

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.

### Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that, under figure 2-1, paragraph (34)(g) of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

### Energy Effects

The Coast Guard has 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.

### 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, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T09-038 is added to read as follows:

### § 165.T09-038 Safety Zone; Saginaw River, Bay City, MI.

(a) *Location.* The safety zone will encompass all waters of the Saginaw River surrounding the fireworks launch platform bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°35'55" N, 083°53'34" W (NAD 83).

(b) *Effective time and date.* This section is effective from 10:30 p.m. until 11 p.m. on August 10, 2002.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Detroit, or his designated on-scene representative. The designated on-scene Patrol Commander may be contacted via VHF Channel 16. Section 165.23 also contains other applicable requirements.

Dated: June 24, 2002.

**P.G. Gerrity,**

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

[FR Doc. 02-16751 Filed 7-2-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 165

[CGD09-02-032]

RIN 2115-AA97

### Safety Zone; Festa Italiana 2002, Milwaukee, WI

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in Milwaukee's outer harbor for the Festa Italiana 2002 fireworks display and airshow. This safety zone is necessary to protect spectators and vessels from the hazards associated with the storage, preparation, and launching of fireworks. This safety zone is intended to restrict vessel traffic from a portion of Lake Michigan and in particular, outer Milwaukee Harbor, Milwaukee, Wisconsin.

**DATES:** This temporary rule is effective from 3:30 p.m. (local) on July 19, 2002 until 10:40 p.m. (CST) on July 21, 2002.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket [CGD09-02-032] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207 between 8 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LCDR Timothy Sickler, Port Operations Chief, Marine Safety Office Milwaukee, at (414) 747-7155.

### 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 permit application did not allow sufficient time for publication of an NPRM followed by a temporary final rule effective 30 days after publication. Any delay of the effective date of this rule for the fireworks safety zone would be contrary to the public interest by exposing the public to the known dangers associated with fireworks displays and the possible loss of life, injury, and damage to property. In addition, any delay in the effective date of the safety zone for the air show would expose the public and participants to unnecessary hazards associated with low flying aircraft in close proximity to spectator vessels.

#### Background and Purpose

This safety zone is established to safeguard the public from the hazards associated with launching of fireworks and aircraft flying at high speeds close to the water in Milwaukee's outer Harbor. The size of the zone was determined by using previous experiences with fireworks displays in the Captain of the Port Milwaukee zone and local knowledge about wind, waves, and currents in this particular area.

The daytime safety zone will be enforced on July 20 and again on July 21, 2002 from 3:30 p.m. (local) until 4:30 p.m. (local). The daytime safety zone will consist of the following: all waters and adjacent shoreline of outer Milwaukee Harbor encompassed by the following coordinates: 43°02.17' N, 087°53.42' W, then east to 43°02.11' N, 087°53.14' W, then south to 43°01.32' N, 087°53.21' W, then west to 43°01.35' N, 087°53.43' W, then north along the shoreline to the point of origin. These

coordinates are based upon North American Datum 1983 (NAD 83).

The night time safety zone will be enforced on July 19 and again on July 21, 2002 from 9:30 p.m. (local) until 10:40 p.m. (local). The following area is the night time safety zone: all waters and adjacent shoreline of outer Milwaukee Harbor encompassed by the following coordinates: 43°01.22' N, 087°53.39' W, east to 43°01.16' N, 087°53.01' W, then north to 43°02.13' N, 087°52.45' W, then west to 43°02.21' N, 087°53.27' W, then south to 43°01.30' N, 087°53.41' W, then south along the shoreline to the point of origin (NAD 83).

All persons and vessels shall comply with the instructions of the Captain of the Port Milwaukee or his designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Milwaukee or his designated on scene representative. The Captain of the Port Milwaukee may be contacted via VHF Channel 16.

#### 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 that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979).

#### Small Entities

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

This rule will affect the following entities: the owners or operators of vessels intending to transit or anchor in the vicinity of the outer Milwaukee Harbor during the day zone from 3:30 p.m. (local) until 4:30 p.m. (local) on July 20 and July 21, 2002, and the night zone from 9:30 p.m. (local) until 10:40

p.m. (local) on July 19 and July 21, 2002.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be in effect for only one hour on one day and late in the day when vessel traffic is minimal. Vessel traffic may enter or transit through the safety zone with the permission of the Captain of the Port Milwaukee or his designated on scene representative. Before the effective period, we will issue maritime advisories widely available to users of the Port of Milwaukee.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them 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 Marine Safety Office Milwaukee (See ADDRESSES.)

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

#### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

#### 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 will not effect 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

We have 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.

#### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

#### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

#### 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.

#### 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. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T09–032 is added to read as follows:

#### § 165.T09–032 Safety Zone; Milwaukee Harbor, Lake Michigan, Milwaukee, WI.

(a) *Location.* The following are safety zones:

(1) *Day time zone.* All waters and adjacent shoreline of the outer Milwaukee Harbor encompassed by a line drawn between the following coordinates: 43°02.17' N, 087°53.42' W; then east to 43°02.11' N, 087°53.14' W; then south to 43°01.32' N, 087°53.21' W; then west to 43°01.35' N, 087°53.43' W; then north along the shoreline to the point of origin (NAD 83).

(2) *Night time zone.* All waters and adjacent shoreline of the outer Milwaukee Harbor encompassed by a line drawn between the following coordinates: 43°01.22' N, 087°53.39' W; east to 43°01.16' N, 087°53.01' W; then north to 43°02.13' N, 087°52.45' W; then west to 43°02.21' N, 087°53.27' W, then south to 43°01.30' N, 087°53.41' W, then southerly along the shoreline to the point of origin (NAD 83).

(b) *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 patrol personnel. 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 effect 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.

(c) *Enforcement period.* This section is effective from 9:30 p.m. (local) on July 19th, 2002 until 10:40 p.m. (local) on July 21st, 2002. The zone in paragraph (a)(1) will be enforced from 3:30 p.m. until 4:30 p.m. on July 20th; and again during these same times on July 21, 2002. The zones in paragraph (a)(2) will be enforced from 9:30 p.m. until 10:40 p.m. on July 19th; and again during these same times on July 21st, 2002.

Dated: June 24, 2002.

**M.R. DeVries,**

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

[FR Doc. 02–16752 Filed 7–2–02; 8:45 am]

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### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### 33 CFR Part 165

[COTP San Francisco Bay 02–014]

RIN 2115–AA97

#### Security Zones; San Francisco Bay, San Francisco, CA and Oakland, CA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing two temporary security zones in areas of the San Francisco Bay adjacent to San Francisco International Airport and Oakland International Airport. These actions are necessary to ensure public safety and prevent sabotage or terrorist acts at these airports. Persons and vessels are prohibited from entering into or remaining in these security zones without permission of the Captain of the Port, or his designated representative.

**DATES:** This rule is effective from 5 p.m. (PDT) on June 21, 2002 to 4:59 p.m. (PST) on December 21, 2002.

**ADDRESSES:** U.S. Coast Guard Marine Safety Office, San Francisco Bay, Coast Guard Island, Building 14, Alameda, CA 94501–5100.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Ross Sargent, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437–3073.

### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

On October 30, 2001, we published COTP San Francisco Bay 01–009, a temporary final rule and request for comments, titled “Security Zones; San Francisco Bay, San Francisco, CA and Oakland, CA,” in the **Federal Register** (66 FR 54663) under 33 CFR 165.T11–095. That rule was similar to the one being enacted herein as it established security zones around both San Francisco and Oakland International airports.

On February 6, 2002, we published COTP San Francisco Bay 01–011, a temporary final rule and request for comments, titled “Security Zones; San Francisco Bay, San Francisco, CA and Oakland, CA” in the **Federal Register** (67 FR 5482) under 33 CFR 165.T11–097. Similar to its predecessor and the rule being enacted herein, that rule also established security zones around both San Francisco and Oakland International airports.

On September 11, 2001, two commercial aircraft were hijacked from Logan Airport in Boston, Massachusetts and flown into the World Trade Center in New York, New York inflicting catastrophic human casualties and property damage. On the same day, a similar attack was conducted on the Pentagon in Arlington, Virginia. Also, on the same date, a fourth commercial passenger airplane was hijacked, this one from Newark, New Jersey, and later crashed in Pennsylvania. National security officials warn that future terrorist attacks against civilian targets may be anticipated. A heightened level of security has been established concerning all vessels transiting in the San Francisco Bay, and particularly in waters adjacent to San Francisco International Airport and Oakland International Airport. These security zones are needed to protect the United States and more specifically the people, ports, waterways, and properties of the San Francisco Bay area.

The delay inherent in the NPRM process, and any delay in the effective date of this rule, is contrary to the public interest insofar as it may render individuals and facilities within and adjacent to the San Francisco and Oakland airports vulnerable to subversive activity, sabotage or terrorist attack. The measures contemplated by this rule are intended to prevent future terrorist attacks against individuals and facilities within or adjacent to these west coast airports. Immediate action is required to accomplish these objectives. Any delay in the effective date of this