

A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" are available in the docket where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, 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. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5, Department of Homeland Security Delegation No. 0170.

■ 2. A new temporary § 165.T09–080 is added to read as follows:

§ 165.T09–080 Safety Zone; 4th of July Fireworks Display Kenosha, Wisconsin.

(a) *Location.* The following area is a Safety Zone:

(1) The safety zone will include all waters of Lake Michigan surrounding the fireworks launch platform bounded by the arc of a circle with a 560-foot radius with its center in the approximate position 42°35.17' N, 087°48.27' W (NAD 83).

(b) *Effective Dates and Times.* This safety zone is effective from 8:15 p.m. (local) to 10:30 p.m. on July 4th, 2006. The Captain of the Port, Sector Lake Michigan, or the on scene Patrol Commander may terminate this event at anytime.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is subject to the following requirements:

(1) This safety zone is closed to all marine traffic, except as may be permitted by the Captain of the Port or his duly appointed representative.

(2) The "duly appointed representative" of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Lake Michigan, to act on his behalf. The representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(3) Vessel operators desiring to enter or operate within the Safety Zone shall contact the Captain of the Port or his representative to obtain permission to do so. Vessel operators given permission to enter or operate in the Safety Zone shall comply with all directions given to

them by the Captain of the Port or his representative.

(4) The Captain of the Port may be contacted by telephone via the Sector Lake Michigan Operations Center at (414) 747–7182 during working hours. Vessels assisting in the enforcement of the Safety Zone may be contacted on VHF–FM channels 16 or 23A. Vessel operators may determine the restrictions in effect for the safety zone by coming alongside a vessel patrolling the perimeter of the Safety Zone.

(5) Coast Guard Sector Lake Michigan will issue a Marine Safety Information Broadcast Notice to Mariners to notify the maritime community of the Safety Zone and restriction imposed.

Dated: June 22, 2006.

S.P. LaRochelle,

Captain, U.S. Coast Guard, Captain of the Port Sector Lake Michigan.

[FR Doc. E6–10392 Filed 6–30–06; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09–06–076]

Safety Zone: Captain of the Port Sector Lake Michigan Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zones for annual fireworks displays in the Captain of the Port Sector Lake Michigan 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 Sector Lake Michigan Zone.

DATES: *Effective 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: Chief Warrant Officer Brad Hinken, Sector Lake Michigan, (414) 747 7154.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the permanent safety zones in 33 CFR 100.901 (published July 1, 2005), for fireworks displays in the Captain of the Port Sector Lake Michigan Zone during July 2006. The following safety zones are in effect for fireworks displays occurring in the month of July 2006:

(1) *Venetian Festival Fireworks Display*, St. Joseph River, Michigan. Location: St. Joseph River, within a 1,000-foot radius of the fireworks launching site, located at the St. Joseph South Pier, in approximate position 42°06'48" N 086°29'15" W.

Enforcement Date: The Venetian Festival Fireworks Display safety zone will be enforced from 9 p.m. (local) to 11:30 p.m. (local) on July 15, 2006.

(2) *South Haven 4th of July Fireworks*, South Haven, Michigan.

Location: Lake Michigan, Black River, South Haven, MI within a 1000 foot radius of the fireworks launching site located on the North Pier, in approximate position 42°24'08" N 086°17'03" W. (NAD 1902).

Enforcement Date: The South Haven 4th of July Fireworks safety zone will be enforced from 9 p.m. (local) to 11 p.m. (local) on July 5, 2006.

(3) *Van An del Fireworks Show*, Holland, MI.

Location: Lake Michigan, Holland Harbor, MI, South Pier, within a 1000 foot radius of the fireworks launching site located in approximate position 42°46'21" N 086°12'48" W.

Enforcement Dates: The Van An del Fireworks Show safety zone will be enforced from 9 p.m. (local) to 11 p.m. (local) on July 3, 2006 and from 9 p.m. (local) to 11 p.m. (local) on July 4, 2006.

(4) *City Fireworks*, Frankfort, MI.

Location: Lake Michigan, Frankfort, MI within a 1000 foot radius of the fireworks launching site located on Lake Michigan Beach in approximate position 44°38' N 086°14'50" W.

Enforcement Dates: The City Fireworks safety zone will be enforced from 9 p.m. (local) to 11 p.m. (local) on July 4, 2006.

(5) *4th of July Fireworks*, St. Joseph, MI.

Location: St. Joseph River, within a 1000 foot radius of the fireworks launching site, located at the St. Joseph South Pier, in approximate position 42°06'48" N 086°29'15" W.

Enforcement Dates: The 4th of July Fireworks safety zone will be enforced from 7 p.m. (local) to 9 p.m. (local) on July 3, 2006.

(6) *Grand Haven Area Jaycees Annual 4th of July Fireworks Display*, Grand Haven, MI.

Location: That portion of the Grand River, Grand Haven, MI from the pier heads (mile 0.0) to the U.S. 31 Bascule Bridge (mile 2.89).

Enforcement Dates: The Grand Haven Area Jaycees Annual 4th of July Fireworks Display safety zone will be enforced from 7 p.m. (local) to 11 p.m. (local) on July 4, 2006.

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, Sector Lake Michigan 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 Sector Lake Michigan on channel 16, VHF-FM. The Coast Guard will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect.

Dated: June 22, 2006.

S.P. LaRochelle,

Captain, U.S. Coast Guard, Captain of the Port Sector Lake Michigan.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Charleston 06-111]

RIN 1625-AA00

Safety Zone; 4th July Fireworks, Cooper River, Patriots Point, Mount Pleasant, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the navigable waters of the Cooper River for a Fourth of July fireworks display. The safety zone extends 1000 feet in all directions from USS Yorktown located at Patriots Point, Mt. Pleasant, SC, in approximate position 32°47'27" N 079°54'34" W. The rule prohibits entry, anchoring, mooring or transiting within the safety zone without the permission of the Captain of the Port Charleston or his designated representative. This regulation is necessary to protect life and property on the navigable waters of the Cooper River from the hazards associated with the launching of fireworks.

DATES: This rule is effective from 6 p.m. on July 4 until 12:01 a.m. on July 5, 2006.

ADDRESSES: You may mail comments and related material to Commander Coast Guard Sector Charleston (WWM), 196 Tradd Street, Charleston, South Carolina 29401. This Office maintains the public docket for this rulemaking.

Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Waterways Management Division 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Chief Warrant Officer James J. McHugh, Sector Charleston office of Waterways Management, at (843) 724-7647.

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 a NPRM. The exact location and time of the event was not provided with sufficient time for public comment. Publishing a NPRM, which would incorporate a comment period before a final rule could be issued and delay the rule's effective date, is contrary to public interest because immediate action is necessary to protect the public and waters of the United States.

For the 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**. The Coast Guard will issue a broadcast notice to mariners and will place Coast Guard vessels in the vicinity of this zone to advise mariners of the restriction.

Background and Purpose

This rule allows the Coast Guard Captain of the Port Charleston, South Carolina, to establish a safety zone in order to provide for a minimum separation set back area for the Patriots Point July Fourth Fireworks event, as recommended by the National Fire Protection Association for firework displays. The safety zone is necessary to protect the participants and spectators, and to ensure no unsafe conditions exist.

Discussion of Rule

The safety zone will be in effect and enforced in an area extending 1000 feet in any direction from USS Yorktown located at Patriots Point, Mt. Pleasant, SC in approximate position 32°47'27" N, 079°54'34" W. The safety zone will be enforced from 6:00 p.m. until 12:01 a.m. for the Fireworks display. The safety zone will be activated by a local Broadcast to Mariners and a Marine Safety Information Bulletin. Persons and vessels will be prohibited from entering,

anchoring, mooring or transiting within the safety zone without the permission of the Captain Of the Port Charleston or his designated representative. Any concerned traffic may request permission to pass through the safety zone from the COTP or his designated representative on VHF-FM channel 16 or via phone at (843) 720-3240.

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 the order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS) because these regulations will only be in effect for a short period of time and the impact on routine navigation is expected to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic 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 will not have a significant economic impact on a substantial number of small entities for the following reasons: this rule is for a highly publicized event and will only be in effect for a limited time and for a limited area. The Coast Guard Patrol Commander can authorize transits through the regulated area on a as needed basis.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance; please contact Chief Warrant Officer James J. McHugh, Sector