

Peace and Development Council. Section 3(a) of the BFDA requires the President to ban the importation into the United States of any article that is a product of Burma. Section 3(b) of the BFDA, however, permits the President to waive the importation prohibition for any or all articles that are a product of Burma if the President determines that such a waiver is in the national interest of the United States and notifies the appropriate Congressional committees.

To implement the BFDA and to take additional steps with respect to the Government of Burma's continued repression of the democratic opposition in Burma and with respect to the national emergency declared in E.O. 13047, the President issued Executive Order 13310 ("E.O. 13310") on July 28, 2003. Section 3 of E.O. 13310 implements the importation ban set forth in section 3(a) of the BFDA. Section 9 of E.O. 13310 delegates the President's waiver authority under section 3(b) of the BFDA to the Secretary of State and authorizes the Secretary of the Treasury to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the order. The Secretary of the Treasury has, in turn, authorized the Director of OFAC to take these actions. 31 CFR 537.802. Accordingly, on August 16, 2005, OFAC promulgated amendments to the Regulations to implement the provisions of E.O. 13310. Section 537.203 of the Regulations prohibits the importation into the United States of any article that is a product of Burma.

On August 4, 2006, in accordance with section 3(b) of the BFDA and section 9 of E.O. 13310, the Department of State determined that it is in the national interest of the United States to waive the importation prohibition of the BFDA for animals and specimens of Burmese origin, in sample quantities only, that are imported for bona fide scientific research and analysis purposes. The purpose of this waiver was to allow OFAC to issue licenses authorizing such imports on a case-by-case basis. Consistent with section 3(b) of the BFDA, notification of the Department of State's waiver determination was provided to the appropriate committees of Congress.

Based on this determination, OFAC is amending the Regulations to add a new § 537.527, setting forth a statement of licensing policy. Section 537.527 provides that specific licenses may be issued on a case-by-case basis authorizing the importation into the United States of animals and specimens of Burmese origin, in sample quantities

only, for bona fide scientific research and analysis purposes.

### Public Participation

Because the amendment of the Regulations involves a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply.

### Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the "Reporting, Procedures and Penalties Regulations"). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505-0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

### List of Subjects in 31 CFR Part 537

Administrative practice and procedure, Banks, Banking, Burma, Currency, Foreign investments in United States, Foreign trade, Penalties, Reporting and recordkeeping requirements, Securities.

■ For the reasons set forth in the preamble, the Office of Foreign Assets Control amends 31 CFR part 537 to read as follows:

### PART 537—BURMESE SANCTIONS REGULATIONS

■ 1. The authority citation for part 537 is revised to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601-1651, 1701-1706; Sec. 570, Pub. L. 104-208, 110 Stat. 3009; Pub. L. 108-61, 117 Stat. 864; Pub. L. 109-177, 120 Stat. 192; E.O. 13047, 62 FR 28301, 3 CFR, 1997 Comp., p. 202; E.O. 13310, 68 FR 44853, 3 CFR, 2004 Comp., p. 241.

### Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 2. Add a new § 537.527 to read as follows:

#### § 537.527 Importation into the United States of Burmese-origin animals and specimens.

Specific licenses may be issued on a case-by-case basis authorizing the importation into the United States of

animals and specimens of Burmese origin, in sample quantities only, for bona fide scientific research and analysis purposes.

Dated: May 16, 2007.

**Adam J. Szubin,**

*Director, Office of Foreign Assets Control.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 110

[CGD01-06-023]

RIN 1625-AA01

#### Anchorage Regulations; Port of New York and Vicinity

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is expanding the boundary of a Special Anchorage Area on the Hudson River at Nyack, NY. This action is necessary to facilitate safe navigation in that area and provide safe and secure anchorages for vessels not more than 20 meters in length. This action is intended to increase the safety of life and property on the Hudson River, improve the safety of anchored vessels, and provide for the overall safe and efficient flow of recreational vessel traffic and commerce.

**DATES:** This rule is effective from July 23, 2007.

**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 (CGD01-06-023) and are available for inspection or copying at Waterways Management Division, Coast Guard Sector New York, 212 Coast Guard Drive, room 209, Staten Island, New York 10305 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander M. McBrady, Waterways Management Division, Coast Guard Sector New York at (718) 354-2353.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On February 6, 2007, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "Anchorage Regulations; Port of New York and Vicinity" in the **Federal Register** (72 FR 5382). We received no

letters commenting on the proposed rule. No public meeting was requested, and none was held.

### Background and Purpose

As part of a waterfront revitalization effort, the Village of Nyack is encouraging waterfront use by the general public. This rule is in response to a request made by the Village of Nyack to ensure the safe navigation of increased vessel traffic expected to arrive along the village waterfront due to this revitalization effort.

The Coast Guard is designating the area as a special anchorage area in accordance with 33 U.S.C. 471. In accordance with that statute, vessels will not be required to sound signals or exhibit anchor lights or shapes which are otherwise required by rule 30 and 35 of the Inland Navigation Rules, codified at 33 U.S.C. 2030 and 2035. The expanded special anchorage area is located on the west side of the Hudson River about 1,600 yards north of the Tappan Zee Bridge, well removed from the channel and located where general navigation will not endanger or be endangered by unlighted vessels. Providing anchorage well removed from the channel and general navigation will greatly increase navigational safety.

### Discussion of Comments and Changes

The Coast Guard received no comments on this rulemaking and no changes have been made.

### 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 finding is based on the fact that the rule conforms to the changing needs of the Village of Nyack and the changing needs of recreational vessels along the Hudson River. The eastern boundary of the special anchorage area is approximately 970 yards from the 12-foot contour on the west side of the Hudson River and approximately 2,600 yards from the 12-foot contour on the eastern side of the Hudson River. The resulting impact to vessel transits in this area is minimal because the special anchorage area leaves more than enough room for the navigation of all vessels. This will allow for greater safety of navigation and traffic in the area, while also providing for a substantial improvement to the safety of anchorages in the area.

### 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.

This rule will affect the following entities, some of which might be small entities: The owners or operators of recreational or commercial vessels intending to transit in a portion of the Hudson River near the expanded special anchorage area. However, this special anchorage area will not have a significant economic impact on these entities for the following reasons. The eastern boundary of the special anchorage area is approximately 970 yards from the 12-foot contour on the west side of the Hudson River and approximately 2,600 yards from the 12-foot contour on the eastern side of the Hudson River. It is also about 1,700 yards from the 600-foot wide Hudson River Federal Project Channel. The eastern boundary of this Special Anchorage Area only extends an additional 200 yards from the Nyack shoreline. This is more than enough room for the types of vessels currently operating on the river, which include both small and large commercial vessels. Thus, this special anchorage area will not impede safe and efficient vessel transits on the Hudson River.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. The Coast Guard received no requests for assistance.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you

wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

### 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 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 might 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.

#### 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. The Administrator of the Office 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.

#### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide 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)(f), of the Instruction, from further environmental documentation.

Paragraph (34)(f) applies because this rule expands a special anchorage area.

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 110

Anchorage grounds.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

#### PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471; 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 110.60, revise paragraph (o-2) to read as follows:

#### § 110.60 Port of New York and vicinity.

\* \* \* \* \*

(o) \* \* \*

(o-2) Hudson River, at Nyack. That portion of the Hudson River bound by the following points: 41°06'06.8" N, 073°54'55.5" W; thence to 41°06'06.8" N, 073°54'18.0" W; thence to 41°05'00.0" N, 073°54'18.0" W; thence to 41°05'00.0" N, 073°55'02.2" W; thence along the shoreline to the point of origin (NAD 1983), excluding a fairway in the charted cable area that is marked with buoys.

**Note:** The area is principally for use by yachts and other recreational craft. A mooring buoy is permitted.

\* \* \* \* \*

Dated: June 7, 2007.

**Timothy S. Sullivan,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

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#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[CGD09-07-042]

RIN 1625-AA00

#### Safety Zone; French Festival Fireworks, St. Lawrence River, Cape Vincent, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the St. Lawrence River in Cape Vincent, NY. This zone is intended to restrict vessels from a portion of the St. Lawrence River during the French Festival Fireworks on July 14, 2007 fireworks display. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays.

**DATES:** This rule is effective from 9:30 p.m. to 10:30 p.m., on July 14, 2007.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket CGD09-07-042 and are available for inspection or copying at U.S. Coast Guard Sector Buffalo, 1 Fuhrmann Blvd., Buffalo, NY 14203 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Tracy Wirth, Chief of Waterways Management, Sector Buffalo 1 Fuhrmann Blvd., Buffalo, NY 14203; (716) 843-9573.

#### 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), the Coast Guard finds that good cause exists for not publishing an NPRM. The permit application was not received in time to publish an NPRM followed by a final rule before the effective date. Under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property. The Coast Guard has not received any complaints or negative comments previously with regard to this event.

#### Background and Purpose

This temporary safety zone is necessary to ensure the safety of vessels and spectators from hazards associated with a fireworks display. Based on accidents that have occurred in other Captain of the Port zones, and the explosive hazards of fireworks, the Captain of the Port Buffalo has determined that fireworks launches proximate to watercraft pose significant risk to public safety and property. The likely combination of large numbers of recreation vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious