

of Information and Regulatory Affairs has not designated it 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 Instruction, from further environmental documentation. 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 record keeping 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. Add temporary § 165.T05–043 to read as follows:

§ 165.T05–043 Safety Zone; Amtrak Railroad Bridge, Susquehanna River, Havre de Grace, Maryland.

(a) *Regulated Area.* The waters of the Susquehanna River, 10 yards in all directions from the swing portion of the Amtrak Railroad Bridge (Mile 1.0 on the Susquehanna River.)

(b) *Regulations.* Except for persons or vessels authorized by the Captain of the Port or his designated representative, no person or vessel may enter or remain in the safety zone.

(c) *Effective date.* This section is effective from 5 p.m. on April 23, 2003 through 5 p.m. on May 23, 2003.

Dated: April 23, 2003.

Evan Q. Kahler,

Commander, U.S. Coast Guard, Acting Captain of the Port, Baltimore, Maryland.
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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay 03–008]

RIN 1625–AA00

Safety Zone; San Francisco Bay, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of San Francisco Bay, California, off the San Francisco waterfront, for the “KFOG KaBoom” fireworks display. The safety zone will encompass the navigable waters within a 1,000-foot radius of the launch platform, which will be located approximately 1,000 feet off Piers 30 and 32 in San Francisco, California. This safety zone is necessary to provide for the safety of mariners in the vicinity of the fireworks display and for the safety of the vessel, its crew, and technicians working the fireworks launch barge and the pyrotechnics.

DATES: This temporary rule is effective from 7 p.m. to 10 p.m. on May 10, 2003.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of the docket [COTP San Francisco Bay 03–008] and are available for inspection or copying at Coast Guard Marine Safety Office San Francisco Bay, Coast Guard Island, Alameda, California, 94501, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Diana J. Cranston, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437–3073.

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) and 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Because the event’s sponsor scheduled this year’s event on a date inconsistent with the date listed in Table 1 to 33 CFR 165.1191 (Safety Zones: Northern California annual fireworks events), a temporary final rule became necessary. Due to specific event sponsored logistical coordination issues, the Coast Guard only recently became aware of

the date change, and therefore there was insufficient time for the Coast Guard to draft and publish an NPRM, or a temporary final rule 30 days prior to the event. As such, the event would occur before the rulemaking process was complete. Any delay in implementing this rule would be contrary to the public interest since immediate action is necessary to temporarily close the fireworks area and to protect the maritime public from the hazards associated with these fireworks displays, which are intended for public entertainment.

On July 21, 1999, we published a final rule entitled “Special Local Regulations and Safety Zones; Northern California Annual Marine Events” in the **Federal Register** (64 FR 39027), after publishing an NPRM on August 31, 1998 (63 FR 46206). The July 21, 1999 final rule, among other things, added a master list of recurring fireworks events to the Code of Federal Regulations in new § 165.1112 of title 33, Code of Federal Regulations. This section was redesignated as § 165.1191 on June 25, 2001 (66 FR 33642). Table 1 to § 165.1191 lists the annual date for “KFOG KaBoom” as “Last Saturday in May.”

This year’s event will take place on May 10, 2003. The Coast Guard will work with the event sponsor to determine the date of future KFOG KaBoom events. If necessary, the Coast Guard will publish an NPRM to propose appropriate changes to 33 CFR § 165.1191, so mariners and members of the public can better anticipate future fireworks events in Northern California.

Background and Purpose

The KFOG KaBoom is an annual fireworks show, which combines fireworks and music and is presented by KFOG, a San Francisco radio station. This safety zone is necessary to protect the spectators, and vessels and other property from the hazards associated with the fireworks show. This temporary safety zone will consist of a small portion of the navigable waters of the San Francisco Bay along the San Francisco waterfront.

Discussion of Rule

The temporary safety zone consists of the navigable waters of San Francisco Bay within a 1,000 foot radius of the launch platform, located approximately 1,000 feet off Piers 30 and 32 in San Francisco, California. Entry into, transit through or anchoring within the safety zone by all vessels is prohibited, unless authorized by the Captain of the Port, or his designated representative.