

34°37'52" N, longitude 076°37'52" W, thence westerly to a position at latitude 34°37'36" N, longitude 076°40'17" W, thence southerly to a position at latitude 34°36'50" N, longitude 076°40'42" W, thence westerly to a position at latitude 34°36'57" N, longitude 076°41'25" W, thence northerly parallel to Beaufort Inlet Channel to latitude 34°40'37" N, longitude 076°40'32" W, thence northeasterly to latitude 34°41'21" N longitude 076°40'11" W, thence northwesterly parallel to Cutoff Channel to latitude 34°41'43" N, longitude 076°40'21" W, thence northwesterly parallel to Morehead City Channel to latitude 34°42'46" N, longitude 076°42'02" W, thence westerly to latitude 34°42'46" N, longitude 076°42'12" W, thence northerly to latitude 34°42'54" N, longitude 076°42'13" W, thence easterly along Morehead City State Port berth seven, six, five and four to latitude 34°42'52" N, longitude 076°41'33" W, thence southeasterly to latitude 34°42'35" N, longitude 076°41'20" W, thence southeasterly parallel to Morehead City Channel to latitude 34°42'19" N, longitude 076°40'49" W at the entrance to Beaufort Harbor Channel, thence along the western bank of Beaufort Harbor Channel to latitude 34°42'54" W, longitude 076°40'44" W, thence easterly to the southern tip of Pivers Island, latitude 34°42'54" N, longitude 076°40'24" W, thence northerly along the shoreline of Pivers Island to latitude 34°43'08" N, longitude 076°40'19" W, thence northerly to intersection of the Beaufort Bascule Bridge and the shoreline at latitude 34°43'21" N, longitude 076°40'12" W, thence northerly along the shoreline to latitude 34°43'38" N, longitude 076°40'17" W, thence northwesterly to latitude 34°43'47" N longitude 076°40'22" W, thence northeasterly to latitude 34°43'55" N, longitude 076°40'15" W, thence southerly along then shoreline to latitude 34°43'42" N, longitude 076°40'04" W, thence southerly parallel to Gallants Channel to the intersection of the Beaufort Bascule Bridge and the shoreline at latitude 34°43'21" N, longitude 076°40'05" W, thence southerly to Beaufort Waterfront at latitude 34°43'07" N, longitude 076°40'10" W, thence southeasterly along Beaufort waterfront to latitude 34°42'57" N, longitude 076°39'55" W, thence south to Carrot Island latitude 34°42'45" N, longitude 076°39'55" W, thence westerly following the shore line of Carrot Island to latitude 34°42'31" W, longitude 076°40'44" W, thence southeasterly to latitude 34°41'50" N, longitude 076°40'08" W, thence

southerly to the western tip of Shackleford Banks at latitude 34°41'18" N, longitude 076°39'57" W, thence southerly to latitude 34°40'30" N, longitude 076°39'50" W, thence southerly parallel to Beaufort Inlet Channel to latitude 34°39'35" N, longitude 076°40'00" W, thence east to the point of origin.

(2) The second segment for the "Tall Ships Race" is bounded by a line drawn from a position at latitude 34°40'36" N, longitude 076°41'00" W, thence westerly parallel to Bogue Banks to latitude 34°40'21" N, longitude 076°52'12" W, thence southwesterly to latitude 34°39'00" N 076°53'06" W, thence southeasterly to latitude 34°33'18" N, longitude 076°42'33" W, thence northeasterly to latitude 34°34'18" N, longitude 076°41'27" W, thence northerly to the point of origin.

(3) All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) Coast Guard Patrol Commander means any commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector North Carolina.

(2) Official Patrol means any person or vessel authorized by the Coast Guard Patrol Commander or approved by Commander, Coast Guard Sector North Carolina.

(3) Participant includes all vessels participating in the Pepsi Americas' Sail 2006 under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector North Carolina.

(c) *Special local regulations.* (1) Except for the Official Patrol, participants, and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) Any person in the regulated area must stop immediately when directed to do so by any Official Patrol and then proceed only as directed.

(3) The operator of any vessel in the regulated area must stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(4) All persons and vessels shall comply with the instructions of the Official Patrol.

(5) When authorized to transit within the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the parade, race course and near other persons and vessels.

(d) *Enforcement period.* This section will be enforced from 6:30 a.m. to 1 p.m. on July 1, 2006, for the "Parade of

Sails"; and from 10:30 a.m. to 5:30 p.m. on July 3, 2006 for the "Tall Ships Race". If the "Tall Ships Race" is postponed due to inclement weather, then these temporary special local regulations will be enforced the same time period during one of the next two days, July 4, 2006 through July 5, 2006.

Dated: May 19, 2006.

Larry L. Hereth,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD09-06-027]

#### Safety Zone: Captain of the Port Detroit Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of Implementation of final rule.

**SUMMARY:** The Coast Guard is implementing safety zones for annual fireworks displays in the Captain of the Port Detroit Zone during June 2006. This action is necessary to provide for the safety of life and property on navigable waters during these events. These safety zones will restrict vessel traffic from a portion of the Captain of the Port Detroit Zone.

**DATES:** The safety zones will be effective from 12:01 a.m. (local) on June 7, 2006 to 11:59 p.m. (local) on June 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** LTJG Cynthia Channell, Chief of Waterways Management, Sector Detroit, 110 Mt. Elliott Ave., Detroit, MI at (313) 568-9580.

**SUPPLEMENTARY INFORMATION:** The Coast Guard is implementing certain permanent safety zones in 33 CFR 165.907 (published May 21, 2001, in the *Federal Register*, 66 FR 27868), for fireworks displays in the Captain of the Port Detroit Zone during June 2006. The following safety zones will be enforced during the times indicated below:

(1) *Bay-Rama Fishfly Festival*, New Baltimore, MI. Location: All waters off New Baltimore City Park, Lake St. Clair-Anchor Bay bounded by the arc of a circle with a 300-yard radius with its center located at approximate position 42°41' N, 082°44' W, on June 22, 2006, from 9 p.m. to 11 p.m.

(2) *St. Clair Shores Fireworks*, St. Clair Shores, MI. Location: All waters of Lake

St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°32' N, 082°51' W, about 1000 yards east of Veterans Memorial Park (off Masonic Rd.), St. Clair Shores, MI on June 30, 2006, from 10:00 p.m. to 10:30 p.m.

(3) *Sigma Gamma Assoc.*, Grosse Pointe Farms, MI. Location: The waters off Ford's Cove, Lake St. Clair bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°27' N, 082°52' W on June 26, 2003 from 9 p.m. to 11 p.m.

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 the event that these safety zones affect shipping, commercial vessels may request permission from the Captain of the Port Detroit to transit through the safety zone.

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 via U.S. Coast Guard Group Detroit on channel 16, VHF-FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

Dated: May 18, 2006.

**P. W. Brennan,**

*Captain, U.S. Coast Guard, Captain of the Port Detroit.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[COTP Charleston 06-003]

RIN 1625-AA00

#### Safety Zone; Cooper River, Hog Island Channel, Charleston SC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is removing one of two duplicate temporary rules that establish safety zones on the navigable waters of Hog Island Reach on the Cooper River, for demolition of the Grace Memorial and Silas Pearman Bridges and associated recovery operations.

**DATES:** This rule is effective June 7, 2006.

**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 [COTP Charleston 06-003] and are available for inspection or copying at Coast Guard Sector Charleston (WWM), 196 Tradd Street, Charleston, South Carolina 29401 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Chief Warrant Officer James J. McHugh, Sector Charleston Office of Waterways Management, at (843) 724-7647.

**SUPPLEMENTARY INFORMATION:** On January 19, 2006, we published a temporary final rule that created a temporary safety zone around the Grace Memorial and Silas Pearman Bridges on Hog Island Reach. (71 FR 3005) This safety zone includes all waters within the area bounded by the following coordinates: 32°48.566' N, 079°55.211' W to 32°48.389' N, 079°54.256' W to 32°47.824' N, 079°54.401' W thence to 32°47.994' N, 079°55.359' W.

Due to an administrative error, we published a second temporary safety zone for this location on May 25, 2006, at 71 FR 30062. This second temporary final rule has the same section number and establishes a safety zone at the same coordinates as the temporary final rule that published in January; however it has a different effective date and a slightly different title.

In order to avoid confusion and maintain the January effective date of the safe zone, we are removing the second temporary rule that published on May 25, 2006, at 71 FR 30062 and is entitled "Safety Zone; Cooper River, Hog Island Channel, Charleston, SC."

#### 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. This rule is not a significant regulatory action because it removes a second temporary final rule has the same section number and establishes a safety zone at the same coordinates as the temporary final rule that published in January.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have 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, because it removes one of two duplicate temporary rules that establish safety zones on the navigable waters of Hog Island Reach on the Cooper River, for demolition of the Grace Memorial and Silas Pearman Bridges and associated recovery operations.

#### 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

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### 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 rule will 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