

DEPARTMENT OF DEFENSE**Office of the Secretary**

[DOD-2006-OS-0133; RIN 0790-AI06]

32 CFR Part 245**Plan for the Emergency Security Control of Air Traffic (ESCAT)****AGENCY:** Department of Defense.**ACTION:** Final rule; correction.

SUMMARY: This document amends the final rule published on the national plan for security control of air traffic during air defense emergencies to make administrative adjustments and includes correcting the effective date of the final rule, and removes references to State and regional disaster airlift (SARDA), rescinded by the Federal Aviation Administration on March 17, 2005.

DATES: The effective date for the final rule published at 71 FR 61889, October 20, 2006, is corrected to read: January 18, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald F. Pease, Jr., (703) 697-6937.

SUPPLEMENTARY INFORMATION: On October 20, 2006 the Department of Defense published a final rule on Plan for the Emergency Security Control of Air Traffic (ESCAT) which contained errors and outdated criteria.

In rule FR Doc. E6-17179 published on October 20, 2006, (71 FR 61889), make the following corrections:

1. On page 61889, in the first column, in the **DATES** section, revise the effective date to read January 18, 2007.

§ 245.5 [Corrected]

■ 2. On page 61890, in the third column, remove the term *State and regional disaster airlift (SARDA)* and its definition from § 245.5.

§ 245.6 [Corrected]

■ 3. On page 61891, in the first column, remove “SARDA—State and Regional Disaster Airlift” from the list of acronyms in § 245.6.

§ 245.22 [Corrected]

■ 4. On page 61894, under § 245.22, in the second column, remove paragraph (d) and redesignate paragraph (e) as paragraph (d).

Dated: November 2, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

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DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[CGD09-06-122]

RIN 1625-AA00

Safety Zone; St. Louis River/Duluth/Interlake Tar Remediation Site, Duluth, MN**AGENCY:** Coast Guard, DHS.**ACTION:** Final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the St. Louis River in Duluth, Minnesota. The purpose of the safety zone is to protect the boating public from dangers associated with the cleanup operation in and around Stryker Bay. Entry into this zone will be prohibited unless authorized by the Captain of the Port or his duly appointed representative.

DATES: This rule is effective 8 a.m. (CST) on November 30, 2006.

ADDRESSES: Comments and material received from the public are part of the docket [CGD09-06-122] and are available for inspection or copying at U.S. Coast Guard Marine Safety Unit Duluth, 600 South Lake Ave, Canal Park, Duluth, Minnesota 55802 between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT:

LCDR Scott Stoermer, U.S. Coast Guard Marine Safety Unit Duluth, at (218) 720-5286, ext. 111.

SUPPLEMENTARY INFORMATION:**Background and Purpose**

On June 23, 2006, the Captain of the Port Duluth issued a Temporary Final Rule (71 FR 36012, CGD9-06-031, 33 CFR 165.T09-031) establishing a safety zone in Stryker Bay and Hallett Slips 6 & 7, which expires on November 30, 2006. Additionally, the Captain of the Port Duluth published a NPRM to make the safety zone permanent (71 FR 44250, CGD9-06-122, 33 CFR 165.927). The Coast Guard, through this action, intends to continue to ensure the safety of the public and boating traffic in the Stryker Bay area during the course of an environmental remediation project. This safety zone is intended to restrict vessel traffic from the portion of St. Louis River where construction and dredging are occurring. The size of the zone was determined by placing the boundaries approximately 50 feet beyond the outermost extent of dredging operations, encompassing all of Stryker Bay and

Hallett Slips 6 & 7. The Coast Guard intends to cancel this safety zone upon completion of the remediation which is currently anticipated to last for three years.

Discussion of Rule

The Coast Guard is establishing this safety zone to ensure the safety of boaters transiting this portion of the St. Louis River. The safety zone is identical to the current safety zone established by the temporary final rule discussed above.

The safety zone would encompass all waters of Stryker Bay and Hallett Slips 6 & 7 which are located north of a boundary line delineated by the following points: From the shoreline at 46° 43'10.00" N, 092°10'31.66" W, then south to 46°43'06.24" N, 092°10'31.66" W, then east to 46°43'06.24" N, 092°09'41.76" W, then north to the shoreline at 46°43'10.04" N, 092°09'41.76" W. These coordinates are based upon North American Datum 1983 [NAD 83].

The safety zone requires that all persons and vessels comply with the instructions of the Captain of the Port Duluth or the designated on-scene representative. Entry into, transiting, or anchoring within the safety zone would be prohibited unless authorized by the Captain of the Port Duluth or his designated on-scene representative. The Captain of the Port or his designated representative may be contacted at Coast Guard Marine Safety Unit Duluth at (218) 720-5286.

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 under the regulatory policies and procedures of DHS is unnecessary.

This determination is based on the absence of any commercial vessel traffic in this portion of the St. Louis River. There are currently no operational marine terminals west of Hallett Slip 7, which is part of the remediation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered