

(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers—1205.

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Dated: April 25, 2007.

**Michele M. Leonhart,**

*Deputy Administrator.*

[FR Doc. E7-8421 Filed 5-2-07; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05-07-047]

RIN 1625-AA-09

#### Drawbridge Operation Regulations; Intracoastal Waterway (ICW); Inside Thorofare, Atlantic City, 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 U.S. 40-322 (Albany Avenue) Bridge, at ICW mile 70.0, across Inside Thorofare at Atlantic City, New Jersey. This deviation allows the drawbridge to remain closed-to-navigation from 10 a.m. to 5 p.m. on August 15, 2007, to facilitate traffic control during the Atlantic City Air Show.

**DATES:** This deviation is effective from 10 a.m. to 5 p.m. on August 15, 2007.

**ADDRESSES:** Materials referred to in this document 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 telephone number is (757) 398-6222. Commander (dpb), Fifth Coast Guard District maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:**

Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

**SUPPLEMENTARY INFORMATION:** The U.S. 40-322 (Albany Avenue) Bridge, a lift drawbridge, has a vertical clearance in the closed position to vessels of 10 feet, above mean high water.

The Atlantic City Regional Mainland Chamber of Commerce, on behalf of the bridge owner the New Jersey Department of Transportation, has

requested a temporary deviation from the current operating regulation set out in 33 CFR 117.733(f) to close the drawbridge to navigation for the sole purpose of traffic control during the Atlantic City Air Show that is scheduled for Wednesday, August 15, 2007.

To facilitate traffic control during the Atlantic City Air Show, the U.S. 40-322 (Albany Avenue) Bridge will be maintained in the closed-to-navigation position from 10 a.m. to 5 p.m. on August 15, 2007.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 24, 2007.

**Waverly W. Gregory, Jr.,**

*Chief, Bridge Administration Branch, Fifth Coast Guard District.*

[FR Doc. E7-8493 Filed 5-2-07; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD08-07-010]

RIN 1625-AA11

#### Regulated Navigation Area; Cumberland River, Clarksville, TN

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a Regulated Navigation Area (RNA) on the Cumberland River (CMR) mile marker (MM) 126 to mile marker MM 127. All vessel traffic transiting beneath the R.J. Corman Railroad Bridge at MM 126.5 is restricted to the right descending bank (RDB) on the CMR and tows transiting this RNA cannot be wider than 80 feet or longer than 800 feet, excluding the length of the tow boat.

**DATES:** This temporary rule is effective from 4:40 p.m. on March 31, 2007 through 11:30 a.m. August 2, 2007.

**ADDRESSES:** The Coast Guard is not soliciting comments on this temporary RNA. However, you may mail comments and related material to Coast Guard Sector Ohio Valley, 600 Martin Luther King Drive, Louisville, KY 40202, attention: Prevention Department. Comments and material received from the public, as well as 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 Coast Guard Sector Ohio Valley between

8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** CDR Greg Howard, Coast Guard Sector Ohio Valley, telephone (502) 779-5422.

**SUPPLEMENTARY INFORMATION:**

#### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 United States Code (USC) 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM and under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective immediately. The R.J. Corman Railroad Bridge on the Cumberland River was struck by a barge and was severely damaged. This RNA is needed to prevent further damage to the bridge and to protect vessels transiting under the bridge.

#### Background and Purpose

On March 29, 2007 at approximately 11:15 p.m., the R.J. Corman Railroad Bridge, located at MM 126.5 on the Cumberland River (CMR) was struck by a barge being pushed by a towing vessel. The bridge sustained extensive damage. The Coast Guard set a safety zone at 7 p.m. on March 30, 2007 on the CMR from MM 126 through MM 127 halting all vessel traffic until the structural integrity of the bridge was evaluated. The operator of the bridge reported to the Coast Guard that the bridge damage was isolated to the left descending bank (LDB) bridge pier of the bridge above the waterline. The bridge operator also informed the Coast Guard that vessels could safely transit under the bridge on the right descending bank (RDB) of the CMR. The Coast Guard is restricting vessel movements to the RDB and is limiting tow sizes to ensure that vessels pass safely under the bridge and do not cause additional damage to the bridge.

#### Discussion of Rule

The Coast Guard is establishing a Regulated Navigation Area (RNA) on the CMR mile marker (MM) 126 to mile marker MM 127. All vessel traffic transiting beneath the R.J. Corman Railroad Bridge at MM 126.5 is restricted to the RDB on the CMR and tows transiting this RNA cannot be wider than 80 feet or longer than 800 feet, excluding the length of the tow boat. This RNA is effective from 4:40 p.m. on March 31, 2007 through 11:30 a.m. August 2, 2007. This RNA may be cancelled earlier if the Coast Guard determines that it is safe for vessel traffic to transit under the bridge span adjacent to the LDB.

## Regulatory Evaluation

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866 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. We expect the economic impact of this rule to be so minimal that a full regulatory evaluation is unnecessary. Commercial vessel traffic including tow and barge traffic is being allowed to move through this RNA and this RNA will be cancelled when the Coast Guard determines that it is safe to open traffic to both sides of the R.J. Corman Railroad Bridge.

## 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. This RNA will not have an impact on a substantial number of small entities because this rule will not significantly impact the regular flow of commercial vessel traffic conducting business within the RNA. Further, the RNA will not have a significant impact because it will be in place for a limited period of time.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to Coast Guard Sector Ohio Valley at the address listed under **ADDRESSES** explaining why you think it qualifies and how and to what degree this rule would economically affect it.

## 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. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions

concerning its provisions or options for compliance; please contact Sector Ohio Valley at (502) 779–5412.

## 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 would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

## Taking of Private Property

This rule does 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 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs 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 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 (34)(g), of the Instruction, from further environmental documentation. This rule fits in paragraph (34)(g) because it is a regulated navigation area. A preliminary

“Environmental Analysis Check List” is available in the docket where indicated under **ADDRESSES**.

#### 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. Add § 165.T08–826 to read as follows:

#### § 165.T08–826 Cumberland River, TN-regulated navigation area.

(a) The following is a Regulated Navigation Area (RNA): all waters of the Cumberland River (CMR) from MM 126 CMR to MM 127 CMR.

(b) Within the RNA described in paragraph (a), vessels are restricted to the right descending bank (RDB) of the Cumberland River and tows cannot be wider than 80 feet or longer than 800 feet, excluding the length of the tow boat.

(c) This rule is effective from 4:40 p.m. on March 31, 2007 through 11:30 a.m. August 2, 2007.

Dated: 17 April, 2007.

**J.R. Whitehead,**

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

[FR Doc. E7–7951 Filed 5–2–07; 8:45 am]

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#### DEPARTMENT OF HOMELAND SECURITY

#### 48 CFR Parts 3001, 3002 and 3033

[Docket No. DHS–2007–0001]

RIN 1601–AA42

#### Department of Homeland Security Acquisition Regulation: Board of Contract Appeals Change

**AGENCY:** Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** The Department of Homeland Security (DHS) has adopted as final, without change, an interim rule

amending the Homeland Security Acquisition Regulation (HSAR) to reflect a statutorily-mandated jurisdictional change for the agency Board of Contract Appeals (BCA). Specifically, BCA jurisdiction for DHS has transferred from the U.S. Department of Transportation Board of Contract Appeals to the Civilian Board of Contract Appeals. This rule also adopts as final, without change, several non-substantive amendments to DHS acquisition regulations in order to reflect organizational changes.

**DATES:** This rule is effective May 3, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Anne Terry, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy, (202) 447–5253.

#### SUPPLEMENTARY INFORMATION:

I. Background

II. Discussion of Public Comments

III. Regulatory Analyses

A. Executive Order 12866 Assessment

B. Regulatory Flexibility Act

#### I. Background

DHS published an interim rule at 72 FR 1296 on January 11, 2007, to provide notice of HSAR changes that reflect a statutorily-mandated jurisdictional change for the agency Board of Contract Appeals (BCA). Specifically, BCA jurisdiction for DHS transferred from the U.S. Department of Transportation Board of Contract Appeals to the newly established Civilian Board of Contract Appeals (CBCA). In the National Defense Authorization Act for Fiscal Year 2006, Congress established the CBCA and terminated every agency BCA, except for those within the armed services, the Tennessee Valley Authority, and the U.S. Postal Service. See Public Law 109–163, section 847. Through January 5, 2007, the U.S. Department of Transportation’s BCA handled DHS contract appeals. As of January 6, 2007, the CBCA handles DHS contract appeals. This rule also provides technical amendments to correct organizational information reflected in the HSAR.

#### II. Discussion of Public Comments

DHS received one public comment on the interim rule. The comment, however, did not address matters within the scope of the interim rule. DHS has adopted the interim rule as a final rule without change.

#### III. Regulatory Analyses

##### A. Executive Order 12866 Assessment

DHS has determined that this final rule is neither a major rule under 5

U.S.C. 804 nor a significant regulatory action under Executive Order 12866, Regulatory Planning and Review. It therefore does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order, and the Office of Management and Budget has not reviewed it.

#### B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), 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. This final rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

#### List of Subjects in 48 CFR Parts 3001, 3002, and 3033

Government procurement.

#### Authority and Issuance

■ Accordingly, for the reasons stated in the preamble, the interim rule amending 48 CFR parts 3001, 3002, and 3033 that was published at 72 FR 1296 on January 11, 2007, is adopted as a final rule without change.

Dated: April 25, 2007.

**Elaine C. Duke,**

*Chief Procurement Officer.*

[FR Doc. E7–8420 Filed 5–2–07; 8:45 am]

**BILLING CODE 4410–10–P**

#### DEPARTMENT OF TRANSPORTATION

#### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Part 107

[Docket No. PHMSA–2006–25589 (HM–208F)]

RIN 2137–AE11

#### Hazardous Materials Transportation; Miscellaneous Revisions to Registration and Fee Assessment Program

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** PHMSA is amending the statutorily mandated registration and fee assessment program for persons who transport or offer for transportation certain categories and quantities of