

Under figure 2–1, paragraph (34)(h), of the Instruction, an “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

#### List of Subjects in 33 CFR Part 100

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 100.35–T05–036 to read as follows:

#### § 100.35–T05–036 Chesapeake Bay, Cape Charles, Virginia.

(a) *Definitions:* The following definitions apply to this section:

(1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Hampton Roads.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* includes all vessels participating in the East Coast Boat Racing Club power boat race under the auspices of a Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Hampton Roads.

(b) *Regulated area:* A regulated area is established for the waters of the Chesapeake Bay, along the shoreline adjacent to Cape Charles, Virginia, to and including waters up to 300 yards offshore, parallel with the Cape Charles Beach shoreline in this area. The area is bounded on the south by a line running northwesterly from the Cape Charles shoreline at latitude 37°16′.2″ North, longitude 076°01′28.5″ West, to a point offshore approximately 300 yards at latitude 37°16′3.4″ North, longitude 076°01′36.6″ West, and bounded on the north by a line running northwesterly from the Cape Charles shoreline at latitude 37°16′26.2″ North, longitude 076°01′14″ West, to a point offshore approximately 300 yards at latitude 37°16′28.9″ North, longitude 076°01′24.1″ West. All coordinates reference Datum NAD 1983.

(c) *Special local regulations:*

(1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(d) *Effective Period:* This section is effective from 11:30 a.m. on August 5, 2006 to 4:30 p.m. on August 6, 2006.

(e) *Enforcement period:* This section will be enforced from 11:30 a.m. to 4:30 p.m. on August 5, 2006. If the race is postponed due to weather, then the temporary special local regulations will be enforced during the same time period the next day, August 6, 2006.

Dated: June 29, 2006.

**Larry L. Hereth,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

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#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

#### 33 CFR Part 100

[CGD05–06–067]

RIN 1625–AA08

#### Special Local Regulations for Marine Events; Assateague Channel, Chincoteague, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard is implementing the special local regulations for the 2006 Annual Chincoteague Pony Swim, a marine event to be held July 26 and July 28, 2006, on the waters of Assateague Channel at Chincoteague, Virginia. These special local regulations are necessary to control vessel traffic due to the confined nature of the waterway and to provide for the safety of life on navigable waters during the event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and vessels transiting the event area.

**DATES:** *Enforcement Dates:* 33 CFR 100.519 will be enforced from 5 a.m. July 26 to 4:30 p.m. on July 28, 2006.

**FOR FURTHER INFORMATION CONTACT:** Marine Events Coordinator, Commander, Coast Guard Sector Field Office Hampton Roads, 3823 Main Street, Chincoteague, VA 23336–1809, and (757) 336–2891.

**SUPPLEMENTARY INFORMATION:** The Chincoteague Volunteer Fire Company, Inc., will sponsor the Annual Pony Swim on the waters of the Assateague Channel, near Chincoteague, Virginia from 5 a.m. to 4:30 p.m. on 26 and 28 July, 2006. Approximately 75 ponies will cross Assateague Channel from Assateague Island to Chincoteague, VA. In order to ensure the safety of participants, spectators and transiting vessels, 33 CFR 100.519 will be enforced for the duration of the event. Under the provisions of 33 CFR 100.519, vessels may not enter the regulated area without permission from the Coast Guard Patrol Commander. Spectator vessels may anchor outside the regulated area but may not block a navigable channel. Because these restrictions will be enforced for a limited period, they should not result in a significant disruption of maritime traffic.

In addition to this notice, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, marine information broadcasts, local newspapers and radio stations so mariners can adjust their plans accordingly.

Dated: June 13, 2006.

**Larry L. Hereth,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. E6–10977 Filed 7–12–06; 8:45 am]

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#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

[CGD05–06–039]

#### 33 CFR Part 117

RIN 1625–AA09

#### Drawbridge Operation Regulations; James River, Between Isle of Wight and Newport News, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the regulations that govern the operation of the James

River Bridge, at mile 5.0, between Isle of Wight and Newport News, Virginia. The temporary final rule will provide vessel openings of the drawbridge upon two hours advance notice 24 hours a day beginning at 7 a.m. July 13, 2006. This action was requested by the contractor, on behalf of Virginia Department of Transportation (DOT), to facilitate sandblasting and painting operations.

**DATES:** This temporary rule is effective 7 a.m. July 13, 2006 until 11 p.m. on December 31, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket CGD05-06-039 and are available for inspection or copying at Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Fifth Coast Guard District maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Bill H. Brazier, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6422.

**SUPPLEMENTARY INFORMATION:**

**Good Cause for Not Publishing an NPRM**

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, because it is impracticable and contrary to the public interest to delay in making this rule effective. This temporary final rule needs to be published as soon as possible so that necessary repairs can be made to the James River Bridge.

**Good Cause for Making Rule Effective in Less Than 30 Days**

Under 5 U.S.C. 553(d)(3), the Coast Guard finds good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for the same reasons stated in the preceding paragraph.

**Background and Purpose**

Alpha Painting & Construction Company, Inc. (the contractor), on behalf of the Virginia DOT who owns and operates this vertical lift-type bridge, requested a temporary change to the operating regulations for the James River Bridge, at mile 5.0, between Isle of Wight and Newport News, VA to perform sandblasting and painting. The Coast Guard held numerous pre-construction meetings with known users of the waterway (Ship Agent—T. Parker

Host, Inc., the Virginia Pilots Association, the Steamship Trade Committee and the Armed Forces—U.S. Army and Navy) to inform them that this work will reduce the available vertical clearance of the lift span to 58 feet, at mean high water, in the closed-to-navigation position and to 143 feet, at mean high water, in the full open-to-navigation position; and by calling the bridge tender at (757) 247-2133 or via marine radio on channel 13 VHF will provide for advance opening requests.

**Regulatory Evaluation**

This final 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. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this temporary final rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. We reached this conclusion based on the fact that this rule will have only a minimal impact on maritime traffic transiting the bridge. Mariners requiring drawbridge openings can plan their trips in accordance with the two-hour advance request, to minimize delays.

**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 would not have a significant economic impact on a substantial number of small entities. Vessel operators with mast height lower than 58 feet still can transit through the drawbridge during the cleaning and painting and openings of draw span for larger vessels will be provided with a two-hour advance notice to the bridge tender.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121),

we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. No assistance was requested from any small entity.

**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 would 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, eliminates 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 would not create an environmental risk to health or risk to safety that might 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.ID 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 made a preliminary determination 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, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental

documentation because it has been determined that the promulgation of operating regulations for drawbridges are categorically excluded.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Public Law 102–587, 106 Stat. 5039.

■ 2. From 7 a.m. July 13, 2006, to 11 p.m. on December 31, 2006, add temporary § 117.T1012 to read as follows:

#### § 117.T1012 James River.

From 7 a.m. July 13, 2006, until 11 p.m. on December 31, 2006, the draw of the James River Bridge, mile 5.0, between Isle of Wight and Newport News, shall open on signal if at least two hours notice is given to the bridge tender at (757) 247–2133 or via marine radio on channel 13 VHF.

Dated: June 29, 2006.

**L.L. Hereth,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[COTP San Diego 06–051]

RIN 1625–AA00

#### Safety Zone; North San Diego Bay, San Diego, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the navigable waters of San Diego Bay in support of a fireworks display series near the maritime navigational channel in the vicinity of the North Embarcadero. The safety zone is necessary to provide for the safety of the

crew, spectators, participants of the event, participating vessels and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

**DATES:** This rule is effective from 9 p.m. (local) through 10 p.m. (local) on the following dates: June 30, July 1, July 2, July 7, July 8, July 14, July 15, July 21, July 22, July 28, July 29, August 4, August 5, August 11, August 12, August 18, August 19, August 20, August 25, August 26, August 31, September 1, September 2, and September 3, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket COTP San Diego 06–051 and are available for inspection or copying at Coast Guard Sector San Diego, 2710 N. Harbor Drive, San Diego, CA 92101–1028, between 8 a.m. (PST) and 3 p.m. (PST), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Chief Petty Officer Eric Carroll, USCG, c/o U.S. Coast Guard Captain of the Port, (619) 278–7277.

### 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. Logistical details surrounding the fireworks show were not finalized nor presented to the Coast Guard in time to draft and publish an NPRM. As such, the event would occur before the rulemaking process was complete.

Under 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for the safety zones established on the following dates: June 30, July 1, July 2, July 7, July 8, July 14, July 15, July 21, and July 22, 2006. The issuance of final approval and permitting was so recent that the rule would be made effective less than 30 days after publication. In addition, it would be contrary to the public interest not to publish this rule because the event has been permitted and participants and the public require protection from the inherent dangers present to fireworks displays. This rule will be published 30 days prior to all other safety zones established by this rule.

#### Background and Purpose

The Coast Guard is establishing a temporary safety zone on a portion of