

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117**

[CGD05-06-001]

RIN 1625-AA-09

Drawbridge Operation Regulations; Shark River, NJ**AGENCY:** Coast Guard, DHS.**ACTION:** Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the W-43 (Ocean Avenue) Bridge, at mile 0.1, over Shark River Inlet at Monmouth County, New Jersey. To facilitate removal and replacement of the mechanical systems of the lift spans, the temporary deviation would allow partial openings of the drawbridge.

DATES: This deviation is effective from 7 a.m. on January 9, 2006, to 3 p.m. on February 19, 2006.

ADDRESSES: Materials referred to in this document are available for inspection or copying at Commander (obr), 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 telephone number is (757) 398-6629. Commander (obr), Fifth Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Gary Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6629.

SUPPLEMENTARY INFORMATION: The W-43 (Ocean Avenue) Bridge has a vertical clearance in the closed position of 15 feet at mean high water and 18 feet at mean low water.

The HNTB Corporation on behalf of Monmouth County, which owns and operates this double-leaf bascule drawbridge, has requested a temporary deviation from the general operating regulations set out in 33 CFR 117.5, to facilitate repairs.

During this temporary deviation, the repairs will require immobilizing half of the draw span. From 7 a.m. on January 9, 2006, until and including 3 p.m. on February 19, 2006, single-leaf openings will be provided on signal.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to

normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 6, 2006.

Waverly W. Gregory, Jr.,
Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. 06-331 Filed 1-12-06; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117**

[CGD05-05-041]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River, Chesapeake, VA**AGENCY:** Coast Guard, DHS.**ACTION:** Interim Rule; reopening of comment period.

SUMMARY: The Coast Guard is reopening the period for public comment concerning drawbridge operation regulations; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River, Chesapeake, VA, because the Dominion Boulevard (U.S. 17) Bridge is utilized frequently and members of the public have communicated to the Coast Guard that they would like to make additional comments.

DATES: Comments must reach the Coast Guard on or before March 10, 2006.

ADDRESSES: Identify your comments and related material by the docket number for this rulemaking [CGD05-05-041]. To make sure they do not enter the docket more than once, please submit them by only one of the following means:

(1) By mail to Commander (obr), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, VA 23704.

(2) By hand delivery to Commander (obr), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, VA 23704, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6222.

(3) By fax to the Bridge Administration office at (757) 398-6334.

Commander, Fifth Coast Guard District (obr) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble, will become part of this docket and will be available for

inspection or copying at the address listed above between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Waverly W. Gregory, Jr., Commander (obr) Fifth Coast Guard District, by telephone at (757) 398-6222, or by e-mail at waverly.w.gregory@uscg.mil. For questions on viewing or submitting material to the docket, contact Mr. Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

SUPPLEMENTARY INFORMATION:**Regulatory History**

On May 10, 2005, the Coast Guard published a Notice of Proposed Rulemaking (70 FR 24492). That document contains a detailed history of the Coast Guard's previous regulatory efforts regarding the Dominion Boulevard (U.S. 17) Bridge.

On August 19, 2005, the Coast Guard published an interim rule with request for comments entitled "Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River, Chesapeake, VA" (70 FR 48637). That document also contains a detailed history of the Coast Guard's previous regulatory efforts.

Reason for Reopening the Comment Period

In response to the Notice of Proposed Rulemaking, the Coast Guard received more than 700 comments from the public and in response to the interim rule received 32 comments from the public. The Coast Guard also received a letter from the Mayor of the City of Chesapeake, which requested an additional comment period. This letter was prompted by several phone conversations between the Bridge Administration Staff for the Fifth Coast Guard District and City of Chesapeake officials regarding the possible changes to the bridge schedule. This letter accurately describes the substance of these phone conversations and has been added to the docket for this rulemaking.

This rulemaking will affect numerous vehicle commuters and also maritime traffic. Therefore, the Coast Guard is seeking comment from the public before proceeding. During this time we will also accept comments from any other interested party. The Coast Guard requests that you not re-submit comments already in the docket.

Request for Comments

We encourage you to participate in this rulemaking by submitting your comments to Commander (obr), Fifth

Coast Guard District as specified in **ADDRESSES**. We will consider comments received during this additional comment period and may change the rule in response to the comments.

Dated: January 5, 2006.

Larry L. Hereth,

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

[FR Doc. 06-333 Filed 1-12-06; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Prince William Sound 02-011]

RIN 1625-AA87

Security Zones; Port Valdez, Tank Vessel Moving Security Zone and Valdez Narrows, Valdez, AK

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard has established permanent security zones encompassing the Trans-Alaska Pipeline (TAPS) Valdez Terminal Complex, Valdez, Alaska, and TAPS tank vessels and the Valdez Narrows, Port Valdez, Alaska. These security zones are necessary to protect the TAPS Terminal and vessels from damage or injury from sabotage, destruction or other subversive acts. Entry of vessels into these security zones is prohibited unless specifically authorized by the Captain of the Port, Prince William Sound, Alaska.

DATES: This rule is effective February 13, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket will become part of this docket and will be available for inspection or copying at Marine Safety Office Valdez, 105 Clifton, Valdez, AK 99686 between 7:30 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Duane Lemmon, Chief, Maritime Homeland Security Department, U.S. Coast Guard Marine Safety Office Valdez, Alaska, (907) 835-7262.

SUPPLEMENTARY INFORMATION:

Regulatory History

The Coast Guard is taking this action for the protection of the national security interests in light of terrorist acts perpetrated on September 11, 2001, and the continuing threat that remains from those responsible for those acts. As a

vibrant port with a high volume of oil tanker traffic, these security zones are necessary to provide protection for the TAPS Terminal and tankers transiting through the Port of Valdez and Valdez Narrows. Also these security zones are a necessary part of the Coast Guard's efforts to provide for the safety of the people and environment in Valdez and the surrounding area.

On November 7, 2001, we published three temporary final rules in the **Federal Register** (66 FR 56208, 56210, 56212) that created security zones effective through June 1, 2002. The section numbers and titles for these zones are—

Section 165.T17-003—Security zone; Trans-Alaska Pipeline Valdez Terminal Complex, Valdez, Alaska,

Section 165.T17-004—Security zone; Port Valdez, and

Section 165.T17-005—Security zones; Captain of the Port Zone, Prince William Sound, Alaska.

Then on June 4, 2002, we published a temporary final rule (67 FR 38389) that established security zones to replace these security zones. That rule created temporary § 165.T17-009, entitled “Port Valdez and Valdez Narrows, Valdez, Alaska—Security zone”.

Then on July 31, 2002, we published a temporary final rule (67 FR 49582) that established security zones to extend the temporary security zones that would have expired. This extension was to allow for the completion of a notice-and-comment rulemaking to create permanent security zones to replace the temporary zones.

On October 23, 2002, we published the notice of proposed rulemaking (NPRM) that sought public comment on establishing permanent security zones similar to the temporary security zones (67 FR 65074). The comment period for that NPRM ended December 23, 2002. Although no comments were received that would result in changes to the proposed rule an administrative omission was found that resulted in the need to issue a supplemental notice of proposed rulemaking (SNPRM) to address a collection of information issue regarding of the proposed rule (68 FR 14935, March 27, 2003).

Then on May 19, 2004, we published a Second Supplemental Notice of Proposed Rulemaking (SSNPRM) (69 FR 28871) incorporating changes to the Trans-Alaska Pipeline (TAPS) Valdez Terminal complex (Terminal), Valdez, Alaska security zone coordinates described in the NPRM (67 FR 65074). These changes included more accurate position information for the boundaries of the security zone. The comment

period for that SNPRM ended on July 30, 2004. Although no comments were received that would result in changes to the SSNPRM, we have learned over the last 3 years while enforcing the temporary security zones (see those mentioned above and 68 FR 26490 (May 16, 2003) and 68 FR 62009 (October 31, 2003)) that the TAPS Terminal security zone is actually larger than it needs to be and that a smaller zone would allow the Coast Guard to monitor and enforce the zone more effectively. To make the security zone smaller, we proposed changes to the TAPS Terminal security zone coordinates in a Third Supplemental Notice of Proposed Rulemaking (TSNPRM) (70 FR 58646, October 7, 2005). In that TSNPRM, we also proposed removing unnecessary text from the description of the Valdez Narrows, Port Valdez, Valdez, Alaska security zone in proposed 33 CFR 165.1710(a)(3).

Discussion of Comments and Changes

We received no comments on the proposed rule published October 7, 2005, and no changes have been made from that proposed 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. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect 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.

Economic impact is expected to be minimal because there are alternative routes for vessels to use when the zone is enforced, permits to enter the zone are available, and the Tank Vessel Moving Security Zone is in effect for a short duration.

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