

§ 165.T09-035 Safety zone; Seneca River Days, Baldwinsville, NY.

(a) *Location.* The following area is a temporary safety zone: All waters of the Seneca River, Baldwinsville, NY within a six hundred foot radius of position 43°09'25" N, 076°20'20" W. [DATUM: NAD 83].

(b) *Enforcement period.* This regulation will be enforced from 9:30 p.m. to 10:30 p.m. on July 6, 2007.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo, or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The "on-scene representative" of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf. The on-scene representative of the Captain of the Port Buffalo will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

(5) Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo or his on-scene representative.

Dated: June 11, 2007.

S.J. Ferguson,

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

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DEPARTMENT OF HOMELAND SECURITY
Coast Guard
33 CFR Part 165

[CGD01-07-037]

RIN 1625-AA00

Safety Zone: Independence Day Celebration Fireworks Display, Ipswich, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Trustees of Reservations July Fireworks on July 4, 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 Ipswich Bay during its closure period.

DATES: This rule is effective from 8:30 p.m. on July 4, 2007 until 10:30 p.m. on July 5, 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 CGD01-07-037 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 4, 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 Ipswich Bay 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 vessels can still transit in the majority of Ipswich Bay 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 Ipswich Bay within a 500-yard radius of the fireworks display located at approximate position 42°960.63' N, 070°77.59' W. The safety zone is in effect from 8:30 p.m. until 10:30 p.m. on July 4, 2007. The rain date for the

fireworks event is from 8:30 p.m. until 10:30 p.m. on July 5, 2007.

The safety zone temporarily restricts movement within this portion of Ipswich Bay and is needed to protect the maritime public from the dangers posed by a 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 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 Ipswich Bay 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, vessels will be able to operate in the majority of Ipswich Bay during the effective 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 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 Ipswich Bay from 8:30 p.m. until 10:30 p.m. on July 4, 2007. The rain date for the fireworks event is from 8:30 p.m. until 10:30 p.m. on July 5, 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, 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.T01-037 to read as follows:

§ 165.T01-037 Safety Zone; Independence Day Celebration Fireworks Display, Ipswich, Massachusetts.

(a) *Location.* The following area is a safety zone: All navigable waters of Ipswich Bay within a 500-yard radius of the fireworks barge located at

approximate position 42°960.63' N, 070°77.59' W.

(b) *Enforcement Period.* This section will be enforced from 8:30 p.m. until 10:30 p.m. on July 4, 2007. The rain date for the fireworks event is from 8:30 p.m. until 10:30 p.m. on July 5, 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.

[FR Doc. E7-12371 Filed 6-26-07; 8:45 am]

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POSTAL SERVICE

39 CFR Part 111

Electronic Verification System (eVS) for Parcel Select Mailings

AGENCY: United States Postal Service.

ACTION: Final rule; suspension of effective date.

SUMMARY: This final rule delays the date set for the required use of electronic data and automated processes of the Electronic Verification System (eVS) for permit imprint Parcel Select® manifest mailings, which currently are paper-driven and rely on manual processes for handling verification and postage reconciliations. The delay in required use also extends to Standard Mail® machinable parcels and parcels from

other Package Services subclasses (Bound Printed Matter, Library Mail, or Media Mail®) that are authorized to be commingled with permit imprint Parcel Select parcels. Parcel mailers and shippers may continue to use eVS as an option if they meet the required business standards and technical specifications in the Domestic Mail Manual.

DATES: The effective date for the final rule amending 39 CFR part 111 published in the **Federal Register** (71 FR 38966) on July 10, 2006, is delayed indefinitely. The Postal Service™ will publish a document in the **Federal Register** announcing the new effective date. The applicability date for the *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®) change set forth below is May 14, 2007.*

FOR FURTHER INFORMATION CONTACT: Neil Berger, Program Manager, Business Mailer Support, via e-mail at neil.h.berger@usps.gov or by telephone at (202) 268-7267.

SUPPLEMENTARY INFORMATION: On November 7, 2005, the Postal Service published a proposed rule in the **Federal Register** (70 FR 67399-67405), soliciting comments from mailers and parcel shippers on requiring the use of the Electronic Verification System (eVS) for all permit imprint Parcel Select mailings, including those containing authorized commingled Standard Mail machinable parcels and parcels from the other subclasses of Package Services (Bound Printed Matter, Media Mail, and Library Mail).

On July 10, 2006, the Postal Service published a final rule in the **Federal Register** (71 FR 38966-38978) responding to comments from the mailing industry and providing implementing language and mailing standards to take effect on August 1, 2007, that would require all permit imprint Parcel Select mail and all permit imprint mail authorized to be commingled with Parcel Select to be prepared using eVS.

The Postal Service is delaying the required use of eVS because of the large number of format and coding changes required by the R2006-1 omnibus rate case, implemented on May 14, 2007, and because of the addition of several new subclasses of mail that will become available under eVS after May 14, 2007.

As a result, the Postal Service is re-evaluating a suitable date for new mailer implementation of eVS. Once the Postal Service, working closely with the parcel shipping industry, determines an appropriate date, it will publish the new

date in the **Federal Register** and the *Postal Bulletin*.

We adopt the following amendments to Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

■ Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001-3011, 3201-3219, 3403-3406, 3621, 3626, 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®)* as provided below: *Mailing Standards of the United States Postal Service, Domestic Mail Manual*

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705 Advanced Preparation and Special Postage Payment Systems

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2.9 Electronic Verification System (eVS)

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[Revise the heading "Optional and Required Use" to read as follows:]

2.9.4 Use

[Revise 2.9.4 by removing the last sentence "Effective August 1, 2007, mailers must use eVS for all permit imprint Parcel Select parcels and for permit imprint parcels authorized under 705.6.0 and 705.7.0 to be commingled with Parcel Select" to read as follows:] Mailers depositing permit imprint parcels for those classes of mail and rate categories specified in 2.9.2 may document and pay postage using eVS. Mailers authorized to commingle Standard Mail parcels or Package Services presorted parcels under 705.6.0 and 705.7.0 also may use eVS to document and pay postage for all parcels in the mailing for those mail classes and subclasses available under 2.9.2.

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Neva R. Watson,

Attorney, Legislative.

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BILLING CODE 7710-12-P