

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Parts 55 and 81

[Docket No. 00–108–6]

RIN 0579–AB35

#### Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, and Moose; Petitions and Request for Comments

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of receipt of petitions and request for comments; extension of comment period.

**SUMMARY:** We are extending the comment period for our notice that announced the receipt of three petitions requesting that we delay implementation of, and reconsider provisions in, a recent final rule establishing a herd certification program and interstate movement restrictions for cervids to control the spread of chronic wasting disease. This action will allow interested persons additional time to prepare and submit comments.

**DATES:** We will consider all comments that we receive on or before January 3, 2007.

**FOR FURTHER INFORMATION CONTACT:** Dr. Dean E. Goeldner, Senior Staff Veterinarian, Ruminant Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–4916. Copies of the petitions are available at the Federal eRulemaking Portal, <http://www.regulations.gov>, as described under **ADDRESSES** below.

**ADDRESSES:** You may submit comments by either of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>, select “Animal and Plant Health Inspection Service” from the agency drop-down menu, then click “Submit” In the Docket ID column, select APHIS–2006–

0118 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site’s “User Tips” link.

- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. 00–108–5, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 00–108–5.

- **Reading Room:** You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

**Other Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

**SUPPLEMENTARY INFORMATION:** On November 3, 2006, we published in the **Federal Register** (71 FR 64650–64651, Docket No. 00–108–5) a document in which we announced the receipt of, and requested comments on, three petitions from the Association of Fish and Wildlife Agencies, the National Assembly of State Animal Health Officials, and the United States Animal Health Association. The petitions requested that APHIS delay the effective date of a recent final rule and reconsider several requirements of the rule. The final rule, published in the **Federal Register** on July 21, 2006 (71 FR 41682–41707, Docket No. 00–108–3), establishes a herd certification program and interstate movement regulations for farmed or captive cervids to help eliminate chronic wasting disease in the United States. We published a notice in the **Federal Register** on September 8, 2006 (71 FR 52983, Docket No. 00–108–4), delaying the effective date of the final rule until further notice.

Comments on the petitions were required to be received on or before December 4, 2006. We are extending the comment period on Docket No. 00–108–5 until January 3, 2007, an additional 30 days from the original close of the comment period. This action will allow interested persons additional time to prepare and submit comments.

**Authority:** 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 15th day of November 2006.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E6–19662 Filed 11–20–06; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF HOMELAND SECURITY

### Bureau of Customs and Border Protection

#### 19 CFR Parts 101 and 122

[USCBP–2006–0091]

#### Extension of Port Limits of Dayton, OH, and Termination of the User-Fee Status of Airborne Airpark in Wilmington, OH

**AGENCY:** Bureau of Customs and Border Protection, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice of proposed rulemaking proposes to amend Department of Homeland Security (DHS) regulations pertaining to the Bureau of Customs and Border Protection’s (CBP’s) field organization by extending the geographic limits of the port of Dayton, Ohio, to include the Airborne Airpark in Wilmington, Ohio. The proposed extension of the port limits of Dayton, Ohio, is due to the closing of express consignment operations at Dayton International Airport, and the expansion of express consignment operations at Airborne Airpark, located in Wilmington, Ohio. The user-fee status of Airborne Airpark would be terminated. The proposed change is part of CBP’s continuing program to more efficiently utilize its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public.

**DATES:** Comments must be received on or before January 22, 2007.

**ADDRESSES:** You may submit comments, identified by *docket number*, by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP-2006-0091.
- Mail: Border Security Regulations Branch, Office of Regulations and Rulings, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW. (Mint Annex), Washington, DC 20229.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Office of Regulations and Rulings, Bureau of Customs and Border Protection, 799 9th Street, NW., Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

**FOR FURTHER INFORMATION CONTACT:** Michael Captain, Office of Field Operations, 202-344-2804.

#### **SUPPLEMENTARY INFORMATION:**

##### **Public Participation**

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. CBP also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments that will provide the most assistance to CBP in developing these procedures will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

##### **Background**

CBP ports of entry are places (seaports, airports, or land border ports)

designated by the Secretary of Homeland Security where CBP officers or employees are assigned to accept entries of merchandise, clear passengers where appropriate, collect duties, and enforce the various provisions of customs and related laws. To facilitate the various duties of CBP, the organizational structure of CBP must, from time to time, be amended to respond to changing demands of the importing/exporting community.

There have been two express consignment operations in the Dayton area: Menlo Worldwide Forwarding/Emery at Dayton International Airport (DAY) and Airborne Express at Airborne Airpark (ILN) in Wilmington, Ohio. The Menlo Worldwide Forwarding/Emery operation is within the Port of Dayton at the north edge of the current port boundaries, and Airborne Airpark is southeast of the current boundaries in Wilmington, Ohio. UPS purchased Menlo Worldwide Forwarding, shut down the Emery operation at Dayton International Airport, and has moved the work to their hub located in Louisville, Kentucky. DHL Express (USA) has purchased Airborne Express and has shut down the DHL operations in Cincinnati-Northern Kentucky Airport (CVG) in Covington, Kentucky. DHL Express (USA) is opening a new, much larger combined operation at Airborne Airpark. These changes in operations will result in an increase in the demand for CBP services at the Airborne Airpark.

In response to these changes, CBP is proposing to amend 19 CFR 101.3(b)(1) by extending the port limits of the Port of Dayton to include the Airborne Airpark, which is currently listed as "Wilmington Airport" in the list of user-fee airports at 19 CFR 122.15(b) (note that the regulations currently refer to the airport as "Wilmington Airport" rather than the correct "Airborne Airpark"). If the proposed port limits are adopted, CBP would relocate the CBP Dayton Port office from its current location at the Dayton International Airport to a new location near the new DHL operation at Airborne Airpark. CBP would also establish an adequately sized secure storage facility in efficient proximity to Airborne Airpark. The proposed changes are intended to allow for continued efficient operation and supervision of CBP services at the DHL facility.

Airborne Airpark is currently a user fee airport. CBP services at a user fee airport are not paid for out of appropriations from the general treasury of the United States. Instead, these services are provided on a fully reimbursable basis to be paid for by the

airport on behalf of the recipients of the services. The airport pays for CBP services and then seeks reimbursement from the actual users of those services.

If this proposal is adopted, the Commissioner of CBP would terminate the user fee status of Airborne Airpark and remove the listing "Wilmington Airport" from the user fee list in 19 CFR 122.15(b), because the facility would be included in the boundaries of the Port of Dayton. As a result of the termination of the user fee status of Airborne Airpark, the system of reimbursable fees for Airborne Airpark would be discontinued. This proposed change of status for Airborne Airpark from a user fee airport to inclusion within the boundaries of a port of entry would subject the airport to the passenger processing fee provided for at 19 U.S.C. 58c(a)(5)(B). This fee is collected by CBP and paid into the United States treasury. CBP services would be paid for out of appropriations from the general treasury.

##### **Current Port Limits of Dayton, Ohio**

The current port limits of Dayton, Ohio, as described in Treasury Decision (T.D.) 76-77 of March 3, 1976, include the territory within the city limits of Dayton, Ohio, as well as the territory within the township limits of the adjacent townships of Butler, Harrison, Wayne, and Mad River, Ohio.

##### **Proposed Port Limits of Dayton, Ohio**

The proposed port limits for Dayton, as well as being expanded to include the Airborne Airpark, substitute geographic information that is readily identifiable by the public in lieu of sometimes difficult to locate township boundaries. The geographic limits of the Port of Dayton are proposed to be as follows:

Beginning at the point where Federal Interstate Highway 75 crosses the Montgomery County—Miami County line; then west along the Montgomery County line to the point where Frederick Pike intersects the Montgomery County line; then south and east on Frederick Pike to the intersection with Dixie Drive; then south to Keowee Street, then south to Federal Interstate Highway 75 to the point where I-75 intersects the Montgomery County—Warren County line; then east along the county line (which becomes the Greene County—Warren County line) to the Clinton County line; then south along the Clinton County line to the intersection with Ohio State Route 350; then east on Route 350 to the intersection with Ohio State Route 73; then north and west on Route 73 to the intersection with U.S. Route 22; then west along Route 22 to

U.S. Highway 68; then north and west on U.S. 68 to the intersection with U.S. Highway 35; then west and north on U.S. 35 to Interstate Highway 675; then north and east on I-675 to the intersection with Federal Interstate Highway 70; then west on I-70 to the intersection with the Montgomery County line; and then north and west along the Montgomery County line to the point of beginning.

#### **Proposed Amendment to the Regulations**

If the proposed port limits are adopted, the list of CBP ports of entry at 19 CFR 101.3(b)(1) will be amended to reflect the new boundaries of the Dayton, Ohio, port of entry and "Wilmington Airport" will be deleted from the list of user-fee airports at 19 CFR 122.15(b).

#### **Authority**

This change is proposed under the authority of 5 U.S.C. 301 and 19 U.S.C. 2, 66 and 1624.

#### **The Regulatory Flexibility Act and Executive Order 12866**

With DHS approval, CBP establishes, expands and consolidates CBP ports of entry throughout the United States to accommodate the volume of CBP-related activity in various parts of the country. This proposed rule is not a significant regulatory action within the meaning of Executive Order 12866. This proposed rule also will not have a significant economic impact on a substantial number of small entities as it merely expands the limits of an existing port of entry. Accordingly, it is certified that this document is not subject to the additional requirements of the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

#### **Signing Authority**

The signing authority for this document falls under 19 CFR 0.2(a) because this port extension is not within the bounds of those regulations for which the Secretary of the Treasury has retained sole authority. Accordingly, the notice of proposed rulemaking may be signed by the Secretary of Homeland Security (or his delegate).

Dated: November 14, 2006.

**Michael Chertoff,**  
Secretary.

[FR Doc. E6-19631 Filed 11-20-06; 8:45 am]

**BILLING CODE 9111-14-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 165**

**[CGD07-06-187]**

**RIN 1625-AA11**

#### **Regulated Navigation Area; San Carlos Bay, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary regulated navigation area (RNA) on the waters of San Carlos Bay, Florida. The regulated navigation area (RNA) is needed to minimize the risk of potential bridge allisions by vessels utilizing the main channel under span "A" (bascule portion) of the Sanibel Island Causeway Bridge and enhance the safety of vessels transiting the area and vehicles crossing over the bridge. This proposed rule would apply vessel traffic regulations to vessels in the RNA.

**DATES:** Comments and related material must reach the Coast Guard on or before December 21, 2006.

**ADDRESSES:** You may mail comments and related material to Coast Guard Sector St. Petersburg, Prevention Department, 155 Columbia Drive, Tampa, Florida 33606-3598. The Waterways Management Division maintains the public docket for this rulemaking. 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 Coast Guard Sector St. Petersburg between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Ronaydee Marquez at Coast Guard Sector St. Petersburg, (813) 228-2191, Ext. 8307.

#### **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 (CGD07-06-187), 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 Coast Guard Sector St. Petersburg 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**

On November 18, 2003, the Lee County Board of Commissioners issued an emergency declaration that conditions of the Sanibel Island Causeway Bridge posed an immediate threat to the safety of the traveling public. Immediate initial action was required to minimize the risk of potential bridge allisions of vessels utilizing the main channel under span "A" (bascule portion) and enhance the safety of vessels transiting the area and vehicles crossing over the bridge. The Coast Guard established an RNA (68 FR 68518, December 9, 2003) in the vicinity of the bridge from November 29, 2003, through November 28, 2004.

On November 2, 2004, Sanibel County engineers reevaluated the Sanibel Island Bridge and determined that the bridge continued to pose a threat to the safety of the traveling public. The RNA was subsequently extended from November 28, 2004, to November 28, 2005 (69 FR 70374, December 6, 2004). In January 2006, the RNA was again made effective, this time until 8 a.m., January 7, 2007 (71 FR 11507, March 8, 2006). Repairs to the bridge are still on-going, and could take several years to complete. Therefore, this proposed rule would maintain a regulated navigation area in place from January 2007 to January 2008.

#### **Discussion of Proposed Rule**

The proposed regulated navigation area would encompass the main channel under the "A" span (bascule portion) of the Sanibel Island Causeway Bridge out to 100 feet on either side of the bridge inclusive of the main shipping channel. All vessels would be required to transit the area at no-wake speed. However, nothing in this proposed rule negates the requirement to operate at a safe speed as provided in the Navigation Rules and Regulations. A