

off months and the amount of wake damage to private and commercial property on Tongass Narrows would most likely increase. The Coast Guard agreed that the rule should apply year around and made no changes.

One comment favored the creation of a high-speed traffic corridor through the middle of the waterway. Other commenters felt that creating a high-speed corridor would unreasonably increase the risk to vessels operating on Tongass Narrows. This proposal was not adopted. No comments were received concerning the 2000 interim rule, which revised the 1999 interim rule to reflect the above comments.

#### Discussion of the Change to the Final Rule

Since no comments were received concerning the proposed revisions to the 1999 interim rule as contained in the 2000 revised interim rule, the final rule shall adopt the language contained in the 2000 revised interim rule. By exempting "vessels of 23 feet registered length or less," the traffic congestion in the affected areas of Tongass Narrows should be eased and the safety of the small vessel operators enhanced. With the exemption for these small vessels, they will be able to depart from, or transit through the congested areas more quickly. This in turn should ease congestion and reduce navigational conflicts that have arisen from slow moving small boats and cruise ships and other large waterway users and will allow them to spend less time on the water during periods of inclement weather. Large wakes should not become a problem as the exemption is still limited to smaller vessels and because Tongass Narrows regularly experiences substantial wave action that is equivalent to the wake from these smaller vessels. The impacts to the charter fleet are considered minimal because the revised interim rule exempts only 12 of 152 charter vessels that are over 20 feet in length. The final rule retains the 7-knot speed limit for all other vessels except floatplanes and public law enforcement and emergency response vessels.

#### Regulatory Evaluation

The analysis we conducted in connection with the interim rule remains unchanged, and the Analysis Documentation prepared for the interim rule remains in the docket. This Final 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 (OMB) has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). Please consult the Regulatory Evaluation provided in the interim rule for further information.

#### List of Subjects in 33 CFR Part 162

Navigation (water), Waterways.

■ For the reasons discussed in the preamble, the Coast Guard adopts as final without further change the Interim Rule published on June 2, 1999 (64 FR 29554), and corrected on June 15, 1999 (64 FR 32103), and further revised on April 7, 2000 (65 FR 18242).

Dated: April 5, 2005.

**David W. Ryan,**

*Captain, U.S. Coast Guard, Commander, Seventeenth Coast Guard District, Acting.*  
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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD13-05-006]

#### Security and Safety Zone: Protection of Large Passenger Vessels, Portland, OR

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement.

**SUMMARY:** The Captain of the Port Portland, OR will begin, on May 5, 2005, enforcing a small area of the greater Large Passenger Vessel Security and Safety Zones that were established in September 2003. The zones provide for the security and safety of large passenger vessels in the navigable waters of Portland, OR and adjacent waters. These security and safety zones will be enforced for passenger cruise ships only and only from the mouth of the Columbia River at buoy 14 upriver to, and including, Astoria, OR, until further notice.

**DATES:** This notice of enforcement for 33 CFR 165.1318 will be effective commencing May 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** LT Tad Drozdowski, c/o Captain of the Port Portland, OR 6767 North Basin Avenue Portland, OR 97217 at (503) 240-9301 to obtain information concerning enforcement of this rule.

**SUPPLEMENTARY INFORMATION:** On September 12, 2003, the Coast Guard published a final rule (68 FR 53677)

establishing regulations in 33 CFR 165.1318 for the security and safety of large passenger vessels in the navigable waters of Portland, OR and adjacent waters of Oregon and Washington. These security and safety zones provide for the regulation of vessel traffic in the vicinity of certain large passenger vessels (as defined in § 165.1318 (b)) and exclude persons and vessels from the immediate vicinity of these large passenger vessels.

On May 5, 2005, for passenger cruise ships only, the Captain of the Port, Portland, OR will begin enforcing only the area of the Large Passenger Vessel Safety and Security Zones, which were established in 33 CFR 165.1318, from the mouth of the Columbia River at buoy 14 upriver to, and including, Astoria, OR. Entry into these zones is prohibited unless otherwise exempted or excluded under the final rule or unless authorized by the Captain of the Port or his designee. The Captain of the Port may be assisted by other Federal, State, or local agencies in enforcing this security zone. These security and safety zones will be enforced until further notice.

Dated: April 7, 2005.

**Paul D. Jewell,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[GU122-NBK; FRL-7888-4]

#### Revisions to the Territory of Guam State Implementation Plan, Update to Materials Incorporated by Reference

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** EPA is updating the materials submitted by the Territory of Guam that are incorporated by reference (IBR) into the Territory of Guam State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by the territorial agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the Office of the Federal Register (OFR), Office of Air and Radiation Docket and Information, and the Regional Office.