

summaries shall address the date/time of accident, agency/establishment named and location, and consequences, description of operation and the accident, causal factors, applicable standards and their effectiveness, and agency corrective/preventive actions.

**Note to § 1960.70:** The requirements of this section are in addition to the requirements for reporting fatalities and multiple hospitalization incidents to OSHA under 29 CFR 1904.39.

**§ 1960.71 Agency annual reports.**

(a) The Act and E.O. 12196 require all Federal agency heads to submit to the Secretary an annual report on their agency's occupational safety and health program, containing such information as the Secretary prescribes.

(1) Each agency must submit to the Secretary by January 1 of each year a report describing the agency's occupational safety and health program of the previous fiscal year and objectives for the current fiscal year. The report shall include a summary of the agency's self-evaluation findings as required by § 1960.78(b).

(2) The Secretary must provide the agencies with the guidelines and format for the reports at the time they are requested.

(3) The agency reports will be used in preparing the Secretary's report to the President.

(b) The Secretary will submit to the President by October 1 of each year a summary report of the status of the occupational safety and health of Federal employees based on agency reports, evaluations of individual agency progress and problems in correcting unsafe or unhealthful working conditions, and recommendations for improving their performance.

**§§ 1960.72–1960.74 [Reserved]**

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**DEPARTMENT OF THE INTERIOR**

**30 CFR Part 204**

RIN 1010–AC30

**States' Decisions on Participating in Accounting and Auditing Relief for Federal Oil and Gas Marginal Properties**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of States' decisions to participate or not participate in accounting and auditing relief for Federal oil and gas marginal properties located in their State for calendar year 2005.

**SUMMARY:** The Minerals Management Service's (MMS) final regulations providing accounting and auditing relief for marginal Federal oil and gas properties, published on September 13, 2004 (69 FR 55076), require MMS to notify industry of the decisions by States concerned to allow or not to allow one or both forms of relief in their State by publishing the decisions in the **Federal Register**. As required under the regulation, MMS provided those States that receive a portion of the Federal royalties with a list of qualifying marginal Federal oil and gas properties located in their State so that each affected State could decide whether to participate in one or both relief options. This Notice provides the decisions by the States concerned under the Accounting and Auditing Relief for Marginal Properties rule (rule) to allow one or both types of relief.

**DATES:** *Effective Date:* January 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mary Williams, Manager, Federal Onshore Oil and Gas Compliance and Asset Management, telephone (303) 231–3403, FAX (303) 231–3744, e-mail to *mary.williams@mms.gov*, or P.O. Box 25165, MS 392B2, Denver Federal Center, Denver, Colorado 80225–0165.

**SUPPLEMENTARY INFORMATION:**

*Introduction:* The rule implemented certain provisions of section 7 of the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996. The rule provides two options for relief: (1) notification-based relief for annual reporting, and (2) other requested relief, as proposed by industry and approved by MMS and the State concerned. The rule requires that MMS publish by December 1 of each year, a list of the States concerned and their decision on marginal property relief.

To qualify for the first option of relief (notification-based relief) for Calendar Year 2005, properties must have produced less than 1,000 barrels-of-oil-equivalent (BOE) per year for the base period (July 1, 2003–June 30, 2004). Annual reporting relief will begin on January 1, 2005, with the annual report and payment due February 28, 2006 (unless an estimated payment is on file, which will move the due date to March 31, 2006).

To qualify for the second option of relief (other requested relief), properties must have produced less than 15 BOE per well per day for the base period.

The following table shows states with marginal properties from which a portion of the royalties are shared between MMS and the state and their decision to allow one or both forms of relief.

State concerned	Participating in notification-based relief? (less than 1,000 BOE per year)	Participating in request-based relief? (less than 15 BOE per well per day)
Alabama .....	No .....	No.
Arkansas .....	No .....	No.
California .....	No .....	No.
Colorado .....	No .....	No.
Kansas .....	Yes .....	No.
Louisiana .....	Yes .....	Yes.
Michigan .....	Yes .....	No.
Montana .....	Yes .....	No.
North Dakota .....	No .....	No.
New Mexico .....	No .....	No.
Nevada .....	No .....	No.
Oklahoma .....	Yes .....	Yes.
South Dakota .....	No .....	No.
Utah .....	No .....	No.
Wyoming .....	Yes .....	No.

Federal oil and gas properties located in all other States, where a portion of the royalties are not shared with the State, are eligible for relief if they qualify as marginal under this rule.

For information on how to obtain relief, please refer to the rule, which can be viewed on the MMS Web site at [http://www.mrm.mms.gov/Laws\\_R\\_D/FRNotices/AC30.htm](http://www.mrm.mms.gov/Laws_R_D/FRNotices/AC30.htm).

All correspondence, records, or information received in response to this Notice are subject to disclosure under the Freedom of Information Act. All information provided will be made public unless the respondent identifies which portions are proprietary. Please highlight the proprietary portions, including any supporting documentation, or mark the page(s) that contain proprietary data. Proprietary information is protected by the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1733), the Freedom of Information Act (5 U.S.C. 552(b)(4)), the Indian Minerals Development Act of 1982 (25 U.S.C. 2103), and Department regulations (43 CFR 2).

Dated: November 12, 2004.

**Lucy Querques Denett,**

*Associate Director for Minerals Revenue Management.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[COTP Jacksonville 04-132]

RIN 1625-AA00

#### Safety Zone; St. Johns River, Jacksonville, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the St. Johns River extending 210 feet east and west of the Main Street Bridge and 210 feet east of the Acosta Bridge, as well as 500 yards around the firework barges located in front of the Landing and the Adam's Mark Hotel. The safety zone is established for the Lighted Boat Parade fireworks display scheduled on November 27, 2004, on the St. Johns River, downtown Jacksonville. This rule is needed to protect participants, vendors, and spectators from the hazards associated with the launching of fireworks off the aforementioned

bridges and barges, and cascading onto the St. Johns River.

**DATES:** This rule is effective from 8 p.m. to 9:30 p.m. on November 27, 2004.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket, are part of docket (COTP Jacksonville 04-132) and are available for inspection and copying at Coast Guard Marine Safety Office Jacksonville, 7820 Arlington Expressway, Suite 400, Jacksonville, Florida, 32211, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Junior Grade Carol Swinson at Coast Guard Marine Safety Office Jacksonville, Florida, tel: (904) 232-2640, ext. 155.

#### 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 a NPRM. Publishing a NPRM, which would incorporate a comment period before a final rule could be issued, and delaying the rule's effective date is contrary to public safety because immediate action is necessary to protect the public and waters of the United States. Moreover, a NPRM is unnecessary due to the limited amount of time this rule will be in effect.

For the same reasons, 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 Coast Guard will issue a broadcast notice to mariners and may place Coast Guard vessels in the vicinity of this zone to advise mariners of the restriction.

#### Background and Purpose

This rule is needed to protect spectator craft in the vicinity of the fireworks presentation from the hazards associated with transport, storage, and launching of fireworks. Anchoring, mooring, or transiting within these zones is prohibited, unless authorized by the Captain of the Port, Jacksonville, Florida. The temporary safety zone encompasses all waters 210 feet east and west of the Main Street Bridge and 210 feet east of the Acosta Bridge and 500 yards around both fireworks barges. During the fireworks show, the fireworks will be launched off both sides of the Main Street Bridge in position 30°19.399' N, 081°39.533' W and the east side of the Acosta Bridge in position 30°19.326' N, 081°39.849' W;

as well as from barges located in front of the Landing and the Adam's Mark Hotel.

#### Regulatory Evaluation

This regulation 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 exempted it from review under the order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security (DHS) because these regulations will only be in effect for a short period of time, and the impacts on routine navigation are expected to be minimal.

#### Small Entities

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

The Coast Guard certifies under section 5 U.S.C. 605 (b) that this rule will not have a significant economic impact upon a substantial number of small entities because the regulations will only be in effect for two hours and the impact on routine navigation are expected to be minimal because traffic may transit safely around the zone and traffic may enter upon permission of the Captain of the Port or his representative.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 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 government jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding this rule.

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 each agency's responsiveness to small business. If you