

### Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of non-agency parties. Accordingly, it is not a "rule" for purposes of the reporting requirement of 5 U.S.C. 801.

### Congressional Review Act

The Department has determined that this action pertains to agency management or personnel and, accordingly, is not a "rule" as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

### List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies).

■ Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, part 0 of title 28 of the Code of Federal Regulations is amended as follows:

### PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

■ 1. The authority citation for part 0 continues to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

■ 2. In § 0.15, revise paragraph (b)(1)(i), paragraph (b)(1)(v), paragraph (b)(2), and paragraph (c), and add a new paragraph (h) to read as follows:

#### § 0.15 Deputy Attorney General.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) The appointment, employment, pay, separation, and general administration of personnel, including attorneys, in the Senior Executive Service or the equivalent; Senior-Level

and Scientific and Professional positions; and of attorneys and law students regardless of grade or pay in the Department.

\* \* \* \* \*

(v) The appointment, employment, separation, and general administration of Assistant United States Attorneys and other attorneys to assist United States Attorneys when the public interest so requires and the fixing of their salaries.

\* \* \* \* \*

(2) Administer the Department's recruitment programs for law graduates and law students.

\* \* \* \* \*

(c) The Deputy Attorney General may redelegate the authority provided in paragraphs (b)(1)(i), (ii), (iii), (v), and paragraph (b)(2) of this section to take final action in matters pertaining to the:

(1) Appointment, employment, pay, separation, and general administration of personnel, including attorneys, in the Senior Executive Service or the equivalent, and Senior-Level and Scientific and Professional positions;

(2) Appointment, employment, pay, separation, and general administration of attorneys and law students regardless of grade or pay;

(3) Appointment of special attorneys and special assistants to the Attorney General pursuant to 28 U.S.C. 515(b);

(4) Appointment of Assistant United States Trustees and the fixing of their compensation;

(5) Appointment, employment, separation, and general administration of Assistant United States Attorneys and other attorneys to assist United States Attorneys when the public interest so requires and the fixing of their salaries; and

(6) Administration of the Department's recruitment programs for law graduates and law students.

\* \* \* \* \*

(h) Notwithstanding paragraphs (a) and (b) of this section, authority to take final action in matters pertaining to the appointment, employment, pay, separation, and general administration of the following Department employees is reserved to the Attorney General:

(1) Employees in the Offices of the Attorney General and the Deputy Attorney General;

(2) Employees appointed to a Schedule C position established under 5 CFR part 213, or to a position that meets the same criteria as a Schedule C position; and

(3) Any Senior Executive Service position in which the incumbent serves under other than a career appointment.

■ 3. In § 0.19, revise paragraphs (a)(1) and (b), and add a new paragraph (d) to read as follows:

#### § 0.19 Associate Attorney General.

(a) \* \* \*

(1) Exercise the power and the authority vested in the Attorney General to take final action in matters pertaining to the appointment, employment, pay, separation, and general administration of attorneys and law students in pay grades GS–15 and below in organizational units subject to his direction.

\* \* \* \* \*

(b) The Associate Attorney General may redelegate the authority provided in paragraph (a)(1) of this section to the Director, Office of Attorney Recruitment and Management.

\* \* \* \* \*

(d) Notwithstanding paragraph (b) of this section, authority to take final action in matters pertaining to the appointment, employment, pay, separation, and general administration of the following Department employees is reserved to the Attorney General:

(1) Employees in the Office of the Associate Attorney General;

(2) Employees appointed to a Schedule C position established under 5 CFR part 213, or to a position that meets the same criteria as a Schedule C position; and

(3) Any Senior Executive Service position in which the incumbent serves under other than a career appointment.

Dated: January 31, 2006.

**Alberto R. Gonzales,**

*Attorney General.*

[FR Doc. 06–1084 Filed 2–6–06; 8:45 am]

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### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 117

[CGD05–06–005]

RIN 1625–AA–09

#### Drawbridge Operation Regulations; Shark River (South Channel), Avon, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule; 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 New Jersey Transit Railroad

Drawbridge, at mile 0.9, across the South Channel of the Shark River at Belmar, New Jersey, south of Avon. To facilitate electrical repairs, this deviation allows the drawbridge to remain closed-to-navigation from 11 p.m. on February 10, 2006, until 12 p.m. (noon) on February 11, 2006, and from 11 p.m. on February 24, 2006, until 12 p.m. (noon) on February 25, 2006. If required, a rain date has been set from 11 p.m. on March 10, 2006, until 12 p.m. (noon) on March 11, 2006.

**DATES:** This deviation is effective from 11 p.m. on February 10, 2006, to 12 p.m. (noon) on March 11, 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) 398-6587. Commander (obr), Fifth Coast Guard District maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Terrance Knowles, Environmental Protection Specialist, Fifth Coast Guard District, at (757) 398-6587.

**SUPPLEMENTARY INFORMATION:** The New Jersey Transit Railroad Bridge (at mile 0.9) across the South Channel of Shark River, a lift-type drawbridge, has a vertical clearance in the closed position to vessels of 10 feet, at mean high water.

The bridge owner, New Jersey Transit Rail Operations, has requested a temporary deviation from the current operating regulation set out in 33 CFR 117.751, to effect electrical repairs on the draw span.

To facilitate the repairs, the drawbridge will be closed to navigation from 11 p.m. on February 10, 2006, until 12 p.m. (noon) on February 11, 2006, and from 11 p.m. on February 24, 2006, until 12 p.m. (noon) on February 25, 2006. If required, a rain date has been set from 11 p.m. on March 10, 2006, until 12 p.m. (noon) on March 11, 2006. During these periods, the repairs require immobilizing the operation of the lift span in the closed-to-navigation position. At all other times, the drawbridge will operate in accordance with the current operating regulations outlined in 33 CFR 117.751.

The Coast Guard has informed the known users of the waterway so that they can arrange their transits to minimize any impact caused by the temporary deviation.

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 25, 2006.

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

[FR Doc. 06-1086 Filed 2-6-06; 8:45 am]

**BILLING CODE 4910-15-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 81**

**Designation of Areas for Air Quality Planning Purposes**

*CFR Correction*

In Title 40 of the Code of Federal Regulations, parts 81 to 85, revised as of July 1, 2005, in § 81.339, on page 343, in the table “Pennsylvania—TSP”, under “V. Southwest Pennsylvania Intrastate AQCR”, revise the entry for “Allegheny County Air Basin” to read as follows:

**§ 81.339 Pennsylvania.**

\* \* \* \* \*

Pennsylvania—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * *				
(B) Allegheny County Air Basin:				
(1) A three mile wide strip which is within a perpendicular distance two miles north and east and one mile south and west of the river center line with terminus points as follows:				
(a) The Beaver County line to the I-79 Bridge on the Ohio River .....				X
(b) I-79 to the McKees Rocks Bridge on the Ohio River .....				X
(c) McKees Rocks Bridge to the Birmingham Bridge on the Ohio and Monongahela Rivers .....		X		
(d) Birmingham Bridge to the Glenwood Bridge on the Monongahela River .....	X			
(e) Glenwood Bridge to the Mansfield Bridge (Dravosburg) on the Monongahela River .....	X			
(f) Mansfield Bridge to the Westmoreland County line on the Monongahela River .....	X			
(2) The area within a half-mile radius of the Greater Pittsburgh Airport monitor .....		X		
(3) The one mile wide strip centered on Turtle Creek running from area (V)(B)(1)(e) above to the Westmoreland County line .....	X			
(4) The Area #9 within Allegheny County within a radius of 2 miles of the Springdale Monitor .....				X
(5) The remaining portions of the Allegheny County Air Basin ..				X
* * * * *				