

(c) Effective Date. These regulations are effective annually August 1st; 7 p.m. to 9 p.m.

7. Add § 100.907 to read as follows:

§ 100.907 Milwaukee River Challenge; Milwaukee, WI.

(a) Regulated Area. All waters of the Milwaukee River from the junction with the Menomonee River at 1.01 miles above the Milwaukee Pierhead Light to the Humboldt Avenue Bridge at 3.22 miles above the Milwaukee Pierhead Light.

(b) Special Local Regulations. The regulations of § 100.901 apply. No vessel may enter, transit through, or anchor within the regulated area without the permission of the Coast Guard Patrol Commander.

(c) Effective Date. These regulations are effective annually on the third or fourth Saturday of September; from 9 a.m. to 5 p.m.

8. Add § 100.908 to read as follows:

§ 100.908 Charlevoix Venetian Night Boat Parade; Charlevoix, MI.

(a) Regulated Area. All waters of Round Lake, Charlevoix, MI.

(b) Special Local Regulations. The regulations of § 100.901 apply. No vessel may enter, transit through, or anchor within the regulated area without the permission of the Coast Guard Patrol Commander.

(c) Effective Date. These regulations are effective annually on the fourth Saturday of July; from 9 p.m. to 11 p.m.

9. Add § 100.909 to read as follows:

§ 100.909 Chinatown Chamber of Commerce Dragon Boat Race; Chicago, IL.

(a) Regulated Area. All waters of the South Branch of the Chicago River from the 18th Street Bridge 3.6 miles above the west end of the Chicago Lock to the Amtrak Bridge 3.77 miles above the west end of the Chicago Lock.

(b) Special Local Regulations. The regulations of § 100.901 apply. No vessel may enter, transit through, or anchor within the regulated area without the permission of the Coast Guard Patrol Commander.

(c) Effective Date. These regulations are effective annually on the third Friday of July; from 11:30 a.m. to 5 p.m. and on the third Saturday of July; from 9 a.m. to 5 p.m.

Dated: March 26, 2007.

John E. Crowley, Jr.,
Rear Admiral, U.S. Coast Guard, Commander,
Ninth Coast Guard District.

[FR Doc. E7-6425 Filed 4-5-07; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD05-07-021]

RIN 1625-AA09

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), Albemarle and Chesapeake Canal, Chesapeake, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulations that govern the operation of the Centerville Turnpike (SR 170) Bridge, at AIWW mile 15.2, across the Albemarle and Chesapeake Canal in Chesapeake, Virginia. The proposal would allow the bridge to open on signal every hour on the half hour from 6:30 a.m. to 6:30 p.m., year round. The reason for this change would be to improve the schedule for both roadway and waterway users.

DATES: Comments and related material must reach the Coast Guard on or before May 21, 2007.

ADDRESSES: You may mail comments and related material to Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004. The Fifth Coast Guard District maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (dpb), Fifth Coast Guard District between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Bill H. Brazier, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6422.

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 CGD05-07-021, 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 a return receipt, please enclose a stamped, self-addressed postcard or envelope. We will consider all submittals received during the comment period. We may change this proposed 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 Commander (dpb), Fifth 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

The Centerville Turnpike (SR 170) Bridge, a swing-type drawbridge, has a vertical clearance in the closed position to vessels of four feet, above mean high water.

The City of Chesapeake owns and operates this swing-type bridge. Current regulation requires the bridge to open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials. In addition, from 8:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays, the draw need only be opened on the hour and half hour. From 6:30 a.m. to 8:30 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of recreational vessels and commercial vessels carrying non-hazardous material that do not provide a 2-hour advance notice.

The City of Chesapeake has requested a change to the existing regulations for the Centerville Turnpike (SR 170) Bridge in an effort to improve the schedule for both roadway and waterway users and to improve the travel for mariners to arrive at the Great Bridge (S168) Bridge across the Albemarle and Chesapeake, at AIWW mile 12.0 at Chesapeake, (approximately three miles away) in time to pass through the drawbridge during its opening schedule. The Great Bridge (S168) Bridge provides vessel openings on the hour between 6 a.m. to 7 p.m., seven days a week, year round.

This proposal would continue to open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials, eliminates the 2-hour advance notice requirement for commercial vessels carrying non-hazardous material and the rush hour restrictions to mariners from 6:30 a.m. to 8:30 a.m. and from 4 p.m. to 6 p.m.,

Monday through Friday, except Federal holidays.

The Coast Guard reviewed the bridge logs provided by the City of Chesapeake which illustrated a small decrease in the numbers of vessels passing through the bridge during the spring, summer, and fall, primarily for "snowbirds". Owners of these transitory recreational vessels

are either traveling north to south towards a warmer climate in the fall or south to north towards a cooler climate in the spring and this can result in frequent bridge openings due to their numbers. During the spring and fall months, the flow of recreational vessels is constant.

There were approximately 9,068 and 10,415 vessel passages occurring in 2006 and 2005, respectively, over a seven-month period (April, May, June, July, August, October and November) according to records furnished by the City of Chesapeake. (See Table A)

TABLE A

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
BRIDGE OPENINGS FOR 2006											
210	151	280	510	428	627	659	514	418	521	451	255
BOAT PASSAGES FOR 2006											
249	177	358	954	1213	1630	1500	954	743	1601	1216	361
BRIDGE OPENINGS FOR 2005											
189	192	282	455	719	631	666	579	452	399	495	305
BOAT PASSAGES FOR 2005											
224	216	351	897	2234	1724	1495	1091	818	1646	1328	458

Due to the large number of vessels under the current schedule, mariners cannot arrive on time for the Great Bridge (S168) Bridge opening before the morning and evening rush hour periods. The waterway at this location is narrow and offers no anchorage area, and this condition creates a hazardous situation for vessels waiting and maneuvering for long periods to transit through the draw span. Also, a well-known marina along the AIWW was contacted by the City of Chesapeake during this evaluation process in order to help seek comments from waterway users frequenting the AIWW. While it was an unofficial survey, the marina relayed that the overwhelming majority of its contacts believe the proposed schedule would work much better than the current operating regulations for the Centerville Turnpike (SR 170) Bridge.

Based on the above information, we have proposed to change the regulations that govern the Centerville Turnpike (SR 170) Bridge to open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials; and every hour on the half hour between 6:30 a.m. and 6:30 p.m., year-round. At all other times, the draw shall open on demand. The proposal will enable transient craft to reduce delays in navigating the AIWW, while also helping to ease vehicular traffic congestion.

Discussion of Proposed Rule

The Coast Guard proposes to amend 33 CFR 117.997(j), by revising the following paragraphs:

Paragraph (j)(2) would modify to read "Year-round from 6:30 a.m. to 6:30 p.m., the draw need only be opened every hour on the half hour". Paragraph (j)(3) would modify to read "If any vessel is approaching the bridge and cannot reach the draw exactly on the half hour, the draw tender may delay the opening ten minutes past the half hour for the passage of the approaching vessel and any other vessels that are waiting to pass". Paragraph (j)(4) would read "Shall open on signal at all other times".

Regulatory Evaluation

This proposed 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 rule to be so minimal that a full Regulatory Evaluation is unnecessary. We reached this conclusion based on the fact that the proposed changes have only a minimal

impact on maritime traffic transiting the bridge. Mariners can plan their trips in accordance with the scheduled bridge openings, to minimize delays.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed 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 rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would not have a significant economic impact on a substantial number of small entities because the rule only adds minimal restrictions to the movement of navigation, and mariners who plan their transits in accordance with the scheduled bridge openings can minimize delay.

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 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 Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, (757) 398–6222. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This proposed 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 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 will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed 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 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 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 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 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 rule does not use technical standards. Therefore, we did

not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID, and Department of Homeland Security Management Directive 5100.1, 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 (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. However, comments on this section will be considered before the final 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 the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.997, remove paragraph (j)(5) and revise paragraphs (j)(2), (j)(3) and (j)(4) to read as follows:

§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.

* * * * *

(j) * * *

(1) * * *

(2) Year-round from 6:30 a.m. to 6:30 p.m., the draw need only be opened every hour on the half hour;

(3) If any vessel is approaching the bridge and cannot reach the draw exactly on the half hour, the draw tender may delay the opening ten minutes past the half hour for the passage of the approaching vessel and any other vessels that are waiting to pass;

(4) Shall open on signal at all other times.

Dated: March 21, 2007.

L.L. Hereth,

*Rear Admiral, United States Coast Guard
Commander, Fifth Coast Guard District.*

[FR Doc. E7-6146 Filed 4-5-07; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA-R01-OAR-2007-0136; A-1-FRL-
8295-5]

Approval and Promulgation of State Plans for Designated Pollutants and Facilities; Rhode Island; Negative Declaration

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the Sections 111(d) and 129 negative declaration submitted by the State of Rhode Island. This negative declaration adequately certifies that there are no existing "other solid waste incineration" (OSWI) units located within the boundaries of the State of Rhode Island.

DATES: Written comments must be received on or before May 7, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R01-OAR-2007-0136 by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

2. *E-mail:* cohen.ian@epa.gov.

3. *Fax:* (617) 918-0655.

4. *Mail:* "EPA-R01-OAR-2007-0136", Dan Brown, Chief, Air Permits, Toxics, and Indoor Air Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAP), Boston, MA 02114-2023.

5. Hand Delivery or Courier. Deliver your comments to: Dan Brown, Chief, Air Permits, Toxics, and Indoor Air Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, 11th floor, (CAP), Boston, MA 02114-2023. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 p.m. to 4:30 p.m., excluding legal holidays.

Please see the direct final rule which is located in the Rules Section of this

Federal Register for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Ian D. Cohen, Air Permits, Toxics, and Indoor Air Programs, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street (CAP), Boston, MA 02114-2023, telephone number (617) 918-1655, fax number (617) 918-0655, e-mail cohen.ian@epa.gov.

SUPPLEMENTARY INFORMATION: In the Final Rules Section of this **Federal Register**, EPA is approving the negative declaration for OSWI units in Rhode Island as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the Rules Section of this **Federal Register**.

Dated: March 27, 2007.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. E7-6461 Filed 4-5-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2006-0175; FRL-8119-8]

Pesticides; Food Packaging Treated with a Pesticide

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would except from the definitions of "pesticide chemical" and "pesticide chemical residue" under FFDCA section 201(q),

food packaging (e.g. paper and paperboard, coatings, adhesives, and polymers) that is treated with a pesticide as defined in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) section 2(u). As a result, such ingredients in food packaging treated with a pesticide would be exempt from regulation under FFDCA section 408 as pesticide chemical residues. Further, a food that bears or contains such ingredients would not be subject to enforcement by the Food and Drug Administration (FDA) under section 402(a)(2) (B) of the FFDCA since the ingredients would no longer be pesticide chemical residues. Instead, such ingredients would be subject to regulation by the FDA as food additives under FFDCA section 409. FDA generally regulates such food additives in food packaging as food contact substances under FFDCA, section 409(h). This proposed rule would expand the scope of the provision in 40 CFR 180.4 which currently applies only to food packaging impregnated with an insect repellent - one type of pesticide. This proposed rule, as with the rule it would amend, only applies to the food packaging materials themselves; it would not otherwise limit EPA's FFDCA jurisdiction over pesticides or limit FDA's jurisdiction over substances subject to FDA regulation as food additives. EPA, in consultation with FDA, and FDA believe this rule would eliminate the duplicative FFDCA jurisdiction and economize federal government resources while continuing to protect human health and the environment. Even after this rule is finalized, under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA would continue to regulate the food packaging as an inert ingredient of the pesticide product and regulate the pesticide active ingredient in the treated food packaging under both FIFRA and the FFDCA. The text of this proposed rule is identical to a direct final rule EPA issued on December 6, 2006. EPA received several comments opposing that direct final rule and therefore withdrew the rule on January 25, 2007, consistent with EPA policy. EPA is now issuing the rule as a proposal for public comment.

DATES: Comments must be received on or before April 23, 2007.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2007-0175, by one of the following methods:

• *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.