

the Air Force). Nothing in this section shall be interpreted as releasing a Military Department from complying with its own NEPA regulation.

#### § 174.18 Historic preservation.

(a) The transfer, lease, or sale of National Register-eligible historic property to a non-Federal entity at installations subject to this part may constitute an "adverse effect" under the regulations implementing the National Historic Preservation Act (36 CFR 800.5(a)(2)(vii)). One way of resolving this adverse effect is to restrict the use that may be made of the property subsequent to its transfer out of Federal ownership or control through the imposition of legally enforceable restrictions or conditions. The Secretary concerned may include such restrictions or conditions (typically a real property interest in the form of a restrictive covenant or preservation easement) in any deed or lease conveying an interest in historic property to a non-Federal entity. Before doing so, the Secretary should first consider whether the historic character of the property can be protected effectively through planning and zoning actions undertaken by units of State or local government; if so, working with such units of State or local government to protect the property through these means is preferable to encumbering the property with such a covenant or easement.

(b) Before including such a covenant or easement in a deed or lease, the Secretary concerned shall consider—

(1) Whether the jurisdiction that encompasses the property authorizes such a covenant or easement; and

(2) Whether the Secretary can give or assign to a third party the responsibility for monitoring and enforcing such a covenant or easement.

#### PART 175—[REMOVED AND RESERVED]

- 2. Part 175 is removed and reserved.

#### PART 176—REVITALIZING BASE CLOSURE COMMUNITIES AND COMMUNITY ASSISTANCE—COMMUNITY REDEVELOPMENT AND HOMELESS ASSISTANCE

- 3. The authority citation for part 176 continues to read as follows:

Authority: 10 U.S.C. 2687 note.

#### § 176.20 [AMENDED]

- 4. Section 176.20(b) is amended by revising "32 CFR part 175" to read "32 CFR part 174".

Dated: February 24, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 06-1902 Filed 2-24-06; 12:08 pm]

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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 of the Navy (Admiralty and Maritime Law) has determined that Causeway Ferry Power Modules (CFPM) and Warping Tugs (WT) are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with their special function as naval ships. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** *Effective Date:* September 9, 2005.

#### 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, 1322 Patterson Avenue, 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 of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that Causeway Ferry Power Modules (CFPM) and Warping Tugs

(WT) are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with the following specific provisions of the 72 COLREGS without interfering with their special function as naval ships: Rule 21(a), pertaining to the placement of masthead lights over the fore and aft centerline of the vessel; Rule 23(a)(i) and Annex I paragraph 3(c), pertaining to placement of the masthead light in the forward part of the ship; Annex I, paragraph 3(b), pertaining to the placement of sidelights aft of the masthead light and at or near the side of the vessel; and Annex I, paragraph 2(i)(i), pertaining to placement of task lights in a vertical line not less than 2 meters apart. The Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

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 these vessels in a manner differently from that prescribed herein will adversely affect the vessels' ability to perform their 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 32 CFR part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

- 2. Table Two of § 706.2 is amended by adding, in numerical order, the following entries for CFPM (class) and WT (class):

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

\* \* \* \* \*

TABLE TWO

Vessel	Number	Masthead lights, distance to stbd of keel in meters; Rule 21(a)	Forward anchor light, distance below flight deck in meters; § 2(K), Annex I	Forward anchor light, number of; Rule 30(a)(i)	AFT anchor light, distance below flight deck in meters; Rule 21(e), Rule 30(a)(ii)	AFT anchor light, number of; rule 30(a)(ii)	Side lights, distance below flight deck in meters; § 2(g), Annex I	Side lights, distance forward of forward mast-head light in meters; § 3(b), Annex I	Side lights, distance in-board of ship's sides in meters; § 3(b), Annex I
CFPM (class).	CFPM-1 through CFPM-2.	2.32	.....	.....	.....	.....	.....	2.01	<sup>5</sup> 5.73
* WT (class)	* WT-1 through WT-4.	* 2.32	* .....	* .....	* .....	* .....	* .....	* 2.01	* <sup>5</sup> 5.73

<sup>5</sup> Port sidelight only.

■ 3. Table Four of § 706.2 is amended by revising paragraph 5 and adding paragraph 21 to read as follows:

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

\* \* \* \* \*

Table Four

\* \* \* \* \*

5. The masthead light required by Rule 23(a)(i) and Annex I, Paragraph 3(d), is not located in the forward part of the vessel on the CFPM Class, CSP Class, SLWT Class, and WT Class.

\* \* \* \* \*

21. On the following ships, the forward towing light array and Restricted Maneuvering light array do not meet the vertical spacing requirements described by Annex I, paragraph 2(i)(i).

Vessel	Forward towing light array, vertical spacing (meters)	Restricted maneuvering light array, vertical spacing (meters)
CFPM-1 through CFPM-2 .....	1.00	1.00
WT-1 through WT-4 .....	1.00	1.00

\* \* \* \* \*

Approved: September 9, 2005.

**Gregg A. Cervi,**

*Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[COTP KEY WEST 06-029]

RIN 1625-AA87

**Security Zone; Atlantic Ocean Five Miles South of Boca Chica, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone 5 miles south of Boca Chica, Florida, in support of aircraft recovery operations. This security zone is being implemented to ensure the security of the recovery site. All vessels will be excluded from the security zone until salvage operations are complete.

**DATES:** This rule is effective from 12:01 p.m. on February 7, 2006, through March 10, 2006.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket COTP KEY WEST 06-029 and are available for inspection and copying at Coast Guard Sector Key West, 100 Trumbo Point, Key West, FL 33040, between 8 a.m. and 4 p.m. EDT, Monday through Friday except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Dan Silvestro at Coast Guard Sector Key West Prevention Department, telephone 305-292-8808.

**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 a NPRM.

Publishing a NPRM, which would incorporate a comment period before a final rule could be issued and delay the rule's effective date, is contrary to public interest because immediate action is necessary to protect the public and the waters of the United States. For the same reason, under 5 U.S.C. 553 (d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction.

**Background and Purpose**

On February 6, 2006, a Navy F-18 aircraft went down in the vicinity of position 21°31' N, 081°33.76' W. The purpose of this security zone is to ensure the security of the sensitive information on the aircraft.

**Discussion of Rule**

This rule creates a temporary security zone 500 yards around position 21°31' N, 081°33.76' W. All vessels and persons are prohibited from anchoring, mooring, entering or remaining within the Security Zone unless authorized by the Captain of the Port, Key West, Florida or his designated representative(s). This zone is in effect from February 7, 2006 through March 10, 2006.

**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