

107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T05–053 to read as follows:

**§ 165.T05–053 Safety Zone: Independence Day Celebration Fireworks—Ipswich, Massachusetts.**

(a) *Location.* The following area is a safety zone: All waters of Ipswich Bay in a four hundred (400)-yard radius of the fireworks launch site located at approximate position 42°41'5" N, 070°46'55" W.

(b) *Effective Date.* This section is effective from 8:30 p.m. e.d.t. until 10:30 p.m. e.d.t. on July 3, 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 16, 2005.

**James L. McDonald,**

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

[FR Doc. 05–13065 Filed 6–30–05; 8:45 am]

BILLING CODE 4910–15–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD09–05–027]

RIN 1625–AA87

#### **Security Zone; Cleveland Harbor, Cleveland, Ohio**

**AGENCY:** Coast Guard, DHS

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone in Cleveland's inner harbor for the visit of the HMCS Toronto. The security zone is necessary to ensure the security of this vessel and dignitaries visiting Cleveland, Ohio. Entry into this security zone is prohibited without permission of the Captain of the Port Cleveland.

**DATES:** This rule is effective from midnight (local) July 14, 2005, until midnight, July 17, 2005.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket (CGD09–05–027) and are available for inspection or copying at the U.S. Coast Guard Marine Safety Office Cleveland, 1055 East Ninth Street, Cleveland, Ohio 44114, between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Allen Turner, U.S. Coast Guard Marine Safety Office Cleveland, at (216) 937–0128.

#### **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. The exact date of the event was not known in sufficient time to allow for the publication of an NPRM followed by publication of an effective date before the event. And delaying this rule would be contrary to the public interest of ensuring the safety of dignitaries and vessels during this event, and immediate action is necessary to prevent possible loss of life or property.

For these 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**.

##### **Background and Purpose**

This security zone is necessary ensure the safety of the vessel and dignitaries visiting Cleveland from any potential hazards or threats associated with foreign warships and dignitary visits.

The combination of large numbers of inexperienced recreational boaters, congested waterways, and crossing commercially transited waterways could result in an unnecessary security risk to any visiting dignitaries.

Establishing security zones gives the Coast Guard and Law Enforcement agencies an opportunity to secure an area before a dignitary arrives.

##### **Discussion of the Rule**

The Coast Guard is establishing a security zone at Cleveland's inner harbor in Cleveland, OH. The security zone includes all waters from Cleveland Port Authority (CPA) Dock 20 along the shoreline east to CPA dock 24. Then from dock 24 extends north to the break wall just east of buoy 14. The security zone follows the break wall west to the "Lake Approach Channel" Structure 3 (flashing green 4s), then south to CPA dock 20 as marked by structure 5 (flashing green 2.5s).

Entry into, transit through, or anchoring within this security zone is prohibited unless authorized by the Captain of the Port Cleveland or his designated on-scene representative. The designated on-scene representative will be the Coast Guard Patrol Commander. The Coast Guard Patrol Commander may be contacted via VHF Channel 16. The Coast Guard will notify the public in advance by way of Ninth Coast Guard District Local Notice to Mariners, marine information broadcasts, and for those who request it from marine Safety Office Cleveland, by facsimile.

##### **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 this rule under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

This determination is based on the size and location of the security zone within the water. The security zone will hinder commercial vessels, as they will not be able to transit within the breakwater during the period this zone is in effect. Recreational vessels will not be allowed to transit through the designated security zone during the specified times.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant 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 would not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: The owners or operators of commercial vessels intending to transit a portion of the activated security zone.

This security zone would not have a significant economic impact on a substantial number of small entities for

the following reasons: The proposed zone is only in effect while the HMCS Toronto is in port. Before the activation of the security zone, the Coast Guard notify mariners through the Ninth District Coast Guard Local Notice to Mariners, Marine Information Broadcasts and when requested by facsimile.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Allen Turner, U.S. Coast Guard Marine Safety Office Cleveland, 1055 East 9th Street, Cleveland, OH 44114. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### Collection of Information

This 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 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 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 rule would 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

The Coast Guard has 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 concern 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 would 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. We invite your comments on how this proposed rule might impact tribal government, even if that impact may not constitute a “tribal implication” under that Order.

#### 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 procedure; and related management system 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 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 made a preliminary determination 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.

While not required, a preliminary “Environmental Analysis Check List” is available in the docket where indicated under **ADDRESSES** for your review.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, 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.T09–027 is added read as follows:

#### § 165.T09–027 Security Zone; Cleveland Harbor, Cleveland, Ohio.

(a) *Location.* The following area is a security zone: All waters of Cleveland

Harbor from an origin of 41°30'14" N 081° 42' 41" W to a line drawn to 41°30'28" N 081°42'48" W to a line drawn to 41°30'44" N 081°42'21" W to a line drawn to 41°30'22" N 081°42'21" W then along the shoreline back to the point of origin. All coordinates reference North American 83 Datum (NAD 83).

(b) *Effective period.* This section is effective from midnight (local) July 14, 2005 until midnight, July 17, 2005.

(c) *Regulations.* Entry into, transit through, or anchoring within the security zone is prohibited unless authorized by the Captain of the Port Cleveland or the Coast Guard Patrol Commander.

Dated: June 21, 2005.

**Lorne W. Thomas,**

*Commander, U.S. Coast Guard, Captain of the Port Cleveland.*

[FR Doc. 05-13072 Filed 6-30-05; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF EDUCATION

### 34 CFR Part 230

RIN 1855-AA04

#### Innovation for Teacher Quality

**AGENCY:** Office of Innovation and Improvement, Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary issues regulations prescribing criteria to be used in selecting eligible members of the Armed Forces to participate in the Troops-to-Teachers program and receive financial assistance. These regulations implement section 2303(c) of the Elementary and Secondary Education Act of 1965, as amended (Act). The regulations also define the terms “high-need local educational agency” (high-need LEA) and “public charter school” in which a participant must agree to be employed under section 2304(a)(1)(B) of the Act. In addition, the regulations define the term “children from families with income below the poverty line” which is used in the definition of high-need LEA.

**DATES:** These regulations are effective September 15, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Thelma Leenhouts, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W302, FOB6, Washington, DC 20202-6140. Telephone: (202) 260-0223 or via Internet: [thelma.leenhouts@ed.gov](mailto:thelma.leenhouts@ed.gov).

If you use a telecommunications device for the deaf (TDD), you may call

the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed **FOR FURTHER INFORMATION CONTACT.**

**SUPPLEMENTARY INFORMATION:** These regulations implement section 2303(c) of Title II, Part C, Subpart 1, Chapter A of the Act, as amended by the No Child Left Behind Act of 2001 (NCLB) (Pub. L. 107-110), enacted January 8, 2002. Subpart 1, Transitions to Teaching, of Chapter A authorizes the Troops-to-Teachers program. This program provides assistance, including stipends of up to \$5,000, to eligible members of the Armed Forces so that they can obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational/technical teachers and become highly qualified teachers. In addition, the program helps participants find employment in high-need LEAs or public charter schools.

With respect to participation agreements under section 2304(a)(1)(B) of the Act signed on or after September 15, 2005, only full-time employment in a “high-need LEA” or “public charter school” as defined in 34 CFR 230.2 will satisfy the Act’s service requirement. Participation agreements signed prior to September 15, 2005 are not subject to the new definitions.

On January 14, 2005 the Secretary published a notice of proposed rulemaking (NPRM) for this program in the **Federal Register** (70 FR 2582). The NPRM proposed regulations implementing section 2303(c)(1) of the Act, which directs the Secretary to prescribe criteria to be used to select eligible members of the Armed Forces to participate in the program. The NPRM also proposed regulations to resolve an ambiguity in the Act regarding the definitions of a “high-need local educational agency” and “public charter school.”

#### Analysis of Comments and Changes

In response to the Secretary’s invitation in the NPRM, approximately 100 parties submitted comments on the proposed regulations. An analysis of the comments and of the changes in the regulations since publication of the NPRM follows.

We discuss substantive issues under the sections of the regulations to which they pertain. Generally, we do not address technical and other minor changes—and suggested changes the law does not authorize the Secretary to make.

#### Section 230.1

*Comment:* One commenter stated that § 230.1, which is simply a brief general description of the Troops-to-Teachers program, does not provide an accurate context for the proposed regulations that follow it because, according to the commenter, that section inaccurately stated that bonuses may be paid to teachers agreeing to serve in “high-poverty schools” when in fact the Act specifies teachers in a “high-need school”. According to this comment, the Department’s alleged failure to recognize the distinction between low income and high poverty established an inaccurate context for all of the proposed regulations that followed the brief program description.

*Discussion:* The legal standard for schools in which service will satisfy the service requirement for bonuses is set forth unambiguously in section 2304(d)(3) of the Act. “High-need school,” which is defined by the Act, is a distinct term unrelated to the term high-need LEA, which is not defined in the Act. In the proposed regulations, “high-poverty schools” was used as a shorthand description of one technical provision of the Act in the general description of the Troops-to-Teachers program in § 230.1. By its nature, such a brief description is not intended to substitute for the Act, address every aspect of the Act, or provide a detailed discussion of each of the Act’s technical provisions. However, the Secretary has concluded that the regulation can be improved by adhering closely to the statutory language on bonuses, and the regulation has been changed accordingly.

*Change:* Section 230.1 has been amended to specify in the last sentence that, in lieu of a stipend, the Defense Activity for Non-Traditional Education Support (DANTES) may pay a bonus of \$10,000 to a participant who agrees to teach in a high-need school.

#### Section 230.2

*Comments:* Virtually every commenter opposed the proposed definition of high-need LEA in § 230.2. Many commenters asserted that the proposed definition would seriously injure the Troops-to-Teachers program, the schools and students it serves, and service members who have sacrificed greatly to serve their country. Several commenters stated that the effect of the proposed definition would be to remove strong teacher candidates from the classrooms that need them most. Commenters presented examples of instances where they believed that the most needy schools would be