

by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. The U.S. Coast Guard may be assisted in the patrol and enforcement of this safety zone by local law enforcement.

Dated: June 4, 2007.

**W.J. Uberti,**

*Captain, U.S. Coast Guard, Captain of the Port, San Francisco*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD01-07-001]

RIN 1625-AA00

#### **Safety Zone: Town of Marblehead Fourth of July Fireworks Display, Marblehead Harbor, MA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Town of Marblehead Fourth of July Fireworks on July 4, 2007 with a rain date on July 5, 2007, in Marblehead, MA temporarily closing all navigable waters of Marblehead Harbor within a four hundred (400) yard radius of the fireworks barge located at approximate position 42°30.567' N, 070°50.162' W. 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 Marblehead Harbor during its closure period.

**DATES:** This rule is effective from 8:30 p.m. EDT on July 4, 2007 until 10 p.m. EDT on July 4, 2007. The rain date for the fireworks event is from 8:30 p.m. EDT until 10 p.m. EDT 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 CGD01-07-001 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

On April 16, 2007, we published a notice of proposed rulemaking (NPRM) entitled "Safety Zone; Town of Marblehead Fourth of July Fireworks Display, Marblehead Harbor, MA" in the **Federal Register** (72 FR 18933). We did not receive any letters commenting on the proposed rule. No public meeting was requested, and none was held.

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 Marblehead Harbor during the fireworks display thus ensuring that the maritime public is protected from any potential harm associated with such an event. Accordingly, 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**.

### Background and Purpose

This rule establishes a safety zone on the navigable waters of Marblehead Harbor within a 400 yard radius around the fireworks barge located at approximate position 42°30.567' N, 070°50.162' W. The safety zone is in effect from 8:30 p.m. EDT until 10 p.m. EDT on July 4, 2007. The rain date for the fireworks event is from 8:30 p.m. until 10 p.m. EDT on July 5, 2007.

The safety zone temporarily restricts movement within this portion of Marblehead 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 effective period. The Captain of the Port does not anticipate any negative impact on vessel traffic due to the event. Public notifications will be made prior to the effective period via marine information broadcasts and Local Notice to Mariners.

### Discussion of Comments and Changes

The Coast Guard did not receive any comments from the public in response to the NPRM and as a result no changes have been made to this temporary final rule.

### 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 under of the regulatory policies and procedures of DHS is unnecessary.

Although this rule prevents vessel traffic from transiting a portion of Marblehead Harbor during the effective period, the effects of this regulation will not be significant for several reasons: vessels will be excluded from the proscribed area for only one and one half hours, vessels will be able to operate in the majority of Marblehead 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 Marblehead Harbor from 8:30 p.m. EDT until 10 p.m. EDT on July 4, 2007 or during the same hours 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 one and one half hours, vessel traffic can safely pass around the zone, and advance notifications 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 standard.

### 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 that will be in effect for only one and one-half hours.

### 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. 701; 50 U.S.C. 191; 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.T01-001 to read as follows:

#### § 165.T01-001 Safety Zone; Town of Marblehead Fourth of July Fireworks Display, Marblehead Harbor, Massachusetts.

(a) *Location.* The following area is a safety zone: All navigable waters of Marblehead Harbor within a 400 yard radius of the fireworks barge located at approximate position 42°30.567' N, 070°50.162' W.

(b) *Effective Date.* This section is effective from 8:30 p.m. until 10 p.m. EDT on July 4, 2007, with a rain date of 8:30 p.m. until 10 p.m. EDT on July 5, 2007.

(c) *Definitions.* As used in this section, (1) *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port (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 Captain of the Port (COTP), Boston 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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**BILLING CODE 4910-15-P**

## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201 and 212

[Docket No. RM 2007-6]

#### Fees

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office of the Library of Congress is publishing a final rule establishing a lower basic registration fee of \$35 for copyright claims submitted electronically. This fee applies to all registrations where the application is submitted electronically, including those registrations where the deposit materials cannot be sent electronically together with the application. At the same time, the Office is retaining its current fee of \$45 for processing paper applications for basic copyright registration of a copyright claim. The dual fee structure reflects the reduced cost of processing electronic claims and serves as an incentive to the public to utilize the new online, electronic registration system. On or after July 1, 2007, the Copyright Office will begin accepting a limited number of electronic submissions of copyright claims through the Internet and the new fee will apply to these applications. The adoption of the new rule assumes that no legislative action will take place before July 1, 2007.

**EFFECTIVE DATE:** July 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Tanya Sandros, Acting General Counsel,

P.O. Box 70400, Washington, D.C. 20024-0400, Telephone (202) 707-8380. Telefax: (202) 707-8366.

#### SUPPLEMENTARY INFORMATION:

##### Background

This final rule adjusts Copyright Office fees in accordance with the applicable provisions of title 17, United States Code, and the Technical Amendments Act, Pub. L. No. 105-80, 111 Stat. 1529 (1997), codified as 17 U.S.C. 708(b).

In 1997, Congress delegated to the Register of Copyrights authority to adjust fees in accordance with a new procedure. This procedure requires the Register to conduct a study of the costs incurred for fee services, such as the registration of claims, the recordation of documents, and search services. If, after the review and application of all statutory criteria, the Register determines that fees should be adjusted, the Register prepares a proposed fee schedule and submits the schedule and the accompanying economic analysis to Congress. 17 U.S.C. 708(b)(5). The fee proposed in that schedule may be instituted in 120 days unless Congress enacts a law within that 120 day period stating that it does not approve the schedule. *Id.* Technical Amendments Act, Pub. L. No. 105-80, 111 Stat. 1529 (1997).

The Copyright Office has instituted fee adjustments under the Technical Amendments Act on three separate occasions. The first schedule was adopted in 1999. *See* 63 FR 43426 (August 13, 1998) and 64 FR 29518 (June 1, 1999). Three years later a second adjustment was made raising many copyright fees, but leaving the basic copyright registration fee at \$30. 67 FR 38003 (May 31, 2002). The last fee adjustment was adopted in 2006, in which most statutory fees were again raised due to increase in costs. In this instance, the basic registration fee was increased from \$30 to \$45. 71 FR 15368 (March 28, 2006) and 71 FR 31089 (June 1, 2006).

##### Cost Study

In raising the basic registration fee last year to \$45, the commentary in the **Federal Register** notice anticipated establishing a differential fee schedule with lower filing fees for online registration to reflect the efficiencies of the new reengineered processes. 71 FR at 31090. It is intended that the dual fee will not only reflect the reduced costs of processing electronic claims, but will also provide an incentive to potential electronic filers.

On February 21, 2007, a cost study was submitted to Congress proposing to

reduce the basic registration fee for copyright claims submitted electronically to \$35 and to institute new fees for listing titles of individual works in an application for a collection or collective work. The per title fee for an electronic submission would be \$1 and the per title fee for a paper application would be \$3. However, the proposed fees for listing titles of individual works in an application for a collection or collective work are not being adopted at this time.

The cost study used to determine the new fees was developed by the Copyright Office based on a model created as part of its business process reengineering initiative. The cost analysis utilized an activity-based costing methodology approved by the Office of Management and Budget in its publication, Managerial Cost Accounting Standards for the Federal Government, Statement of Federal Financial Accounting Standards, No. 4 (July 31, 1995). Cost studies of this type are retrospective, using actual data from a prior fiscal year. However, costing for the proposed fee had to be done prospectively, as an adjunct to the earlier cost study, because electronic registration has not been offered in the past. In developing the new fee, the Copyright Office utilized data from a small-scale testbed for electronic registration and data from prior cost studies relating to the costs of certain paper handling processes which will be eliminated by the new electronic processing systems. On the basis of the information available to the Copyright Office, it concluded that a fee of \$35 for the electronic processing of a claim to copyright to be reasonable. The Office is likely to revisit the fee issue once the electronic system has been fully operational for a sufficient period of time so as to yield reliable information on the actual costs involved in providing the service.

The Office is also adopting technical amendments to bring all fees within the fee schedules set forth in § 201.3 (c) and (e) of title 37 of the CFR. Specifically, the Office is amending § 201.11(h)(3)(iv)(A), 201.17(k)(3)(iv)(A), 201.27 (g)(2), 201.28(i)(3)(v)(A), 212.3(e)(1), (f)(4), and 212.5(c)(4).

##### Effective Date

Congress has 120 days from February 21, 2007, to review the statutory fees submitted to it, codified in § 201.3(c). If no legislation is enacted barring adoption of these fees, the \$35 proposed fee for registration of copyright claims submitted electronically will be adopted, effective July 1, 2007.