

United States), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314;

\* \* \* \* \*

Section 10.699 also issued under Pub. L. 109–53, 119 Stat. 462.

■ 2. In § 10.699:

■ a. The section heading is revised.

■ b. Paragraph (a) is amended by adding the words “, as amended by § 1634(d) of the Pension Protection Act of 2006 (Pub. L. 109–280)” to the end of the second sentence, and by adding the words “, as amended,” immediately following the words “the Act” in the third sentence;

■ c. Paragraph (b) introductory text is amended by removing the words “that country” and adding, in their place, the words “the last CAFTA–DR country”;

■ d. Paragraph (c) introductory text is amended by removing the words “by the later of December 31, 2006, or the date that is” and adding, in their place, the word “within”, and by removing the words “that country” and adding, in their place, the words “the last CAFTA–DR country”; and

■ e. Current paragraph (d)(2) is redesignated as paragraph (d)(3) and a new paragraph (d)(2) is added.

The revised section heading and new paragraph (d)(2) read as follows:

**§ 10.699 Refunds of excess customs duties.**

\* \* \* \* \*

(d) \* \* \*

(2) “Last CAFTA–DR country” means, of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua, the last country for which the Agreement enters into force.

\* \* \* \* \*

**Deborah J. Spero,**

*Acting Commissioner, Customs and Border Protection.*

Approved: May 21, 2007.

**Timothy E. Skud,**

*Deputy Assistant Secretary of the Treasury.*

[FR Doc. 07–2587 Filed 5–24–07; 8:45 am]

BILLING CODE 9111–14–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 234

[DoD–2006–OS–0031; 0790–AI09]

### Conduct on the Pentagon Reservation

**AGENCY:** Department of Defense, Washington Headquarters Services.

**ACTION:** Final rule.

**SUMMARY:** This rule administrative revises DoD policy concerning conduct

on the Pentagon Reservation and Raven Rock Mountain Complex. In 2003, Congress amended 10 U.S.C. 2674(g) so that the “Pentagon Reservation” also included the land and physical facilities at the Raven Rock Mountain Complex. Given this amendment, the Department has recognized the need to amend rules and regulations under 32 CFR Part 234 so that they are applicable to Raven Rock Mountain Complex. Therefore, minor and administrative changes to the rules and regulations were necessary.

**DATES:** *Effective Date:* May 25, 2007.

**FOR FURTHER INFORMATION CONTACT:** Bill Brazis, Office of General Counsel, Washington Headquarters Services, 1155 Defense Pentagon Room 1D197, Washington, DC 20301–1155.

#### SUPPLEMENTARY INFORMATION:

##### Justification for Final Rule

Because the amendments and revisions to this final rule are only administrative in nature, it is impracticable and contrary to the public interest to precede it with a notice of proposed rulemaking and an opportunity for public comment. The administrative corrections described in this rule are necessary to make the rules applicable to Raven Rock Mountain Complex, which is now part of the Pentagon Reservation. The additional changes are nonsubstantive in nature. Therefore, the Department finds that there is good cause under section 553(b)(3)(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) to make these corrections and changes without first issuing a notice of proposed rulemaking. For the same reasons, the Department finds that there is good cause under section 553(d)(3) of the Administrative Procedure Act to make this final rule effective immediately.

The Department has identified six sections requiring minor changes and has recognized the need to add one additional section.

The first change is in the definition of “Authorized person” in § 234.1. The definition of “Authorized person” now refers to an employee or agent of the Pentagon Force Protection Agency, formerly known as the Defense Protective Service.

The second change is in the definition of “Pentagon Reservation” under § 234.1. Because Raven Rock Mountain Complex is now considered part of the “Pentagon Reservation,” as specified in 10 U.S.C. 2674(g), the description of the area of land known as Raven Rock Mountain Complex was added to the definition of “Pentagon Reservation” under § 234.1.

The third change is the amendment of the language of § 234.3. In § 234.3(d), the Department added “Installation Commander” to the list of authorized personnel who can review applications for permits for certain activities on the Pentagon Reservation, including Raven Rock Mountain Complex. Raven Rock Mountain Complex is under the custody and control of an “Installation Commander.”

The fourth change is the amendment of the language of § 234.8. This section prohibited willfully destroying or damaging private and government property. The word “and” was changed to “or” to prohibit damaging private or government property on the Pentagon Reservation. Courts have misconstrued this section to only prohibit the destroying or damaging of both private and government property, but not such property individually.

The fifth change is the amendment to § 234.9. Previously, this section prohibited using or possessing fireworks or firecrackers, except with permission of the Pentagon Building Management Office. The amendment seeks to prohibit using or possessing such items entirely. Furthermore, the words “Installation Commander” were added to paragraphs 234.9 (a) and (c) as authorized personnel who can review applications for permits for certain activities on the Pentagon Reservation, including Raven Rock Mountain Complex.

The sixth change is an amendment to the language of § 234.10. “Defense Protective Service” was changed to “Pentagon Force Protection Agency or the Installation Commander” as the agency or person who can authorize carrying of a weapon at the Pentagon or Raven Rock Mountain Complex.

The seventh change is an amendment to the language of § 234.11. “Defense Protective Service” was changed to “Pentagon Force Protection Agency”. In addition, the word “Installation Commander” was added as a person who can authorize the use of alcoholic beverages for certain events at Raven Rock Mountain Complex.

The eighth change is a revision to § 234.15, governing the use of visual and recording devices. Previously, the use of cameras and visual recording devices was prohibited in restricted areas or in internal offices without the approval of the Office of the Assistant to the Secretary of Defense for Public Affairs. This section was revised to prohibit all photography on the Pentagon Reservation and Raven Rock Mountain Complex without approval of the Pentagon Force Protection Agency, the Installation Commander, or the Office of

the Assistant to the Secretary of Defense for Public Affairs. Furthermore, it shall be unlawful to make any photograph, sketch, picture, drawing, map or graphical representation of the Pentagon Reservation and Raven Rock Mountain Complex without first obtaining the necessary permission.

The ninth change is a revision to § 234.18. Previously, parking regulations were enforced in accordance with Administrative Instruction (AI) Number 88.<sup>1</sup> This document has been renamed "The Pentagon Parking Program." This section was revised to reflect that change. In addition, the word "Installation Commander" was added to the list of personnel that can authorize new parking regulations or restrictions at the Pentagon and at Raven Rock Mountain Complex.

It has been certified that this rule is not a significant rule as defined under section 3(f)(1) through 3(f)(4) of Executive Order 12866. Further, it has been certified that this rule will not have a significant economic impact on a substantial number of small entities because it affects only those entities and persons who are on the Pentagon Reservation. Finally, it has been certified that this rule does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1995.

■ Accordingly, chapter I of title 32 of the Code of Federal Regulations under the authority of 10 U.S.C. 301 is amended by revising part 234 to read as follows:

## PART 234—CONDUCT ON THE PENTAGON RESERVATION

- Sec.
- 234.1 Definitions.
  - 234.2 Applicability.
  - 234.3 Admission to property.
  - 234.4 Trespassing.
  - 234.5 Compliance with official signs.
  - 234.6 Interfering with agency functions.
  - 234.7 Disorderly conduct.
  - 234.8 Preservation of property.
  - 234.9 Explosives.
  - 234.10 Weapons.
  - 234.11 Alcoholic beverages and controlled substances.
  - 234.12 Restriction on animals.
  - 234.13 Soliciting, vending, and debt collection.
  - 234.14 Posting of materials.
  - 234.15 Use of visual recording devices.
  - 234.16 Gambling.
  - 234.17 Vehicles and traffic safety.
  - 234.18 Enforcement of parking regulations.
  - 234.19 Penalties and effect on other laws.

**Authority:** 10 U.S.C. 131 and 2674(c).

### § 234.1 Definitions.

As used in this part.

**Authorized person.** An employee or agent of the Pentagon Force Protection Agency, or any other Department of Defense employee or agent who has delegated authority to enforce the provisions of this part.

**Operator.** A person who operates, drives, controls, otherwise has charge of, or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.

**Pentagon Reservation.** Area of land and improvements thereon, located in Arlington, Virginia, on which the Pentagon Office Building, Federal Building Number 2, the Pentagon heating and sewage treatment plants, and other related facilities are located. Pursuant to 10 U.S.C. 674, the Pentagon Reservation also includes the area of land known as Raven Rock Mountain Complex ("RRMC"), located in Adams County, Pennsylvania, and Site "C," which is located in Washington County, Maryland, and other related facilities. The Pentagon Reservation shall include all roadways, walkways, waterways, and all areas designated for the parking of vehicles.

**Permit.** A written authorization to engage in uses or activities that are otherwise prohibited, restricted, or regulated.

**Possession.** Exercising direct physical control or dominion, with or without ownership, over property.

**State law.** The applicable and nonconflicting laws, statutes, regulations, ordinances, and codes of the state(s) and other political subdivision(s) within whose exterior boundaries the Pentagon Reservation or a portion thereof is located.

**Traffic.** Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any road, path, street, or other thoroughfare for the purposes of travel.

**Vehicle.** Any vehicle that is self-propelled or designed for self-propulsion, any motorized vehicle, and any vehicle drawn by or designed to be drawn by a motor vehicle, including any device in, upon, or by which any person or property is or can be transported or drawn upon a highway, hallway, or pathway; to include any device moved by human or animal power, whether required to be licensed in any state or otherwise.

**Weapons.** Any loaded or unloaded pistol, rifle, shotgun, or other device which is designed to, or may be readily converted to, expel a projectile by the ignition of a propellant, by compressed gas, or by spring power; any bow and

arrow, crossbow, blowgun, spear gun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles; any other weapon, device, instrument, material, or substance, animate or inanimate that is used for or is readily capable of, causing death or serious bodily injury, including any weapon the possession of which is prohibited under the laws of the state in which the Pentagon Reservation or portion thereof is located; except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

### § 234.2 Applicability.

The provisions of this part apply to all areas, lands, and waters on or adjoining the Pentagon Reservation and under the jurisdiction of the United States, and to all persons entering in or on the property. They supplement those penal provisions of Title 18, United States Code, relating to crimes and criminal procedure and those provisions of State law that are federal criminal offenses by virtue of the Assimilative Crimes Act, 18 U.S.C. 13.

### § 234.3 Admission to property.

(a) Access to the Pentagon Reservation or facilities thereon shall be restricted in accordance with AI Number 30<sup>2</sup> and other applicable Department of Defense rules and regulations in order to ensure the orderly and secure conduct of Department of Defense business. Admission to facilities or restricted areas shall be limited to employees and other persons with proper authorization. Forward written requests for copies of the document to Washington Headquarters Services, Executive Services Division, Freedom of Information Division, 1155 Defense Pentagon, Washington, DC 20301-1155.

(b) All persons entering or upon the Pentagon Reservation shall, when required and/or requested, display identification to authorized persons.

(c) All packages, briefcases, and other containers brought into, on, or being removed from facilities or restricted areas on the Pentagon Reservation are subject to inspection and search by authorized persons. Persons entering on facilities or restricted areas who refuse to permit an inspection and search will be denied entry.

(d) Any person or organization desiring to conduct activities anywhere on the Pentagon Reservation shall file an application for permit with the applicable Building Management Office

<sup>1</sup> Copies may be obtained at <http://www.dtic.mil/whs/directives/corres/ins2.html>.

<sup>2</sup> Copies may be obtained at <http://www.dtic.mil/whs/directives/corres/ins2.html>.

or Installation Commander. Such application shall be made on a form provided by the Department of Defense and shall be submitted in the manner specified by the Department of Defense. Violation of the conditions of a permit issued in accordance with this section is prohibited and may result in the loss of access to the Pentagon Reservation.

#### **§ 234.4 Trespassing.**

(a) Trespassing, entering, or remaining in or upon property not open to the public, except with the express invitation or consent of the person or persons having lawful control of the property, is prohibited. Failure to obey an order to leave under paragraph (b) of this section, or reentry upon property after being ordered to leave or not reenter under paragraph (b) of this section, is also prohibited.

(b) Any person who violates a Department of Defense rule or regulation may be ordered to leave the Pentagon Reservation by an authorized person. A violator's reentry may also be prohibited.

#### **§ 234.5 Compliance with official signs.**

Persons on the Pentagon Reservation shall at all times comply with official signs of a prohibitory, regulatory, or directory nature.

#### **§ 234.6 Interfering with agency functions.**

The following are prohibited:

(a) *Interference.* Threatening, resisting, intimidating, or intentionally interfering with a government employee or agent engaged in an official duty, or on account of the performance of an official duty.

(b) *Violation of a lawful order.* Violating the lawful order of a government employee or agent authorized to maintain order and control public access and movement during fire fighting operations, search and rescue operations, law enforcement actions, and emergency operations that involve a threat to public safety or government resources, or other activities where the control of public movement and activities is necessary to maintain order and public health or safety.

(c) *False information.* Knowingly giving a false or fictitious report or other false information:

(1) To an authorized person investigating an accident or violation of law or regulation, or

(2) On an application for a permit.

(d) *False report.* Knowingly giving a false report for the purpose of misleading a government employee or agent in the conduct of official duties, or making a false report that causes a response by the government to a fictitious event.

#### **§ 234.7 Disorderly conduct.**

A person commits disorderly conduct when, with intent to cause public alarm, nuisance, jeopardy, or violence, or knowingly or recklessly creating a risk thereof, such person commits any of the following prohibited acts:

(a) Engages in fighting or threatening, or in violent behavior.

(b) Uses language, an utterance, or gesture, or engages in a display or act that is obscene, physically threatening or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace.

(c) Makes noise that is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.

(d) Creates or maintains a hazardous or physically offensive condition.

(e) Impedes or threatens the security of persons or property, or disrupts the performance of official duties by Department of Defense employees, or obstructs the use of areas such as entrances, foyers, lobbies, corridors, concourses, offices, elevators, stairways, roadways, driveways, walkways, or parking lots.

#### **§ 234.8 Preservation of property.**

Willfully destroying or damaging private or government property is prohibited. The throwing of articles of any kind from or at buildings or persons, improper disposal of rubbish, and open fires are also prohibited.

#### **§ 234.9 Explosives.**

(a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit issued by the applicable Building Management Office or Installation Commander. When permitted, the use, possession, storage and transportation shall be in accordance with applicable Federal and State law.

(b) Using or possessing fireworks or firecrackers is prohibited.

(c) Violation of the conditions established by the applicable Building Management Office or Installation Commander or of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the loss of access to the Pentagon Reservation.

#### **§ 234.10 Weapons.**

(a) Except as otherwise authorized under this section, the following are prohibited:

(1) Possessing a weapon.

(2) Carrying a weapon.

(3) Using a weapon.

(b) This section does not apply to any agency or Department of Defense component that has received prior written approval from the Pentagon Force Protection Agency or the Installation Commander to carry, transport, or use a weapon in support of a security, law enforcement, or other lawful purpose while on the Pentagon Reservation.

#### **§ 234.11 Alcoholic beverages and controlled substances.**

(a) *Alcoholic beverages.* The consumption of alcoholic beverages or the possession of an open container of an alcoholic beverage within the Pentagon Reservation is prohibited unless authorized by the Director, Washington Headquarters Services, or his designee, the Installation Commander, or the Heads of the Military Departments, or their designees. Written notice of such authorizations shall be provided to the Pentagon Force Protection Agency.

(b) *Controlled substances.* The following are prohibited:

(1) The delivery of a controlled substance, except when distribution is made by a licensed physician or pharmacist in accordance with applicable law. For the purposes of this paragraph, delivery means the actual, attempted, or constructive transfer of a controlled substance.

(2) The possession of a controlled substance, unless such substance was obtained by the possessor directly from, or pursuant to a valid prescription or order by, a licensed physician or pharmacist, or as otherwise allowed by Federal or State law.

(c) Presence on the Pentagon Reservation when under the influence of alcohol, a drug, a controlled substance, or any combination thereof, to a degree that may endanger oneself or another person, or damage property, is prohibited.

#### **§ 234.12 Restriction on animals.**

Animals, except guide dogs for persons with disabilities, shall not be brought upon the Pentagon Reservation for other than official purposes.

#### **§ 234.13 Soliciting, vending, and debt collection.**

Commercial or political soliciting, vending of all kinds, displaying or distributing commercial advertising, collecting private debts or soliciting alms upon the Pentagon Reservation is prohibited. This does not apply to:

(a) National or local drives for funds for welfare, health, or other purposes as

authorized by 5 CFR parts 110 and 950, Solicitation of Federal Civilian and Uniformed Services Personnel for Contributions to Private Voluntary Organizations, issued by the U.S. Office of Personnel Management under Executive Order 12353, 3 CFR, 1982 Comp., p. 139, as amended.

(b) Personal notices posted on authorized bulletin boards, and in compliance with building rules governing the use of such authorized bulletin boards, advertising to sell or rent property of Pentagon Reservation employees or their immediate families.

(c) Solicitation of labor organization membership or dues authorized by the Department of Defense under the Civil Service Reform Act of 1978.

(d) Licensees, or their agents and employees, with respect to space licensed for their use.

(e) Solicitations conducted by organizations composed of civilian employees of the Department of Defense or members of the uniformed services among their own members for organizational support or for the benefit of welfare funds for their members, after compliance with the requirements of § 234.3(d).

#### **§ 234.14 Posting of materials.**

Posting or affixing materials, such as pamphlets, handbills, or fliers on the Pentagon Reservation is prohibited except as provided by § 234.13(b) or when conducted as part of activities approved by the applicable Building Management Office or Installation Commander under § 234.3(d).

#### **§ 234.15 Use of visual recording devices.**

(a) The use of cameras or other visual recording devices on the Pentagon Reservation is prohibited, unless the use of such items are approved by the Pentagon Force Protection Agency, the Installation Commander, or the Office of the Assistant to the Secretary of Defense for Public Affairs.

(b) It shall be unlawful to make any photograph, sketch, picture, drawing, map or graphical representation of the Pentagon Reservation without first obtaining permission of the Pentagon Force Protection Agency, Installation Commander, or the Office of the Assistant to the Secretary of Defense for Public Affairs.

#### **§ 234.16 Gambling.**

Gambling in any form, or the operation of gambling devices, is prohibited. This prohibition shall not apply to the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and authorized by

the provisions of the Randolph-Sheppard Act (20 U.S.C. 107, *et seq.*).

#### **§ 234.17 Vehicles and traffic safety.**

(a) *In general.* Unless specifically addressed by regulations in this part, traffic and the use of vehicles within the Pentagon Reservation are governed by State law. Violating a provision of State law is prohibited.

(b) *Open container of an alcoholic beverage.* (1) Each person within a vehicle is responsible for complying with the provisions of this section that pertain to carrying an open container. The operator of a vehicle is the person responsible for complying with the provisions of this section that pertain to the storage of an open container.

(2) Carrying or storing a bottle, can, or other receptacle containing an alcoholic beverage that is open or has been opened, or whose seal is broken, or the contents of which have been partially removed, within a vehicle on the Pentagon Reservation is prohibited.

(3) This section does not apply to:

(i) An open container stored in the trunk of a vehicle or, if a vehicle is not equipped with a trunk, an open container stored in some other portion of the vehicle designed for the storage of luggage and not normally occupied by or readily accessible to the operator or passengers; or

(ii) An open container stored in the living quarters of a motor home or camper.

(4) For the purpose of paragraph (a)(3)(i) of this section, a utility compartment or glove compartment is deemed to be readily accessible to the operator and passengers of a vehicle.

(c) *Operating under the influence of alcohol, drugs, or controlled substances.*

(1) Operating or being in actual physical control of a vehicle is prohibited while:

(i) Under the influence of alcohol, a drug or drugs, a controlled substance or controlled substances, or any combination thereof, to a degree that renders the operator incapable of safe operation; or

(ii) The alcohol concentration in the operator's blood or breath is 0.08 grams or more of alcohol per 100 milliliters of blood or 0.08 grams or more of alcohol per 210 liters of breath. Provided, however, that if State law that applies to operating a vehicle while under the influence of alcohol establishes more restrictive limits of alcohol concentration in the operator's blood or breath, those limits supersede the limits specified in this paragraph.

(2) The provisions of paragraph (c)(1) of this section shall also apply to an operator who is or has been legally entitled to use alcohol or another drug.

(3) Tests.

(i) At the request or direction of an authorized person who has probable cause to believe that an operator of a vehicle within the Pentagon Reservation has violated a provision of paragraph (c)(1) of this section, the operator shall submit to one or more tests of the blood, breath, saliva, or urine for the purpose of determining blood alcohol, drug, and controlled substance content.

(ii) Refusal by an operator to submit to a test is prohibited and may result in detention and citation by an authorized person. Proof of refusal may be admissible in any related judicial proceeding.

(iii) Any test or tests for the presence of alcohol, drugs, and controlled substances shall be determined by and administered at the direction of an authorized person.

(iv) Any test shall be conducted by using accepted scientific methods and equipment of proven accuracy and reliability operated by personnel certified in its use.

(4) Presumptive levels.

(i) The results of chemical or other quantitative tests are intended to supplement the elements of probable cause used as the basis for the arrest of an operator charged with a violation of this section. If the alcohol concentration in the operator's blood or breath at the time of the testing is less than the alcohol concentration specified in paragraph (c)(1)(ii) of this section, this fact does not give rise to any presumption that the operator is or is not under the influence of alcohol.

(ii) The provisions of paragraphs (c)(3) and (c)(4)(i) of this section are not intended to limit the introduction of any other competent evidence bearing upon the question of whether the operator, at the time of the alleged violation, was under the influence of alcohol, a drug or drugs, or a controlled substance or controlled substances, or any combination thereof.

#### **§ 234.18 Enforcement of parking regulations.**

Parking regulations for the Pentagon Reservation shall be enforced in accordance with the Pentagon Reservation Parking Program and State law; violating such provisions is prohibited. A vehicle parked in any location without authorization, or parked contrary to the directions of posted signs or markings, shall be subject to removal at the owner's risk and expense, in addition to any penalties imposed. The Department of Defense assumes no responsibility for the payment of any fees or costs related to such removal which may be charged

to the owner of the vehicle by the towing organization. This section may be supplemented from time to time with the approval of the Director, Washington Headquarters Services, or his designee, or the Installation Commander, by the issuance and posting of such parking directives as may be required, and when so issued and posted such directive shall have the same force and effect as if made a part hereof.

#### **§ 234.19 Penalties and effect on other laws.**

(a) Whoever shall be found guilty of willfully violating any rule or regulation enumerated in this part is subject to the penalties imposed by Federal law for the commission of a Class B misdemeanor offense.

(b) Whoever violates any rule or regulation enumerated in this part is liable to the United States for a civil penalty of not more than \$1,000.

(c) Nothing in this part shall be construed to abrogate any other Federal laws.

Dated: May 18, 2007.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, DoD.*

[FR Doc. E7-10022 Filed 5-24-07; 8:45 am]

**BILLING CODE 5001-06-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 165**

[CGD09-07-012]

**RIN 1625-AA00**

#### **Safety Zone; Great Lakes Naval Training Center Harbor, North Chicago, IL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone around Great Lakes Naval Training Center Harbor. This zone is intended to control the movement of vessels on portions of Lake Michigan and Great Lakes Naval Training Center Harbor during the Spill of National Significance (SONS) exercise on June 19 and 20, 2007. This zone is necessary to protect the public from the hazards associated with ships and boats deploying oil containment equipment.

**DATES:** This rule is effective from June 19, 2007 through June 20, 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 [CGD09-07-012] and are available for inspection or copying at Coast Guard Sector Lake Michigan (spw), 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

#### **FOR FURTHER INFORMATION CONTACT:**

CWO Brad Hinken, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747-7154.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

On April, 19, 2007, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone, Great Lake Naval Training Center Harbor, North Chicago, IL in the **Federal Register** (72 FR 19675). We received no letters commenting on the proposed rule. No public meeting was requested and none was held.

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**. This safety zone is necessary to protect the public from the hazards associated with ships and boats deploying oil containment equipment. Insufficient time existed to provide full notice, and delaying establishment of the zone would have increased risks to public safety and been contrary to the public interest.

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

This temporary safety zone is necessary to ensure the safety of vessels and people from hazards associated with numerous vessels deploying oil containment booms and conducting diving operations. Based on the experiences in other Captain of the Port zones, the Captain of the Port Lake Michigan has determined that numerous vessels engaged in the deployment of oil containment booms in close proximity to watercraft pose significant risks to public safety and property. The likely combination of large numbers of recreation vessels and congested waterways could result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the location of the SONS exercise will help ensure the safety of persons and property at these events and help minimize the associated risks.

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

A temporary safety zone is necessary to ensure the safety of vessels during the

deployment and recovery of oil containment booms in conjunction with the SONS exercise. The safety zone will be enforced between 8 a.m. and 6 p.m., each day, on June 19 and 20, 2007.

The safety zone for the SONS exercise will encompass all waters of Lake Michigan and Great Lakes Naval Training Center Harbor from the shoreline to 2,200 yards east, 1,900 yards north, and 2,900 yards south of Great Lakes Light 2 (Lightlist number 20285) and bounded by a line with of point of origin at 42°20'12" N, 087°48' W; then west to 42°20'12" N, 087°50' W; then south to 42°17' N, 087°50' W; then east to 42°17' N, 087°48' W; then north to the point of origin (NAD 83).

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

##### **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.

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary.

The Coast Guard will only enforce this safety zone for 10 hours a day on the two days specified. This safety zone has been designed to allow vessels to transit unrestricted to portions of the harbor not affected by the zone. The Captain of the Port will allow vessels to enter and depart Great Lakes Naval Training Center Harbor. The Coast Guard expects insignificant adverse impact to mariners from the activation of this zone.

##### **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