

a "rule" as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

#### List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

■ Accordingly, for the reasons set forth in the preamble, part 0 of chapter I of title 28 of the Code of Federal Regulations is amended as follows:

#### PART 0—AMENDED

■ 1. The authority citation for part 0 continues to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

■ 2. Part 0, subpart A, § 0.1 is amended by adding a new entry at the end of the list under "Offices" to read as follows:

##### § 0.1 Organizational units.

\* \* \* \* \*

Office of the Federal Detention Trustee

■ 3. Part 0 is amended by adding a new subpart U–3 to read as follows:

#### Subpart U–3—Office of the Federal Detention Trustee

##### § 0.123 Federal Detention Trustee.

(a) The Office of the Federal Detention Trustee shall be headed by a Detention Trustee appointed by the Attorney General. The Detention Trustee shall exercise all powers and functions authorized by law related to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service in accordance with 28 U.S.C. 530C(b)(7).

(b) The Detention Trustee shall:

(1) Manage funds appropriated to the Department in the exercise of such detention functions.

(2) Oversee the construction of detention facilities or housing related to such detention.

(3) Set policy regarding such detention, and perform such functions as may be necessary for the effective policy-level coordination of detention operations.

(4) Oversee contracts for detention services, including, when the Detention Trustee deems appropriate, negotiating purchases and entering into contracts and intergovernmental agreements for

detention services, and making required determinations and findings for the acquisition of services.

(5) Manage the Justice Prisoner and Alien Transportation System.

(c) This regulation sets forth the general functions of the Detention Trustee solely for the purpose of internal Department of Justice guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, that are enforceable at law by any party in any matter, civil or criminal.

Dated: June 19, 2006.

**Alberto R. Gonzales,**

*Attorney General.*

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 706

#### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that USS MITSCHER (DDG 57) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** *Effective Date:* May 26, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Commander Gregg A. Cervi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone 202–685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the

Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS MITSCHER (DDG 57) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights; Annex I, paragraph 2(f)(ii), pertaining to the vertical placement of task lights; and Rule 21(a), pertaining to the arc of visibility of the forward masthead light. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements. All other previously certified deviations from the 72 COLREGS not affected by this amendment remain in effect.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

#### List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

■ For the reasons set forth in the preamble, amend part 706 of title 32 of the Code of Federal Regulations as follows:

#### PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read:

**Authority:** 33 U.S.C. 1605.

■ 2. In Table Four of § 706.2 amend Paragraph 16 by revising the entry for USS MITSCHER (DDG 57) to read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

Vessel	Number	Obstruction angle relative ship's headings
USS MITSCHER .....	DDG 57 .....	109.66° thru 112.50°.

■ 3. In Table Five of § 706.2 revise the entry for USS MITSCHER (DDG 57) to read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS MITSCHER .....	DDG 57 .....		X	X	12.4

Approved: May 26, 2006.  
**Gregg A. Cervi,**  
*Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General Admiralty and Maritime Law.*  
 [FR Doc. E6-10033 Filed 6-23-06; 8:45 am]  
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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[CGD05-06-047]

RIN 1625-AA09

**Drawbridge Operation Regulation: Beaufort (Gallants) Channel, NC**

**AGENCY:** Coast Guard, DHS.  
**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the regulations that govern the operation of the U.S. 70 Bridge across Beaufort (Gallants) Channel, mile 0.1, at Beaufort, NC. The rule allows the bridge to remain in the closed-to-navigation position from midnight on June 30, 2006, until and including 9 p.m. on July 5, 2006, to facilitate the Pepsi America Sail 2006 event.

**DATES:** This rule is effective from midnight on June 30, 2006 to 9 p.m. on July 5, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the

docket, is part of docket CGD05-06-047 and are available for inspection or copying at Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004 between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6587. Fifth District maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Terrance Knowles, Environmental Protection Specialist, Fifth Coast Guard District, at (757) 398-6587.

**SUPPLEMENTARY INFORMATION:**  
**Good Cause for Not Publishing an NPRM**

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. This rule is necessary due to the high volume of pedestrians (approximately 400,000) that are expected to attend this event and as such it has been coordinated with local marinas and the North Carolina Department of Transportation (NCDOT). We believe that it is not necessary to draft or publish an NPRM in advance of the requested start date for this bridge closure due to the availability of an alternate maritime route. The bridge closure is also a necessary measure to ensure public safety by allowing for the orderly movement of vehicular traffic before,

during and after the Pepsi America Sail 2006 event.

**Good Cause for Making Rule Effective in Less Than 30 Days**

Under 5 U.S.C. 533(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**. A 30-day delayed effective date is unnecessary due to the availability of an alternate local route for mariners, through Morehead City on the Atlantic Intracoastal Waterway, which is the result of coordination with local marine facilities. Good cause also exists for making this rule effective in less than thirty days to ensure the public interest. The event is scheduled for June 30, 2006, until and including July 5, 2006 and immediate action is necessary to ensure public safety and provide for the orderly movement of participants and vehicular traffic during the Pepsi America Sail 2006 event.

**Background and Purpose**

In the closed-to-navigation position, the U.S. 70 Bridge, at mile 0.1, across Beaufort (Gallants) Channel, has a vertical clearance of approximately 13 feet above mean high water. The existing regulations are outlined at 33 CFR 117.822.

On behalf of NCDOT, who owns and operates the U.S. 70 Bridge, organizers of the Pepsi America Sail 2006 requested a temporary change to the operating regulations for the U.S. 70 Bridge to facilitate the event.