

the condition for which benefits are sought.

(3) After your coverage has been in effect for 2 years, the Carrier may void your coverage only upon a showing that you knowingly and intentionally made a false or misleading statement or omitted information in your signed application for coverage regarding your health status that was material to your approval for coverage.

(4) If your coverage is voided, as described in paragraph (a)(1), (a)(2), or (a)(3) of this section, no claims will be paid. In addition, the provisions of § 875.104 relating to the procedures for resolving a dispute involving benefits eligibility or claims denials do not apply to your situation. You may request a review by the Carrier if you believe that your coverage was voided in error. You must submit your request in writing to the Carrier within 30 days of the date of this rescission letter (letter voiding your coverage).

6. In § 875.410 revise the first sentence to read as follows:

**§ 875.410 May I continue my coverage when I leave Federal or military service?**

If you are an active workforce member, your coverage will automatically continue when you leave active service, as long as the Carrier continues to receive the required premium when due. \* \* \*

[FR Doc. 06-3585 Filed 4-13-06; 8:45 am]

BILLING CODE 6325-39-M

**TENNESSEE VALLEY AUTHORITY**

**18 CFR Part 1310**

**Administrative Cost Recovery**

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Proposed rule.

**SUMMARY:** TVA proposed to amend its administrative cost recovery regulations by eliminating cost recovery exemptions from the following: Conveyances of land pursuant to section 4(k)(d) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831c(k)(d)); TVA phosphate land transactions; and permits and licenses for use of TVA land by distributors of TVA power.

The implementation of this rule amendment would allow TVA to recover more of its administrative cost incurred in processing certain actions from those who directly benefit from the actions.

**DATES:** Comments must be submitted on or before May 15, 2006.

**ADDRESSES:** You may submit comments by any of the following methods:

• Mail/Hand Delivery: Teresa C. McDonough, Manager, Resource Stewardship Process Initiatives, 400 West Summit Hill Drive, WT 11B, Knoxville, Tennessee 37902.

• E-mail: *tcmcdonough@tva.gov*. Include CFR citation in the subject of the message.

• Fax: (865) 632-2345. Attention to Teresa C. McDonough, Manager, Resource Stewardship Process Initiatives.

**FOR FURTHER INFORMATION CONTACT:**

Teresa C. McDonough, Manager, Resource Stewardship Process Initiatives, (865) 632-6512.

**SUPPLEMENTARY INFORMATION:** In order to help ensure that TVA land management and permitting activities are self-sustaining to the full extent possible, the agency has determined that its administrative cost recovery regulations should be amended by eliminating certain mandatory cost recovery exemptions. This determination is consistent with the objectives of increasing efficiency and recovery the cost of government services from those who most directly benefit from the services.

TVA now proposed to amend its administrative cost recovery regulation by eliminating the following exemptions: Conveyance of land pursuant to section 4(k)(d) of the Tennessee Valley Authority of 1933, as amended (16 U.S.C. 831c(k)(d)); TVA phosphate land transactions; and permits and licenses for use of TVA land by distributors of TVA power.

This proposed amendment does not impose an information collection burden under the provision of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This proposed action will not have a significant impact on a substantial number of small entities as described in the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* There will be no significant economic impact from the amendments include the proposed rule would not significantly add to the cost of one who conducts an activity upon or acquires TVA property. Any economic impact that would occur as a result of the rule amendment would not affect a substantial number of small entities because TVA only receives about ten land use applications from the currently exempted parties each year. Pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1501 *et seq.*, the proposed rule does not include any Federal mandates for state, local, and tribal government or the private sector. In addition, any expenditures by state, local, and tribal

government or the private sector in connection with the rule would be substantially less than \$100 million in any one year.

**List of Subjects in 18 CFR Part 1310**

Government property, Hunting.

For the reasons set out in the preamble, TVA proposed to amend 18 CFR 1310 as follows:

**PART 1310—ADMINISTRATIVE COST RECOVERY**

1. The authority citation from part 1310 continues to read as follows:

**Authority:** 16 U.S.C. 831-831dd; 31 U.S.C. 9701.

2. Revise paragraph (b) of § 1310.2 to read as follows:

**§ 1310.2 Application.**

\* \* \* \* \*

(b) *Exemption.* An administrative charge shall not be made for the following actions:

(1) Releases of unneeded mineral right options.

(2) TVA mineral transactions.

\* \* \* \* \*

**Authority:** 16 U.S.C. 831-831dd (2000 & Supp. III 2003).

Dated: March 30, 2006.

**Kathryn J. Jackson,**  
*Executive Vice President, River System Operations & Environment and Environment Executive, Tennessee Valley Authority.*

[FR Doc. 06-3451 Filed 4-13-06; 8:45 am]

BILLING CODE 8120-08-M

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[CGD05-06-030]

RIN 1625-AA00

**Safety Zone: Yorktown July Fourth Fireworks Celebration, York River, Yorktown, VA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes establishing a safety zone in the vicinity of the Yorktown Fishing Pier in Yorktown, VA on July 4, 2006 in support of the Yorktown July Fourth Fireworks Celebration. This action is intended to restrict vessel traffic on York River as necessary to protect mariners from the hazards associated with fireworks displays.

**DATES:** Comments and related material must reach the Coast Guard on or before June 1, 2006.

**ADDRESSES:** You may mail comments and related material to Commander, Sector Hampton Roads, Norfolk Federal Building, 200 Granby St., 7th Floor, Attn: Lieutenant Bill Clark, Norfolk, VA 23510. Sector Hampton Roads maintains the public docket for this rulemaking. 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 the Federal Building between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Bill Clark, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668-5580.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking CGD05-06-030 and indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

**Public Meeting**

We do not now plan to hold a public meeting, but you may submit a request for a meeting by writing to the Commander, Sector Hampton Roads at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

**Background and Purpose**

On July 4, 2006, the Yorktown July Fourth Fireworks Celebration will be held on the banks of York River in Yorktown, VA. Due to the need to protect mariners and spectators from the hazards associated with the fireworks display, vessel traffic will be temporarily restricted within a 1200 foot radius of the display.

**Discussion of Proposed Rule**

The Coast Guard proposes to establish a 1200 foot safety zone on specified waters of York River in position 37-14-14.81N/076-30-0.08W, in the vicinity of the Yorktown Fishing Pier in Yorktown, VA. This regulated area will be established in the interest of public safety during the Yorktown July Fourth Fireworks Celebration and will be enforced from 8:45 p.m. to 10 p.m. on July 4, 2006. General navigation in the safety zone will be restricted during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

**Regulatory Evaluation**

This proposed 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).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation restricts access to the regulated area, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration of time and (ii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed 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 proposed rule would not have a significant economic impact on a substantial number of small entities because the zone will only be in place for a limited duration of time and maritime advisories will be issued allowing the mariners to adjust their

plans accordingly. However, this rule may affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit or anchor in that portion of the York River from 8:45 p.m. to 10 p.m. on July 4, 2006.

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 (see **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 proposed 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 Lieutenant Bill Clark, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668-5580.

The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

**Collection of Information**

This proposed rule would call 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 proposed 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 proposed rule would not result in such expenditure, we do

discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This proposed rule would 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this proposed 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 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)(h), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" is not required for this rule.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting & Recordkeeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 subpart C 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 Temporary § 165.T06–030, to read as follows: § 165.T06–030 Safety Zone: *Yorktown July Fourth Fireworks Celebration, York River, Yorktown, VA.*

(a) Location. The following area is a safety zone: All waters within 1200 feet of position 37–17–14.81N/076–30–0.08W in the vicinity of the Yorktown Fishing Pier on the York River, Yorktown, VA within the Captain of the

Port, Hampton Roads zone as defined in 33 CFR 3.25–10.

(b) Definition:

Captain of the Port Representative: means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) Regulation:

(1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(1) The Captain of the Port, Hampton Roads and the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia can be contacted at telephone Number (757) 668–5555 or (757) 484–8192.

(2) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM 13 and 16.

(d) Effective date: This regulation is effective from 8:45 p.m. to 10 p.m. on July 4, 2006.

Dated: April 4, 2006.

**Robert R. O'Brien, Jr.,**

*Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.*

[FR Doc. E6–5587 Filed 4–13–06; 8:45 am]

**BILLING CODE 4910–15–P**

### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[CGD05–06–026]

RIN 1625–AA00

#### Safety Zone: Fireworks Display Over Water, Barrets Point, Williamsburg, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes the establishment of a safety zone in support of the Fireworks Display Over Water event occurring on July 4, 2006 on the banks of Chickohominy River in