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)(h), of the Instruction, from further environmental documentation.

Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections. Under figure 2–1, paragraph (34)(h), of the Instruction, an “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:


2. Add temporary § 100.35–T11–024 to read as follows:

§ 100.35–T11–024 San Francisco Giants Fireworks Display, San Francisco Bay, CA.

(a) Regulated Area. A regulated area is established for the waters of San Francisco Bay surrounding a barge used as the launch platform for a fireworks display to be held after a San Francisco Giants baseball game. During the loading of the fireworks barge, during the transit of the fireworks barge to the display location, and until the start of the fireworks display, the regulated area encompasses the navigable waters around and under the fireworks barge within a radius of 100 feet. During the 20-minute fireworks display, the regulated area increases in size to encompass the navigable waters around and under the fireworks launch barge within a radius of 1,000 feet. Loading of the pyrotechnics onto the fireworks barge is scheduled to commence at 9 a.m. on June 21, 2005, and will take place at Pier 50 in San Francisco. Towing of the barge from Pier 50 to the display location is scheduled to take place between 8 p.m. and 10 p.m. on June 21, 2005. During the fireworks display, scheduled to start after the baseball game ends (approximately 10:30 p.m. on June 21, 2005), the barge will be located approximately 1,000 feet off of San Francisco Pier 48 in position 37°46’57.3” N, 122°23’58.0” W.

(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 San Francisco.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Sector San Francisco 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 shall:

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

(ii) Proceed as directed by an Official Patrol.

(d) Effective Period. This section will be effective from 9 a.m. to 11 p.m. on June 21, 2005. If the event concludes prior to the scheduled termination time, the Coast Guard will cease enforcement of the special local regulations and will announce that fact via Broadcast Notice to Mariners.

Dated: June 9, 2005.

K.J. Eldridge,
Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 05–12140 Filed 6–20–05; 8:45 am] BILLING CODE 4410–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD01–05–052]

RIN 1625–AA00

Safety Zone: Celebrate the Fourth/ Salem Fireworks—Salem, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Salem Celebrate the Fourth fireworks on July 4, 2005 in Salem, Massachusetts. The safety zone will prohibit entry into or movement within this portion of Salem Harbor during its effective period.

DATES: This rule is effective from 8:30 p.m. EDT on July 4, 2005 to 10 p.m. EDT on July 4, 2005.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD01–05–052 and are available for inspection or copying at Sector Boston, 427 Commercial Street, Boston, MA, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:
Chief Petty Officer Paul English, Sector Boston, Waterways Safety and Response Division, at (617) 223–5750.

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. A notice of proposed rulemaking (NPRM) was not published for this regulation because the logistics with respect to the fireworks presentation were not determined with sufficient time to draft and publish an NPRM. Publishing an NPRM was impracticable; any delay
encountered in this regulation’s
effective date would be contrary to the
public interest since the safety zone is
needed to prevent traffic from transiting
a portion of Salem Harbor during the
fireworks event and to provide for the
safety of life on navigable waters
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 encountered in this
regulation’s effective date would be
contrary to public interest since the
safety zone is needed to prevent traffic
from transiting a portion of Salem
Harbor during the fireworks display
thus ensuring that the maritime public
is protected from any potential harm
associated with such an event. The zone
should have minimal negative impact
on vessel transits due to the fact that
vessels will be excluded from the area
for only 1.5 hours, and vessels will be
able to transit in the majority of Salem
Harbor during the event.

Background and Purpose
This temporary rule establishes a
safety zone in Salem Harbor within a
four hundred yard radius of the
fireworks launch site located on Derby
Wharf.
The zone will temporarily restrict
movement within this portion of Salem
Harbor and is needed to protect the
maritime public from the dangers posed
by a fireworks display. Marine traffic
may transit safely outside of the zone
during the effective period. The Captain
of the Port does not anticipate any
negative impact on vessel traffic due to
this event. Public notifications will be
made prior to the effective period via
safety marine information broadcasts and
local notice to mariners.

Discussion of Rule
The safety zone is in effect from 8:30
p.m. EDT until 10 p.m. EDT July 4,
2005. Marine traffic may transit safely
outside of the safety zone during the
event thereby allowing navigation in the
majority of Salem Harbor except the
portion affected by the zone described
herein. Because of the limited time-
frame of the effective period and
because the zone leaves the majority of
Salem Harbor open for navigation, the
Captain of the Port anticipates minimal
negative impact on vessel traffic due to
this event. Public notifications will be
made prior to the effective period via
Local Notice to Mariners and marine
information broadcasts.

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).

The Coast Guard expects the
economic impact of this rule to be so
minimal that a full Regulatory
Evaluation of the regulatory policies and
procedures of DHS is unnecessary.
Although this rule prevents traffic
from transiting a portion of Salem
Harbor during the effective period, the
effects of this rule will not be significant
for several reasons: Vessels will be
excluded from the area of the safety
zone for only 1.5 hours, vessels will be
able to operate in the majority of Salem
Harbor during the effective period and
advance notifications will be made to
the local maritime community by
marine information broadcasts and
Local Notice to Mariners.

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 Salem Harbor from 8:30
p.m. EDT to 10 p.m. EDT on July 4,
2005.

This safety zone will not have a
significant economic impact on a
substantial number of small entities for
the following reasons: this rule will be
in effect for only 1.5 hours, vessel traffic
can safely pass around the safety zone,
and advance notifications will be made
to the local maritime community by
marine information broadcasts and
Local Notice to Mariners.

Assistance for Small Entities
Under section 213(a) of the Small
Business Regulatory Enforcement
Fairness Act of 1996 (Public Law 104–
121), we offered to assist small entities
in understanding the rule so that they
could better evaluate its effects on them
and participate in the rulemaking
process.

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–

Collection of Information
This rule calls for no new collection
of information under the Paperwork
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 fits the category selected from paragraph (34)(g), as it would establish a safety zone.
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 measure, 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:

2. Add temporary section 165.T05–052 to read as follows:

§165.T05–052 Safety Zone: Celebrate the Fourth/Salem Fireworks—Salem, Massachusetts.
(a) Location. The following area is a safety zone:
All waters of Salem Harbor in a four hundred yard radius of the fireworks launch site located on Derby Wharf.
(b) Effective Date. This section is effective from 8:30 p.m. EDT until 10 p.m. EDT on July 4, 2005.
(c) Regulations. (1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port Boston.
(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and Federal law enforcement vessels.

Dated: June 9, 2005.
James L. McDonald,
Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.
[FR Doc. 05–12118 Filed 6–20–05; 8:45 am]
BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165
[CGD01–05–017]

RIN 1625–AA00

Safety Zone: Macy’s July 4th Fireworks, East River and Upper New York Bay, NY

AGENCY: Coast Guard, DHS.
ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the permanent safety zone for the annual Macy’s July 4th fireworks display found at 33 CFR 165.166 to accommodate an added fireworks discharge site near Liberty Island. This action is necessary to provide for the safety of life on navigable waters during the event. This will restrict vessel traffic in portions of the East River, Hudson River, and Upper New York Bay during the duration of the Macy’s July 4th fireworks event.

DATES: This rule is effective June 21, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–05–017) and are available for inspection or copying at room 203, Coast Guard Sector New York, 221 Coast Guard Drive, Staten Island, New York 10305 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander E. Morton, Waterways Management Division, Coast Guard Sector New York (718) 354–4191.

SUPPLEMENTARY INFORMATION:
Regulatory Information
On April 11, 2005, we published a notice of proposed rulemaking (NPRM) entitled “Safety Zone: Macy’s July 4th Fireworks, East River and Upper New York Bay, NY” in the Federal Register (70 FR 18343). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.
Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for