

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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### 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 Commandant Instruction M16475.1D, from further environmental documentation.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and 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.T09-246 is added to read as follows:

**§ 165.T09-246 Safety Zone; Sailing Vessels RED WITCH, PRIDE of BALTIMORE II, LARINDA, TRUE NORTH, NINA, HMS BOUNTY, and FAIR JEANNE, Kenosha, WI.**

(a) *Location.* (a) The following area is designated a safety zone: the waters of

Lake Michigan in the Captain of the Port Milwaukee Zone, within a 100 yard radius of the sailing vessels RED WITCH, PRIDE of BALTIMORE II, LARINDA, TRUE NORTH, NINA, HMS BOUNTY, and FAIR JEANNE, while the vessels are underway and within 3 nautical miles of shore.

(b) *Effective period.* This section is effective from 12:01 a.m. (CST) on August 6, 2003 until 11:59 p.m. (CST) on August 10, 2003. This section will be enforced when the RED WITCH, PRIDE of BALTIMORE II, LARINDA, TRUE NORTH, NINA, HMS BOUNTY, and FAIR JEANNE are underway, on Lake Michigan, and are within 3 nautical miles of shore.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port Milwaukee or the designated on scene representative. Coast Guard patrol personnel include commissioned, warrant or petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) This safety zone should not adversely affect shipping. However, commercial vessels may request permission from the Captain of the Port Milwaukee to enter or transit the safety zone. Approval will be made on a case-by-case basis. Requests must be in advance and approved by the Captain of the Port Milwaukee before transits will be authorized. The Captain of the Port Milwaukee may be contacted via U.S. Coast Guard Group Milwaukee on Channel 16, VHF-FM.

Dated: July 29, 2003.

**H.M. Hamilton,**

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

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### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[CGD09-03-501]

#### Safety Zone; Captain of the Port Milwaukee Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of implementation.

**SUMMARY:** The Coast Guard is implementing safety zones for annual

fireworks displays in the Captain of the Port Milwaukee Zone during August 2003. This action is necessary to provide for the safety of life and property on navigable waters during these events. These zones will restrict vessel traffic from a portion of the Captain of the Port Milwaukee Zone.

**DATES:** Effective from 12:01 a.m. (CST) on August 1, 2003 to 11:59 p.m. (CST) on August 31, 2003.

**FOR FURTHER INFORMATION CONTACT:** Marine Science Technician Michael Schmiktke, U.S. Coast Guard Marine Safety Office Milwaukee, (414) 747-7155.

**SUPPLEMENTARY INFORMATION:** The Coast Guard is implementing the permanent safety zones in 33 CFR 165.909 (24) and (25) (67 FR 44560, July 3, 2002), for fireworks displays in the Captain of the Port Milwaukee Zone during August 2003. The following safety zones are in effect for fireworks displays occurring in the month of August 2003:

(1) Sturgeon Bay Venetian Night Fireworks.

*Location:* All waters and adjacent shoreline off the Sturgeon Bay Yacht Club, Sturgeon Bay Canal encompassed by the arc of a circle with a 350-foot radius of the fireworks launch platform with its center in approximate position 44° 49.33' N, 087° 23.27' W (NAD 1983), on August 2, 2003, from 8:45 p.m. until 9:30 p.m. This safety zone will temporarily close down the Sturgeon Bay Canal.

(2) Menominee Waterfront Festival Fireworks.

*Location:* All waters and adjacent shoreline off the southeast side of the Menominee Municipal Marina, Lake Michigan, encompassed by the arc of a circle with an 840-foot radius of the fireworks barge with its center in approximate position 45°20.05' N, 087°36.49' W (NAD 1983), on August 9, 2003, from 9:30 p.m. until 10 p.m.

Dated: July 29, 2003.

**H.M. Hamilton,**

*Commander, Coast Guard, Captain of the Port Milwaukee.*

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