

an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This rule will not effect 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 will 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 will 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs 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 M16475.1D and Department of Homeland Security Management Directive 5100.1, which guide 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 the categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34), of the Instruction, from further environmental documentation.

A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" will be available in the docket where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 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. 1225, 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 temporary § 165.T01–064 to read as follows:

#### § 165.T01–064 Safety Zone: Fundacion Amistad Fireworks, Three Mile Harbor, East Hampton, NY.

(a) *Location.* The following area is a safety zone: All waters of Three Mile Harbor in an 800-foot radius of a fireworks barge site located off of East Hampton, NY at approximate position 41°15' N, 072°11'55" W. All

coordinates are North American Datum 1983.

(b) *Enforcement period.* This section will be enforced from 8:30 p.m. to 11:30 p.m. on Saturday, July 22, 2006. If the fireworks display is cancelled due to inclement weather on July 22, 2006, it will take place during the same hours on Sunday, July 23, 2006.

(c) *Regulations.* (1) The general regulations contained in 33 CFR § 165.23 apply.

(2) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

(3) All persons and vessels shall comply with the Coast Guard Captain of the Port or designated on-scene patrol personnel. These personnel comprise commissioned, warrant and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

Dated: June 22, 2006.

**J.J. Plunkett,**

*Commander, U.S. Coast Guard, Captain of the Port, Long Island Sound, Acting.*

[FR Doc. E6–10592 Filed 7–6–06; 8:45 am]

**BILLING CODE 4910–15–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

[Sector Juneau Western Alaska 06–002]

**RIN 1625–AA00**

### Safety Zone; Grand Island, Stephens Passage

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the navigable waters south of Grand Island in Stephens Passage. This safety zone is intended to restrict vessels from entering within 2.5 nautical miles of a Coast Guard vessel that is conducting gunnery exercises. Entry into this safety zone, while it is activated and enforced, is prohibited unless authorized by the on-scene U.S. Coast Guard vessel. This safety zone and its periodic activations are necessary to protect the public from the hazards associated with the firing of weapons.

**DATES:** This temporary rule is effective from June 21, 2006 through December 21, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket Juneau 06-002 and are available for inspection or copying at District 17 Waterways Management Branch between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG David Wohlers, Phone: 907-463-2265. E-mail: [david.c.wohlers@uscg.mil](mailto:david.c.wohlers@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. The Coast Guard is promulgating this safety zone to conduct mission essential training directly related to military operations and national security. Accordingly, based on the military function exception to the Administrative Procedure Act, 5 U.S.C. 553(a)(1), notice and comment rulemaking under 5 U.S.C. 553(b) and an effective date of 30 days after publication under 5 U.S.C. 553(d) are not required for this temporary final rule.

Furthermore, under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. This training is necessary to ensure that Coast Guard personnel located within the Seventeenth Coast Guard District are properly trained and certified before conducting military and national security operations for use in securing Alaska ports and waterways. Any delay in training would prevent the units located within the Seventeenth Coast Guard District from becoming capable of accomplishing missions integral to our nation's security, and would therefore be contrary to public interest.

**Background and Purpose**

This temporary safety zone is necessary to protect vessels and people from hazards associated with live fire from weapons. These hazards include projectiles and ricochets that could damage vessels and cause death or serious bodily harm.

**Discussion of Rule**

The Grand Island safety zone will include all navigable waters within 2.5 nautical miles, from the surface to the seafloor, of position 58°05'00" N 134°08'00" W. This zone will be activated and enforced only when a Coast Guard asset enters the safety zone for the purpose of gunnery training. The Coast Guard will notify the public of its intent to use this zone via a broadcast to mariners 48-hours prior to gunnery

exercises. In addition, the Coast Guard will ensure the safety zone is clear of vessels before initiating its gunnery exercise. Entry, transiting, or anchoring within the safety zone, while it is activated and enforced, is prohibited unless authorized by the on-scene U.S. Coast Guard vessel.

U.S. Coast Guard personnel will enforce this safety zone. Other Federal, State, or local agencies may assist the Coast Guard, including the Coast Guard Auxiliary. Section 165.23 of Title 33, Code of Federal Regulations, prohibits any unauthorized person or vessel from entering or remaining in a safety zone. Vessels or persons violating this section will be subject to both criminal and civil penalties.

**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 (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. The safety zone is of a limited duration, is limited to a relatively small geographic area, and vessels that cannot reasonably pass around the safety zone will be allowed to transit the zone upon a cease-fire request and approval from the on-scene U.S. Coast Guard vessel via VHF channel 16.

The size of the zone is the minimum necessary to provide adequate protection for personnel or vessels during live fire training. The entities most likely to be affected are pleasure craft engaged in recreational activities and sightseeing, commercial fishing vessels, and cruise ships.

**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 will not have

a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the area affected by this safety zone. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) The zone encompasses only a small portion of the navigable waterways in the area; (ii) vessels are allowed to enter this zone when not occupied by the Coast Guard for the purpose of gunnery training; (iii) vessels may contact the on-scene U.S. Coast Guard vessel on VHF channel 16 to request cease-fire in order to transit the zone. The Coast Guard will notify the public of its intent to use and enforce the zone and will ensure the safety zone is clear of vessels before initiating its gunnery exercise.

**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. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact LTJG David Wohlers, U.S. Coast Guard, Waterways Management, District Seventeen at (907) 463-2265.

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 expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This rule will not effect 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 does not create 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 does 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, paragraphs (3)(a) and (34)(g) of the Instruction, from further environmental documentation because we are establishing a safety zone.

A final “Environmental Analysis Checklist” and a final “Categorical Exclusion Determination” are available in the docket where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 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 new § 165.T17–071 to read as follows:

#### § 165.T17–071 Safety Zone; Gunnery Gun Exercises; Grand Island, in Stephens Passage, AK.

(a) *Location.* The following area is a safety zone: Grand Island Area—all navigable waters 2.5 nautical miles surrounding position 58°05′00″ N 134°08′00″ W. These coordinates are based upon North American Datum of 1983.

(b) *Definitions.* As used in this section: *Designated on-scene representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the U.S. Coast Guard in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general regulations in § 165.23, entry into, transiting, or anchoring within a safety zone is prohibited unless authorized by the on-scene U.S. Coast Guard vessel, or the designated on-scene representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the on-scene U.S. Coast Guard vessel or the designated on-scene representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the on-scene U.S. Coast Guard vessel or the on-scene representative on channel 16 to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the on-scene U.S. Coast Guard vessel or the on-scene representative.

(d) *Enforcement and suspension of enforcement of certain safety zone.*

(1) The safety zone in paragraph (a) of this section will be enforced only when a Coast Guard asset is operating in the safety zone for the purpose of conducting gunnery exercises.

(2) Notice of enforcement and suspension of enforcement will be made by use of broadcast notice to mariners 48 hours prior to the gunnery exercise.

(e) *Effective period.* This section is effective from June 21, 2006 through December 21, 2006. If the need for the safety zone ends before the scheduled termination time, the U.S. Coast Guard District Seventeen Commander will cease enforcement of this safety zone and notify the public via a broadcast notice to mariners.

Dated: June 21, 2006.

**D.T. Glenn,**

*Captain, U.S. Coast Guard, Commander,  
Seventeenth Coast Guard District, Acting.*

[FR Doc. E6-10649 Filed 7-6-06; 8:45 am]

**BILLING CODE 4910-15-P**

## POSTAL SERVICE

### 39 CFR Part 111

#### Temporary Mail Forwarding Policy

**AGENCY:** Postal Service.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** This document amends the standards in the Domestic Mail Manual concerning the duration and submission of temporary change-of-address orders.

**DATES:** Effective August 3, 2006. Comments must be received by August 7, 2006.

**ADDRESSES:** Written comments should be mailed or delivered to the Office of Product Management—Addressing, National Customer Support Center, United States Postal Service, 6060 Primacy Pkwy, Ste. 201, Memphis, TN 38188-0001. Comments may be transmitted via facsimile to 901-821-6206 or via e-mail to [charles.hunt@usps.gov](mailto:charles.hunt@usps.gov). Copies of all written comments will be available for inspection and photocopying at USPS Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington, DC 20260-1450 between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Charles B. Hunt, Product Management, (901) 681-4651, James Wilson, Address Management, (901) 681-4676.

**SUPPLEMENTARY INFORMATION:** The Postal Service offers temporary and permanent change of address services to its customers, and forwards mail for generous time periods free of charge, in order to deliver mail accurately and efficiently to its intended recipient. A temporary change-of-address indicates the customer's intention to return to the original address and resume the receipt of mail at that location. Temporary mail forwarding may not exceed twelve months duration.

To better serve its customers, the Postal Service is implementing new procedures in the provision of temporary forwarding of mail. These new procedures are intended to improve mail deliverability to our customers, ensure that mail is delivered to the addressee as quickly as possible, and reduce the volume of mail forwarded unnecessarily.

As background, temporary change-of-address filings typically comprise 7–8 percent of the approximate 46 million change-of-address orders received by the Postal Service each year. Forwarding of mail based on temporary change of address orders is estimated to account for 11 percent of all forwarded mail volume. Approximately 62 percent of all temporary filings have a length of six months or less. The Postal Service received more than 509,000 temporary change-of-address orders in 2005 that did not specify when the forwarding period should end; under current policy, the Postal Service treats these as orders to forward mail for a twelve month period after the start date. The Postal Service also received more than 90,000 temporary changes of address orders where the duration was for a period of 14 days or less. This includes more than 14,000 that had a total duration to forward mail of only 1 day.

The Postal Service is adopting two changes to the Domestic Mail Manual concerning temporary mail forwarding policies. The changes, and the reasons underlying each, are explained below. The changes will be effective August 3, 2006.

Minimum duration will change from one day to two weeks.

Currently, the Postal Service has no minimum timeframe for providing temporary forwarding services. However, the time needed to process temporary change of address orders and begin delivery of forwarded pieces to a temporary address may approach 14 days. Accordingly, short-term forwarding orders may result in mail that is en route to the customer's temporary new address not arriving prior to the customer's departure from that temporary address. This requires the Postal Service to return the mail to the customer's permanent address and delays the time the customer receives the mail. Therefore, the Postal Service will institute a new minimum duration for temporary filings of at least two weeks in length. This will help ensure the efficient forwarding of mail, allow customers to receive mail as quickly as possible, and reduce Postal Service costs. The Postal Service recommends that customers who will be temporarily away from their residences less than two weeks submit a request to hold their mail. Hold requests can be submitted in person or by mail to their post office, electronically through [www.usps.com](http://www.usps.com) or by telephone through 1-800-ASK-USPS. Customers can ask that held mail be delivered upon their return or request to pick up the mail at their post office.

Maximum duration for an initial temporary order will change from twelve months to six months.

The Postal Service seeks to avoid the unnecessary or improper forwarding of mail. As previously stated, the majority of temporary filings last no more than six months. Therefore, the current policy that assigns a 12 month duration on temporary change of address orders that do not reflect an end date probably overstates the term desired by many customers. This would result in the unnecessary forwarding of mail and delay the receipt of correspondence by those customers. Accordingly, the Postal Service is changing its standards to limit an initial temporary change of address order to a maximum of 6 months, or, if no time period is specified, will use 6 months as the end date. Customers who wish to have their mail forwarded for a longer period may submit an additional order to extend the forwarding period up to the maximum allowable twelve month period. Prior to the expiration of the first six month period, the Postal Service will advise customers that they may renew the temporary change-of-address for an additional time period up to the maximum temporary forwarding period of twelve months. To assist customers to request additional temporary forwarding service, the Postal Service will send a letter to the customers at their temporary new address to remind them of the expiration date. Where a customer has already received temporary forwarding service for a continuous twelve month period for any same old and new address combination, the Postal Service will not accept additional temporary change-of-address orders for that customer for those same old and new address combinations.

By instituting these procedures, the Postal Service seeks to improve service and efficiency for its customers. As described above, the changes will immediately benefit customers by ensuring they receive mail in a timely manner; e.g. by reducing the amount of mail that may be delivered at a temporary address after the customer has returned to his or her permanent address. Accordingly, the Postal Service believes it is in the public interest to adopt this rule, without prior public comment, on August 3, 2006. Nevertheless, the Postal Service is inviting public comments on the rule. These comments should be submitted within 30 days from the date of this notice to the address set forth above. At the end of this period, the Postal Service will evaluate any comments it receives and consider whether the rule should be revised.