

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

#### Examining the AD Docket

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information on the Internet at <http://dms.dot.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is located at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

**Schempp-Hirth GmbH & Co. KG Models:**  
FAA-2006-25171; Directorate Identifier  
2006-CE-35-AD.

#### Comments Due Date

(a) We must receive comments on this proposed airworthiness directive (AD) by September 11, 2006.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Models Mini-Nimbus B and Mini-Nimbus HS-7 sailplanes, all serial numbers, that are certificated in any U.S. category.

#### Reason

(d) The mandatory continuing airworthiness information (MCAI) states that the aircraft manufacturer has identified, during the daily check after assembling a Mini Nimbus C, a failure in the flap actuating circuit. An investigation showed that the lever at the torsional drive in the fuselage

failed at the weld. If not corrected, this condition could lead to a failure in the flap actuating circuit, which could result in reduced controllability of the sailplane. The MCAI requires reinforcing the flap drive.

#### Actions and Compliance

(e) Unless already done, do the following except as stated in paragraph (f) below.

(1) Within the next 90 days after the effective date of this AD, reinforce the flap drive.

(2) Do the reinforcement following Schempp-Hirth Flugzeugbau GmbH. Technical Note No. 286-35/No. 328-13, EASA approved on: July 1, 2005.

#### FAA AD Differences

(f) None.

#### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Gregory Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) *Return to Airworthiness:* When complying with this AD, perform FAA-approved corrective actions before returning the product to an airworthy condition.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(h) This AD is related to German AD D-2005-239, Effective Date: July 22, 2005, which references Schempp-Hirth Flugzeugbau GmbH. Technical Note No. 286-35/No. 328-13, EASA approved on: July 1, 2005.

Issued in Kansas City, Missouri, on August 4, 2006.

**John R. Colomy,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E6-13017 Filed 8-9-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 110

[CGD01-06-084]

RIN 1625-AA01

### Anchorage Regulations; Camden, ME, Penobscot Bay

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish two special anchorage areas in Camden Harbor, Camden, Maine. This proposed action is necessary to facilitate safe navigation in that area and provide safe and secure anchorages for vessels not more than 65 feet in length. This action is intended to increase the safety of life and property in Camden Harbor, improve the safety of anchored vessels, and provide for the overall safe and efficient flow of vessel traffic and commerce.

**DATES:** Comments and related material must reach the Coast Guard on or before October 10, 2006.

**ADDRESSES:** You may mail comments and related material to Commander (dpw) (CGD01-06-084), First Coast Guard District, 408 Atlantic Ave., Boston, MA 02110, or deliver them to room 628 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. 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 room 628, First Coast Guard District Boston, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. John J. Mauro, Commander (dpw), First Coast Guard District, 408 Atlantic Ave., Boston, MA 02110, Telephone (617) 223-8355 or e-mail at [John.J.Mauro@uscg.mil](mailto:John.J.Mauro@uscg.mil).

#### 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 (CGD01-06-084), 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 to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material 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 the

Waterways Management Branch 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 rule is intended to reduce the risk of vessel collisions by creating two special anchorage areas in Camden Harbor. The proposed rule would establish a special anchorage area to the west of Northeast Point and a second special anchorage area to the northwest of Curtis Island, creating anchorage for approximately 400 additional vessels.

The Coast Guard is designating the special anchorage areas in accordance with 33 U.S.C. 471. When at anchor in any special anchorage, vessels not more than 65 feet in length need not carry or exhibit the white anchor lights otherwise required by rule 30 and 35 of the Inland Navigation Rules, codified at 33 U.S.C. 2030 and 2035.

In developing this proposed rule, the Coast Guard has consulted with the Army Corps of Engineers, Northeast, located at 696 Virginia Rd., Concord, MA 01742.

### Discussion of Proposed Rule

The proposed rule would create two new special anchorage areas, separated by a 150-foot wide fairway channel, in Camden, Maine, on Penobscot Bay. These two new special anchorage areas in Camden Harbor, Sherman Cove and adjacent waters are described below. All proposed coordinates are North American Datum 1983 (NAD 83).

#### *Anchorage A*

All of the waters enclosed by a line beginning at Eaton Point at latitude 44°12'31" N., longitude 069°03'34" W.; thence to latitude 44°12'28" N., longitude 069°03'33" W.; thence to latitude 44°12'32" N., longitude 069°02'49" W.; thence along the shoreline to the point of beginning. This area is approximately 900 by 750 meters. It encompasses the northern portion of Camden Harbor, from Northeast Point to Eaton Point, and Sherman Cove.

#### *Anchorage B*

All of the waters enclosed by a line beginning at Dillingham Point at latitude 44°12'12" N., longitude 069°03'20" W.; thence to latitude 44°12'14" N., longitude 069°02'58" W.; thence to latitude 44°12'19" N., longitude 069°03'08" W.; thence to latitude 44°12'28" N., longitude 069°03'13" W.; thence to latitude

44°12'26" N., longitude 069°03'39" W.; thence along the shoreline to the point of beginning. This area is approximately 500 by 400 meters, encompassing the Southern portion of Camden Harbor, west of position 44°12'20" N., 069°03'07" W.; (Camden Harbor Buoy "7" LLNR 4330).

Vessels not more than 65 feet in length are not required to sound signals as required by rule 35 of the Inland Navigation Rules (33 U.S.C. 2035) nor exhibit anchor lights or shapes required by rule 30 of the Inland Navigation Rules (33 U.S.C. 2030) when at anchor in a special anchorage area. Additionally, mariners utilizing the anchorage areas are encouraged to contact local and state authorities, such as the local harbor master, to ensure compliance with any additional applicable state and local laws. Such laws may involve, for example, compliance with direction from the local harbor master when placing or using moorings within the anchorage.

### 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.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

This finding is based on the fact that this proposal makes the best use of the available navigable water, while not affecting vessel transits in the area. Specifically, the proposed special anchorage areas do not impede the passage of recreational, fishing or commercial vessels as there is approximately 150 feet of safe water between them.

### 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 affect the following entities, some of which might be small entities: The owners or operators of recreational or commercial vessels intending to transit in a portion of the Camden Harbor in and around the special anchorage areas. The proposed special anchorage areas, however, would not have a significant economic impact on these entities for the following reasons. The proposed special anchorage areas do not impede the passage of recreational or commercial vessels intending to transit between them, as there is approximately 150 feet of safe water separating them. This is sufficient room for transiting, lobstering, recreational boating and other activities common to the area.

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 John J. Mauro, Waterways Management Branch, First Coast Guard District Boston at (617) 223–8355 or e-mail at [John.J.Mauro@uscg.mil](mailto:John.J.Mauro@uscg.mil). 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 would not result in such an 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 (34)(f), of the Instruction, from further environmental documentation. This rule fits the category selected from paragraph (34)(f) as it would establish a special anchorage area.

A preliminary “Environmental Analysis Check List” is available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

#### List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

#### PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471; 1221 through 1236, 2030, 2035 and 2071; 33 CFR 1.05–1(g); and Department of Homeland Security Delegation No. 0170.1.

2. Amend § 110.4 by revising paragraph (b) to read as follows:

#### § 110.4 Penobscot Bay, Maine.

\* \* \* \* \*

(b) *Camden Harbor, Sherman Cove and adjacent waters*—(1) *Anchorage A*. All of the waters enclosed by a line beginning at Eaton Point at latitude 44°12′31″ N., longitude 069°03′34″ W.; thence to latitude 44°12′28″ N., longitude 069°03′33″ W.; thence to latitude 44°12′32″ N., longitude 069°02′49″ W.; thence along the shoreline to the point of beginning. Datum: NAD83.

(2) *Anchorage B*. All of the waters enclosed by a line beginning at Dillingham Point at latitude 44°12′12″ N., longitude 069°03′20″ W.; thence to latitude 44°12′14″ N., longitude 069°02′58″ W.; thence to latitude 44°12′19″ N., longitude 069°03′08″ W.; thence to latitude 44°12′28″ N., longitude 069°03′13″ W.; thence to latitude 44°12′26″ N., longitude 069°03′39″ W.; thence along the shoreline to the point of beginning. Datum: NAD83.

**Note to paragraph (b):** Anchorages A and B are special anchorage areas reserved for yachts and other recreational craft. Fore and aft moorings will be allowed in this area. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings must be so placed that no vessel when anchored is at any time extended into the thoroughfare. This is to ensure that a distance of approximately 150 feet is left between Anchorages A and B for vessels entering or departing from Camden Harbor. All anchoring in the area is under the supervision of the local harbor master or such other authority as may be designated by the authorities of the Town of Camden, Maine.

Dated: July 31, 2006.

**Timothy S. Sullivan,**

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. E6–13103 Filed 8–9–06; 8:45 am]

**BILLING CODE 4910–15–P**