

## Paperwork Reduction Act

The collections of information related to the FACR are contained in 31 CFR part 501 (the "Reporting, Procedures and Penalties Regulations"). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505-0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

### List of Subjects in 31 CFR Part 500

Administrative practice and procedure, Banks, Banking, Brokers, Foreign Trade, Investments, Loans, Securities, North Korea.

■ For the reasons set forth in the preamble, the Office of Foreign Assets Control amends 31 CFR part 500 as follows:

### PART 500—FOREIGN ASSETS CONTROL REGULATIONS

■ 1. The authority citation for part 500 continues to read as follows:

**Authority:** 18 U.S.C. 2332d; 31 U.S.C. 321(b); 50 U.S.C. App. 1-44; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 9193, 7 FR 5205, 3 CFR, 1938-1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748.

### Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 2. Amend § 500.586 by revising paragraph (b)(5) of § 500.586, removing the note to paragraph (b) of § 500.586, and adding a new note to § 500.586 to read as follows:

#### § 500.586 Authorization of new transactions concerning certain North Korean property.

\* \* \* \* \*

(b) \* \* \*

(5)(i) Effective May 8, 2006, United States persons are prohibited from owning, leasing, operating, or insuring any vessel flagged by North Korea.

(ii) Effective February 2, 2007, United States persons are prohibited from registering vessels in North Korea, or from otherwise obtaining authorization for a vessel to fly the North Korean flag.

(iii) For purposes of this section, the term *United States person* means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

**Note to § 500.586:** The exportation and reexportation of items may be subject to license application requirements under regulations administered by other federal agencies (see e.g., the Export Administration Regulations administered by the Department of Commerce). It should also be noted that the shipment of strategic goods from a foreign country to North Korea by persons subject to the jurisdiction of the United States remains prohibited by 31 CFR part 505. The application requirements for a specific license relating to such goods are found in 31 CFR 501.801.

Dated: January 9, 2007.

**Adam J. Szubin,**

*Director, Office of Foreign Assets Control.*

[FR Doc. E7-1702 Filed 2-1-07; 8:45 am]

**BILLING CODE 4811-42-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD08-06-037]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Mississippi River, Dubuque, IA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is changing the drawbridge operations for the Illinois Central Railroad Drawbridge across the Upper Mississippi River at Mile 579.9, at Dubuque, Iowa. Under the rule, the drawbridge shall open on signal if at least 24 hours advance notice is given from 12:01 a.m., on February 2, 2007 until 8 a.m., on March 15, 2007. This rule allows time for making upgrades to critical mechanical components and perform scheduled annual maintenance/repairs to the bridge and pier protection.

**DATES:** The rule is effective from 12:01 a.m., on February 2, 2007 until 8 a.m., on March 15, 2007.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD08-06-037] and are available for inspection or copying at room 2.107f in the Robert A. Young Federal Building at Eighth Coast Guard District, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Commander (dwb), Eighth Coast Guard District, Bridge Branch maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger K. Wiebusch, Bridge Administrator, (314) 269-2378.

### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. Winter conditions on the Upper Mississippi River coupled with the closure of Lock and Dam 11, Mile 583.0, Upper Mississippi River, at Dubuque, Iowa from January 2, 2007 until February 28, 2007 preclude any significant navigation demands for the drawspan opening thereby making a 30-day delay during that period unnecessary, and a delayed effective date would be contrary to the public interest in prompt completion of the bridge's repairs and maintenance work.

On November 16, 2006, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Mississippi River, Iowa and Illinois in the **Federal Register** (71 FR 66711). We received no comment letters on the proposed rule. No public hearing was requested, and none was held.

#### Background and Purpose

On September 12, 2006, the Chicago, Central & Pacific Railroad requested a temporary change to the operation of the Illinois Central Railroad Drawbridge, across the Upper Mississippi River, Mile 579.9, at Dubuque, Iowa to open on signal if at least 24 hours advance notice is given to facilitate critical bridge repair and annual maintenance.

The Illinois Central Railroad Drawbridge navigation span has a vertical clearance of 19.9 feet above normal pool in the closed to navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft and will not be significantly impacted due to the reduced navigation in winter months. Presently, the draw opens on signal for passage of river traffic. The Chicago, Central & Pacific Railroad requested the drawbridge be permitted to remain closed-to-navigation from 12:01 a.m., February 2, 2007 until 8 a.m., March 15, 2007 unless 24 hours advance notice is given of the need to open. The Illinois Central Railroad Drawbridge, Mile 579.9, Upper Mississippi River, is located just downstream from Lock and Dam 11. Performing maintenance on the bridge and pier protection during the winter, when the number of vessels likely to be impacted is minimal, is preferred to the bridge closure or advance notification requirements during the navigation season. This

temporary change to the drawbridge's operation has been coordinated with the commercial waterway operators.

### Discussion of Comments and Changes

The Coast Guard received no comment letters. No changes have been made to this temporary final rule.

### 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 this temporary change to the operation of the Illinois Central Railroad Drawbridge to have a minimal economic impact on commercial traffic operating on the Upper Mississippi River such that a full regulatory evaluation under the regulatory policies and procedures of DHS is unnecessary. This temporary change has been written in such a manner as to allow for minimal interruption of the drawbridge's regular operation, since the change is only in effect during the winter months while commercial traffic is greatly reduced.

### 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. The rule will have a negligible impact on vessel traffic. The primary users of the Upper Mississippi River in Dubuque, Iowa are commercial towboat operators. With the onset of winter conditions, most activity on the Upper Mississippi River is curtailed and there are few, if any, significant navigation demands for opening the drawspan. The Coast Guard expects the impact of this action to be minimal.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding this rule so that they could better evaluate its effects on them and participate in the rulemaking. 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 1–800–REG–FAIR (1–800–734–3247).

### 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 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 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 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 M16475.1D, 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 32(e) of the Instruction from further environmental documentation. Paragraph 32(e) excludes the promulgation of operating regulations or procedures for drawbridges from the environmental documentation requirements of the National Environmental Policy Act (NEPA). Since this regulation would alter the normal operating conditions of the drawbridge, it falls within this exclusion. A “Categorical Exclusion Determination” is available in the docket for inspection or copying where indicated under **ADDRESSES**.

**List of Subjects in 33 CFR Part 117**

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. From 12:01 a.m., February 2, 2007 until 8 a.m., March 15, 2007 in § 117.671 add new paragraph (c) to read as follows:

**§ 117.671 Upper Mississippi River.**

\* \* \* \* \*

(c) The Illinois Central Railroad Drawbridge, Mile 579.9, Upper Mississippi River at Dubuque, Iowa shall open on signal if at least 24 hours notice is given.

Dated: January 22, 2007.

**J.R. Whitehead,**

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

[FR Doc. E7–1615 Filed 2–1–07; 8:45 am]

**BILLING CODE 4910–15–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

**[EPA–HQ–OPP–2006–0175; FRL–8111–3]**

**Withdrawal of Direct Final Rule**

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

**ACTION:** Direct final rule.

**SUMMARY:** Because EPA has received adverse comments, the Agency is withdrawing the direct final rule excepting from the definitions of “pesticide chemical” and “pesticide chemical residue” under section 201(q) of the Federal Food, Drug and Cosmetic Act (FFDCA) food packaging (e.g., paper and paperboard, coatings, adhesives, and polymers) that is treated with a pesticide. The rule was published on December 6, 2006 (71 FR 70667) (FRL–8084–2). We stated in that direct final rule that if EPA received adverse comment by January 5, 2007, the Agency would publish a timely withdrawal in the **Federal Register**. We subsequently received adverse comment on that direct final rule and are therefore withdrawing the rule. EPA may issue a notice of proposed rulemaking in a future edition of the **Federal Register** to initiate action to repromulgate the rule provisions that are being withdrawn today. In any such action, EPA would address the adverse comments it received on the direct final rule.

**DATES:** The direct final rule published at 71 FR 70667, December 6, 2006, is withdrawn, effective January 25, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mari L. Duggard, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., N.W., Washington, DC 20460-0001;

telephone number: (703) 308-0028; fax number: (703) 308-7026; e-mail address: [duggard.mari@epa.gov](mailto:duggard.mari@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA issued a direct final rule in the **Federal Register** of December 6, 2006 excepting from the definitions of “pesticide chemical” and “pesticide chemical residue” under section 201(q) of the FFDCA, food packaging (e.g., paper and paperboard, coatings, adhesives, and polymers) that is treated with a pesticide. We received adverse comment on that direct final rule and are therefore withdrawing the rule. EPA may issue a notice of proposed rulemaking in a future edition of the **Federal Register** to initiate action to repromulgate the rule provisions that are being withdrawn today. In any such action, EPA would address the adverse comments it received on the direct final rule.

Accordingly, the amendment to 40 CFR 180.4 published in the **Federal Register** on December 6, 2006 (71 FR 70667) is withdrawn effective January 25, 2007.

The Adverse comment is publicly available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

**List of Subjects in 40 CFR Part 180**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and record-keeping requirements.

Dated: January 17, 2007.

**Janet L. Andersen,**

*Division Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

[FR Doc. 07–485 Filed 1–31–07; 12:19 pm]

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