

section 11131, TTB believes it must amend and conform its regulations to the statutory change contained in section 11131 of the Act as soon as practical. Without this regulatory amendment, the existing TTB regulations would not reflect the new tax exemption. Moreover, the regulatory amendment simply restates the requirements arising from the statutory amendment and recognizes an exemption. Therefore, we find that good cause exists to publish this final rule without notice, public comment, or delayed effective date because the regulatory amendment simply reflects the statutory exemption and requirements that are already effective. The promulgation of this regulation without notice, comment, or delayed effective date ensures that affected industry members will have knowledge of the regulatory requirements that will enable them to obtain the benefits of the statutory change. Accordingly, pursuant to 5 U.S.C. 553(b)(3)(B) and (d)(1) and (3), a notice, public comment procedure, and delayed effective date are unnecessary.

#### Drafting Information

The principal author of this document is Karl O. Joedicke, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau.

#### List of Subjects in 27 CFR Part 53

Arms and munitions, Electronic funds transfers, Excise taxes, Exports, Imports, Reporting and recordkeeping requirements.

#### Amendment to the Regulations

■ For the reasons discussed in the preamble, title 27, chapter I, part 53 of the Code of Federal Regulations is amended as follows:

#### PART 53—MANUFACTURERS EXCISE TAXES—FIREARMS AND AMMUNITION

■ 1. The authority citation for part 53 is revised to read as follows:

**Authority:** 26 U.S.C. 4181, 4182, 4216–4219, 4221–4223, 4225, 6001, 6011, 6020, 6021, 6061, 6071, 6081, 6091, 6101–6104, 6109, 6151, 6155, 6161, 6301–6303, 6311, 6402, 6404, 6416, 7502, 7805.

■ 2. Section 53.62 is amended by adding a new paragraph (c) to read as follows:

#### § 53.62 Exemptions.

\* \* \* \* \*

(c) *Small manufacturers, producers, and importers*—(1) *Exemption*. Section 4182(c) of the Code provides that the tax imposed by section 4181 of the Code shall not attach to any pistol, revolver,

or firearm manufactured, produced, or imported by a person who manufactures, produces, and imports less than an aggregate of 50 of those articles during the calendar year, regardless of when the articles are sold.

(2) *Controlled groups*. All persons treated as a single employer for purposes of subsection (a) or (b) of section 52 of the Code are treated as one person for purposes of paragraph (c)(1) of this section.

(3) *Applicability*. The exemption described in paragraph (c)(1) of this section applies to articles sold by the manufacturer, producer, or importer after September 30, 2005. Application of this exemption is based on the calendar year in which the manufacture, production, or importation of the articles in question took place and does not depend on when the sale occurs. In addition, each calendar year stands alone for purposes of applying the exemption.

Signed: May 9, 2007.

**John J. Manfreda,**

*Administrator.*

Approved: July 11, 2007.

**Timothy E. Skud,**

*Deputy Assistant Secretary Tax, Trade, and Tariff Policy.*

**Editorial Note:** This document was received at the Office of the Federal Register on September 6, 2007.

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#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket No. CGD05–07–085]

RIN 1625–AA00

#### Safety Zone; Chesapeake Bay, Susquehanna River, Havre de Grace, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in waters of the Susquehanna River within a 50-yard radius of pier number 5 of the old US-40 Highway bridge (bridge number 1206000). The bridge is located at approximate position latitude 39°33'11" N, longitude 076°05'09" W. This safety zone is necessary to provide for the safety of life, property and the environment on navigable waters of the U.S. This safety zone restricts the

movement of vessels in a portion of the Susquehanna River, in order to facilitate the marking as a hazard to navigation and the removal of the heavily damaged abandoned masonry bridge pier structure located near Havre de Grace, in Harford County, Maryland.

**DATES:** This rule is effective from 12 p.m. on August 27, 2007, until 12 p.m. on September 24, 2007.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD05–07–085 and are available for inspection or copying at Commander, U.S. Coast Guard Sector Baltimore, 2401 Hawkins Point Road, Baltimore, Maryland 21226–1791, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Ronald L. Houck, Waterways Management Division, at (410) 576–2674.

#### 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) and (d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing an NPRM and delaying its effective date would be contrary to the public interest, because there is not sufficient time to publish a proposed rule in advance of the event and immediate action is needed to protect persons and vessels against the hazards associated with a heavily-damaged masonry bridge pier structure located adjacent to the navigation channel and its removal. Such hazards include further damage to the structure by mariners and the possible collapse of the structure with falling stone debris.

#### Background and Purpose

On August 23, 2007, the Captain of the Port Baltimore, Maryland was notified by the Maryland State Highway Administration that during an inspection of an adjacent highway bridge a contracted bridge inspector noticed that further damage to pier number 5 of the old US-40 Highway bridge (bridge number 1206000) existed three or four days prior. The pier number 5 bridge structure was damaged in May 2005. The bridge pier is among a line of 12 other similar structures crossing the Susquehanna River between Harford County, Maryland and Cecil County, Maryland. Due to the need for vessel control during the marking of the bridge as a hazard to

navigation and the removal of the damaged bridge pier, which is expected to last between two and three weeks, maritime traffic will be temporarily restricted from using the western portion of the navigation channel to provide for the safety of transiting vessels.

#### **Discussion of Rule**

The Coast Guard is establishing a temporary safety zone on waters of the Susquehanna River within a 50-yard radius of pier number 5 of the old US-40 Highway bridge (bridge number 1206000), located at approximate position latitude 39°33'11" N, longitude 076°05'09" W. The temporary safety zone will be effective from 12 p.m. on August 27, 2007, until 12 p.m. on September 24, 2007. The State of Maryland is expected to temporarily establish six orange and white cylindrical regulatory marker buoys with the words "DANGER KEEP OUT" during bridge removal operations. This safety zone is needed to control vessel traffic and to enhance the safety of transiting vessels during the marking of the bridge as a hazard to navigation and the removal of the damaged bridge pier, no person or vessel may enter or remain in the safety zone. Vessels will be allowed to transit the waters of the Susquehanna River outside the safety zone. Additionally, the Captain of the Port will cease enforcement of this zone in the event the removal operations terminate prior to the end of the effective period.

#### **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 traffic from transiting a portion of the Susquehanna River during the event, the effect of this rule will not be significant due to the limited size of the safety zone, and the extensive notifications that will be made to the maritime community via marine information broadcasts, so mariners can adjust their plans accordingly. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

#### **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 Susquehanna River from 12 p.m. on August 27, 2007, until 12 p.m. on 24 September 2007. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. The safety zone is limited in size and will only apply to a portion of the Susquehanna River within the western side of the navigation channel. Vessel traffic not constrained by its draft, which small entities usually are, will be able to safely pass around the zone. The Coast Guard will continue to issue maritime advisories, updating the status and progress of the activity, making them widely available to users of the waterway. Additionally, the Captain of the Port will cease enforcement of this zone in the event the removal operations terminate prior to the end of the effective period.

Therefore, Coast Guard certifies under section 605 (b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

#### **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).

#### **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 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 section 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. 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(g), 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.T05–085 to read as follows:

#### § 165.T05–085 Safety Zone; Chesapeake Bay, Susquehanna River, Havre de Grace, MD.

(a) Location. The following area is a safety zone: All waters located in the Susquehanna River, within a 50-yard radius of pier number 5 of the old US-40 Highway bridge (bridge number 1206000), located at approximate position latitude 39°33'11" N, longitude 076°05'09" W (North American Datum 1983).

(b) Regulations. All persons are required to comply with the general regulations governing safety zones in 33 CFR 165.23 of this part.

(1) All vessels and persons are prohibited from entering this zone, except as authorized by the Coast Guard Captain of the Port, Baltimore, Maryland.

(2) Persons or vessels requiring entry into or passage within the zone must request authorization from the Captain of the Port or his designated representative by telephone at (410) 576–2693 or on marine band radio channel 16 VHF–FM.

(3) All Coast Guard assets enforcing this safety zone can be contacted on marine band radio channels 13 and 16 VHF–FM.

(4) The operator of any vessel within or in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard Ensign, and

(ii) Proceed as directed by any commissioned, warrant or petty officer

on board a vessel displaying a Coast Guard Ensign.

(c) Definitions. The Captain of the Port means the Commander, Coast Guard Sector Baltimore or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(d) Enforcement. The U.S. Coast Guard may be assisted in the patrol and enforcement of the zones by Federal, State and local agencies.

(e) Enforcement period. This section will be enforced from 12 p.m. on August 27, 2007, until 12 p.m. on September 24, 2007. In the event removal operations are completed prior to 12 p.m. on September 24, 2007, the Captain of the Port may cease enforcement of this regulation at that time.

Dated: August 27 2007.

**Brian D. Kelley,**

*Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.*

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R05–OAR–2006–1023; FRL–8464–8]

#### Approval and Promulgation of Air Quality Implementation Plans; Minnesota

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a site-specific revision to the Minnesota State Implementation Plan (SIP) for particulate matter less than 10 microns (PM–10) for Lafarge North America Corporation (Lafarge), Childs Road Terminal located in Saint Paul, Ramsey County, Minnesota. In its December 18, 2006, submittal, the Minnesota Pollution Control Agency (MPCA) requested that EPA approve certain conditions contained in Lafarge's federally enforceable state operating permit (FESOP) into the Minnesota PM SIP. The request is approvable because it satisfies the requirements of the Clean Air Act (Act). We are also taking action on Minnesota's request to revoke the Administrative Order for Lafarge that EPA had previously approved into the Minnesota SIP. The rationale for the approval and other information are provided in this rulemaking action.

**DATES:** This direct final rule will be effective November 13, 2007, unless EPA receives adverse comments by