

*Executive Order 12988: Civil Justice Reform*

The Department has reviewed the regulations in light of sections 3(a) and 3(b)(2) of Executive Order No. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

*The Paperwork Reduction Act of 1995*

This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

**List of Subjects in 22 CFR Part 41**

Aliens, Foreign officials, Immigration, Nonimmigrants, Passports and visas, Students.

■ For the reasons stated in the preamble, the Department of State amends 22 CFR part 41 as follows:

**PART 41—[AMENDED]**

■ 1. The authority citation for part 41 shall continue to read as follows:

**Authority:** 8 U.S.C. 1104; Public Law No. 105–277, 112 Stat. 2681–795 through 2681–801. Additional authority is derived from Section 104 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) Public Law 104–208, 110 Stat. 3546.

■ 2. In § 41.113, add paragraph (i) to read as follows:

**§ 41.113 Procedures in issuing visas.**

\* \* \* \* \*

(i) Nonimmigrant visa refusals must be reviewed, in accordance with guidance by the Secretary of State, by consular supervisors, or a designated alternate, to ensure compliance with applicable laws and procedures. Visa issuances must be reviewed without delay; that is, on the day of issuance or as soon as is administratively possible. If the reviewing officer disagrees with the decision and he or she has a consular commission and title, the reviewing officer may assume responsibility and readjudicate the case. If the reviewing officer does not have a consular commission and title, he or she must consult with the adjudicating officer, or with the Visa Office, to resolve any disagreement.

■ 3. In § 41.121, revise paragraph (c) to read as follows:

**§ 41.121 Refusal of individual visas.**

\* \* \* \* \*

(c) Nonimmigrant visa issuances must be reviewed, in accordance with guidance by the Secretary of State, by consular supervisors, or a designated alternate, to ensure compliance with laws and procedures. If the ground(s) of

ineligibility upon which the visa was refused cannot be overcome by the presentation of additional evidence, the refusal must be reviewed without delay; that is, on the day of the refusal or as soon as it is administratively possible. If the ground(s) of ineligibility may be overcome by the presentation of additional evidence, and the applicant has indicated the intention to submit such evidence, a review of the refusal may be deferred for not more than 120 days. If the reviewing officer disagrees with the decision and he or she has a consular commission and title, the reviewing officer can assume responsibility and readjudicate the case. If the reviewing officer does not have a consular commission and title, he or she must consult with the adjudicating officer, or with the Visa Office, to resolve any disagreement.

\* \* \* \* \*

Dated: June 16, 2006.

**Maura Harty,**

*Assistant Secretary for Consular Affairs,  
Department of State.*

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**BILLING CODE 4710–05–P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[CGD09–06–047]

**Safety Zone: Captain of the Port Detroit Zone**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of implementation of final rule.

**SUMMARY:** The Coast Guard is implementing safety zones for annual fireworks displays in the Captain of the Port Detroit Zone during July 2006. This action is necessary to provide for the safety of life and property on navigable waters during these events. These safety zones will restrict vessel traffic from a portion of the Captain of the Port Detroit Zone.

**DATES:** Effective from 12:01 a.m. (local) on July 1, 2006 to 11:59 p.m. (local) on July 31, 2006.

**FOR FURTHER INFORMATION CONTACT:**

LTJG Cynthia Channell, Waterways Management, Sector Detroit, 110 Mt. Elliott Ave., Detroit, MI at (313) 568–9580.

**SUPPLEMENTARY INFORMATION:** The Coast Guard is implementing the permanent safety zones in 33 CFR 165.907

(published May 21, 2001, in the **Federal Register**, 66 FR 27868), for fireworks displays in the Captain of the Port Detroit Zone during July 2006. The following safety zones are in effect for fireworks displays occurring in the month of July 2006:

(1) *Lake Erie Metro Park Fireworks*, Brownstown, MI. Location: All waters off Lake Erie Metro Park, Lake Erie bounded by the arc of a circle with a 300-yard radius with its center located at approximate position 42° 03' N, 083° 11' W (NAD 1983), on July 1, 2006, from 10 p.m. to 10:45 p.m.

(2) *Grosse Pointe Farms Fireworks*, Grosse Pointe Farms, MI. Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42° 23' N, 082° 52' W (NAD 1983), about 300 yards east of Grosse Pointe Farms, MI on July 1, 2006, from 10 p.m. to 11:30 p.m. Rain date: On July 2, 2006, from 10 p.m. to 11:30 p.m.

(3) *Caseville Fireworks*, Caseville, MI. Location: The waters off the Caseville breakwall, Saginaw River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43° 55' N, 083° 17' W (NAD 1983) on July 1, 2006 from 10 p.m. to 11 p.m.

(4) *Algonac Pickerel Tournament Fireworks*, Algonac, MI. Location: All waters of the St. Clair River within a 300-yard radius of the fireworks barge in approximate position 42° 37' N, 082° 32' W (NAD 1983), between Algonac and Russell Island, St. Clair River-North Channel, on July 1, 2006 from 10 p.m. to 11 p.m. Rain date: On July 2, 2006, from 10 p.m. to 11 p.m.

(5) *Port Sanilac Fireworks*, Port Sanilac, MI. Location: All waters off the South Harbor breakwall, Lake Huron bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43° 25' N, 082° 31' W (NAD 1983) on July 1, 2006 from 10 p.m. to 10:30 p.m.

(6) *Lexington Independence Festival Fireworks*, Lexington, MI. Location: All waters of Lake Huron within a 300-yard radius of the fireworks barge in approximate position 43° 13' N, 082° 30' W (NAD 1983), about 300 yards east of the Lexington breakwall Lake Huron, on July 3, 2006 from 10 p.m. to 10:45 p.m.

(7) *City of St. Clair Fireworks*, St. Clair, MI. Location: All waters off the St. Clair City Park, St. Clair River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42° 49' N, 082° 29' W (NAD 1983) on July 4, 2006 from 10:45 p.m. to 11:30 p.m.

(8) *Port Austin Fireworks*, Port Austin, MI. Location: All waters off the Port Austin breakwall, Lake Huron bounded

by the arc of a circle with a 300-yard radius with its center in approximate position 43°03' N, 082°40' W (NAD 1983) on July 4, 2006 from 11 p.m. to 11:59 p.m.

(9) *City of Ecorse Water Festival Fireworks*, Ecorse, MI. Location: All waters of the Ecorse Channel within a 300-yard radius of the fireworks barge in approximate position 42°14' N, 083°09' W (NAD 1983), at the northern end of Mud Island, Ecorse, MI, on July 4, 2006 from 9:30 p.m. to 11 p.m.

(10) *Grosse Pointe Yacht Club 4th of July Fireworks*, Grosse Pointe Shores, MI. Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°25' N, 082°52' W (NAD 1983), about 400 yards east of the Grosse Pointe Yacht Club seawall, on July 4, 2006 from 10 p.m. to 11:30 p.m.

(11) *Grosse Ile Yacht Club Fireworks*, Grosse Ile, MI. Location: All waters off the Grosse Ile Yacht Club Deck, Detroit River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°05' N, 083°09' W (NAD 1983) on July 4, 2006 from 09:45 p.m. to 10:45 p.m.

(12) *Trenton Fireworks Display*, Trenton, MI. Location: All waters of the Trenton Channel within a 300-yard radius of the fireworks barge in approximate position 42°09' N, 083°10' W (NAD 1983), about 200 yards east of Trenton, in the Trenton Channel, on July 4, 2006 from 10 p.m. to 11 p.m. Rain date: On July 5, 2006 from 10 p.m. to 11 p.m.

(13) *Belle Maer Harbor 4th of July Fireworks*, Harrison Township, MI. Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge located in approximate position 42°36' N, 082°47' W (NAD 1983), about 400 yards east of Belle Maer Harbor, Lake St. Clair, on July 4, 2006 from 9:45 p.m. to 11 p.m. Rain date: On July 5, 2006 from 9:45 p.m. to 11 p.m.

(14) *Tawas City 4th of July Fireworks*, Tawas, MI. Location: All waters off the Tawas City Pier, Lake Huron bounded by the arc of a circle with a 300-yard radius with its center in approximate position 44°13' N, 083°30' W (NAD 1983), on July 4, 2006 from 9:45 p.m. to 11 p.m.

In order to ensure the safety of spectators and transiting vessels, these safety zones will be in effect for the duration of the events.

In the event that these safety zones affect shipping, commercial vessels may request permission from the Captain of the Port Detroit to transit through the safety zone.

Requests must be made in advance and approved by the Captain of Port before transits will be authorized. The Captain of the Port may be contacted via U.S. Coast Guard Group Detroit on channel 16, VHF-FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

Dated: June 8, 2006.

**P.W. Brennan,**

*Captain, U.S. Coast Guard, Captain of the Port Detroit.*

[FR Doc. E6-10284 Filed 6-29-06; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD01-06-042]

RIN 1625-AA00

#### Safety Zone: Onset Fire District Fireworks Display, Onset Harbor, Onset, MA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in all navigable waters within a one thousand (1000) foot radius of the fireworks launching platform, located in Onset Harbor, Onset, Massachusetts on July 1, 2006. The safety zone is needed to safeguard the public from possible hazards associated with a fireworks display. Entry into this zone will be prohibited unless authorized by the Captain of the Port, Southeastern New England.

**DATES:** This rule is effective from 8:15 p.m. EDT on July 1, 2006 through 10:30 p.m. EDT on July 1, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD01-06-042 and are available for inspection or copying at U.S. Coast Guard Sector Southeastern New England, East Providence Office, 20 Risho Avenue, E. Providence, RI between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward G. LeBlanc at Sector Southeastern New England, East Providence Office, (401) 435-2351.

**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. Details regarding this event were not available to the Coast Guard in sufficient time to draft or publish an NPRM. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the marine public from hazards associated with this fireworks display.

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**. The finalization of logistical details associated with this fireworks display were only recently determined. Any delay encountered in this regulation's effective date would be contrary to the public interest since the safety zone is needed to prevent traffic from transiting a portion of Onset Harbor during the fireworks display thus ensuring that the maritime public is protected from any potential harm associated with such an event.

#### Background and Purpose

This regulation establishes a safety zone in all navigable waters within a one thousand (1000) foot radius of the fireworks launching platform, located in Onset Harbor, Onset, Massachusetts in approximate position 41-44.34 N, 070-39.5 W, from 8:15 p.m. EDT until 10:30 p.m. EDT on July 1, 2006. This safety zone is needed to protect the maritime community from possible hazards associated with a fireworks display that will be launched from a platform in Onset Harbor, Onset, Massachusetts. No vessel may enter the safety zone without permission of the Captain of the Port (COTP), Southeastern New England.

#### Discussion of Rule

The Town of Wareham is sponsoring a fireworks display on July 1, 2006. During the effective period of the safety zone vessel traffic will be restricted in the vicinity of the fireworks event so that the maritime public will be protected from the potential hazards associated with this type of display. The safety zone will be enforced from 8:15 p.m. EDT until 10:30 p.m. EDT on July 1, 2006. Marine traffic may transit safely outside the temporary zone during the event.

#### 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