information to TSA within 5 business days.

TSA will examine various factors for the threat assessment of facility employees and longshoremen. TSA's examination will not include a criminal history records check. TSA will check immigration status in the course of the threat assessment evaluation. Facility employees and longshoremen must be a citizen of the United States, a lawful permanent resident of the United States as defined in 8 U.S.C. 1101, or hold an appropriate immigration status, as discussed below. Other acceptable immigration statuses include individuals who possess valid evidence of unrestricted employment and are in a lawful nonimmigrant status, are a refugee admitted under 8 U.S.C. 1137, or are an alien granted asylum under 8 U.S.C. 1158. When verifying immigration status, TSA checks relevant Federal databases and may perform other checks, including verifying the validity of the applicant's social security number or alien registration number.

Any facility employee or longshoreman identified as posing a security threat or as not having legal status under the immigration laws will not be permitted to enter or remain on a 33 CFR part 105 facility. To make such a determination, TSA will check various government databases. Upon checking the relevant databases, TSA will analyze the relevant information from Federal law enforcement and intelligence agencies before determining that a facility employee or longshoreman poses or is suspected of posing a security threat warranting denial of access to the port facility. As mentioned above, this will not include a criminal history records check.

Individuals identified as posing a security threat will receive an Initial Determination of Threat Assessment (hereinafter ''Initial Determination''). An Initial Determination does not mean that an individual must be denied access to a facility. Individuals who believe that they have been wrongly identified as posing a security threat and believe they meet the standards for the security threat assessment have the opportunity to appeal an Initial Determination using the appeal procedures established for individuals denied a hazardous materials endorsement under TSA's regulations, which are set forth in 49 CFR 1572.141. If a facility employee or longshoreman fails to initiate an appeal within 30 days after receipt, the Initial Determination becomes final, and TSA serves a Final Determination of Threat Assessment upon the individual and notifies the facility or union and the COTP.

Facility employees or longshoremen believed to pose a security threat will receive a notice from the TSA that they will be denied access to part 105 facilities. Please note this notice will be called an Initial Determination of Threat Assessment and Immediate Revocation of Access Privileges (hereinafter ''Immediate Revocation of Access Privileges''). The Immediate Revocation of Access Privileges will be sent to the individual with notification to the facility or union as well as the COTP at the same time to immediately deny that individual access to the facility. Facility employees or longshoremen wishing to appeal an Immediate Revocation of Access Privileges must follow the appeal procedures set forth in 49 CFR 1572.141(i). If that individual fails to initiate an appeal within 30 days after receipt, the Immediate Revocation of Access Privileges becomes final, and TSA serves a Final Determination of Threat Assessment upon the individual and notifies the facility or union as well as the COTP.

If a facility employee or longshoreman appeals the Initial Determination or the Immediate Revocation of Access Privileges, TSA will serve a Final Determination of Threat Assessment or a Withdrawal of the Initial Determination or Immediate Revocation of Access Privileges on that individual and notify the facility or union, and the COTP.

TSA will notify the facility and the COTP of which facility employees or longshoremen who must be denied access to part 105 facilities. The Coast Guard will make available to facilities a list of longshoremen who have been vetted for each port. Access is limited to only those persons who are authorized. Facilities will be subject to Coast Guard examinations to verify that they are complying with the requirements of 33 CFR part 125, as implemented by this document.

This requirement does not prohibit a facility owner or operator from imposing additional requirements above these minimums.

The additional screening provision for specific types of identification credentials, as listed above, is only being used for facility employee and longshoreman credentials at this time because of their regular and constant access to the facility and their knowledge of its operations, as opposed to the infrequent access by other port workers. We continue to view the TWIC as the ultimate solution to the access credential issue.

Persons seeking additional information on this announcement or its enforcement may contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Further information regarding the threat assessments conducted by TSA is provided in the Privacy Impact Assessment for U.S. Port Access Threat Assessments, available on the Department of Homeland Security Web site at: *http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0511.xml.*

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we submitted a copy of this notice to the Office of Management and Budget (OMB) for its review of the collection of information. Due to the circumstances surrounding this notice, we asked for ''emergency processing'' of our request. We received OMB approval for the collection of information on April 24, 2006. It has been given OMB control number 1625–0110. It is valid through October 31, 2006.

Dated: April 25, 2006.

Terry M. Cross,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 06–4026 Filed 4–25–06; 2:26 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Honolulu 06–005]

RIN 1625–AA87

Security Zone; Waters Surrounding U.S. Forces Vessel SBX–1, HI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary 500-yard moving security zone around the U.S. Forces vessel SBX–1 during transit and sea trials within the Honolulu Captain of the Port Zone. This zone is necessary to protect the SBX–1 from hazards associated with vessels and persons approaching too close during transit and sea trials. Entry of persons or vessels into this temporary security zone while it is activated and enforced is prohibited unless authorized by the Captain of the Port (COTP).

DATES: This rule is effective from 12 a.m. (HST) on April 14, 2006 to 11:59 p.m. (HST) on May 14, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket COTP Honolulu 06–005 and are available for inspection or copying at Coast Guard

Sector Honolulu between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Quincey Adams, U.S. Coast Guard Sector Honolulu at (808) 842–2600.

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 Coast Guard was not given the final voyage plan in time to initiate full rulemaking, and the need for this temporary security zone was not determined until less than 30 days before the SBX–1 will require the zone's protection. Publishing an NPRM and delaying the effective date would be contrary to the public interest since the transit would occur before completion of the rulemaking process, thereby jeopardizing the security of the people and property associated with the operation. 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**. The COTP finds this good cause to be the immediate need for a security zone to allay the waterborne security threats surrounding the SBX–1's transit.

Background and Purpose

On March 30, 2006, the SBX–1 got underway in the Honolulu Captain of the Port Zone to conduct sea trials in preparation for departure from the zone. The Coast Guard approved and issued COTP Honolulu Order 06–004 (165.T14–141 Security Zone; Waters Surrounding U.S. Forces Vessel SBX–1, HI), which established a temporary security zone lasting from March 30, 2006 through April 05, 2006. During the sea trials, the SBX–1 suffered a casualty that prevented its timely departure from the Honolulu Captain of the Port Zone. The SBX–1 will get underway from Pearl Harbor, HI when repairs have been completed to conduct sea trials and transit out of the Honolulu Captain of the Port Zone. Due to the unknown duration of repairs, the final underway date for the SBX–1 will not be known in advance. Accordingly, the Coast Guard is establishing this security zone, which is necessary to ensure the SBX–1's protection for the entire operation while giving as much public notice as possible.

Discussion of Rule

This temporary security zone is effective from 12 a.m. (HST) on April 14, 2006 to 11:59 p.m. (HST) on May 14, 2006. It is located within the Honolulu Captain of the Port Zone (See 33 CFR 3.70–10) and covers all waters extending 500 yards in all directions from the U.S. Forces vessel SBX–1, from the surface of the water to the ocean floor. The security zone moves with the SBX–1 while in transit. The security zone becomes fixed when the SBX–1 is anchored, position-keeping, or moored. The security zone will be activated and enforced for just one week during its month-long effective period. A broadcast notice to mariners will be issued to notify the public of the activation and enforcement week as soon as possible.

The general regulations governing security zones contained in 33 CFR 165.33 apply. Entry into, transit through, or anchoring within this zone while it is activated and enforced is prohibited unless authorized by the Captain of the Port or a designated representative thereof. Any Coast Guard commissioned, warrant, or petty officer, and any other Captain of the Port representative permitted by law, may enforce the zone. The Captain of the Port may waive any of the requirements of this rule for any person, vessel, or class of vessel upon finding that application of the security zone is unnecessary or impractical for the purpose of maritime security. Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under § 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under § 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This expectation is based on the limited duration of the zone, the constricted geographic area affected by it, and its ability to move with the protected vessel.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule will 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. We expect that there will be little or no impact to small entities due to the narrowly tailored scope of this security zone.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding this 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 either preempts State law or imposes 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

expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not affect 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 is 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.lD, which guides 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 limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, under figure 2–1, paragraph (34)(g) of the Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation.

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. A new § 165.T14–142 is added to read as follows:

§ 165.T14–142 Security zone; waters surrounding U.S. Forces vessel SBX–1, HI.

(a) *Location.* The following area, in U.S. navigable waters within the Honolulu Captain of the Port Zone (See 33 CFR 3.70–10), from the surface of the water to the ocean floor, is a security zone: All waters extending 500 yards in all directions from U.S. Forces vessel SBX–1. The security zone moves with the SBX–1 while it is in transit and becomes fixed when the SBX–1 is anchored, position-keeping, or moored.

(b) *Effective dates.* This security zone is effective from 12 a.m. (HST) on April 14, 2006 to 11:59 p.m. (HST) on May 14, 2006.

(c) *Regulations.* The general regulations governing security zones contained in 33 CFR 165.33 apply. Entry into, transit through, or anchoring within this zone while it is activated and enforced is prohibited unless authorized by the Captain of the Port or a designated representative thereof.

(d) *Enforcement.* The Coast Guard will begin enforcement of the security zone described in this section upon the SBX–1's departure from Pearl Harbor, HI.

(e) *Informational notice.* The Captain of the Port of Honolulu will cause notice of the enforcement of the security zone described in this section to be made by broadcast notice to mariners.

(f) *Authority to enforce.* Any Coast Guard commissioned, warrant, or petty officer may enforce this temporary security zone.

(g) *Waiver.* The Captain of the Port may waive any of the requirements of this rule for any person, vessel, or class of vessel upon finding that application of the security zone is unnecessary or impractical for the purpose of maritime security.

(h) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: April 14, 2006.

M.K. Brown,

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

[FR Doc. 06–4015 Filed 4–27–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2005–0499; FRL–8162–8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; NO_X RACT Determinations for Five Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve revisions to the Commonwealth of Pennsylvania State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for five major sources and