

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 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, 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 (34)(g), of the Instruction, from further environmental documentation. Categorical Exclusion is provided for temporary safety zones of less than one week in duration. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" are 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. A temporary § 165.T13–004 is added to read as follows:

#### § 165.T13–004 Safety Zone; Camp Rilea Offshore Small Arms Firing Range, Warrenton, Oregon

(a) *Location.* The following area is established as a safety zone: the waters bounded by the following coordinates: 46°10'00" N, 124°11'15" W following an imaginary line east to 46°09'00" N 124°02'48" W then south to 46°06'30" N 124°01'30" W following the west to 46°03'00" N 124°11'15" W then back to the point of origin.

(b) *Regulations.* (1) In accordance with the general regulations in Section 165.23 of this part, no person or vessel may enter or remain in this zone unless authorized by the Captain of the Port or his designated representatives.

(2) A Coast Guard vessel will be on-scene to ensure that the public is aware that the firing exercises are in progress and that the firing area is clear of traffic before firing commences.

(c) *Enforcement period.* This rule will be enforced during daylight hours from March 10, 2006 through March 20, 2006.

(d) The Captain of the Port will broadcast status updates for this safety zone by Marine Safety Radio Broadcast on VHF Marine Band Radio Channel 22 (157.1 MHz) and through the means required under 5 U.S.C. 553.

Dated: March 10, 2006.

**Patrick G. Garrity,**

*Captain, U.S. Coast Guard, Captain of the Port, Portland, OR.*

[FR Doc. 06–2747 Filed 3–21–06; 8:45 am]

BILLING CODE 4910–15–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[COTP St. Petersburg 06–034]

RIN 1625–AA00

#### Safety Zone for St Petersburg; Tampa Bay, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters within Tampa Bay, Florida in the vicinity of the St Petersburg Municipal Yacht Basin. The safety zone is needed to ensure the safety of all mariners during the St Petersburg Grand Prix. This rule is necessary to provide for the safety of life on the navigable waters of the United States.

**DATES:** This rule is effective from 9 a.m. on March 30, 2006, through 8 p.m. on April 2, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket [COTP St. Petersburg 06–034] and are available for inspection or copying at Coast Guard Sector St Petersburg, Prevention Department, 155 Columbia Drive, Tampa, Florida 33606–3598 between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** BM1 Charles Voss at Coast Guard Sector St. Petersburg, Prevention Department, (813) 228–2191, Ext. 8307.

#### 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

necessary details for the race and the location of the safety zone surrounding it were not provided with sufficient time remaining to publish an NPRM. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to minimize potential danger to the public and participants during the auto race. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction along with Coast Guard assets on scene who will also provide notice of the safety zone to mariners.

For the same reasons, 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**.

### **Background and Purpose**

The City of St. Petersburg and Honda Motor Company are sponsoring the St. Petersburg Grand Prix auto race from March 30, 2006 through April 2, 2006. Portions of the race course run adjacent to the St Petersburg Municipal Yacht Basin. The nature of high speed automobiles in the close proximity to the waterway presents a hazard to mariners and rescue personnel in the area. Honda Motor Company has taken extreme measures to ensure safety of all involved; 15 foot high concrete and steel walls have been erected to minimize the risk of automobiles entering the water. However, should an accident occur rescue personnel will need unrestricted access to the wreckage. In past events there have been a high number of vessels anchored in close proximity to the seawall to view the event, that could have impeded rescue operations. This safety zone is being established to make certain that the area near the seawall remains clear of spectator vessels, thus ensuring the safety of life in the navigable waters of the United States during this event.

### **Discussion of Rule**

The safety zone encompasses waters within Tampa Bay, Florida in the vicinity of the St Petersburg Municipal Yacht Basin. Vessels are prohibited from anchoring, mooring, or transiting within this zone, unless authorized by the Captain of the Port or his designated representative. This zone is effective from 9 a.m. on March 30, 2006, through 8 p.m. on April 2, 2006.

### **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). The Coast Guard expects the impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary because the safety zone will only be in effect for a limited period of time. Moreover, vessels may enter with the express permission of the Captain of the Port of St Petersburg or his designated representative.

### **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 will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit Tampa Bay near St Petersburg Municipal Yacht Basin, Florida from 9 a.m. on March 30, 2006, through 8 p.m. on April 2, 2006. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for a limited period of time in an area where vessel traffic is extremely low. Additionally, vessel traffic may be allowed to enter the safety zone with the expressed permission of the Captain of the Port of St Petersburg or his designated representative.

### **Assistance for Small Entities**

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 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 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 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 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, 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 (34)(g), of the Instruction, from further environmental documentation. An "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

### 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; 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 temporary section 165.T07-034 is added to read as follows:

#### § 165.T07-034 Safety Zone; Tampa Bay Florida.

(a) *Regulated Area.* The Coast Guard is establishing a temporary safety zone on the waters of Tampa Bay, Florida in the vicinity of the St. Petersburg Municipal Yacht Basin within approximately 100 feet of the sea wall. This encompasses all waters between the seawall and an imaginary line drawn from the following positions. (All coordinates referenced use datum: NAD 83):

27°46'05" N., 082°37'33" W.  
27°46'01" N., 082°37'46" W.  
27°46'03" N., 082°37'50" W.  
27°46'06" N., 082°37'54" W.  
27°46'17" N., 082°37'54" W.

(b) *Definitions.* The following definition applies to this section:

*Designated representative* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port (COTP), Coast Guard Sector St. Petersburg, in the enforcement of the safety zone.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this regulated area is prohibited to all vessels and persons without the prior permission of the Coast Guard Captain of the Port St. Petersburg or his designated representative.

(d) *Enforcement Period.* This rule will be enforced on March 30, 2006 from 12 p.m. to 6 p.m. and on March 31, 2006 through April 2, 2006 from 8 a.m. to 6 p.m. daily.

(e) *Dates.* This rule is effective from 9 a.m. on March 30, 2006, through 8 p.m. on April 2, 2006.

Dated: February 23, 2006.

**J.A. Servidio,**

*Captain, U.S. Coast Guard, Captain of the Port, St. Petersburg, Florida.*

[FR Doc. 06-2748 Filed 3-21-06; 8:45 am]

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R05-OAR-2006-0124, FRL-8040-6]

#### Approval and Promulgation of Air Quality Implementation Plans; Indiana

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving a request from the Indiana Department of Environmental Management (IDEM) to revise the Indiana State Implementation Plan (SIP). The revision consists of the repeal of 326 IAC 6-1, and its replacement by new articles 326 IAC 6.5 and 326 IAC 6.8. 326 IAC 6.5 contains particulate matter emission limitations for sources in all counties in Indiana, with the exception of Lake County. Sources located in Lake County are addressed in 326 IAC 6.8. The revision does not change any control requirements or any other provisions in 326 IAC 6-1.

**DATES:** This rule is effective on May 22, 2006, unless EPA receives adverse written comments by April 21, 2006. If EPA receives adverse comments, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit comments, identified by Regional Material in EDocket (RME) ID No. EPA-R05-OAR-2006-0124, by one of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

Agency Web site: <http://docket.epa.gov/rmepub/>. Regional RME, EPA's electronic public docket and comments system, is EPA's preferred method for receiving comments. Once in the system, select "quick search," then key in the appropriate RME Docket identification number. Follow the on-line instructions for submitting comments.

E-mail: [mooney.john@epa.gov](mailto:mooney.john@epa.gov).

Fax: (312)886-5824.

Mail: You may send written comments to:

John M. Mooney, Chief, Criteria Pollutant Section, (AR-18)), U.S.