

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 establishes safety zones which have a duration of no more than two hours each. Due to the temporary safety zones being less than one week in duration, an Environmental Checklist and Categorical Exclusion is not required.

### 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. A temporary section 165.T13–006 is added to read as follows:

#### § 165.T13–006 Safety Zones: Fireworks displays in the Captain of the Port Portland Zone.

(a) *Safety Zones.* The following areas are designated safety zones:

(1) Florence Chamber 4th of July Fireworks Display, Florence, OR:

(i) Location. All water of the Siuslaw River enclosed by the following points: 43°58'05" N, 124°05'54" W following the

shoreline to 43°58'20" N, 124°04'46" W then south to 43°58'07" N, 124°04'40" W following the shoreline to 43°57'48" N, 124°05'54" W then back to the point of origin.

(ii) This paragraph will be enforced from 9:30 p.m. to 11 p.m. on July 4, 2005.

(2) Oaks Park July 4th Celebration, Portland, OR

(i) Location. All water of the Willamette River enclosed by the following points: 45°28'26" N, 122°39'43" W following the shoreline to 45°28'10" N, 122°39'54" W then west to 45°28'41" N, 122°40'06" W following the shoreline to 45°28'31" N, 122°40'01" W then back to the point of origin.

(ii) This paragraph will be enforced from 9:15 p.m. to 10:30 p.m. on July 4, 2005.

(3) Rainier Days Fireworks Celebration, Rainier, OR

(i) Location. All water of the Columbia River enclosed by the following points: 46°06'04" N, 122°56'35" W following the shoreline to 46°05'53" N, 122°55'58" W then south to 46°05'24" N, 122°55'58" W following the shoreline to 46°05'38" N, 122°56'35" W then back to the point of origin.

(ii) This paragraph will be enforced from 9:30 p.m. to 11 p.m. on July 9, 2005.

(4) Ilwaco July 4th Committee Fireworks, Ilwaco, WA

(i) Location. All water of the Columbia River extending out to a 700' radius from the launch site at 46°18'17" N, 124°01'55" W.

(ii) This paragraph will be enforced from 9:30 p.m. to 11 p.m. on July 2, 2005.

(5) Milwaukie Centennial Fireworks Display, Milwaukie, OR:

(i) Location. All water of the Willamette River enclosed by the following points: 45°26'41" N, 122°38'46" W following the shoreline to 45°26'17" N, 122°38'36" W then west to 45°26'17" N, 122°38'55" W following the shoreline to 45°26'36" N, 122°38'50" W then back to the point of origin.

(ii) This paragraph will be enforced from 9:30 p.m. to 11 p.m. on July 23, 2005.

(6) Splash Aberdeen Waterfront Festival, Aberdeen, WA:

(i) Location. All water of the Chehalis River extending out to 500 feet of the following points: 46°58'40" N, 123°47'45" W.

(ii) This paragraph will be enforced from 9:30 p.m. to 11 p.m. on July 4, 2005.

(7) City of Coos Bay July 4th Celebration, Coos Bay, OR:

(i) Location. All water of the Coos River extending out to 1200 feet of the

following points: 43°22'12" N, 124°12'39" W.

(ii) This paragraph will be enforced from 9:30 p.m. to 11 p.m. on July 4, 2005.

(8) Booming Over the Bay Annual Fireworks, Westport, WA:

(i) Location. All water of the Chehalis River extending out to 500 feet of the following points: 46°54'18" N, 124°06'07" W.

(ii) This paragraph will be enforced from 9 p.m. to 11 p.m. on July 4, 2005.

(b) *Regulations.* In accordance with the general regulations in Section 165.23 of this part, no person or vessel may enter or remain in this zone unless authorized by the Captain of the Port or his designated representatives.

Dated: June 17, 2005.

**Paul D. Jewell,**

*Captain, U.S. Coast Guard, Captain of the Port, Portland, OR.*

[FR Doc. 05–12649 Filed 6–24–05; 8:45 am]

**BILLING CODE 4910–15–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[COTP Jacksonville 05–051]

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 around a fireworks barge as it launches fireworks. The rule prohibits entry into the security zone without the permission of the Captain of the Port Jacksonville or his designated representative. The rule is needed to protect participants, vendors, and spectators from the hazards associated with the launching of fireworks.

**DATES:** This rule is effective from 9:15 p.m. on July 4, 2005, until 10:15 p.m. on July 4, 2005.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket [COTP Jacksonville 05–051] 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 Jamie Bigbie at Coast Guard

Marine Safety Office Jacksonville, FL, tel: (904) 232-2640, ext. 105.

#### **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 delay the rule's effective date, is contrary to public interest because immediate action is necessary to protect the public and waters of the United States.

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 will 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 the storage, preparation and launching of fireworks. Anchoring, mooring, or transiting within this zone is prohibited, unless authorized by the Captain of the Port, Jacksonville, FL. The temporary safety zone encompasses all waters within 500 yards in any direction around the fireworks barge during the storage, preparation and launching of fireworks. During the fireworks show, the barge will be located at approximate position 30°15'00" N, 081°41'10" W.

##### **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 costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it 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 impact on routine navigation is 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.

The term "small entities" comprises 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 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 a short period of time and the impact on routine navigation is expected to be minimal.

##### **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 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 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 State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Although 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 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 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” 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.

■ 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. A new temporary § 165.T07–051 is added to read as follows:

#### § 165.T07–051 Safety Zone, St. Johns River, FL.

(a) *Regulated area.* The Coast Guard is establishing a temporary safety zone around a fireworks barge on the St. Johns River, Jacksonville, Florida. The safety zone includes all waters within 500 yards in any direction from the fireworks barge located at approximate position 30°15′00″ N, 081°41′10″ 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 (COTP), Jacksonville, Florida, in the enforcement of the regulated navigation areas and security zones

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, anchoring, mooring or transiting in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Jacksonville, FL or his designated representative.

(d) *Dates.* This rule is effective from 9:15 p.m. July 4, 2005, until 10:15 p.m. on July 4, 2005. If the event is cancelled due to weather, this rule is effective from 9:15 p.m. on July 5, 2005, until 10:15 p.m. on July 5, 2005.

Dated: June 10, 2005.

**David L. Lersch,**

*Captain, U.S. Coast Guard, Captain of the Port Jacksonville.*

[FR Doc. 05–12650 Filed 6–24–05; 8:45 am]

**BILLING CODE 4910–15–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD13–05–021]

RIN 1625–AA00

#### Safety Zone; Tacoma Tall Ships 2005, Commencement Bay, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary moving Safety Zones around the Tall Ships participating in the Tacoma Tall Ships 2005 Parade of Sail and simulated cannon battle events. The Safety Zones will be in effect in Quartermaster Harbor and Commencement Bay, Washington. These actions are necessary to provide for the safety of life and property on the

navigable waters in Quartermaster Harbor and Commencement Bay, Washington for the participating Tall Ships during Tacoma Tall Ships 2005. This rule will temporarily restrict vessel traffic in portions of Quartermaster Harbor and Commencement Bay, Washington.

**DATES:** This rule is effective from 6 a.m. PDT on June 30, 2005 to 11:59 p.m. PDT on July 4, 2005.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD13–05–021 and are available for inspection or copying at the Waterways Management Division, Coast Guard Sector Seattle, 1519 Alaskan Way South, Seattle, WA, 98134, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Junior Grade Jessica Hagen, Waterways Management Division, Coast Guard Sector Seattle, at (206) 217–6232.

#### 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 an NPRM. Due to the complex planning and coordination involved, final details for the Tacoma Tall Ships 2005 event were not provided to the Coast Guard until May 23, 2005, making it impossible to publish a NPRM or a final rule 30 days in advance.

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**. Any delay in implementing this rule will be contrary to the public interest due to the risks inherent in this high visibility marine event with the participation of a large number of spectator and participating vessels.

#### Background and Purpose

Tacoma, Washington will host the Tacoma Tall Ships 2005 festival from June 30 to July 4, 2005. While the Tacoma Tall Ships 2005 event is not an annual event, this visit of vessels is part of an annual series of sail training races, rallies, cruises, and port festivals organized by the American Sail Training Association (“ASTA”) in conjunction with host ports in the United States and Canada.

The Tall Ships’ visit to Tacoma, Washington will include a Parade of Sail into Tacoma on June 30, 2005, and simulated cannon battles from July 1 to July 4, 2005. Approximately 28 sailing