

Planning and Review. Accordingly, this proposed rule has been submitted to the Office of Management and Budget for review.

Executive Order 13132

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the Department of Justice has determined that this proposed rule does not have sufficient federalism implications to warrant a federalism summary impact statement.

Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

Paperwork Reduction Act of 1995

This proposed rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act.

Public Participation

ATF is requesting comments on the proposed regulations from all interested persons. ATF is also specifically requesting comments on the clarity of this proposed rule and how it could be made easier to understand.

Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material that the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

A. Submitting Comments by Fax

You may submit written comments by facsimile transmission to (202) 927-0506. Facsimile comments must:

- Be legible;
 - Include your mailing address;
 - Reference this document number;
 - Be 8½" x 11" in size;
 - Contain a legible written signature;
- and
- Be not more than five pages long.

ATF will not acknowledge receipt of facsimile transmissions. ATF will treat facsimile transmissions as originals.

B. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director of ATF within the 30-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

C. Disclosure

Copies of this proposed rule and the comments received will be available for public inspection by appointment during normal business hours at: ATF Reference Library, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226, telephone (202) 927-7890.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the **Federal Register** in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Drafting Information

The author of this document is James P. Ficaretta; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives.

List of Subjects in 27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Authority delegations, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, and Transportation.

Authority and Issuance

Accordingly, for the reasons discussed in the preamble, 27 CFR part 479 is proposed to be amended as follows:

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

1. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 7805.

2. Section 479.11 is amended by revising the definition of the term "Pistol" to read as follows:

§ 479.11 Meaning of terms.

* * * * *

Pistol. (a) A weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having—

(1) A chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and

(2) A short fixed stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s).

(b) The term shall not include any weapon disguised to look like an item other than a firearm, such as a penguin, wallet gun, belt buckle gun, pager gun or gadget device, or any gun that fires more than one shot, without manual reloading, by a single function of the trigger.

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Dated: March 8, 2005.

Alberto R. Gonzales,
Attorney General.

[FR Doc. 05-6932 Filed 4-6-05; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701 and 774

RIN 1029-AC49

Transfer, Assignment, or Sale of Permit Rights

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: In response to a request, we are extending the comment period for the proposed rule published in the **Federal Register** on January 26, 2005, concerning the transfer, assignment, or sale of permit rights under the provisions of the Surface Mining Control and Reclamation Act of 1977.

DATES: *Written comments:* We will accept written comments on the proposed rule until 4:30 p.m. eastern time, on April 15, 2005.

ADDRESSES: You may submit comments, identified by docket number 1029-AC49, by any of the following methods:

- E-mail: osmregs@osmre.gov.
- Include docket number 1029-AC49 in the subject line of the message.

- Mail/Hand Delivery/Courier: Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 252, 1951 Constitution Avenue, NW., Washington, DC 20240.

- Federal eRulemaking Portal: <http://www.regulations.gov>. Following the instructions for submitting comments.

- Docket: You may review the docket (administrative record) for this rulemaking including comments received in response to this proposed rule at the Office of Surface Mining Reclamation and Enforcement, Administrative Record, located in Room 101, 1951 Constitution Avenue, NW., Washington, DC 20240. The Administrative Record office is opened Monday through Friday, excluding holidays from 8 a.m. to 4 p.m. The telephone number is 202-208-2847.

If you wish to comment on the information collection aspects of this proposed rule, submit your comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Interior Desk Officer, via electronic mail, to OIRA_DOCKET@omb.eop.gov or via telefacsimile at 202-395-6566.

FOR FURTHER INFORMATION CONTACT: Earl D. Bandy, Jr., Office of Surface Mining Reclamation and Enforcement, Appalachian Region, Applicant/Violator System Office, 2679 Regency Road, Lexington, Kentucky 40503. Telephone: 859-260-8424 or 800-643-9748. E-mail: ebandy@osmre.gov.

SUPPLEMENTARY INFORMATION: On January 26, 2005 (70 FR 3840), we published a proposed rule that would revise our regulations for, and related to, the transfer, assignment, or sale of permit rights. The proposed rule effectuates a settlement agreement we entered into with the National Mining Association (NMA) in connection with NMA's judicial challenge to certain provisions of our December 19, 2000, final ownership and control rule (2000 ownership and control rule or 2000 rule). In the proposed rule, we propose to: (1) Revise the regulatory definitions of *transfer*, *assignment*, or *sale of permit rights* and *successor in interest*; (2) revise the regulatory provisions relating to transfer, assignment, or sale of permit rights; and (3) create separate rules for successors in interest. The primary purpose of the proposed rule is to distinguish clearly the circumstances that will constitute a transfer, assignment, or sale of permit rights (requiring a regulatory authority's approval and, at a minimum, a permit revision) or result in a successor in interest (requiring the issuance of a new permit) from those that will only require

a permittee to provide information updates. The proposed rule also affords us an opportunity to ensure our rules are consistent with recent legal developments. The proposed rule does not suspend or withdraw any of the provisions of our 2000 ownership and control rule, nor does it affect any of our proposed revisions to the 2000 rule published on December 29, 2003. This proposed rule is authorized under the Surface Mining Control and Reclamation Act of 1977, as amended. For a full explanation of the proposed rule, please refer to the rule text and preamble.

The comment period on the proposed rule was originally scheduled to close on March 29, 2005. In response to a telephone request for an extension, we are extending the comment period until April 15, 2005. Written or electronic comments may be submitted in accordance with the instructions provided in **DATES** and **ADDRESSES** above and in Part III of the preamble to the January 26, 2005, proposed rule.

Dated: April 1, 2005.

Jeffrey D. Jarrett,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 05-6858 Filed 4-6-05; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09-05-005]

RIN 1625-AA00

Safety Zone; Cleveland Triathlon, Cleveland, OH

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish an annual safety zone for the Cleveland Triathlon located in the Captain of the Port Cleveland Zone. This safety zone will manage vessel traffic in order to provide for the safety of life and property on navigable waters during the event. Entry of vessels or persons into this zone would be prohibited unless specifically authorized by the Coast Guard Captain of the Port or their on-scene representative.

DATES: Comments and related material must reach the Coast Guard on or before May 9, 2005.

ADDRESSES: You may mail comments and related material to Coast Guard Marine Safety Office Cleveland (CGD09-05-005), 1055 East 9th Street, Cleveland, OH 44114. Marine Safety Office Cleveland 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 MSO Cleveland between 8 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Allen Turner, U.S. Coast Guard Marine Safety Office Cleveland at 216-937-0128.

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 (CGD09-05-005), 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 your submission 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 Marine Safety Office Cleveland 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

This safety zone is necessary to protect the participants in the Cleveland Triathlon, held annually on the third Sunday of July, from hazards associated with swimming in close proximity to recreational watercraft in Cleveland Harbor off of Voinovich Park in Cleveland, OH. The Captain of the Port has determined that this event poses a threat to the participants as well as spectator vessels due to the hazards associated with these events. The Captain of the Port has determined that