

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Words of Issuance and Regulatory Text

■ For the reasons discussed 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; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 110.186 by revising paragraphs (a), (b)(3) through (6), and adding paragraphs (b)(7) through (9) to read as follows:

§ 110.186 Port Everglades, Florida.

(a) The anchorage grounds. The anchorage grounds, the center of which is located approximately two and one half miles northeast of the entrance to Port Everglades, is an area bounded by a line connecting points with the following North American Datum 83 coordinates:

Latitude	Longitude
26–08'26.934" N	080–04'28.240" W
26–08'08.560" N	080–04'16.158" W
26–07'56.000" N	080–04'17.486" W
26–07'56.000" N	080–02'42.623" W
26–07'19.500" N	080–02'53.153" W
26–07'19.500" N	080–04'28.800" W
26–06'35.160" N	080–04'28.800" W
26–06'35.160" N	080–04'38.694" W
26–08'26.934" N	080–04'28.240" W

(b) * * *

(3) All vessels within the designated anchorage area shall maintain a 24-hour bridge watch by a licensed deck officer proficient in English, monitoring VHF–FM channel 16. This individual shall confirm that the ship's crew performs frequent checks of the vessel's position to ensure the vessel is not dragging anchor.

(4) Vessels may anchor anywhere within the designated anchorage area provided that: such anchoring does not interfere with the operations of any other vessels currently at anchorage; and all anchor and chain or cable is positioned in such a manner to preclude dragging over reefs.

(5) No vessel may anchor in a "dead ship" status (*i.e.* propulsion or control unavailable for normal operations) without the prior approval of the Captain of the Port. Vessels experiencing casualties such as a main propulsion, main steering or anchoring equipment malfunction or which are

planning to perform main propulsion engine repairs or maintenance, shall immediately notify the Coast Guard Captain of the Port via Coast Guard Sector Miami on VHF–FM Channel 16.

(6) No vessel may anchor within the designated anchorage for more than 72 hours without the prior approval of the Captain of the Port. To obtain this approval, contact the Coast Guard Captain of the Port, via the Port Everglades Harbor Master, on VHF–FM Channel 14.

(7) The Coast Guard Captain of the Port may close the anchorage area and direct vessels to depart the anchorage during periods of adverse weather or at other times as deemed necessary in the interest of port safety or security.

(8) Commercial vessels anchoring under emergency circumstances outside the anchorage area shall shift to new positions within the anchorage area immediately after the emergency ceases.

(9) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port, U.S. Coast Guard, Miami, Florida, may direct relocation of any vessel anchored within the anchorage area. Once directed, such vessel must get underway at once or signal for a tug, and must change position as directed.

Dated: January 10, 2008.

D.W. Kunkel,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. E8–1757 Filed 2–4–08; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket No. USCG–2008–0013]

RIN 1625–AA87

Security Zone; MacDill Air Force Base, Tampa Bay, FL

AGENCY: Coast Guard, DHS.

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard is establishing a security zone that is concurrent with the Army Corps of Engineers restricted area adjacent to MacDill Air Force Base. The security zone is necessary to facilitate security operations conducted at the Air Force Base. All persons, vessels, or other craft are prohibited from anchoring, mooring, drifting, or transiting within this zone, unless authorized by the Captain of the

Port St. Petersburg or a designated representative.

DATES: This interim rule is effective February 5, 2008. Comments and related material must reach the Docket Management Facility on or before April 7, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2008–0013 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online:* <http://www.regulations.gov>.

(2) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Room W12–140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Waterways Management Division, Sector St. Petersburg, FL (813) 228–2191, Ext 8307. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:**Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.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

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–0013), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have

questions regarding your submission. For example, we may ask you to resubmit your comment if we are not able to read your original submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material 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 material received during the comment period. We may change this rule in view of them.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> at any time, click on "Search for Dockets," and enter the docket number for this rulemaking (USCG-USCG-2008-0013) in the Docket ID box, and click enter. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, 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 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://DocketsInfo.dot.gov>.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Regulatory Information

We did not publish a notice of proposed rule making (NPRM) for this rule. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for

not publishing an NPRM. It is unnecessary because the purpose of this rule is to reinforce and support an already existing exclusionary area that was previously designated with prohibitions against both person and vessel movements. There are no new restrictions being proposed.

For the same reasons above, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**.

Background and Purpose

This area is already a designated an exclusionary zone. Under 33 CFR 334.635, the Army Corps of Engineers established a restricted area adjacent to MacDill Air Force Base. The Coast Guard is establishing a security zone that is concurrent with this restricted area to assist in enforcing the prohibition against all persons, vessels, and other craft that may enter, transit, anchor, or drift into this prohibited area. MacDill Air Force base routinely conducts operations and contains infrastructure critical to national security. This security zone is necessary to protect those operations and infrastructure as well as to prevent subversive activities. To more appropriately address the security risks associated with MacDill Air Force Base, as well as to enable agencies to work from a common operating picture and to maximize the synergy of enforcement resources, the Coast Guard is establishing this security zone.

Using the newly developed Maritime Security Risk Analysis tool, a working group comprised of security analysts from local law enforcement agencies, MacDill Operations, industrial partners, and the Coast Guard evaluated the risk to the maritime transportation system (MTS) within Tampa Bay. The results of the risk assessment indicated the need to revisit whether the existing security zones sufficiently provided adequate coverage for implementing counter-surveillance, intrusion detection, and response measures for the port community. This holistic approach determined that additional mechanisms were necessary to address MacDill Air Force Base security risks as well as help mitigate common risk factors across the entire bay. The resulting proposal consists of the existing exclusionary area defined by the Army Corps of Engineers and the establishment of a Coast Guard security zone that coincides with that exclusionary area.

Discussion of Rule

The security zone coincides with the Army Corps of Engineers restricted area

adjacent to MacDill Air Force Base and includes portions of the waters of Hillsborough Bay, Old Tampa Bay, and Tampa Bay. This area is marked as a prohibited area on navigation charts and is bounded by the following coordinates: latitude 27°51'52.901" N., longitude 82°29'18.329" W., thence directly to latitude 27°52'00.672" N., longitude 82°28'51.196" W., thence directly to latitude 27°51'28.859" N., longitude 82°28'10.412" W., thence directly to latitude 27°51'01.067" N., longitude 2°27'45.355" W., thence directly to latitude 27°50'43.248" N., longitude 82°27'36.491" W., thence directly to latitude 27°50'19.817" N., longitude 82°27'35.466" W., thence directly to latitude 27°49'38.865" N., longitude 82°27'43.642" W., thence directly to latitude 27°49'20.204" N., longitude 82°27'47.517" W., thence directly to latitude 27°49'06.112" N., longitude 82°27'52.750" W., thence directly to latitude 27°48'52.791" N., longitude 82°28'05.943" W., thence directly to latitude 27°48'45.406" N., longitude 82°28'32.309" W., thence directly to latitude 27°48'52.162" N., longitude 82°29'26.672" W., thence directly to latitude 27°49'03.600" N., longitude 82°30'23.629" W., thence directly to latitude 27°48'44.820" N., longitude 82°31'10.000" W., thence directly to latitude 27°49'09.350" N., longitude 82°32'24.556" W., thence directly to latitude 27°49'38.620" N., longitude 82°33'02.444" W., thence directly to latitude 27°49'56.963" N., longitude 82°32'45.023" W., thence directly to latitude 27°50'05.447" N., longitude 82°32'48.734" W., thence directly to latitude 27°50'33.715" N., longitude 82°32'45.220" W., thence directly to a point on the western shore of the base at latitude 27°50'42.836" N., longitude 82°32'10.972" W.

All persons, vessels, or other craft are prohibited from anchoring, mooring, drifting, or transiting within this security zone under § 165.768, unless authorized by the Captain of the Port St. Petersburg or a designated representative. Also, § 334.635 requires that permission from the Commander of the MacDill Air Force Base, Florida, would need to be obtained before entering the Army Corps of Engineers restricted area which covers the same waters.

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. This area has already been designated as an exclusionary zone. The impact on routine navigation is expected to be minimal since the geographic boundaries of this security zone are the same as the Army Corps of Engineers restricted area.

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 should not impact any entities due to the restricted nature of the waters surrounding MacDill Air Force Base. This security zone will not have a significant economic impact on a substantial number of small entities since vessel traffic in this area is already prohibited.

Therefore, 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. Comments submitted in response to this finding will be evaluated under the criteria in the “Regulatory Information” section of this preamble.

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. Questions may be directed to the person identified in **FOR FURTHER INFORMATION CONTACT**.

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). The

Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

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 M16475.1D 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. This rule seeks to establish a security zone. A final “Environmental Analysis Check List” and a final “Categorical Exclusion Determination” are 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.

Words of Issuance and Regulatory Text

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

PART 165—SAFETY ZONES AND SECURITY ZONES

■ 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, 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. A new § 165.768 is added to read as follows:

§ 165.768 Security Zone; MacDill Air Force Base, Tampa Bay, FL.

(a) *Location.* The following area is a security zone which exists concurrent with an Army Corps of Engineers restricted area in § 334.635 of this title. All waters within Tampa Bay, Florida in the vicinity of MacDill Air Force Base, including portions of the waters of Hillsborough Bay, Old Tampa Bay, and Tampa Bay, encompassed by a line connecting the following coordinates: latitude 27°51'52.901" N., longitude 82°29'18.329" W., thence directly to latitude 27°52'00.672" N., longitude 82°28'51.196" W., thence directly to latitude 27°51'28.859" N., longitude 82°28'10.412" W., thence directly to latitude 27°51'01.067" N., longitude 2°27'45.355" W., thence directly to latitude 27°50'43.248" N., longitude 82°27'36.491" W., thence directly to latitude 27°50'19.817" N., longitude 82°27'35.466" W., thence directly to latitude 27°49'38.865" N., longitude 82°27'43.642" W., thence directly to latitude 27°49'20.204" N., longitude 82°27'47.517" W., thence directly to latitude 27°49'06.112" N., longitude 82°27'52.750" W., thence directly to latitude 27°48'52.791" N., longitude 82°28'05.943" W., thence directly to latitude 27°48'45.406" N., longitude 82°28'32.309" W., thence directly to latitude 27°48'52.162" N., longitude 82°29'26.672" W., thence directly to latitude 27°49'03.600" N., longitude 82°30'23.629" W., thence directly to latitude 27°48'44.820" N., longitude 82°31'10.000" W., thence directly to latitude 27°49'09.350" N., longitude 82°32'24.556" W., thence directly to

latitude 27°49'38.620" N., longitude 82°33'02.444" W., thence directly to latitude 27°49'56.963" N., longitude 82°32'45.023" W., thence directly to latitude 27°50'05.447" N., longitude 82°32'48.734" W., thence directly to latitude 27°50'33.715" N., longitude 82°32'45.220" W., thence directly to a point on the western shore of the base at latitude 27°50'42.836" N., longitude 82°32'10.972" W.

(b) *Definitions.* The following definition applies to this section.

Designated representative means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port St. Petersburg (COTP), in the enforcement of regulated navigation areas, safety zones, and security zones.

(c) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into, anchoring, mooring, or transiting this zone by persons or vessels is prohibited without the prior permission of the Coast Guard Captain of the Port St. Petersburg or a designated representative.

Dated: January 16, 2008.

J.A. Servidio,

Captain, U.S. Coast Guard, Captain of the Port Sector St. Petersburg.

[FR Doc. E8–1765 Filed 2–4–08; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1983–0002 Notice 4; FRL–8523–7]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Direct final notice of deletion of the Industrial Waste Control Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 is publishing a direct final notice of deletion of the Industrial Waste Control Superfund Site (Site), located near Fort Smith, Arkansas from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR Part 300, which

is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of Arkansas, through the Arkansas Department of Environmental Quality (ADEQ), because EPA has determined that all appropriate response actions under CERCLA have been completed and, therefore, further remedial action pursuant to CERCLA is not appropriate.

DATES: This direct final notice of deletion will be effective April 7, 2008 unless EPA receives adverse comments by March 6, 2008. If adverse comments are received, EPA will publish a timely withdrawal of the direct final notice of deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–1983–0002 Notice 4, by one of the following methods:

http://www.regulations.gov: (Follow the on-line instructions for submitting comments).

E-mail: walters.donn@epa.gov.

Fax: 214–665–6660.

Mail: Donn Walters, Community Involvement, U.S. EPA Region 6 (6SF–TS), 1445 Ross Avenue, Dallas, TX 75202–2733, (214) 665–6483 or 1–800–533–3508.

Instructions: Direct your comments to Docket ID No. EPA–HQ–SFUND–1983–0002 Notice 4.

EPA policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information, disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will automatically be captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA