

(19) From that point, proceed east-southeasterly in a straight line to the 1,680-foot benchmark in section 17, T7N/R29E, on the Johnson Butte map, and continue east-northeasterly in a straight line through the 2,043-foot peak of Johnson Butte in section 16, T7N/R29E, to the 2,220-foot peak of Jump Off Joe summit in section 12, T7N/R29E; then

(20) From that point, proceed southeasterly in a straight line, through the Nine Canyon map, to the 343-foot benchmark on the bank of the Columbia River at Palmer Pond in section 13, T6N/R30E, on the Wallula map; and then

(21) Follow the north bank of the Columbia River westerly (downstream), through the Juniper Canyon, Juniper, and the Hat Rock maps, to the beginning point at the intersection of Interstate Highway 82 and the north bank of the Columbia River on the Umatilla map.

Signed: May 17, 2005.

**John J. Manfreda,**  
Administrator.

Approved: May 27, 2005.

**Timothy E. Skud,**

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 05-13039 Filed 6-30-05; 8:45 am]

BILLING CODE 4810-31-P

## DEPARTMENT OF DEFENSE

### Defense Security Service

#### 32 CFR Part 321

[DSS Regulation 01-13-R]

#### Privacy Act; Implementation

**AGENCY:** Defense Security Service, DoD.

**ACTION:** Final Rule/Transfer.

**SUMMARY:** The Defense Security Service (DSS) is adding an exemption rule for the system of records V5-05, entitled 'Joint Personnel Adjudication System (JPAS)'. The system of records is being transferred from the Department of the Air Force's inventory (F031 DoD A, entitled 'Joint Personnel Adjudication System (JPAS)') to the DSS inventory of records. The exemption rule (32 CFR part 806b) for the Air Force system is being transferred and published as an exemption rule (32 CFR part 321.13) for the DSS system.

The rule was published as a final rule on May 9, 2003 at 68 FR 24881.

**DATES:** Effective July 1, 2005.

**ADDRESSES:** Defense Security Service, Chief Information Officer/Chief Operating Officer, 1340 Braddock Place, Alexandria, VA 22314-1651.

**FOR FURTHER INFORMATION CONTACT:** Mr. Leslie R. Blake at (703) 325-9450.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866, "Regulatory Planning and Review"

It has been determined that Privacy Act rules for the Department of Defense are not significant rules. The rules do not (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

#### Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. Chapter 6)

It has been certified that Privacy Act rules for the Department of Defense do not have significant economic impact on a substantial number of small entities because they are concerned only with the administration of Privacy Act systems of records within the Department of Defense.

#### Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been certified that Privacy Act rules for the Department of Defense impose no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

#### Section 202, Public Law 104-4, "Unfunded Mandates Reform Act"

It has been certified that the Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

#### Executive Order 13132, "Federalism"

It has been certified that the Privacy Act rules for the Department of Defense do not have federalism implications. The rules do not have substantial direct effects on the States, on the relationship

between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

#### List of Subjects in 32 CFR Part 321

Privacy.

■ Accordingly, 32 CFR part 321 is to be amended to read as follows:

#### PART 321—DEFENSE SECURITY SERVICE PRIVACY PROGRAM

■ 1. The authority citation for 32 CFR part 321 continues to read as follows:

**Authority:** Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

■ 2. Section 321.13 is amended by adding paragraph (h) to read as follows:

#### § 321.13 Exemptions.

\* \* \* \* \*

(h) System identifier: V5-05.

(1) System name: Joint Personnel Adjudication System (JPAS).

(2) Exemption: (i) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(ii) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5) from the following subsections of 5 U.S.C. 552a(c)(3), (d), and (e)(1).

(3) Authority: 5 U.S.C. 552a(k)(5).

(4) Reasons: (i) From subsections (c)(3) and (d) when access to accounting disclosures and access to or amendment of records would cause the identity of a confidential source to be revealed. Disclosure of the source's identity not only will result in the Department breaching the promise of confidentiality made to the source but it will impair the Department's future ability to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information. Unless sources can be assured that a promise of confidentiality will be honored, they will be less likely to provide information considered essential to the Department in making the required determinations.

(ii) From subsection (e)(1) because in the collection of information for investigatory purpose, it is not always possible to determine the relevance and necessity of particular information in the early stages of the investigation. It is only after the information is evaluated

in light of other information that its relevance and necessity becomes clear. Such information permits more informed decision-making by the Department when making required suitability, eligibility, and qualification determinations.

Dated: June 23, 2005.

**Jeannette Owings-Ballard,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[CGD11-05-010]

RIN 1625-AA08

#### Special Local Regulations for Marine Events; Humboldt Bay, San Francisco Bay, Monterey Bay, and Lake Tahoe

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing special local regulations for the loading, transport, and launching of fireworks used during twenty two separate Fourth of July fireworks displays to be held in various locations in Northern California and Western Nevada. These special local regulations are intended to prohibit vessels and people from entering into or remaining within the regulated areas to ensure the safety of participants, spectators, and mariners transiting the event areas.

**DATES:** This rule is effective from 10 a.m. on July 2, 2005, to 11 p.m. on July 4, 2005.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of the docket CGD 11-05-010 and are available for inspection or copying at Coast Guard Marine Safety Office San Francisco Bay, Coast Guard Island, Alameda, California, 94501, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Doug Ebberts, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437-2770.

#### 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. Logistical details surrounding the events were not finalized and presented to the Coast Guard in time to draft and publish an NPRM. As such, the events would occur before the rulemaking process was complete. Because of the dangers posed by the pyrotechnics used in the fireworks displays, special local regulations are necessary to provide for the safety of event participants, spectator craft, and other vessels transiting the event areas. For the safety concerns noted, it is in the public's interest to have these regulations in effect during the events.

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 the effective date of this rule would expose mariners to the dangers posed by the pyrotechnics used in the fireworks displays.

##### Background and Purpose

Various public and private agencies are sponsoring short fireworks displays between July 3, 2005, and July 5, 2005, throughout the Captain of the Port, San Francisco Bay Zone. The fireworks displays are meant for entertainment purposes in celebration of the Fourth of July Holiday. These special local regulations are being issued to establish temporary regulated areas around fireworks launch barges during the loading of pyrotechnics, during the transit of the barges to the display locations, and during the fireworks displays. For those displays launching fireworks from shore, temporary regulated areas are being established in the waters surrounding the shore-based launch locations. These regulated areas around the fireworks launch barges and launch locations are necessary to protect participants, spectators, and mariners transiting the event areas from the hazards associated with the pyrotechnics being used. The Coast Guard has granted marine event permits for each of the fireworks displays listed in this regulation.

##### Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the Captain of the Port, San Francisco Bay Zone. For each of the fireworks displays involving barges, the special local regulations apply to the navigable waters around and under the fireworks barge(s) within a radius of 100 feet during the loading of pyrotechnics onto the barge(s), the towing of the barge(s) to the display location, and until the start of the fireworks display. During the fireworks

display, the area to which these special local regulations apply will increase in size to encompass the navigable waters around and under the fireworks barge(s) within a radius of 1,000 feet. For shore-fired fireworks displays, the special local regulations apply to the navigable waters surrounding the launch location within a radius of 1,000 feet during the fireworks display.

For barge-fired displays, the effect of the temporary special local regulations will be to restrict general navigation in the vicinity of fireworks barges during the loading of pyrotechnics, during the transit of the fireworks barges, and until the conclusion of the scheduled display. For shore-fired displays, the effect of the temporary special local regulations will be to restrict general navigation in the vicinity of the launch location during the fireworks display. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no persons or vessels may enter or remain in the regulated areas. These regulations are needed to keep spectators and vessels a safe distance away to ensure the safety of participants, spectators, and transiting vessels.

Pursuant to 33 U.S.C. 1236, persons violating these special local regulations may be liable as follows: Suspension or revocation of the license of a licensed officer for incompetence or misconduct; civil penalty of \$6,500 for any person in charge of the navigation of a vessel other than a licensed officer; civil penalty of \$6,500 for the owner of a vessel (including any corporate officer of a corporation owning the vessel) who is actually on board; and \$2,750 for any other person.

##### 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).

Although these regulations prevent traffic from transiting portions of the San Francisco Bay zone, the effect of these regulations will not be significant due to the small size and limited duration of the regulated areas. The entities most likely affected are pleasure craft engaged in recreational activities and sightseeing.