

## 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, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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. Add § 165.914 to read as follows:

### § 165.914 Safety Zones; Annual Fireworks Events in the Captain of the Port Buffalo Zone.

(a) *Safety zones.* The following areas are designated safety zones:

(1) Oswego Independence Day Fireworks, Oswego, NY:

(i) *Location.* All waters of Oswego Harbor, in Lake Ontario, within a 1,000-foot radius of the fireworks barge moored or anchored in approximate position 43°28'05" N, 076°31'01" W (NAD 1983).

(ii) *Enforcement date.* The first Sunday in July.

(2) Oswego Harborfest Fireworks Display, Oswego, NY:

(i) *Location.* (A) All waters of Oswego Harbor within a 300-yard radius around the fireworks barge located at 43°28'08" N, 076°31'07" W (NAD 1983)

(B) All waters surrounding the fireworks display on the western break wall; 43°27'55" N, 076°31'30" W then to 43°28'03" N, 076°31'12" W then to 43°27'54" N, 076°31'06" then to 43°27'48" N, 076°31'26" W then back to the point of origin (NAD 1983).

(ii) *Enforcement date.* The last Saturday during the last full week of July.

(3) Ontario Memorial Day Fireworks, Ontario, NY:

(i) *Location.* All waters of Lake Ontario within a 200-yard radius of the fireworks display at Bear Creek Harbor located in position 43°16'39" N, 077°16'35" W (NAD 1983).

(ii) *Enforcement date.* Memorial Day, the last Monday in May.

(4) Olcott Fireworks, Olcott, NY:

(i) *Location.* All waters of Lake Ontario within a 300-yard radius of the fireworks display on the west break wall of the Olcott Harbor entrance located in position 43°20'25" N, 078°43'09" W (NAD 1983).

(ii) *Enforcement date.* July 3.

(5) Harbor Sound and Light Festival, Sackets Harbor, NY:

(i) *Location.* All waters of Lake Ontario within a 300-yard radius of the fireworks display on the beach just southwest of Mill Creek located in position 43°57'18" N, 076°06'35" W (NAD 1983).

(ii) *Enforcement date.* The second Saturday in June.

(6) Village of Sackets Harbor 4th of July Display, Sackets Harbor, NY:

(i) *Location.* All waters of Lake Ontario within a 200-yard radius of the fireworks display on the beach of Battlefield State Park located in position 43°56'56" N, 076°07'43" W (NAD 1983).

(ii) *Enforcement date.* July 4.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and 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) Commercial vessels may request permission from the Captain of the Port Buffalo 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 the Port before transits will be authorized. The Captain of the Port may be contacted via U.S. Coast Guard Group Buffalo on Channel 16, VHF-FM.

(4) Marine Event Permits (CG-4423) will still need to be sent to U.S. Coast Guard Group Buffalo, NY.

(c) *Notice of annual enforcement period.* The Captain of the Port Buffalo will publish, at least 10 days in advance of each annual event, a notice of

implementation of regulation in the **Federal Register**. The COTP may also issue notices in the Ninth Coast Guard District Local Notice to Mariners the dates and times this section will be enforced each year.

Dated: April 22, 2004.

**P. M. Gugg,**

*Commander, U.S. Coast Guard, Captain of the Port Buffalo.*

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Parts 17 and 21

RIN 1660-AA13

### Governmentwide Debarment and Suspension (Nonprocurement); Withdrawal

**AGENCY:** Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security (DHS).

**ACTION:** Withdrawal of notice of proposed rulemaking.

**SUMMARY:** On January 23, 2002, FEMA and other agencies published a common rule notice entitled "Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)," (67 FR 3265). FEMA is now an agency under DHS, which will publish its own rule governing these matters; therefore, FEMA is withdrawing this notice of proposed rulemaking for this common rule.

**DATES:** *Effective Date:* Effective May 3, 2004.

**FOR FURTHER INFORMATION CONTACT:** Edward Broyles, Federal Emergency Management Agency, 500 C Street, SW., Room 840, Washington, DC 20472, (phone) 202–646–3961, (facsimile) 202–646–4536, or (e-mail) [Edward.Broyles@dhs.gov](mailto:Edward.Broyles@dhs.gov).

**SUPPLEMENTARY INFORMATION:** On January 23, 2002, FEMA and other agencies published a common rule notice for proposed rulemaking entitled "Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)," (67 FR 3265). FEMA is now an agency under DHS, which will publish its own rule

governing these matters; therefore, FEMA is withdrawing this notice of proposed rulemaking for this common rule.

**Authority:** 41 U.S.C. 701 *et seq.*; E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

Dated: April 27, 2004.

**Michael D. Brown,**

*Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.*

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