

(3) All persons and vessels shall comply with the Coast Guard Captain of the Port or designated on-scene patrol personnel. These personnel comprise commissioned, warrant and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(c) *Enforcement period.* This section will be enforced from 8 p.m. to 11 p.m. on Saturday, June 30, 2007.

Dated: June 15, 2007.

**D.A. Ronan,**

*Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD01-07-036]

RIN 1625-AA00

#### Safety Zone: Hingham 4th of July Fireworks Display, Hingham, MA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Town of Hingham Fourth of July Fireworks on July 1, 2007. The safety zone is necessary to protect the life and property of the maritime public from the potential hazards posed by a fireworks display. The safety zone temporarily prohibits entry into or movement within this portion of Hingham Inner Harbor during its closure period.

**DATES:** This rule is effective from 8:45 p.m. on July 1, 2007 until 11 p.m. on July 2, 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 CGD01-07-036 and are available for inspection or copying at Sector Boston, 427 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Petty Officer Joseph Yonker, Sector Boston, Waterways Management Division, at (617) 223-5007.

**SUPPLEMENTARY INFORMATION:**

### Regulatory History

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. As the fireworks display is scheduled to occur on July 1, 2007, any delay encountered in the regulation's effective date would be contrary to the public interest since the safety zone is needed to prevent traffic from transiting a portion of Hingham Inner Harbor during the fireworks display thus ensuring that the maritime public is protected from any potential harm associated with such an event.

Additionally, the zone should have negligible impact on vessel transits due to the fact that vessels will be limited from the area for only two hours and fifteen minutes and vessels can still transit in the majority of Hingham Inner Harbor during the event. Accordingly, under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM.

For the same reasons, the Coast Guard finds, under 5 U.S.C. 553(d)(3), that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

### Background and Purpose

This rule establishes a safety zone on the navigable waters of Hingham Inner Harbor within a 500-yard radius of the fireworks barge located at approximate position 42°015.30' N, 070°53.02' W. The safety zone is in effect from 8:45 p.m. until 11 p.m. on July 1, 2007. The rain date for the fireworks event is from 8:45 p.m. until 11 p.m. on July 2, 2007.

The safety zone temporarily restricts movement within this portion of Hingham Inner Harbor and is needed to protect the maritime public from the dangers posed by a fireworks display. Marine traffic may transit safely outside of the zone during the enforcement period. The Captain of the Port does not anticipate any negative impact on vessel traffic due to the event. Public notification will be made prior to the enforcement period via marine information broadcasts and Local Notice to Mariners.

### 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.

Although this rule prevents vessel traffic from transiting a portion of Hingham Inner Harbor during the

enforcement period, the effects of this regulation will not be significant for several reasons: vessels will be excluded from the proscribed area for only two hours and fifteen minutes, vessels will be able to operate in the majority of Hingham Inner Harbor during the effective period, and advance notifications will be made to the local maritime community by marine information broadcasts and Local Notice to Mariners.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we 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 may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Hingham Inner Harbor from 8:45 p.m. until 11 p.m. on July 1, 2007. The rain date for the fireworks event is from 8:45 p.m. until 11 p.m. on July 2, 2007.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: this rule will be in effect for only two hours and fifteen minutes, vessel traffic can safely pass around the zone, and advance notification will be made to the local maritime community by marine information broadcasts and Local Notice to Mariners.

### 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.

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 State, local or tribal governments, 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 pose an environmental risk to health or risk to safety that may 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 M16475.1D 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 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. This rule fits the category selected from paragraph (34)(g), as it would establish a safety zone. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" will be available in the docket where indicated under **ADDRESSES**.

### 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 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, 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 temporary § 165.T01-036 to read as follows:

#### § 165.T07-036 Safety Zone; Town of Hingham 4th of July Fireworks Display, Hingham Inner Harbor, Massachusetts.

(a) *Location.* The following area is a safety zone: All navigable waters of Hingham Inner Harbor within a 500-yard radius of the fireworks barge located at approximate position 42°015.30' N, 070°53.02' W.

(b) *Enforcement Period.* This section will be enforced from 8:45 p.m. until 11 p.m. on July 1, 2007. The rain date for the fireworks event is from 8:45 p.m. until 11 p.m. on July 2, 2007.

(c) *Definitions.* (1) As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel authorized to act on behalf of the Captain of the Port, Boston (COTP), and a Federal, State, and local officer designated by or assisting the COTP.

(2) [Reserved]

(d) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into or movement within this zone by any person or vessel is prohibited unless authorized by the COTP or the COTP's designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the COTP's designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP's designated representative on VHF Channel 16 (156.8 MHz) to seek permission to do so. If permission is granted, vessel operators must comply with all directions given to them by the COTP or the COTP's designated representative.

Dated: May 25, 2007.

**James L. McDonald,**

*Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD01-07-073]

RIN 1625-AA00

#### **Safety Zone: Salem Harbor Celebrates The 4th of July Fireworks—Boston, MA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the "Salem Harbor Celebrates the 4th of July Fireworks" display on July 4, 2007, in Salem, Massachusetts. The safety zone is necessary to protect the life and property of the maritime public from the potential hazards posed by a fireworks display. The safety zone temporarily prohibits entry into or movement within this portion of the Pickering Wharf Channel during its closure period.

**DATES:** This rule is effective from 8:45 p.m. until 10:15 p.m. on July 4, 2007.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD01-07-073 and are available for inspection or copying at Sector Boston, 427 Commercial Street, Boston, MA, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Petty Officer Joseph Yonker, Sector Boston, Waterways Safety and Response Division, at (617) 223-5007.

#### **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. An NPRM

was not published for this regulation because the logistics with respect to the fireworks presentation were not determined with sufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to the public interest since the safety zone is needed to prevent traffic from transiting a portion of the Pickering Wharf Channel during the fireworks display and to provide for the safety of life on navigable waters.

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 after publication in the **Federal Register**. Any delay encountered in this regulation's effective date would be contrary to the public interest since the safety zone is needed to prevent traffic from transiting a portion of the Pickering Wharf Channel during the fireworks event thus ensuring that the maritime public is protected from any potential harm associated with such an event. The safety zone should have a minimal negative impact on vessel transits in the Pickering Wharf Channel because vessels will be excluded from the area for only one and a half hours, and vessels can still operate in other areas of the channel during the event.

##### **Background and Purpose**

"City of Salem", the organization responsible for Salem Celebrates the 4th of July, is holding a fireworks display in honor of Independence Day. This rule establishes a temporary safety zone on the navigable waters of the Pickering Wharf Channel within a four hundred (400) yard radius of the fireworks launch site located at approximate position 42°31.05' N, 070°52.05' W. This safety zone is necessary to protect the maritime public from the dangers posed by this event. It will protect the public by prohibiting entry into or movement within the proscribed portion of the Pickering Wharf Channel during the fireworks display.

Marine traffic may transit safely outside of the safety zone during the enforcement period. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this event. Public notification will be made prior to and during the effective period via marine information broadcasts and Local Notice to Mariners.

##### **Discussion of Rule**

This rule is effective from 8:45 p.m. until 10:15 p.m. on July 4, 2007. Marine traffic may transit safely outside of the safety zone in the majority of the Pickering Wharf Channel during the event. Given the limited time-frame of

the enforcement period of the safety zone, the size of the channel and the size of the safety zone itself, the Captain of the Port anticipates minimal negative impact on vessel traffic due to this event. Public notifications will be made prior to and during the enforcement period via Local Notice to Mariners and marine information broadcasts.

##### **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.

Although this rule will prevent traffic from transiting a portion of the Pickering Wharf Channel during this event, the effect of this rule will not be significant for several reasons: vessels will be excluded from the area of the safety zone for only one and one-half hours, although vessels will not be able to transit the channel in the vicinity of the safety zone, they will be able to operate in other areas of the channel during the enforcement period; and advance notification will be made to the local maritime community by marine information broadcasts and Local Notice to Mariners.

##### **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 may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Pickering Wharf Channel from 8:45 p.m. until 10:15 p.m. on July 4, 2007. This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons described under the Regulatory Evaluation section.

##### **Assistance for Small Entities**

Under subsection 213(a) of the Small Business Regulatory Enforcement