

statement from MSHA, followed by an opportunity for members of the public to make oral presentations. MSHA is specifically soliciting technical presentations that discuss the following key issues raised in the RFI: underground communications and tracking of underground miners. Please note that MSHA approves all electrically operated equipment taken in by the last open cross-cut in a coal mine as "permissible" under Title 30 Code of Federal Regulations, subchapter B. Accordingly, technical presentations should address permissibility and intrinsic safety. Information concerning MSHA's approval programs can be obtained from the MSHA Web site at <http://www.msha.gov>.

The meeting will be conducted in an informal manner. The MSHA panel at the meeting may ask questions of speakers. The presiding official may exercise discretion to ensure the orderly progress of the meeting and may exclude irrelevant or unduly repetitious material and questions. A transcript of the proceeding will be prepared and made a part of the public meeting record. The transcript will be available on MSHA's Home Page at <http://www.msha.gov>, under Statutory and Regulatory Information.

Dated: February 21, 2006.

**David G. Dye,**

*Acting Assistant Secretary for Mine Safety and Health.*

[FR Doc. 06-1748 Filed 2-22-06; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD07-05-162]

RIN 1625-AA09

#### **Drawbridge Operation Regulations; N.E. 14th Street, Atlantic Intracoastal Waterway Mile 1055.0 at Pompano, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to temporarily amend the regulations governing the operation of the N.E. 14th Street Bridge across the Atlantic Intracoastal Waterway, mile 1055.0, Pompano, Broward County, Florida. This proposed temporary rule provides for solely single-leaf bridge operations between May and June 2006. From July through September 2006, we propose this bridge operate on a single-leaf

schedule unless four hour notice is provided for double-leaf openings.

**DATES:** Comments and related material must reach the Coast Guard on or before March 27, 2006.

**ADDRESSES:** You may mail comments and related material to Commander (dpb), Seventh Coast Guard District, 909 S.E. 1st Ave, Suite 432, Miami, FL 33131-3050. Commander (dpb) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in the preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Bridge Branch, Seventh Coast Guard District, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Lieberum, Project Manager, Seventh Coast Guard District, Bridge Branch, 305-415-6743.

#### **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 [CGD07-05-162], 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 temporary 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 Bridge Branch, Seventh Coast Guard District, 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**

PCL Civil Constructors, Inc. on behalf of the Florida Department of Transportation has requested the Coast Guard temporarily change the existing regulations governing the operation of the N.E. 14th Street Bridge across the

Atlantic Intracoastal Waterway by allowing single-leaf operation during bridge rehabilitation. The N.E. 14th Street Bridge is located on the Atlantic Intracoastal Waterway, mile 1055.0, Pompano, Florida. The current regulation governing the operation of the N.E. 14th Street Bridge is published in 33 CFR 117.261(cc) and requires the bridge to open on signal except that, from 7 a.m. to 6 p.m., the draw need open only on the quarter-hour and three-quarter hour.

##### **Discussion of Proposed Rule**

The Coast Guard proposes to temporarily change the operating regulations of the N.E. 14th Street Bridge from May 1, 2006 to September 30, 2006 so that the bridge will operate a single-leaf twice an hour from May 1, 2006 through July 1, 2006. From July 1, 2006 through September 30, 2006, the bridge will operate a single-leaf twice an hour unless four hour notice is given for double-leaf openings.

##### **Regulatory Evaluation**

This proposed temporary 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 temporary rule to be so minimal that a full Regulatory Evaluation under the policies and procedures of DHS is unnecessary, because the rule will allow for bridge openings during the repairs to this bridge and all closure times will be published with adequate time for mariners to plan accordingly.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed temporary 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 temporary rule would not have a significant economic impact on a

substantial number of small entities, because the regulations provide for restricted bridge openings and will provide for the reasonable needs of navigation.

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 temporary 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 the person listed in **FOR FURTHER INFORMATION CONTACT**. The Coast Guard will not retaliate against small entities that have questions or complain about this rule or any policy or action of the Coast Guard.

#### Collection of Information

This proposed temporary 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 temporary rule under that Order and 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 temporary rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This proposed temporary 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 proposed temporary 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 temporary 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 temporary 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 temporary 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 temporary rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this proposed temporary 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 proposed temporary 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.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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 authority of Pub. L. 102–587, 106 Stat. 5039.

2. From 7 a.m. on May 1, 2006, through 6 p.m. on September 30, 2006, suspend paragraph 117.261(cc) and add paragraph (uu) to read as follows:

#### § 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

\* \* \* \* \*

(uu) N.E. 14th Street bridge, mile 1055.0 at Pompano. The draw shall open a single-leaf on the quarter-hour and three-quarter hour from May 1, 2006 through July 1, 2006. From July 1, 2006 through September 30, 2006 the draw shall open double leaf upon four hours advance notification to the bridge

tender on VHF channel 16 or the bridge rehabilitation contractor at 772-201-3745. Otherwise, the draw shall open a single leaf on the quarter-hour and three-quarter hour.

Dated: January 9, 2006.

**D.B. Peterman,**

*RADM, U.S. Coast Guard, Commander,  
Seventh Coast Guard District.*

[FR Doc. 06-1669 Filed 2-22-06; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Parts 201

[Docket No. RM 2005-11A]

#### Notice of Public Hearings: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of Public Hearings.

**SUMMARY:** The Copyright Office of the Library of Congress will be holding public hearings on the possible exemptions to the prohibition against circumvention of technological measures that control access to copyrighted works. In accordance with the Copyright Act, as amended by the Digital Millennium Copyright Act, the Office is conducting its triennial rulemaking proceeding to determine whether there are particular "classes of works" as to which users are, or are likely to be, adversely affected in their ability to make noninfringing uses if they are prohibited from circumventing such technological measures.

**DATES:** Public hearings will be held in Palo Alto, California on Thursday, March 23, 2006, and Friday, March 24, 2006. Public hearings will also be held in Washington, DC on Wednesday, March 29, 2006, Friday, March 31, 2006, Monday, April 3, 2006, and Tuesday, April 4, 2006, beginning at 9:30 a.m. Requests to testify must be received by 5 p.m. E.S.T. on Friday March 10, 2006. See **SUPPLEMENTARY INFORMATION** for additional information on other requirements.

**ADDRESSES:** The Palo Alto hearings will be held in the Moot Court Room (Room 80) of the Stanford Law School, Crown Quadrangle, Palo Alto, CA. The Washington, DC round of public hearings will be held in the Mumford, Room, LM-649, of the James Madison Building of the Library of Congress, 101 Independence Ave, SE., Washington,

DC. See **SUPPLEMENTARY INFORMATION** for additional address information and other requirements.

**FOR FURTHER INFORMATION CONTACT:** Rob Kasunic, Principal Legal Advisor, Office of the General Counsel, Copyright GC/I&R, PO Box 70400, Washington, DC 20024-0400. Telephone (202) 707-8380; fax (202) 707-8366. Requests to testify may be submitted through the request form available at <http://www.copyright.gov/1201/index.html>.

**SUPPLEMENTARY INFORMATION:** On October 3, 2005, the Copyright Office published a Notice of Inquiry seeking comments in connection with a rulemaking pursuant to section 1201(a)(1) of the Copyright Act, 17 U.S.C. 1201(a)(1), which provides that the Librarian of Congress may exempt certain classes of works from the prohibition against circumventing a technological measure that controls access to a copyrighted work. 70 FR 57526 (October 3, 2005). For a more complete statement of the background and purpose of the rulemaking, please see the full record of the previous rulemaking proceedings available on the Copyright Office's Web site at: <http://www.copyright.gov/1201/>.

The 74 initial written comments proposing classes of works to be exempted and the 35 reply comments have been posted on the Office's Web site; see <http://www.copyright.gov/1201/>.

The Office will be conducting public hearings in Palo Alto, California and Washington, DC to hear testimony relating to the proposed exemptions in this rulemaking. Interested parties are invited to submit requests to testify at these hearings. The dates for the hearings in Palo Alto, CA are March 23 and 24. The dates for the Washington, DC hearings are March 29, March 31, April 3, and April 4, 2006. Depending on the number of requests to testify received by the Copyright Office, it may not be necessary to conduct hearings on all of the available days. In addition, the hearings will be organized by subject matter; and while the Copyright Office will attempt to accommodate preferences for particular dates, such accommodations may not be possible.

#### Requirements for Persons Desiring To Testify

A request to testify must be submitted to the Copyright Office. All requests to testify must clearly identify:

- The name of the person desiring to testify,
- The organization or organizations represented, if any,
- Contact information (address,

telephone, and e-mail),

- The class of work to which your testimony is responsive (if you wish to testify on more than one proposed class of work, please state your order of preference),
- A brief summary of your proposed testimony,
- A description of any audiovisual material or demonstrative evidence, if any, that you intend to present,
- The location of the hearing at which you wish to testify (Washington, DC or Palo Alto, CA).
- Preferences as to dates on which you wish to testify. *Note:* Because the agenda will be organized based on subject matter, we cannot guarantee that we can accommodate requests to testify on particular dates.

Depending on the number and nature of the requests to testify, it is possible that the Office will not be able to accommodate all requests to testify.

All persons who submit a timely request to testify will receive confirmation by email or telephone. The Copyright Office will notify all witnesses of the date and expected time of their appearance, and the time allocated for their testimony.

#### Addresses for Requests To Testify

Requests to testify must be submitted via the Copyright Office's website form located at <http://www.copyright.gov/1201/index.html> and must be received by 5:00 E.S.T. on March 10, 2006. Persons who are unable to send requests via the Web site should contact Rob Kasunic, Principal Legal Advisor, Office of the General Counsel at (202) 707-8380 to make alternative arrangements for submission of their requests to testify.

#### Form and Limits on Testimony at Public Hearings

There will be time limits on the testimony allowed for persons testifying that will be established after receiving all requests to testify. In order to avoid duplicative and cumulative testimony and to ensure that all relevant issues and viewpoints are addressed, the Office encourages parties with similar interests to select common representatives to testify on behalf of a particular position. A timely request to testify does not guarantee an opportunity to testify at these hearings.

The Copyright Office stresses that factual arguments are at least as important as legal arguments and encourages persons who wish to testify to provide demonstrative evidence to supplement their testimony. While testimony from attorneys who can