

responsibilities between the Federal Government and Indian tribes.

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.

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 Commandant Instruction M16475.1D, from further environmental documentation.

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. 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.

■ 2. A new temporary § 165.T09–227 is added to read as follows:

§ 165.T09–227 Safety Zone; Milwaukee Harbor, Milwaukee, WI.

(a) *Location.* The following is a safety zone bounded by the following coordinates: 43° 02.423' N 087° 53.167' W west to 43° 02.422' N 087° 53.442' W south to 43° 01.583' N 087° 53.550' W southeast to 43° 00.533' N 087° 53.091'

W east to 43° 00.619' N 087° 52.827' W north to 43° 01.587' N 087° 53.244' W north to ending waypoint 43° 02.423' N 087° 53.167' W located inside of Milwaukee Harbor. There will also be a northern zone prohibiting vessel traffic into the racing area at the following position 43° 02.473' N 087° 52.877' W to 43° 02.535' N 087° 53.020' W to 43° 02.565' N 087° 53.127' W to 43° 02.590' N 087° 53.260' W. There will also be a southern zone which also provides a lane for recreational vessels into inner Milwaukee Harbor. At the following position 43° 00.490' N 087° 52.660' W to 43° 00.429' N 087° 52.744' W to 43° 00.373' N 087° 52.886' W to 43° 00.343' N 087° 53.055' W to 43° 00.508' N 087° 53.246' W to 43° 00.597' N 087° 53.318' W to 43° 00.911' N 087° 53.467' W to 43° 01.100' N 087° 53.559' W to 43° 01.218' N 087° 53.612' W to 43° 01.311' N 087° 53.642' W to 43° 01.378' N 087° 53.617' W to 43° 01.504' N 087° 53.649' W (NAD 83)

(b) *Enforcement Periods.* This rule is effective from 9 a.m. on August 8, 2003 until 5 p.m. on August 10, 2003. This section will be enforced from 9 a.m. until 4 p.m. on August 8, 2003 for warm-ups; and from 9 a.m. until 5 p.m. on August 9 and again on August 10, 2003 for the races.

(c) *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 affect 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.

Dated: July 30, 2003.

H.M. Hamilton,

Commander, U.S. Coast Guard Captain of the Port Milwaukee.

[FR Doc. 03–20194 Filed 8–7–03; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09–03–224]

RIN 1625–AA97

Safety Zone; Harley Davidson Motor Company 100th Anniversary Fireworks, Milwaukee, WI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in Milwaukee Harbor for the Harley Davidson 100th Anniversary fireworks display. 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 Milwaukee Harbor.

DATES: This rule is effective from 9:50 p.m. (CST) on August 30, 2003 until 10:15 p.m. (CST) on September 1, 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 docket CGD09–03–224 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 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Marine Science Technician First Class Mike Schmitdke, Marine Safety Office Milwaukee, at (414)747–7155.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On June 16, 2003 we published a notice of proposed rulemaking (NPRM) for this regulation (68 FR 35615). The permit application was received such that we could receive public comment on the proposed rule. However, 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 from the date of publication. 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 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.