

**Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

We are amending the gypsy moth regulations by adding one county in Ohio, one county in West Virginia, and two counties in Wisconsin to the list of generally infested areas based on the detection of infestations of gypsy moth in those counties. As a result of this action, the interstate movement of regulated articles from those areas will be restricted. This action is necessary to prevent the artificial spread of the gypsy moth to noninfested States.

The following analysis addresses the economic effects of the interim rule on small entities, as required by the Regulatory Flexibility Act. The interim rule will affect the interstate movement of regulated articles, including forest products (logs, pulpwood, wood chips) and Christmas trees, nursery stock, and mobile homes and outdoor household articles from and through the newly regulated areas. The value of sales of Christmas trees and nursery in the affected counties was \$1.8 million, representing much less than 1 percent of the total value of such sales in the three States. All four counties are located on the fringe of generally infested areas. Many of the establishments are far from currently infested areas, where there is no infestation or where infestation is negligible.

Treatment costs for growing areas range between \$10 and \$20 per acre. Fumigation costs, if infestation is found in a shipment, will range between \$100 and \$150 per truck load. There are at least 89 establishments in the newly regulated counties that produce and ship the regulated articles. Of those, 37 are Christmas tree growers and 52 are nurseries. We do not know the number of loggers/sawmills or movers. All of the establishments are considered to be small businesses.

The regulatory requirements resulting from this rule are expected to cause a slight increase in the costs of business for some of the affected entities, but those additional costs are small when compared to the potential for harm to related industry and the U.S. economy as a whole that would result from the spread of the pest. Since the total value of regulated articles moved from regulated areas to non-regulated areas is a small fraction of the State total, the regulatory effect on State and national prices is expected to be very small. Additionally, since the regulations

restrict, but do not prohibit, the movement of regulated articles, articles that meet the requirements of the regulations would continue to enter the market. The overall impact upon price and competitiveness is expected to be minor.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

**Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

**PART 301—DOMESTIC QUARANTINE NOTICES**

■ 1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; §§ 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.45–3, paragraph (a), the entries for Ohio, West Virginia, and Wisconsin are amended by adding new counties in alphabetical order to read as follows:

**§ 301.45–3 Generally infested areas.**

(a) \* \* \*  
\* \* \* \* \*

Ohio

\* \* \* \* \*

*Seneca County.* The entire county.

\* \* \* \* \*

West Virginia

\* \* \* \* \*

*Jackson County.* The entire county.

\* \* \* \* \*

Wisconsin

\* \* \* \* \*

*Juneau County.* The entire county.

\* \* \* \* \*

*Sauk County.* The entire county.

\* \* \* \* \*

Done in Washington, DC, this 24th day of April 2006.

**Elizabeth E. Gaston,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 06–4018 Filed 4–27–06; 8:45 am]

**BILLING CODE 3410–34–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[CGD13–05–040]

RIN 1625–AA09

**Drawbridge Operation Regulations; Wishkah River, WA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily revising the drawbridge operation regulations for the Heron Street Bridge on the Wishkah River, mile 0.2, at Aberdeen, Washington. The change will enable the bridge owner to provide delayed openings during major structural and mechanical rehabilitation of the bridge from April 2006 through March 2007.

**DATES:** This temporary rule is effective from May 30, 2006 to April 1, 2007.

**ADDRESSES:** Comments and materials received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD13–05–040] and are available for inspection or copying at the 13th Coast Guard District, Waterways Management Branch, 915 Second Avenue, Seattle, WA 98104–1067 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Austin Pratt, Chief, Bridge Section, (206) 220–7282.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

On December 5, 2005, we published a notice of proposed rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Wishkah River, WA" in the **Federal Register** (70 FR 72419). We received no comments on the proposed rule. No public meeting was requested, and none was held.

**Background and Purpose**

The operating regulations currently in effect for the drawbridges on the Wishkah River are at 33 CFR 117.1065. The bridge currently opens on signal if at least one-hour notice is provided. The temporary final rule will enable Washington State Department of Transportation (WSDOT), the owner of the Heron Street Bridge, to rehabilitate the structure. The work includes mechanical and electrical improvements, seismic retrofit, debris containment, and the replacement of navigation lights and hydraulic locks on the swing span.

The Heron Street Bridge in the closed position provides 13 feet of vertical clearance above high water and 23 feet above the lowest tide level. Drawbridge openings are not frequent. Most vessels are recreational and commercial fishing vessels, rarely sailboats. From March 7, 2004, to August 10, 2005, the draw opened for vessels 41 times with most of these openings for single vessels. For the 12 months from March 2004 to March 2005 the draw opened 28 times for an average of little better than twice a month.

**Discussion of Comments and Changes**

No comments were received in response to the NPRM. No changes to the proposed regulation were made.

**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.

The Coast Guard expects minimal impact from this rule because most vessels will be able to schedule infrequent passage with the authorized delay for openings.

**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.

**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 the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

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 would 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 would not create an environmental risk to health or risk to safety that might 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.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 (32)(e) of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (32)(e), of the Instruction, an “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

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

Bridges.

#### Regulations

■ 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 May 30, 2006 to April 1, 2007, amend § 117.1065 by suspending paragraph (c) and adding paragraph (d) to read as follows:

#### § 117.1065 Wishkah River.

\* \* \* \* \*

(d) The draws of the Heron Street Bridge, mile 0.2, shall open on signal if at least 48 hours notice is provided. The draw of the Wishkah Street Bridge, mile 0.4, shall open on signal if at least one hour notice is provided. The opening signal for both bridges is one prolonged blast followed by two short blasts.

Dated: April 8, 2006.

**R.R. Houck,**

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

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**BILLING CODE 4910–15–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 125

[USCG–2006–24189]

#### Maritime Identification Credentials

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of acceptable identification credentials.

**SUMMARY:** This document informs the public that the Commandant of the Coast Guard is directing Coast Guard Captains of the Port to prevent access to waterfront facilities to persons that do not have appropriate identification credentials as defined under Coast Guard regulations. This document also identifies additional identification documents that have been approved by the Commandant as identification credentials.

**DATES:** This announcement is effective April 28, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG–2006–24189 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. They may also be viewed online at <http://dms.dot.gov> at any time. Conduct a simple search and enter in the last five digits of the docket number listed above.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document, call James Bull, Coast Guard, telephone 202–267–1630. If you have questions on viewing material in the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–493–0402.

#### SUPPLEMENTARY INFORMATION:

##### Background and Purpose

Under the authority of 50 U.S.C. 191 and Coast Guard regulations (33 CFR part 125), the Coast Guard has the authority to require identification credentials for access to waterfront facilities and to port and harbor areas,

including vessels and harbor craft in those areas. The Commandant of the Coast Guard, pursuant to 33 CFR 125.15(a), is authorized to direct, from time to time, the Captains of the Port (COTP) “to prevent access of persons who do not possess one or more of the identification credentials listed in § 125.09 to those waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, where the following shipping activities are conducted: \* \* \* [t]hose essential to the interests of national security and defense, to prevent loss, damage or injury, or to insure the observance of rights and obligations of the United States.”

On August 7, 2002, the Coast Guard published a “Clarification of Regulation” in the *Federal Register* at 67 FR 51082, which notified the public that the Coast Guard may soon begin requiring identification credentials from persons seeking access to waterfront facilities, areas within the port and harbor, and on vessels and harbor craft within such areas.

I have determined that it is necessary to inform the public of the identification credential requirement under 33 CFR 125.15(a) for all individuals seeking access to facilities regulated under 33 CFR part 105. These actions will improve national security by verifying maritime workers’ identity, validating their background information, assisting transportation facilities in managing their security risks, and accounting for access of authorized personnel to transportation facilities and activities. This document announces to the public that, in accordance with my authority under 33 CFR 125.15, I am directing COTPs to prevent access to all facilities regulated under 33 CFR part 105 to persons who do not have an identification credential listed in 33 CFR 125.09 or such identification as I have approved below under 33 CFR 125.09(f).

The Coast Guard notes that it will not be issuing Port Security Cards at this time, and reaffirms that when the regulations implementing the Transportation Worker Identification Credential (TWIC) are issued, the Coast Guard will reevaluate this action.

#### A. Acceptable Identification Credentials

Acceptable forms of identification credentials under 33 CFR 125.09 include the following:

- A Merchant Mariner Document.
- An Armed Forces Identification Card.
- Federal law enforcement credentials.