

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures." This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

#### PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 73.23 [Amended]

■ 2. Section 73.23 is amended as follows:

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#### R-3101 PMRFAC Four, HI [Amended]

By removing the words "Controlling agency. FAA, Honolulu CERAP." and inserting the words "Controlling agency. FAA, Honolulu Control Facility."

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#### R-3103 Humuula, HI [Amended]

By removing the words "Controlling agency. FAA, Honolulu CERAP." and inserting the words "Controlling agency. FAA, Honolulu Control Facility."

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#### R-3107 Kaula Rock, HI [Amended]

By removing the words "Controlling agency. FAA, Honolulu CERAP." and inserting the words "Controlling agency. FAA, Honolulu Control Facility."

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#### R-3109A Schofield-Makua, Oahu, HI [Amended]

By removing the words "Controlling agency. FAA, Honolulu ATCT." and inserting the words "Controlling agency. FAA, Honolulu Control Facility."

\* \* \* \* \*

#### R-3109B Schofield-Makua, Oahu, HI [Amended]

By removing the words "Controlling agency. FAA, Honolulu ATCT." and inserting the words "Controlling agency. FAA, Honolulu Control Facility."

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#### R-3109C Schofield-Makua, Oahu, HI [Amended]

By removing the words "Controlling agency. FAA, Honolulu ATCT." and inserting the words "Controlling agency. FAA, Honolulu Control Facility."

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#### R-3110A Schofield-Makua, Oahu, HI [Amended]

By removing the words "Controlling agency. FAA, Honolulu ATCT." and inserting the words "Controlling agency. FAA, Honolulu Control Facility."

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#### R-3110B Schofield-Makua, Oahu, HI [Amended]

By removing the words "Controlling agency. FAA, Honolulu ATCT." and inserting the words "Controlling agency. FAA, Honolulu Control Facility."

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#### R-3110C Schofield-Makua, Oahu, HI [Amended]

By removing the words "Controlling agency. FAA, Honolulu ATCT." and inserting the words "Controlling agency. FAA, Honolulu Control Facility."

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Issued in Washington, DC, on October 3, 2005.

**Edith V Parish,**

*Acting Manager, Airspace and Rules.*

[FR Doc. 05–20279 Filed 10–6–05; 8:45 am]

BILLING CODE 4910–13-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD13–05–037]

RIN 1625–AA00

#### Safety Zone Regulations, Downed Aircraft, Browns Bay, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of Puget Sound around the body and debris of a helicopter. The Coast Guard is establishing this zone to ensure unencumbered access for rescuers and investigators, and protect the public from numerous dangers associated with recovery of this submerged aircraft. Entry into this zone is prohibited unless authorized by the Captain of the Port, Puget Sound or his designated representatives.

**DATES:** This rule is effective from 4 p.m. (PDT) October 3, 2005 until 8 a.m. (PDT) October 17, 2005 unless sooner cancelled by the Captain of the Port.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD13–05–037 and are available for inspection or copying at the Waterways Management Division, Coast Guard Sector Seattle, 1519 Alaskan Way South, Seattle, WA, 98134, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG Jes Hagen, c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, Washington 98134, (206) 217–6040.

#### 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) and 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing a NPRM would be contrary to public interest since immediate action is necessary to ensure the safety of vessels and persons that transit in the vicinity of the submerged helicopter in Browns Bay, WA. If normal notice and comment procedures were followed, this rule would not become effective until after the date of the event.

## Background and Purpose

The Coast Guard is establishing a temporary safety zone to allow for the safe recovery of a downed helicopter submerged in the waters of Puget Sound. The Coast Guard is establishing this zone to ensure unencumbered access for rescuers and investigators, and protect the public from numerous dangers associated with recovery of this submerged aircraft. The safety zone is needed to protect watercraft and their occupants from safety hazards associated with the recovery efforts.

## Discussion of Rule

This rule, for safety concerns, will control vessels, personnel and individual movements in a safety zone surrounding the recovery operations indicated in section 2 of this Temporary Final Rule. The safety zone includes all waters with a radius of 1 nautical mile from the point at 47 degrees, 51.0 minutes North, 122 degrees, 21.0 minutes West [datum: NAD 1983], approximately three nautical miles northeast of Edwards Point, Edmonds, WA, where a submerged helicopter, tail number A-109, is located. The safety zone does not extend on land.

The Coast Guard, through this action, intends to promote the safety of personnel, vessels, and facilities in the area. Entry into this zone will be prohibited unless authorized by the Captain of the Port. This safety zone will be enforced by Coast Guard personnel. The Captain of the Port may be assisted by other Federal, State, or local agencies.

## Regulatory Evaluation

This temporary rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 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 temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary. This expectation is based on the fact that the regulated area established by the regulation would encompass a small area that should not significantly impact commercial or recreational traffic. For the above reasons, the Coast Guard does not anticipate any significant economic impact.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" include 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.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit this portion of Browns Bay during the time this regulation is in effect. The zone will not have a significant economic impact due to its short duration and small area. Because the impacts of this rule are expected to be so minimal, the Coast Guard certifies under 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities.

## 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 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 the person listed in the (FOR FURTHER INFORMATION CONTACT) section. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

## Collection of Information

This temporary rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

## Federalism

We have analyzed this temporary rule under Executive Order 13132 and have determined that this rule does not have

implications for federalism under that Order.

## 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 State, local, or tribal government, in the aggregate, or the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

## Taking of Private Property

This temporary rule would not effect 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 temporary 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 rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

## Indian Tribal Governments

The Coast Guard recognizes the rights of Native American Tribes under the Stevens Treaties. Moreover, the Coast Guard is committed to working with Tribal Governments to implement local policies to mitigate tribal concerns. We have determined that these security zones and fishing rights protection need not be incompatible. We have also determined that this Temporary Final Rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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. Nevertheless, Indian Tribes that have questions concerning the provisions of this Temporary Final Rule or options for

compliance are encouraged to contact the point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

### Energy Effects

We have analyzed this 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs 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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded 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, this rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction, from further environmental documentation. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" will be available in the docket where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

■ For the reasons set out in the preamble, the Coast Guard amends part 165 of title 33, Code of Federal Regulations, as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. From 4 p.m. (PDT) October 3, 2005 until 8 a.m. (PDT) October 17, 2005 unless sooner cancelled by the Captain Of the Port, a temporary §165.T13-05-017 is added to read as follows:

#### § 165.T13-05-017 Safety Zone: Downed Aircraft, Browns Bay, Puget Sound, WA.

(a) *Location.* The following area is a safety zone: The waters within a one nautical mile radius of 47 degrees, 51.0 minutes North, 122 degrees, 21.0 minutes West [datum: NAD 1983], approximately three nautical miles northeast of Edwards Point, Edmonds, Washington, where a submerged helicopter, tail number A-109, is located.

(b) *Regulations.* In accordance with the general regulations in 33 CFR part 165, subpart C, no person or vessel may enter or remain in this safety zone, except for vessels involved in the salvage and investigation operations, supporting personnel, or other vessels authorized by the Captain of the Port or his designated representatives.

(c) *Enforcement Period.* From 4 p.m. (PDT) October 3, 2005 until 8 a.m. (PDT) October 17, 2005 unless sooner cancelled by the Captain of the Port.

Dated: October 3, 2005.

**Stephen P. Metruck,**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 3140

[WO-310-1310-PP-241A]

RIN 1004-AD76

#### Leasing in Special Tar Sand Areas

**AGENCY:** Bureau of Land Management, Department of the Interior.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** The Bureau of Land Management (BLM or "we") is issuing this interim final rule to amend regulations for the leasing of hydrocarbons, except coal, gilsonite and oil shale, in special tar sand areas. In this rule, BLM amends our regulations to respond to provisions of the Energy Policy Act of 2005 that allow separate oil and gas leases and tar sand leases in special tar sand areas, specify several oil and gas leasing practices that apply to tar sand leases, increase the maximum size for combined hydrocarbon leases and tar sand leases, and set the minimum acceptable bid for tar sand leases at \$2.00 per acre. The law requiring these changes also requires that this rule be published as a final rule within 45 days of enactment.

This is an interim final rule. Although the rule is effective upon publication, there is a 60-day comment period that starts on the date of publication. After the comment period, we will review the comments and may issue a further final rule making any necessary changes.

**DATES:** The interim final rule is effective October 7, 2005.

#### Comments

You should submit your comments on or before December 6, 2005. The BLM will not necessarily consider any comments received after the above date during its decision-making on the interim final rule.

#### ADDRESSES:

#### Comments

You may mail comments to Director (630), Bureau of Land Management, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153. Hand delivery: 1620 L Street NW., Suite 401, Washington, DC 20036. For information about filing comments electronically, see the **SUPPLEMENTARY INFORMATION** section under "Electronic access and filing address."

**FOR FURTHER INFORMATION CONTACT:** Ron Teseneer in the Solid Minerals Group at (202) 452-5094. For assistance in