

Such transactions require separate authorization from OFAC.

**Note to paragraph (b):** The CCL includes items such as laptops, personal computers, cell phones, personal digital assistants and other wireless handheld devices/blackberries, and other similar items. The exportation of these items to Iran, even on a temporary basis, is prohibited, unless specifically authorized in a license issued pursuant to this part in a manner consistent with the Iran-Iraq Arms Nonproliferation Act of 1992 and other relevant law.

(c) *Other Requirements.* The general license set forth in this section shall not operate to relieve any persons authorized hereunder from compliance with any other U.S. legal requirements applicable to the transactions authorized pursuant to paragraph (a) of this section.

Dated: August 7, 2006.

**Barbara C. Hammerle,**

*Acting Director, Office of Foreign Assets Control.*

Approved: August 8, 2006.

**Stuart A. Levey,**

*Under Secretary, Office of Terrorism and Financial Intelligence, Department of the Treasury.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD01-06-070]

RIN 1625-AA00

#### **Safety Zone; Gloucester Schooner Festival Fireworks, Gloucester Harbor, Gloucester, MA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Gloucester Schooner Festival Fireworks display on September 2, 2006 with rain dates of September 3 or September 4, 2006 in Gloucester, MA, temporarily closing all waters of Gloucester Harbor within a four hundred (400) yard radius of the fireworks launch site located at Stage Fort Park at approximate position 42°36.313' N, 070°40.533' W. This zone is necessary to protect the maritime public from the potential hazards posed by a fireworks display. The safety zone temporarily prohibits entry into or movement within this portion of

Gloucester Harbor during its closure period, unless authorized by the Captain of the Port, Boston or the COTP's designated representative.

**DATES:** This rule is effective from 8 p.m. EDT on September 2, 2006 until 10:30 p.m. EDT on September 2, 2006 with rain dates of September 3 or September 4, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD01-06-070 and are available for inspection or copying at Sector Boston, 427 Commercial Street, Boston, MA, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Chief Petty Officer Paul English, Sector Boston, Waterways Management Division, at (617) 223-5456.

**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 because there was insufficient time to conduct a notice and comment rulemaking before the event. Any delay encountered in this regulation's effective date would be contrary to the public interest since the safety zone is needed to prevent traffic from transiting a portion of Gloucester Harbor during the fireworks display and to provide for the safety of life on navigable waters.

For the same reasons, the Coast Guard finds, under 5 U.S.C. 553(d)(3), that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The zone should have a minimal negative impact on vessel transits in Gloucester Harbor because vessels will be excluded from the area for only two and one half hours, and vessels can still safely operate in other areas of Gloucester Harbor during the event.

#### **Background and Purpose**

The City of Gloucester is holding a fireworks display to celebrate the Gloucester Schooner Festival. This rule establishes a temporary safety zone on the waters of Gloucester Harbor within a four hundred (400) yard radius of the fireworks launch site located at Stage Fort Park at approximate position 42°36.313' N, 070°40.533' W. This safety zone is necessary to protect the life and property of the maritime public from the potential dangers posed by this event. It will protect the public by prohibiting entry into or movement within the

proscribed portion of Gloucester Harbor during the fireworks display.

Marine traffic may transit safely outside of the zone during the effective period. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this event. Public notifications will be made prior to and during the effective period via marine information broadcasts and Local Notice to Mariners.

#### **Discussion of Rule**

This rule is effective from 8 p.m. EDT until 10:30 p.m. EDT on September 2, 2006 with rain dates of September 3 and September 4, 2006. Marine traffic may transit safely outside of the safety zone in the majority of Gloucester Harbor during the event. Given the limited time-frame of the effective period of the zone, and the actual size of the zone compared to the amount of navigable water around it, the Captain of the Port anticipates minimal negative impact on vessel traffic due to this event. Public notifications will be made prior to and during the effective period via Local Notice to Mariners and marine information broadcasts.

#### **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.

We expect the economic impact of this rule to be so minimal that a full Regulatory evaluation is unnecessary. Although this rule will prevent traffic from transiting a portion of Gloucester Harbor during this event, the effect of this rule will not be significant for several reasons: Vessels will be excluded from the area of the safety zone for only two and one half hours; although vessels will not be able to transit the area in the vicinity of the zone, they will be able to safely operate in other areas of Gloucester Harbor during the effective period; and advance notifications will be made to the local maritime community by marine information broadcasts and Local Notice to Mariners.

#### **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 a portion of Gloucester Harbor from 8 p.m. EDT until 10:30 p.m. EDT on September 2, 2006, with rain dates of September 3 or September 4, 2006. This safety zone will not have a significant economic impact on a substantial number of small entities for the reason described under Regulatory Evaluation.

#### Assistance for Small Entities

Under subsection 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 rule so that they can better evaluate its effects on them and participate in the rulemaking process. If this rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call Chief Petty Officer Paul English, Sector Boston, Waterways Management Division, at (617) 223–5456.

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

#### Taking of Private Property

This rule will 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

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, paragraph (34)(g), 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. 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 temporary § 165.T06-070 to read as follows:

**§ 165.T-01-070 Safety Zone: Gloucester Schooner Festival Fireworks, Gloucester Harbor, Gloucester, MA.**

(a) *Location.* The following area is a safety zone:

All waters of Gloucester Harbor, from surface to bottom, within a four hundred (400) yard radius of the fireworks launch site located at Stage Fort Park located at approximate position 42°36.313' N., 070°40.533' W.

(b) *Effective Date.* This rule is effective from 8 p.m. EDT on September 2, 2006 until 10:30 p.m. EDT on September 2, 2006, with rain dates of September 3 or September 4, 2006.

(c) *Definitions.* (1) As used in this section, *designated 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 Captain of the Port (COTP).

(2) *[Reserved]*

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone by any person or vessel is prohibited unless authorized by the Captain of the Port (COTP), Boston or the COTP's designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the COTP's designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP's designated representative 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 COTP or the COTP's designated representative.

Dated: August 9, 2006.

**James L. McDonald,**

*Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.*

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**DEPARTMENT OF EDUCATION**

**34 CFR Parts 668, 674, 675, 676, 682, 685, 690, and 691**

**Student Assistance General Provisions; Federal Perkins Loan Program; Federal Work-Study Program; Federal Supplemental Educational Opportunity Grant Program; Federal Family Education Loan Program; William D. Ford Federal Direct Loan Program; Federal Pell Grant Program; Academic Competitiveness Grant Program; and National Science and Mathematics Access to Retain Talent Grant Program**

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Interim final regulations; Corrections.

**SUMMARY:** On July 3, 2006, we published in the **Federal Register** (71 FR 37990) interim final regulations for the Academic Competitiveness Grant and National Science and Mathematics Access to Retain Talent Grant programs. The interim final regulations also amended the Student Assistance General Provisions, Federal Perkins Loan Program, Federal Work-Study Programs, Federal Supplemental Educational Opportunity Grant Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Federal Pell Grant Program.

In the **DATES** section of that notice, we inadvertently left two regulations off the list of regulations that contain information collection requirements with which affected parties need not comply until we publish in the **Federal Register** the control numbers assigned to these information collection requirements by the Office of Management and Budget. This notice corrects the error as follows:

On page 37990, in the second column, under the **DATES** section, in the third sentence, insert "691.16, 691.82," immediately following "691.15,".

In addition, we inadvertently included an incorrect citation in the notice of interim final regulations. This notice corrects the error as follows:

On page 37993, in the third column, in the first sentence of the paragraph beginning "Reason:", replace "34 CFR 660.2" with "34 CFR 600.2".

**FOR FURTHER INFORMATION CONTACT:**

Jacquelyn Butler, U.S. Department of Education, 1990 K Street, NW., room 8053, Washington, DC 20006-8544. Telephone: (202) 502-7890. Sophia McArdle, U.S. Department of Education, 1990 K Street, NW., room 8019,

Washington, DC 20006-8544.

Telephone: (202) 219-7078.

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(Catalog of Federal Domestic Assistance Numbers: 84.375 Academic Competitiveness Grants; 84.376 SMART Grants)

**List of Subjects in 34 CFR Parts 668, 674, 675, 676, 682, 685, 690, and 691**

Colleges and universities, Elementary and secondary education, Grant programs-education, Student aid.

**Margaret Spellings,**

*Secretary of Education.*

[FR Doc. E6-13901 Filed 8-21-06; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[FRL-8211-8]

**National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List Update**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Withdrawal of direct final deletion of the Brio Refining, Inc.