

World War II U.S. Cobia submarine, Manitowoc River encompassed by the arc of a circle with a 70-foot radius with its center in approximate position 44°05.30' N, 087°39.15' W (NAD 1983).

In order to ensure the safety of spectators and transiting vessels, this safety zone will be in effect for the duration of the event. In the event that this safety zone affects shipping, commercial vessels may request permission from the Captain of the Port Lake Michigan to transit through the safety zone.

Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via U.S. Coast Guard Sector Lake Michigan on channel 16, VHF-FM. The Coast Guard will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect.

Dated: February 27, 2007.

B.C. Jones,

Captain, U.S. Coast Guard, Captain of the Port Sector Lake Michigan.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05-07-011]

RIN 1625-AA00

Safety Zone; Upper Chesapeake Bay and Its Tributaries and the C & D Canal, Maryland, Virginia, and Washington, DC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; correcting amendment.

SUMMARY: This document contains a correction to the section establishing a temporary safety zone in all navigable waters of the Captain of the Port Baltimore zone published on February 23, 2007, in the **Federal Register** (72 FR 8112).

DATES: This correction is effective March 8, 2007 until April 16, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05-07-011 and are available for inspection or copying at Commander, 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: If you have questions on viewing the docket, call Mr. Ronald L. Houck, Coast Guard Sector Baltimore, at (410) 576-2674.

SUPPLEMENTARY INFORMATION: On February 23, 2007, the Coast Guard published a temporary final rule (72 FR 8112) to establish a temporary safety zone in all navigable waters of the Captain of the Port Baltimore Zone. The temporary safety zone restricts vessels from transiting the zone during ice season. Due to a drafting error in the temporary final rule the Captain of the Port's requirements associated with different levels of ice conditions were unclear. This correction document makes corrections to the temporary final rule to provide clarification.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ Accordingly, 33 CFR part 165 is corrected by making the following correcting amendments:

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. Revise temporary § 165.T05-011 to read as follows:

§ 165.T05-011 Safety zone; Upper Chesapeake Bay and its tributaries and the C & D Canal, MD, VA and Washington, DC

(a) *Purpose.* The purpose of this regulation is to promote maritime safety, and to protect the environment and mariners transiting the area from the potential hazards due to ice conditions that become a threat to navigation.

(b) *Location.* The following area is a temporary safety zone: All inland, navigable waters of the Captain of the Port, Baltimore Zone (see 33 CFR 3.25-15).

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

(1) When an ice condition is set by the Captain of the Port (COTP), all vessel traffic is prohibited in the safety zone unless they meet the requirements set forth by the COTP by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22A (157.1 MHz).

Requirements are as follows: (i) Ice Condition One: Convoys are required and restrictions to shaft horsepower and vessel transit are imposed.

(ii) Ice Condition Two: The COTP Baltimore may impose restrictions, including but not limited to, shaft horsepower and hull type restrictions.

(iii) Ice Condition Three: No limitations on vessel traffic, hull type or shaft horsepower.

(2) Persons desiring to transit in the safety zone not meeting the requirements of the Ice Condition established by the COTP must contact the COTP at telephone number (410) 576-2693 or on VHF channel 13 or 16 to seek permission prior to transiting the area. If permission is granted, all persons and vessels shall comply with the instructions of the COTP Baltimore, MD or designated representative.

(3) All Coast Guard assets enforcing this safety zone can be contacted on VHF marine band radio, channels 13 and 16. The COTP can be contacted at telephone number (410) 576-2693.

(4) The COTP will notify the public of any changes in the status of this safety zone by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22A (157.1 MHz).

(5) Mariners granted permission to transit the safety zone must maintain the minimum safe speed necessary to maintain navigation as per 33 CFR Chapter I, Subchapters D and E.

(d) *Definitions as used in this section.*

(1) 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.

(2) Ice Condition One means the emergency condition in which ice has largely covered the Upper Chesapeake Bay and its tributaries, and the C & D Canal.

(3) Ice Condition Two means the alert condition in which at least 2 inches of ice begins to form in the Upper Chesapeake Bay and its tributaries, and the C & D Canal.

(4) Ice Condition Three means the readiness condition in which weather conditions are favorable for the formation of ice in the navigable waters of the Upper Chesapeake Bay and its tributaries, including the C & D Canal. Daily reports for the Coast Guard Stations and commercial vessels are monitored.

(5) All vessel traffic means those vessels seeking to enter the safety zone as well as those vessels already located within the zone who wish to exit, and excludes those vessels that are moored

or anchored in the zone and intend to remain so.

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

(f) *Enforcement period.* This section will be enforced from February 5, 2007 until April 15, 2007.

Dated: February 28, 2007.

Stefan G. Vencus,

Chief, Office of Regulations and Administrative Law United States Coast Guard.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD01-07-012]

RIN 1625-AA00

Safety Zone; South Portland, ME, Gulf Blasting Project

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone around a blasting and dredging project near the Gulf Oil Terminal Berth in South Portland, Maine and around the M/V RELIANCE, while transporting blasting material to the work site. These safety zones are needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this blasting and dredging project, which is being undertaken to increase the water depth of the Gulf Oil Terminal berth to 41 feet. Entry into this safety zone is prohibited unless authorized by the Captain of the Port, Northern New England.

DATES: This rule is effective from 7 a.m. Eastern Standard Time (EST), February 20, 2007 until 4 p.m. Eastern Daylight Time (EDT), March 31, 2007.

ADDRESSES: Comments received from the public, as well as documents indicated in this preamble as being available in the docket are part of docket CGD01-07-012 and are available for inspection or copying at U.S. Coast Guard Sector Northern New England, 259 High Street, South Portland, ME 04106 between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

LTJG Jarrett Bleacher, at (207) 741-5421.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The details of this project were not provided to the Coast Guard until January 25, 2007 making it impossible to publish a NPRM or a final rule 30 days in advance.

Similarly, 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 in implementing this rule would be contrary to the public interest since immediate action is necessary to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with the handling, detonation, and transportation of explosives.

Background and Purpose

The explosives loading and blasting operations will occur at various times during the period between February 20, 2007 and March 31, 2007. The blasting plan calls for the drilling, blasting, and dredging of various areas within the berthing area of the Gulf Oil Terminal in South Portland, Maine. The explosives loading will occur at East End Beach at the Eastern Promenade, Portland, Maine, or at the municipal boat ramp at Bug Light Park, South Portland, Maine. The explosives will be transported via truck and M/V RELIANCE to the Gulf Oil Terminal in South Portland where the blasting and dredging project will be conducted. This regulation establishes a moving safety zone in all waters of the Fore River and Casco Bay in a 100 yard radius around the M/V RELIANCE as it transits from the East End Beach or Bug Light Park to the Gulf Facility and from the Gulf Facility back to the East End Beach or Bug Light Park. It also establishes a 100 yard safety zone around the perimeter of the affected portion of the berthing area of the Gulf Oil Terminal while blasting operations are being conducted. This area is defined as all of the waters enclosed by a line starting from a point located at the western side of the Gulf Oil Terminal Dock at latitude 43°39'12.537" N, longitude 70°14'25.923" W; thence to latitude 43°39'10.082" N, longitude 70°14'26.287" W; thence to latitude 43°39'10.209" N, longitude 70°14'27.910" W; thence to latitude 43°39'12.664" N, longitude 70°14'27.546" W; thence to the point of beginning. (DATUM:NAD 83). These

safety zones are required to protect the maritime community from the hazards associated with the loading, detonation, and transportation of explosives. Entry into this zone will be prohibited unless authorized by the Captain of the Port.

Discussion of Rule

This rule is effective from 7 a.m. EST on February 20, 2007 until 4 p.m. EDT on March 31, 2007. This safety zone is needed to safeguard mariners from the hazards associated with blasting operations on the designated waters in the Fore River. During the effective period of the safety zone, vessel traffic will be restricted in various portions of the Fore River and Casco Bay while the M/V RELIANCE is in transit and around the perimeter of the affected portion of the Gulf Oil Terminal when blasting operations are taking place. Although the safety zone will be in effect for seven weeks, it will only be enforced during actual transit and blasting times. Entry into those zones by any vessel is prohibited unless specifically authorized by the Captain of the Port, Northern New England.

The Captain of the Port anticipates negligible negative impact on vessel traffic from this temporary safety zone as it will be in effect only during transit and blasting operations. Blasting operations are anticipated to occur only two to three times per week between the hours of 7 a.m. and 4 p.m. The moving safety zone around the M/V RELIANCE will be enforced only during the transit of explosives to the site and from the site back to shore with unused explosives. The zone around the perimeter of the work site extends only minimally into the channel and will not effect vessels transiting in or out of the port. The zone around the worksite will be enforced only during the actual blasting times. The enhanced safety to life and property provided by this rule greatly outweighs any potential negative impacts. Public notifications will be made during the entire effective period of this safety zone via 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. The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation is unnecessary. The effect of this rule will not be significant for the following