

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR parts 100 and 165 as follows:

#### **PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

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

**Authority:** 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

2. In the table for § 100.114(a), remove 6.4 and redesignate 6.5 and 6.6 as 6.4 and 6.5 respectively; and remove 7.38, 7.39, 7.41 and 7.42, and redesignate 7.40 as 7.38, and 7.43 through 7.51 as 7.39 through 7.47 respectively.

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

3. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1225 and 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.

4. Revise § 165.151(a)(10), add new § 165.151 (a)(18) to (26), and revise paragraph (b) to read as follows:

##### **§ 165.151 Safety Zones; Long Island Sound annual fireworks displays.**

(a) \* \* \*

(10) *Mashantucket Pequot Fireworks Safety Zone.* All waters of the Thames River off of New London, CT, within a 1200-foot radius of a fireworks barge located in approximate position 41°20'57.1" N, 72°05'22.1" W; and within 1000 feet of fireworks barges located in approximate positions: barge one, 41°21'03.3" N, 72°05'24.5" W; and barge two, 41°20'51.75" N, 72°05'18.90" W.

\* \* \* \* \*

(18) *Norwich July Fireworks Safety Zone.* All waters of the Thames River within a 600-foot radius of the fireworks launch area in approximate position 41°31'20.9" N, 072°04'45.9" W, located off of Norwich, CT.

(19) *Town of Branford Fireworks Safety Zone.* All waters of Branford Harbor off of Branford Point within a 600-foot radius of the fireworks launch area located on Branford Point in approximate position 41°15'30" N, 072°49'22" W.

(20) *Vietnam Veterans Local 484/ Town of East Haven Fireworks Safety Zone.* All waters of Long Island Sound off of Cosey Beach, East Haven, CT within a 1000-foot radius of the fireworks barge in approximate position 41°14'19" N, 072°52'9.8" W.

(21) *Westport Police Athletic League Fireworks Safety Zone.* All waters of

Long Island Sound off Compo Beach, Westport, CT within a 800-foot radius of the fireworks barge in approximate position 41°09'2.5" N, 073°20'1.1" W.

(22) *Westbrook, CT July Celebration Safety Zone.* All waters of Westbrook Harbor in Long Island Sound within a 800-foot radius of the fireworks barge located in approximate position 41°16'50" N, 072°26'14" W.

(23) *Norwalk Fireworks Safety Zone.* All waters of Long Island Sound off of Calf Pasture Beach in Norwalk, CT within a 1000-foot radius of the fireworks barge located in approximate position 40°05'10" N, 073°23'20" W.

(24) *Town of Stratford Fireworks Safety Zone.* All waters of Long Island Sound of Long Island Sound off of Short Beach in Stratford, CT, within a 800-foot radius of the fireworks launch area located in approximate position 41°09'5" N, 073°06'5" W.

(25) *Old Black Point Beach Association Fireworks Safety Zone.* All waters of Long Island Sound off of Old Black Point Beach in East Lyme, CT, within a 1000-foot radius of the fireworks launch area located on Old Black Point Beach in approximate position 41°17'34.9" N, 072°12'55.6" W.

(26) *Village of Asharoken Fireworks Safety Zone.* All waters of Northport Bay off of Asharoken Beach in Asharoken, NY within a 600-foot radius of the fireworks launch area located in approximate position 40°55'30" N, 072°21' W.

(b) *Notification.* Coast Guard Group/ Marine Safety Office Long Island Sound and Coast Guard Group Moriches will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY". Displays launched from shore sites will have a sign labeled "FIREWORKS—STAY AWAY" with the same size requirements. The signs required by this section must consist of red letters at least 10 inches high, and 1.5 inch thick on a white background.

\* \* \* \* \*

Dated: April 25, 2005.

**Peter J. Boynton,**

*Captain, U. S. Coast Guard, Captain of the Port, Long Island Sound.*

[FR Doc. 05–8940 Filed 5–4–05; 8:45 am]

**BILLING CODE 4910–15–P**

#### **DEPARTMENT OF HOMELAND SECURITY**

##### **Coast Guard**

##### **33 CFR Part 165**

[CGD01–05–035]

RIN 1625–AA00

##### **Safety Zone; Legal Seafood Firework Display Boston, MA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone for the Legal Seafood Firework Display in Boston, Massachusetts. The safety zone would temporarily close all waters of Boston Harbor within a 400-yard radius of the fireworks barge, temporarily prohibiting entry into or movement within this portion of Boston Harbor. This safety zone is necessary to provide for the safety of life and property during a firework display.

**DATES:** Comments and related material must reach the Coast Guard on or before May 20, 2005.

**ADDRESSES:** You may mail comments and related materials to Sector Boston, 427 Commercial Street, Boston, MA. Sector Boston maintains the public docket for this rulemaking. 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 CGD01–05–035 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) 223–3010.

##### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for the rulemaking (CGD01–05–035), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related materials in an unbound format, no larger than 8.5 by 11 inches, suitable for copying. If you would like to know that your submission reached us, please enclose a stamped, self-addressed postcard or envelope. We

may change this proposed rule in view of them.

If, as we anticipate we make this temporary final rule effective less than 30 days after publication in the **Federal Register**, we will explain in that publication, as required by 5 U.S.C. (d)(3), our good cause for doing so.

#### **Public Meeting**

We do not plan to hold a public meeting. But you may submit a request for a meeting by writing to Sector Boston 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**.

#### **Background and Purpose**

This rule proposes to establish a safety zone in Boston Harbor within a 400-yard radius of the fireworks barge located at approximate position 42°21.280' N, 071°2.123' W. The firework event is being sponsored by Legal Seafoods. The safety zone would be in effect from 9:30 p.m. until 10:30 p.m. on June 17, 2005.

The zone would temporarily restrict movement within this portion of Boston Harbor and is needed to protect the maritime public from the potential dangers posed by a fireworks display. Marine traffic may transit safely outside of the safety zone during the effective period. The Captain of the Port does not anticipate any negative impact on vessel traffic as a result of this event. Public notifications will be made prior to the effective period via safety marine information broadcasts and local notice to mariners.

#### **Discussion of Proposed Rule**

The safety zone will be in effect from 9:30 p.m. until 10:30 p.m. on June 17, 2005. Marine traffic may transit safely outside of the safety zone in the majority of Boston Harbor during the event.

Because of the limited time and because the zone leaves the majority of Boston 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 proposed 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 under paragraph 10e of the regulatory policies and procedures of DHS is unnecessary. Although this rule will prevent traffic from transiting a portion of Boston Harbor during the effective periods, the effects of this rule will not be significant for several reasons: vessels will only be excluded from the area of the safety zone for 1 hour, vessels will be able to operate in the majority of Boston Harbor during this time, 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 proposed rule would 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 Boston Harbor from 9:30 p.m. to 10:30 p.m. on June 17, 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 hour, 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.

#### **Collection of Information**

This proposed rule would call 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 proposed 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### **Taking of Private Property**

This proposed 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 proposed 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 proposed 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 proposed 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 proposed 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

## Environment

We have analyzed this proposed 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, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34) (g) of the Instruction, from further environmental documentation.

Under figure 2–1, paragraph (34) (g), of the Instruction, an "Environmental Analysis Check List" is not required for the rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

## List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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. From 9:30 p.m. until 10:30 p.m. on June 17, 2005, add temporary §165.T01–035 to read as follows:

#### 165.T01–035 Safety Zone; Legal Seafood Fireworks Display Boston, Massachusetts.

(a) *Location.* The following area is a safety zone:

All waters of Boston Harbor within a 400-yard radius of the fireworks barge located at approximate position 42°21.280' N, 071°2.123' W.

(b) *Effective date.* This section is effective from 9:30 p.m. until 10:30 p.m. EDT on June 17, 2005.

(c) *Regulations.* (1) In accordance with the general regulations in § 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: April 24, 2005.

**James L. McDonald,**

*Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.*

[FR Doc. 05–8927 Filed 5–4–05; 8:45 am]

**BILLING CODE 4910–15–P**

## DEPARTMENT OF DEFENSE

### 48 CFR Part 204

[DFARS Case 2003–D052]

### Defense Federal Acquisition Regulation Supplement; Authorization for Continued Contracts

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to add policy permitting assignment of an additional identification number to an existing contract for administrative purposes. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before July 5, 2005, to be considered in the formation of the final rule.

**ADDRESSES:** You may submit comments, identified by DFARS Case 2003–D052, using any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Defense Acquisition Regulations Web site: <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. Follow the instructions for submitting comments.

- E-mail: [dfars@osd.mil](mailto:dfars@osd.mil). Include DFARS Case 2003–D052 in the subject line of the message.

- Fax: (703) 602–0350.

- Mail: Defense Acquisition Regulations Council, Attn: Ms. Robin Schulze, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Schulze, (703) 602–0326.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dpap/dfars/transf.htm>.

This proposed rule is a result of the DFARS Transformation initiative. The