

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 § 165.T07–154 is added to read as follows:

§ 165.T07–154 Security Zone; St. John’s River, Jacksonville, FL to Ribault Bay.

(a) *Regulated area.* The Coast Guard is establishing a temporary moving security zone for a foreign navy submarine within the area 12 nautical miles seaward from the baseline at the mouth of the St. John’s River to Ribault Bay. The temporary security zone encompasses all waters within 500 yards in any direction around a foreign navy submarine transiting within the area between 12 nautical miles seaward of the sea buoy at the entrance to the St. John’s River to Ribault Bay.

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

Designated representatives 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), Jacksonville, Florida, in the enforcement of the regulated navigation areas and security zones.

Minimum Safe Speed means the speed at which a vessel proceeds when it is fully off plane, completely settled in the water and not creating excessive wake. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, no specific speed is assigned to minimum safe speed. In no instance should minimum safe speed be interpreted as a speed less than that required for a particular vessel to maintain steerageway. A vessel is not proceeding at minimum safe speed if it is:

- (1) On a plane;
- (2) In the process of coming up onto or coming off a plane; or
- (3) Creating an excessive wake.

(c) *Regulations.* In accordance with the general regulations in § 165.33 of this part, anchoring, mooring or transiting in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Jacksonville, FL or his designated representative. Persons or vessels that receive permission to enter the security zone must proceed at a minimum safe speed, must comply with all orders issued by the COTP or his designated representative, and must not proceed any closer than 100 yards, in any direction, to the submarine.

(d) *Dates.* This section is effective from 8 a.m. on November 9, 2005, until 11:59 p.m. on December 1, 2005.

Dated: November 9, 2005.

David L. Lersch,

Captain, U.S. Coast Guard, Captain of the Port Jacksonville.

[FR Doc. 05–23236 Filed 11–22–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Western Alaska–04–003]

RIN 1625–AA00

Safety Zone; Bering Sea, Aleutian Islands, Unalaska Island, AK

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; change of effective period.

SUMMARY: The Coast Guard is extending the effective period of the safety zone in the Bering Sea, Unalaska Island, Alaska. The zone is needed to facilitate safe salvage operations related to the grounding of the merchant vessel (M/V) SELENDANG AYU. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Commander, Seventeenth Coast Guard District, the Coast Guard Captain of the Port, Western Alaska, or their on-scene representative. The intended effect of the proposed safety zone is to mitigate safety risks to salvage personnel.

DATES: The effective period of § 165.T17–010 is extended from November 30, 2005 through October 31, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are available for inspection and copying at Coast Guard Marine Safety Office Anchorage, 510 “L” Street, Suite 100, Anchorage, AK 99501. Normal Office hours are 7:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Meredith Gillman, Marine Safety Office Anchorage, at (907) 271–6700.

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 and for making this regulation effective less than 30 days after its publication in the **Federal Register**. Any delay encountered in this regulation’s effective date would be contrary to

public interest because immediate action is needed to prevent unauthorized vessel traffic from hindering salvage operations.

The Coast Guard will terminate the zone when salvage operations are complete and the area adjacent to the grounded vessel is considered safe to vessel traffic.

Background and Purpose

The M/V SELENDANG AYU ran aground at a position of 53.634° N, 167.125° W on December 9, 2004. The vessel then broke in half and discharged its fuel oil into the water. A marine salvor is removing sections of the wreck from the bow and stern sections of the grounded vessel, as well as from the adjacent shoreline. The safety zone is necessary to prevent unauthorized vessels from impeding salvage operations.

Discussion of Rule

The Unified Command, which is responding to the grounding of the M/V Selendang Ayu, identified the safety zone in the area where subsequent salvage operations will be taking place. This area is defined by a circle centered at 53 degrees, 38 minutes North; 167 degrees, 7 minutes, 20 seconds West with a radius of 750 yards. All coordinates reference Datum: NAD 1983.

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 cost 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 economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary.

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 will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the area defined by a circle centered at 53 degrees, 38 minutes North; 167 degrees, 7 minutes, 20 seconds West with a radius of 750 yards.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic transiting from the north to south side of Unalaska Island can pass safely around the safety zone. We will terminate the safety zone once salvage operations are complete and the area adjacent to the grounded vessel is considered safe for vessel traffic. The safety zone is not located in a navigable channel.

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 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, 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). A final “Environmental Analysis Check List” and a final “Categorical Exclusion Determination” will be 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 set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

■ 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. From November 30, 2005 to October 31, 2006, amend temporary § 165.T17–010 to read as follows:

§ 165.T17–010 Safety Zone; Bering Sea, Aleutian Islands, Unalaska Island, AK.

(a) *Description.* This safety zone is defined by a circle centered at 53 degrees, 38 minutes North; 167 degrees, 7 minutes, 20 seconds West with a radius of 750 yards. All coordinates reference Datum: NAD 1983.

(b) *Enforcement period.* The safety zone in this section will be enforced from November 30, 2005 through October 31, 2006.

(c) *Regulations.* (1) The Captain of the Port and the Duty Officer at Marine Safety Office, Anchorage, Alaska can be contacted at telephone number (907) 271–6700.

(2) The Captain of the Port may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing the safety zone.

(3) The general regulations governing safety zones contained in § 165.23 apply. No person or vessel may enter or remain in this safety zone, with the exception of attending vessels, without first obtaining permission from the Captain of the Port or his on-scene representative.

Dated: November 10, 2005.

M.R. DeVries,

Captain, U.S. Coast Guard, Captain of the Port, Western Alaska.

[FR Doc. 05-23235 Filed 11-22-05; 8:45 am]

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ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1190 and 1191

[Docket No. 02-1]

RIN 3014-AA26

Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines; Public Rights-of-Way

AGENCY: Architectural and
Transportation Barriers Compliance
Board.

ACTION: Notice of availability of draft
guidelines.

SUMMARY: The Architectural and
Transportation Barriers Compliance
Board (Access Board) has placed in the
docket and on its Web site for public
review draft guidelines which address
accessibility in the public right-of-way.
The draft guidelines are under
consideration by the Board. The
purpose of placing the draft guidelines
in the docket is to facilitate gathering of
additional information for the regulatory
assessment and the preparation of
technical assistance materials to
accompany a future rule. The Board is
not seeking comments on the draft
guidelines. The Board will issue a
notice of proposed rulemaking at a
future date and will solicit comments at
that time, prior to issuing a final rule.

FOR FURTHER INFORMATION CONTACT:
Scott Windley, Office of Technical and
Information Services, Architectural and
Transportation Barriers Compliance
Board, 1331 F Street, NW., suite 1000,
Washington, DC 20004-1111.
Telephone number (202) 272-0025
(voice); (202) 272-0082 (TTY).
Electronic mail address:
windley@access-board.gov.

SUPPLEMENTARY INFORMATION: In 1999,
the Architectural and Transportation
Barriers Compliance Board (Access
Board) established the Public Rights-of-
Way Access Advisory Committee
(Committee) to make recommendations
on accessibility guidelines for newly
constructed and altered public rights-of-
way covered by the Americans with
Disabilities Act of 1990 and the
Architectural Barriers Act of 1968. The

Committee was comprised of
representatives from disability
organizations, public works
departments, transportation and traffic
engineering groups, design professionals
and civil engineers, pedestrian and
bicycle organizations, Federal agencies,
and standard-setting bodies. The
Committee met on five occasions
between December 1999 and January
2001. On January 10, 2001, the
Committee presented its
recommendations on accessible public
rights-of-way in a report entitled
"Building a True Community." The
Committee's report provided
recommendations on access to
sidewalks, street crossings, and other
related pedestrian facilities and
addressed various issues and design
constraints specific to public rights-of-
way. The report is available on the
Access Board's Web site at [http://
www.access-board.gov/prowac/
commrept/index.htm](http://www.access-board.gov/prowac/commrept/index.htm) or can be ordered
by calling the Access Board at (202)
272-0080. Persons using a TTY should
call (202) 272-0082. The report is
available in alternate formats upon
request. Persons who want a copy in an
alternate format should specify the type
of format (cassette tape, braille, large
print, or ASCII disk).

The Access Board convened an ad hoc
committee of Board members to review
the Committee's recommendations.
After reviewing the report in detail, the
Board's ad hoc committee prepared
recommendations for guidelines
addressing accessibility in the public
right-of-way. On June 17, 2002, the
Board made the recommendations of the
ad hoc committee available for public
comment and review by notice in the
Federal Register (67 FR 41206).

Over 1,400 comments were received
from the public in response to the
publication of the draft. Of this total,
almost 900 comments were from
persons with disabilities and groups
representing them; the great
preponderance of comments in this
category came from people who
indicated that they were blind or had
low vision. Respondents from the
transportation industry, including
design engineers and consultants,
submitted slightly over 200 comments.
Another 100 were received from State
and local government administrative
agencies. Comments are posted on the
Board's Web site at [http://www.access-
board.gov/prowac/comments/
index.htm](http://www.access-board.gov/prowac/comments/index.htm). Further discussion of the
comments received is available in the
supplementary information
accompanying the draft guidelines.

The members of the Board's ad hoc
committee subsequently reviewed and

considered the comments received in
response to the 2002 **Federal Register**
notice. The draft guidelines made
available today on the Board's Web site
are the result of those deliberations. The
Access Board is making the draft
guidelines available in order to facilitate
the gathering of additional information
for a regulatory assessment prior to
publishing a notice of proposed
rulemaking and to assist in the
development of technical assistance
materials. The Board is not soliciting
comments on the draft guidelines. The
Board will solicit comments when a
proposed rule is issued in conjunction
with the regulatory assessment. The
draft guidelines along with
supplementary information have been
placed in the rulemaking docket (Docket
No. 02-1) for public review. The draft
guidelines and supplementary
information are also available on the
Access Board's Web site at [http://
www.access-board.gov/prowac/
draft.htm](http://www.access-board.gov/prowac/draft.htm). You may also obtain a copy
of the draft guidelines and
supplementary information by
contacting the Access Board at (202)
272-0080. Persons using a TTY should
call (202) 272-0082. The documents are
available in alternate formats upon
request. Persons who want a copy in an
alternate format should specify the type
of format (cassette tape, braille, large
print, or ASCII disk).

Lawrence W. Roffee,
Executive Director.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R09-OAR-2005-CA-0006; FRL-7998-4]

Revisions to the California State Implementation Plan, Imperial and Santa Barbara County Air Pollution Control Districts

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final
action to approve revisions to the
Imperial County Air Pollution Control
District (ICAPCD) and Santa Barbara
County Air Pollution Control District
(SBCAPCD) portions of the California
State Implementation Plan (SIP). Under
authority of the Clean Air Act as
amended in 1990 (CAA or the Act), we
are approving local rules that are