

shall be made during the suspension period described in § 31.21(b)”; and  
 ■ e. In paragraph (c), by adding after the words “pay special tax” the words “(or to register during the suspension period described in § 31.21(b))”.

**§ 31.183a [Amended]**

- 112. Section 31.183a is amended:
- a. In the first sentence of paragraph (a), by adding after the words “(including such tax under the transition rule of § 31.103(b))” the words “, and no such proprietor shall be required to register during the suspension period described in § 31.21(b),”;
- b. In the last sentence of paragraph (a), by adding after the words “exempt from special tax” the words “or registration”;
- c. In the second sentence of paragraph (b), by adding after the words “exempt from special tax” the words “(or from registration during the suspension period described in § 31.21(b))”;
- d. In the last sentence of paragraph (b), by adding after the words “tax shall be paid” the words “(or registration shall be completed during the suspension period described in § 31.21(b))”; and
- e. In paragraph (c), by adding after the words “pay special tax” the words “(or to register during the suspension period described in § 31.21(b))”.

**§ 31.184 [Amended]**

- 113. Section 31.184 is amended:
- a. In the first sentence of paragraph (a), by adding after the words “pay special tax” the words “(or to register during the suspension period described in § 31.21(b))”;
- b. In the last sentence of paragraph (a), by adding after the words “exempt from special tax” the words “or registration”;
- c. In the second sentence of paragraph (b), by adding after the words “exempt from special tax” the words “(or from registration during the suspension period described in § 31.21(b))”;
- d. In the last sentence of paragraph (b), by adding after the words “tax shall be paid” the words “(or registration shall be completed during the suspension period described in § 31.21(b))”; and
- e. In paragraph (c), by adding after the words “pay special tax” the words “(or to register during the suspension period described in § 31.21(b))”.

**§ 31.185 [Amended]**

- 114. Section 31.185 is amended:
- a. In paragraph (a), by adding after the words “paid special tax” the words “(or who has registered during the suspension period described in § 31.21(b))”;

- b. Also in paragraph (a), by adding after the words “additional special tax” the words “or register”;
- c. In paragraph (b), by adding after the words “paid the tax” the words “(or who has registered during the suspension period described in § 31.21(b))”; and
- d. Also in paragraph (b), by adding after the words “additional special tax” the words “or register”.

**§ 31.186 [Amended]**

- 115. Section 31.186 is amended by adding after the words “paid special tax” the words “(or who has registered during the suspension period described in § 31.21(b))”, and adding after the words “additional special tax” the words “or register”.

**§ 31.187 [Amended]**

- 116. Section 31.187 is amended by adding after the words “pay special tax,” the words “or to register during the suspension period described in § 31.21(b),”.

**§ 31.187a [Amended]**

- 117. Section 31.187a is amended by adding at the end before the period the words “, or to register during the suspension period described in § 31.21(b))”.

**§ 31.188 [Amended]**

- 118. In § 31.188, the concluding text is amended by removing the comma after the words “pay special tax” and adding, in its place, the words “(or to register during the suspension period described in § 31.21(b))”.

**§ 31.189 [Amended]**

- 119. Section 31.189 is amended:
- a. In the first sentence of the concluding text, by adding at the end before the period the words “or to register during the suspension period described in § 31.21(b))”; and
- b. In the second sentence of the concluding text, by adding after the words “pay special tax” the words “(or to register during the suspension period described in § 31.21(b))”.

**§ 31.190 [Amended]**

- 120. Section 31.190 is amended by adding after the words “pay special tax” the words “(or to register during the suspension period described in § 31.21(b))”.

**§ 31.191 [Amended]**

- 121. In § 31.191, paragraph (b) is amended by adding after the words “pay special tax” the words “(or shall register during the suspension period described in § 31.21(b))”.

- 122. In § 31.211:
- a. The introductory text of paragraph (a) is amended at the beginning by removing the word “It” and adding, in its place, the words “Except as otherwise provided in paragraphs (b) and (c) of this section, it”;
- b. Paragraph (b) is redesignated as paragraph (c); and
- c. A new paragraph (b) is added to read as follows:

**§ 31.211 Unlawful purchases of distilled spirits.**

\* \* \* \* \*

(b) *Suspension of tax.* During the period of suspension of special (occupational) tax described in § 31.21(b), it is unlawful for any dealer to purchase distilled spirits for resale from any person other than:

- (1) A wholesale dealer (including a State, a political subdivision thereof, the District of Columbia, and a distilled spirits plant) who is required to keep records under §§ 31.221 through 31.233 at the place where the distilled spirits are purchased;
- (2) A retail liquor store operated by a State, a political subdivision thereof, or the District of Columbia; or
- (3) A person not required to register as a wholesale liquor dealer, as provided in §§ 31.188 through 31.190, § 31.192, and § 31.193.

\* \* \* \* \*

Dated: July 6, 2005.  
**John J. Manfreda,**  
*Administrator.*  
 Approved: September 14, 2005.  
**Timothy E. Skud,**  
*Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).*  
 [FR Doc. 05-21563 Filed 10-28-05; 8:45 am]  
**BILLING CODE 4810-31-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[CGD01-05-074]

RIN 1625-AA09

**Drawbridge Operation Regulations: Saugus River, MA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard has temporarily changed the drawbridge operation regulations that govern the operation of the General Edwards SR1A Bridge, at mile 1.7, across the Saugus

River between Lynn and Revere, Massachusetts. This temporary change to the drawbridge operation regulations allows the bridge to remain in the closed position from November 1, 2005 through April 30, 2006. This action is necessary to facilitate structural maintenance at the bridge.

**DATES:** This rule is effective from November 1, 2005, through April 30, 2006.

**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 (CGD01-05-074) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. John McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

On September 29, 2005, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Saugus River, Massachusetts, in the **Federal Register** (70 FR 56878). We received no comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

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**.

The rehabilitation repairs to the General Edwards Bridge are vital, necessary repairs that must be performed as soon as possible to assure the continued safe reliable operation of the bridge.

The time period selected for these repairs, November through April, is the best time to perform the repairs because the bridge seldom opens for vessel traffic during that time period. There were 7 bridge openings in November 2004, and no openings December through March. The few bridge openings that were requested in November were for recreational vessels that may have passed under the draw at low tide without requiring a bridge opening.

The impacts to the marine transportation system are therefore minimized by scheduling the bridge closure November through April; therefore, any delay in implementing these repairs would not be in the best interest of the public and contrary to

public safety. Delaying the effective date of this rulemaking would also require the rehabilitation construction work to continue beyond the proposed April 30, 2005, end date, which would result in the bridge closure continuing into May when recreational vessel traffic increases.

As a result of the above information the Coast Guard believes the best time period to perform this vital work and minimize the impacts on the marine users is November through April.

**Background and Purpose**

The General Edwards SR1A Bridge at mile 1.7, across the Saugus River, has a vertical clearance of 27 feet at mean high water and 36 feet at mean low water. The existing regulations at 33 CFR 117.618 require the draw to open on signal, except that, from April 1 through November 30, midnight to 8 a.m. an eight-hour notice is required. From December 1 through March 31, an eight-hour notice is required at all times for bridge openings.

The bridge owner, the Department of Conservation and Recreation (DCR), asked the Coast Guard to temporarily change the drawbridge operation regulations to allow the bridge to remain in the closed position from November 1, 2005 through April 30, 2006, to facilitate structural rehabilitation construction at the bridge.

This temporary rule suspends the existing drawbridge operation regulations, listed at 33 CFR 117.618(b), and adds a new temporary paragraph (d) to allow the bridge to remain in the closed position from November 1, 2005 through April 30, 2006.

The Coast Guard believes this temporary rule is reasonable because bridge openings are rarely requested during the time period the SR1A Bridge will be closed for these repairs and the fact that this work is vital, necessary, and must be performed in order to assure the continued safe and reliable operation of the bridge.

**Discussion of Comments and Changes**

The Coast Guard received no comments in response to the notice of proposed rulemaking and as a result, no changes have been made to this 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. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This conclusion is based on the fact that the bridge rarely opens during the November through April time period.

**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 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 conclusion is based on the fact that the bridge rarely opens during the November through April time period.

**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.

No small entities requested Coast Guard assistance and none was given.

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 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 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 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 concern 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 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 M16475.1D, 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 would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environmental documentation. It has been determined that this final rule does not significantly impact the environment.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

■ For the reasons set out 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; 33 CFR 1.05–1(g); Department of Homeland Security Delegation No. 0170.1; section 117.255 also issued under the authority of Public Law 102–587, 106 Stat. 5039.

■ 2. From November 1, 2005 through April 30, 2006, § 117.618(b) is suspended and a new paragraph (d) is added to read as follows:

#### § 117.618 Saugus River.

\* \* \* \* \*

(d) The draw of the General Edwards SR1A Bridge at mile 1.7, need not open for the passage of vessel traffic from November 1, 2005 through April 30, 2006.

Dated: October 21, 2005.

**David P. Pekoske,**

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

[FR Doc. 05–21574 Filed 10–28–05; 8:45 am]

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