum amount of the gear possible from incidentally hooked or entangled sea turtles.

In addition to recommending the above three measures, the Western Pacific Fishery Management Council (WPFMC) also recommended that NMFS include a fourth measure in this rule to extend to all longline vessels managed under the Pelagics FMP that may shallow-set north of the Equator the conservation benefits derived from the use of circle hooks, mackerel-type bait, and dehookers. The fourth measure also removes incentives for owners of Hawaii-based longline vessels to shed their permits in favor of general permits for the purpose of avoiding the requirement to use circle hooks, mackerel bait, etc., when shallow-setting north of the Equator.

Additional background on this final rule is found in the preamble to the proposed rule (70 FR 47777, published August 15, 2005) and is not repeated here.

#### Comments and Responses

NMFS received comments on the proposed rule (70 FR 47777, published August 15, 2005) from one interested person. NMFS responds to the comment, as follows:

*Comment:* The commenter supported the requirement for vessel owners and operators to attend protected species workshops, and the requirement for the owners and operators to be recertified regularly so that their knowledge of protected species stays current.

*Response:* NMFS appreciates the support for the protected species workshop requirement, and notes that owners and operators must attend the workshop annually to obtain updated information about protected resources.

#### Changes to the Proposed Rule

In § 660.32, the regulatory text in paragraph (a)(3) is corrected to clarify that vessels affected by this paragraph are those with freeboards of 3 ft (0.91 m) or less. The proposed rule had accurately referred in the preamble and in the title of the regulatory text to vessels with freeboards of 3 ft (0.91 m) or less, but had inadvertently referred in the regulatory text described the paragraph as applying to vessels with freeboards "greater than" 3 ft (0.91 m). NMFS received no public comment on this inadvertency.

#### Classification

The Administrator, Pacific Islands Region, NMFS, determined that this rule