

prevent an unscheduled closure due to component failure.

As a result, the bridge owner has requested that mariners provide an advance notice for bridge openings to allow maintenance personnel sufficient time to manually open the bridge.

Under this temporary deviation, in effect from February 3, 2006 through April 3, 2006, the Amtrak Bridge at mile 0.0, across the Niantic River, Connecticut, shall open on signal from 5 a.m. to 10 p.m. after a one-hour notice is given and from 10 p.m. to 5 a.m., after a two-hour notice is given by calling the number posted at the bridge.

In accordance with 33 CFR 117.35(b), 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: February 2, 2006.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01-06-005]

Drawbridge Operation Regulations: Connecticut River, Old Lyme, CT

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the AMTRAK Old Saybrook-Old Lyme Bridge, across the Connecticut River at mile 3.4, at Old Lyme, Connecticut. This deviation from the regulations allows the bridge to operate on a fixed schedule for bridge openings from February 4, 2006 through March 6, 2006, and also authorizes one 12-hour and two 72-hour bridge closures. This deviation is necessary in order to facilitate scheduled bridge maintenance.

DATES: This deviation is effective from February 4, 2006 through March 6, 2006.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408

Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364. The First Coast Guard District Bridge Branch Office maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

SUPPLEMENTARY INFORMATION: The AMTRAK Old Saybrook-Old Lyme Bridge, at mile 3.4, across the Connecticut River has a vertical clearance in the closed position of 19 feet at mean high water and 22 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.205(b).

The owner of the bridge, National Railroad Passenger Corporation (AMTRAK), requested a temporary deviation from the drawbridge operating regulations to facilitate scheduled electrical and mechanical bridge repairs. In order to prosecute the above repairs the bridge must open on a fixed bridge opening schedule.

This deviation from the operating regulations allows the AMTRAK Old Saybrook-Old Lyme Bridge to operate from February 4, 2006 through March 6, 2006, as follows:

From Monday through Friday, the bridge shall open on signal at 8:15 a.m., 12:15 p.m., and 2:15 p.m.

On Saturday and Sunday the bridge shall open on signal at 8 a.m., 10 a.m., 1 p.m., and 4 p.m.

The bridge shall open on signal for all vessel traffic from 4 p.m. through 8 a.m. after a four-hour advance notice is given by calling the number posted at the bridge.

The bridge shall open on signal for commercial vessels at any time after a four-hour advance notice is given by calling the number posted at the bridge.

In addition, the bridge may remain in the closed position for all vessels from 7 a.m. through 7 p.m. on February 6, 2006 from 12:01 a.m. February 11, through 11:59 p.m. February 13, 2006 and 12:01 a.m. February 18 through 11:59 p.m. February 20, 2006.

This temporary deviation does not affect the operation of the CONRAIL Middletown-Portland Bridge, mile 32.0, across the Connecticut River, which is also listed under 33 CFR § 117.205(b).

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: February 3, 2006.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 06-1253 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09-06-002]

RIN 1625-AA00

Safety Zone; Cuyahoga River, Cleveland, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for installing the West Third Street Bridge on the Cuyahoga River. The safety zone is limited to the area surrounding the bridge span during the installment process. The safety zone is necessary to ensure the safety of those working on the bridge. All other portions of the Cuyahoga River are unaffected. If the installment process is completed ahead of schedule this safety zone will be canceled immediately and notices made to the public by means of Local Notice to Mariners Broadcasts.

DATES: This rule is effective from 7 a.m. (local) Wednesday, February 1, 2006 through 1 p.m. (local) on Tuesday, February 28, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are parts of docket [CGD09-06-002] and are available for inspection or copying at the U.S. Coast Guard Marine Safety Unit Cleveland, 1055 East Ninth Street, Cleveland, Ohio 44114, between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: LT Nichol Starr, U.S. Coast Guard Marine Safety Unit Cleveland, at (216) 937-0128.

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. The timing of this construction evolution did not allow sufficient time for the publication of an NPRM followed by an effective

date before the event. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of work crews, vessels and the general public during this event, and immediate action is necessary to prevent possible loss of life or property.

Background and Purpose

This safety zone is necessary and intended to manage vessel traffic in order to provide for the safety of life and property on the Cuyahoga River during the West Third Street Bridge Replacement process. The Captain of the Port has determined that this evolution poses a threat to vessel operators due to the navigational risks associated with the replacement process. The Captain of the Port has determined that vessels operating in close proximity to the tug and barge replacing the bridge span pose a risk to safety and property.

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

This determination is based on the time that the safety zone will be in effect, schedules from the Great Lakes Commercial Shipping Agents, and that advance notice will be made to the maritime community via Local Notice to Mariners and marine safety information broadcasts. This regulation is tailored to impose a minimal impact on maritime interests without compromising safety.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant 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.

This rule would affect the following entities, some of which might be small entities: The owners or operators of commercial vessels intending to transit a portion of the activated safety zone.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: The U.S. Coast Guard has made agreements between the Lake Carriers Association, Canadian Steamship Association and the local businesses so as not to interrupt commerce. All parties mentioned agree that this safety zone will not impede commerce. Businesses affected are not planning on receiving any goods during this period from commercial vessels. All navigable waters above and below the safety zone are open to navigation. Before the activation of the safety zone, the Coast Guard will issue maritime advisories available to users who may be impacted through Local Notice to Mariners, facsimile, and marine safety information broadcasts. Additionally, the Coast Guard has not received any reports from small entities that will be negatively affected.

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 offered to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. 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 Marine Safety Office Cleveland (see **ADDRESSES**).

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 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 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 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 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

The Coast Guard has 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 concern 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

The Coast Guard has 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 procedure; and related management system 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 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)(g) of the Commandant Instruction M16475.1D, from further environmental documentation.

A preliminary "Environmental Analysis Check List" is available in the docket where indicated under

ADDRESSES. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further review.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 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 § 165.T09–002 to read as follows:

§ 165.T09–002 Safety Zone; West Third Street Bridge replacement project, Cuyahoga River, Cleveland, OH.

(a) *Location.* The following area is a safety zone: All waters of the Cuyahoga River from Mile 3.59 to Mile 3.79.

(b) *Effective Period.* This rule is effective from 7 a.m. (local) Wednesday, February 1, 2006 through 1 p.m. (local) on Tuesday, February 28, 2006.

(c) *Regulations.* Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Coast Guard may be contacted via VHF Channel 16.

Dated: February 1, 2006.

S.J. Ferguson,

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

[FR Doc. 06–1254 Filed 2–9–06; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 412

[EPA–HQ–OW–2005–0036; FRL–8031–3]

RIN 2040–AE80

Revised Compliance Dates for National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines for Concentrated Animal Feeding Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today's rule extends certain compliance dates in the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs) in conjunction with EPA's efforts to respond to the order issued by the Second Circuit Court of Appeals in *Waterkeeper Alliance et al. v. EPA*, 399 F.3d 486 (2nd Cir. 2005). The purpose of today's rule is to address timing issues associated with the Agency's response to the *Waterkeeper* decision.

This final rule revises dates established in the 2003 CAFO rule, issued on February 12, 2003, by which facilities newly defined as CAFOs were required to seek permit coverage and by which all CAFOs were required to have nutrient management plans (NMPs) developed and implemented. EPA is extending the date by which operations defined as CAFOs as of April 14, 2003, who were not defined as CAFOs prior to that date, must seek NPDES permit coverage, from February 13, 2006, to July 31, 2007. EPA is also amending the date by which operations that become defined as CAFOs after April 14, 2003, due to operational changes that would not have made them a CAFO prior to April 14, 2003, and that are not new sources, must seek NPDES permit coverage, from April 13, 2006, to July 31, 2007. Finally, EPA is extending the deadline by which CAFOs are required to develop and implement NMPs, from December 31, 2006, to July 31, 2007. This rule revises all references to the date by which NMPs must be developed and implemented currently in the 2003 CAFO rule.

DATES: This rule is effective as of February 10, 2006.

ADDRESSES: EPA established a docket for this action under Docket ID No. EPA–OW–2005–0036. This is where you can obtain a copy of all materials related to this rulemaking, including the