

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 create an environmental risk to health or risk to safety that may disproportionately affect children.

#### 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.

#### Environment

We have considered the environmental impact of this rule and concluded that under figure 2-1, paragraph (34)(g), of Commandant Instruction M16475.IC, 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.

#### 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. 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, Vessels, 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 § 165.T09-253 is added to read as follows:

#### § 165.T09-253 Safety Zone; Lake Michigan, Chicago, IL.

(a) *Location.* The following is a safety zone: all waters and adjacent shoreline of Lake Michigan beginning at a point of 41°52'56" N, 087°36'56" W; then south to 41°52'54" N, 087°36'55" W; then east 41°52'54" N, 087°36'48" W; then west to 41°52'56" N, 087°36'48" W; then back to the point of origin (NAD 83).

(b) *Enforcement period.* This section will be enforced from 9:30 a.m. (local) until 7 p.m. (local) on August 9, 2003.

(c) *Regulations.* In accordance with § 165.23 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Chicago, or the designated on scene representative. Section 165.23 also contains other general requirements.

Dated: July 28, 2003.

**Terrence W. Carter,**

*Captain, Coast Guard, Captain of the Port Chicago.*

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### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[CGD09-03-248]

RIN 1625-AA00

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

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of implementation of regulation.

**SUMMARY:** The Coast Guard is implementing safety zones for annual fireworks displays and other significant marine events in the Captain of the Port Chicago 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 Chicago Zone.

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

#### FOR FURTHER INFORMATION CONTACT:

MST2 Kenneth Brockhouse, U.S. Coast Guard Marine Safety Office Chicago, IL at (630) 986-2155.

**SUPPLEMENTARY INFORMATION:** The Coast Guard is implementing the permanent safety zones in 33 CFR 165.918(a)(13), (a)(8), (a)(10), and (a)(12) (68 FR 27466, May 20, 2003), for fireworks displays and other significant marine events in the Captain of the Port Chicago Zone during August 2003. The following safety zones are in effect for fireworks displays and other significant marine events occurring in the month of August 2003:

*Navy Pier Summer Fireworks, Lake Michigan, Chicago, IL.* This safety zone will be enforced every Wednesday and Saturday evening from 9 p.m. (local) until termination of the display.

*Venetian Night Fireworks Monroe Street Harbor Chicago, IL.* This safety zone will be enforced on August 2, 2003 from sunset until termination of the display.

*YMCA Lake Michigan Swim Ferrysburg, MI.* This safety zone will be enforced on August 16, 2003 from 8 a.m. (local) until the end of event.

*Chicago River Flat Water Classic, Chicago River, Chicago, IL.* This safety zone will be enforced on August 10, 2003 from 9 a.m. (local) until 3:30 p.m. (local).

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 cases where shipping is affected, commercial vessels may request permission from the Captain of the Port Chicago to transit the safety zone. Approval will be made on a case-by case basis. 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 by calling (630) 986-2155.

Dated: July 28, 2003.

**Terrence W. Carter,**

*Captain, Coast Guard, Captain of the Port Chicago.*

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