number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 15, 2005, is amended as follows:

<table>
<thead>
<tr>
<th>Paragraph 6011</th>
<th>Area Navigation Routes</th>
</tr>
</thead>
<tbody>
<tr>
<td>* * * *</td>
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</tr>
</tbody>
</table>

Temporary Standard conflicts with the United Mine Workers of America (UMWA) Constitutional Convention that is scheduled for the second week of April. Following a request from the UMWA, the hearing in Charleston, WV has been changed from April 11, 2006 to May 9, 2006.

For the convenience of the reader, the following table contains information on the hearing dates, locations, and phone numbers for all of the hearings for the Emergency Temporary Standard on Emergency Mine Evacuation.

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 24, 2006</td>
<td>Sheraton Denver West Hotel</td>
<td>303–987–2000</td>
</tr>
<tr>
<td>April 26, 2006</td>
<td>Sheraton Suites, 2601 Richmond Road, Lexington, KY 40506</td>
<td>859–268–0060</td>
</tr>
<tr>
<td>May 9, 2006</td>
<td>Marriott Town Center, 200 Lee Street, East, Charleston, WV 25301</td>
<td>304–345–6500</td>
</tr>
</tbody>
</table>


David G. Dye,
Acting Assistant Secretary for Mine Safety and Health.

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936
[Docket No. OK-030-FOR]

Oklahoma Regulatory Program

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

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

I. Public Hearings
One of the hearing dates announced in the preamble of the Emergency Temporary Standard on Emergency Mine Evacuation (71 FR 12252). The April 11, 2006 public hearing is rescheduled for May 9, 2006.

FOR FURTHER INFORMATION CONTACT:
Robert Stone, Acting Director; Office of Standards, Regulations, and Variances, MSHA; phone: (202) 693–9440; facsimile: (202) 693–9441; E-mail: Stone.Robert@dol.gov.

SUPPLEMENTARY INFORMATION:

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and non-Indian lands within its borders by demonstrating that its program includes, among other things, “a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act * * *; and rules and regulations consistent with rules and regulations issued by the Secretary pursuant to this Act.” See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Oklahoma program on January 19, 1981. You can find background information on the Oklahoma program, including the Secretary’s findings, the disposition of comments, and the conditions of approval, in the January 19, 1981, Federal Register (46 FR 4902). You can also find later actions concerning Oklahoma’s program and program amendments at 30 CFR 936.10, 936.15 and 936.16.

II. Submission of the Amendment

By letter dated July 15, 2005 (Administrative Record No. OK–946.02), Oklahoma sent us an amendment to its approved regulatory program under SMCRA (30 U.S.C. 1201 et seg.). Oklahoma proposed revisions to rules concerning cross sections, maps, and plans; subsidence control; impoundments; revegetation success standards; roads; and review of decision not to inspect or enforce. Oklahoma intends to revise its program to provide additional safeguards, clarify ambiguities, and improve operational efficiency.

We announced receipt of the amendment in the October 18, 2005, Federal Register (70 FR 60481). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on November 17, 2005. We did not receive any comments.

During our review of the amendment, we identified concerns about subsidence control and subsidence control plan, impoundments, revegetation: standards for success, and review of decision not to inspect or enforce. We notified Oklahoma of these concerns by letters dated September 15, 2005, and October 28, 2005 (Administrative Record Nos. OK–946.04 and OK–946.07, respectively).

Oklahoma responded in letters dated October 14, 2005, and November 17, 2005 (Administrative Record Nos. OK–946.05 and OK–946.08, respectively), by sending us revisions to its amendment and additional explanatory information. Also, in its letter dated November 17, 2005, Oklahoma stated that its staff is continuing to review Oklahoma Administrative Code (OAC) 460:20–57–6, pertaining to review of decision not to inspect or enforce, and will submit a second amendment separately on this issue. Therefore, Oklahoma has withdrawn its previously proposed revisions to OAC 460:20–57–6.

Based upon Oklahoma’s additional explanatory information for and revisions to its amendment, we reopened the public comment period in the December 30, 2005, Federal Register (70 FR 77348). The comment period closed on January 17, 2006. We did not receive any comments.

III. OSM’s Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment as described below.

A. Minor Revisions to Oklahoma’s Rules

Oklahoma proposed minor wording, editorial, punctuation, and grammatical changes to the following previously-approved rules: Impoundments, OAC 460:20–43–14(a)(1), (a)(3), (a)(9)(A), (a)(9)(B)(ii), and (a)(11)(A); Roads: general, OAC 460:20–43–52(e)(1); Revegetation: standards for success, OAC 460:20–45–46(c)(2); and Subsidence control, OAC 460:20–45–47(c)(2).

Because these changes are minor, we find that they will not make Oklahoma’s regulations less effective than the Federal regulations.


The following findings pertain to surface and underground coal mining. Oklahoma proposed to delete paragraphs (a)(11) that require permit applications to include cross sections, maps, and plans that show sufficient slope measurements to adequately represent the existing land surface configuration of the proposed permit area. There are no direct counterpart Federal regulations for the above paragraphs that Oklahoma proposed to delete. We are approving the deletions because they will not render the Oklahoma regulations less effective than the Federal regulations at 30 CFR 779.25 and 783.25.


Oklahoma proposed to revise paragraph (a)(3) regarding conducting surveys of the condition of all Energy Policy Act (EPAct) protected structures and water supplies. The EPAct protected structures are non-commercial buildings or occupied residential dwellings and structures related thereto. The EPAct protected water supplies are all drinking, domestic, and residential water supplies within the permit area and adjacent area that could be contaminated, diminished, or interrupted by subsidence. Oklahoma proposed to add language that would exempt permit applicants from conducting surveys of EPAct protected structures if the applicants do not propose to use mining technology that results in planned subsidence. The surveys are still required if applicants propose to use mining technology that would result in planned subsidence.

The counterpart Federal regulation to OAC 460:20–31–13(a)(3) is found at 30 CFR 784.20(a)(3). When you first read this regulation, it appears to require applicants to conduct pre-mining surveys of EPAct protected structures and EPAct protected water supplies. However, when you continue to read this regulation, it only requires applicants to conduct pre-mining surveys of EPAct protected water supplies. The reason for this is that, on April 27, 1999, the U.S. Court of Appeals for the District of Columbia vacated the Federal regulatory provision requiring applicants to conduct surveys of EPAct protected structures. On December 22, 1999 (64 FR 71653), in response to the Court’s action, we suspended that portion of 30 CFR 784.20(a)(3) which required a survey of the EPAct protected structures. The remainder of paragraph (a)(3) continues in force, thereby, requiring applicants to conduct pre-mining surveys of all EPAct protected water supplies.

We are approving Oklahoma’s revision because it requires pre-mining surveys of all EPAct protected water supplies as does the Federal regulation at 30 CFR 784.20(a)(3). We are also approving it because it is not inconsistent with and will not render the Oklahoma regulations less effective than the above Federal regulations by requiring pre-mining surveys of EPAct protected structures if applicants propose to use mining technology that results in planned subsidence.
(Federal Counterpart 30 CFR 816.49)

Oklahoma proposed to add new
paragraph (a)(14) that prohibits
embankment slopes of impoundments
from being closer than 100 feet,
measured horizontally, from any public
road right-of-way unless otherwise
approved under procedures established
in 460:20–7–4(a) and 460:20–7–5(d). It
also requires the area between the road
right-of-way and the embankment
slopes of an impoundment, which is the
clear zone slopes, not to be steeper
than a 1V:6H grade.

There is no direct counterpart Federal
regulation regarding the distance
between an embankment slope of an
impoundment and a public road right-
of-way. However, the Federal regulation
at 30 CFR 761.11(d) ordinarily prohibits
or limits surface coal mining operations
within 100 feet, measured horizontally,
of the outside right-of-way line of any
public road. Because impoundments
can be part of a surface coal mining
operation and Oklahoma proposed to
prohibit a part of the surface coal
mining operation (impoundments) from
being closer than 100 feet, measured
horizontally, of the outside right-of-way
line of any public road, we are
approving this revision as it is
consistent with the Federal regulation at
30 CFR 761.11(d).

Also, there is no counterpart Federal
regulation regarding clear zone slopes.
We find that Oklahoma’s proposed
revision to require that the clear zone
slopes not be steeper than a 1V:6H grade
is not inconsistent with the Federal
regulations at 30 CFR 816.150, Roads:
general, and we are approving it.

E. OAC 460:20–43–46. Revegetation:
Standards for Success (Federal
Counterpart 30 CFR 816.116) and OAC
460:20–45–46. Revegetation: Standards
for Success (Federal Counterpart 30 CFR
817.116)

The following findings pertain to
surface and underground mining.

Oklahoma proposed to revise
paragraphs (b)(3) regarding areas to be
developed for fish and wildlife habitat,
recreation, shelter belts, or forest
products. Currently, these paragraphs
require the Oklahoma Department of
Mines (ODM), on a permit-specific
basis, to specify the minimum stocking
and planting arrangements after
consulting with and obtaining the
approval of the State agencies
responsible for the administration of
forestry and wildlife programs.

Oklahoma proposed to revise these
paragraphs in order to incorporate in its
regulations, on a program-wide basis,
minimum stocking and planting
arrangements for areas to be developed
for fish and wildlife habitat. Oklahoma
proposed to retain the currently
approved provisions that require the
ODM to specify, on a permit-specific
basis, the minimum stocking and
planting arrangements for areas to be
developed for recreation, shelter belts,
forest products after consulting with and
obtaining the approval of the State
agencies responsible for the
administration of forestry and wildlife
programs. When Oklahoma submitted
the above proposed revisions, it
provided us letters from the Oklahoma
Department of Wildlife Conservation
and the Oklahoma Department of
Agriculture, Food, and Forestry (the
State agencies responsible for the
administration of forestry and wildlife
programs). These letters indicated that
the State agencies had no negative
commments about the proposed revisions
regarding Oklahoma’s fish and wildlife
habitat plans. The Oklahoma
Department of Agriculture, Food, and
Forestry recommended that, to be
consistent, the ODM should develop
additional guidance, to be incorporated
into its regulations, for areas to be
developed for recreation, shelter belts,
and forest products. Specifically,
Oklahoma proposed the following:

1. Oklahoma originally proposed to
revise paragraphs (b)(3)(A) regarding
minimum stocking and planting
arrangements for areas to be
developed for fish and wildlife habitat,
recreation, shelter belts, or forest
products. These paragraphs require the
ODM, on a permit-specific basis, to specify
the minimum stocking and planting
arrangements after consulting with and
obtaining the approval of the State
agencies responsible for the
administration of forestry and wildlife
programs. In revising these paragraphs,
Oklahoma proposed to make the
provisions pertain only to fish and
wildlife habitat on a program-wide basis
instead of on a permit-specific basis,
thereby, eliminating the need for the
ODM to obtain approval from the above
State agencies for minimum stocking
and planting arrangements for every
permit. The provision for the ODM to
consult with the State agencies is still
required. Also, Oklahoma proposed to
add new paragraphs (i) to specify a
minimum tree and shrub stocking rate
and to provide guidance on the types
and species to plant if trees or shrubs
are to be planted. In addition, Oklahoma
proposed to add new paragraphs (ii) to
specify a minimum seeding rate and to
provide guidance on the species to plant
if native grasses and forbs are to be
planted. Finally, Oklahoma proposed to
add new paragraphs (iii) to allow an
applicant to submit an alternative
wildlife habitat plan to the ODM if he or
she chooses not to follow the
provisions set forth in proposed new
paragraphs (i) and (ii). This alternative
plan must include written approval from
the State agencies responsible for the
management of fish and wildlife.

The Federal regulations at 30 CFR
816.116(b)(3)(i) and 817.116(b)(3)(i)
provide that the regulatory authority
specify the minimum stocking and
planting arrangements for areas to be
developed for fish and wildlife habitat,
recreation, shelter belts, or forest
products after consulting with and
obtaining the approval of the State agencies
responsible for the administration of
forestry and wildlife programs. The
consultation and approval may occur on
either a program-wide or a permit-
specific basis.

Oklahoma’s above proposed revisions
regarding proposed new paragraphs (i)
and (ii) meet the requirements of the
Federal regulations at 30 CFR
816.116(b)(3)(i) and 817.116(b)(3)(i)
because the State has chosen to specify
the minimum stocking and planting
arrangements for fish and wildlife
habitat on a program-wide basis if trees
and shrubs and/or native grasses and
forbs are to be planted and has
consulted with and obtained approval
from the appropriate State agencies. The
provisions for proposed new paragraphs
(iii) are not inconsistent with the
Federal regulations at 30 CFR
816.116(b)(3)(i) and 817.116(b)(3)(i)
because the alternative plan must be
accompanied by a written approval of
the alternative planting rates and
species from the State agencies
responsible for the management of fish
and wildlife and must be reviewed by
the ODM. We are, therefore, approving
Oklahoma’s revisions.

2. Oklahoma proposed to add new
paragraphs (b)(3)(B) for areas to be
developed for recreation, shelter belts,
and forest products and to redesignate
existing paragraphs (B) through (D) as
new paragraphs (C) through (E). New
paragraphs (b)(3)(B) require the ODM,
on a permit-specific basis, to specify the
minimum stocking and planting
arrangements on the basis of local and
regional conditions after consulting with
and obtaining the approval of the State
agencies responsible for the
administration of forestry and wildlife
programs. The minimum stocking and
planting arrangements would then be
incorporated into an approved
regulation plan.
provide that the regulatory authority specify the minimum stocking and planting arrangement for areas to be developed for fish and wildlife habitat, recreation, shelter belts, or forest products after consulting with and obtaining the approval of State agencies responsible for the administration of forestry and wildlife programs. The consultation and approval may occur on either a program-wide or a permit-specific basis.

We are approving Oklahoma’s proposed revisions because they are consistent with the provisions of the Federal regulations at 30 CFR 816.116(b)(3)(i) and 817.116(b)(3)(i). We are also approving the re-designation of the above applicable paragraphs because the re-designations are only editorial changes and do not render the State regulations less effective than the Federal regulations.

3. Oklahoma proposed to revise newly re-designated paragraphs (b)(3)(D) (formerly paragraphs (b)(3)(C)), regarding the technical standard for vegetative ground cover, by adding new language requiring the cover to be sufficient to control erosion.

The Federal regulations at 30 CFR 816.116(b)(3)(i) and 817.116(b)(3)(iii) require the vegetative ground cover to be no less than that required to achieve the approved post-mining land use. The Federal regulation at 30 CFR 816.111(a)(4) requires a vegetative cover that is capable of stabilizing the soil surface from erosion.

The addition of the new language proposed by Oklahoma is no less effective than the Federal regulations. Therefore, we are approving the addition of the new language.

4. For areas to be developed for fish and wildlife habitat, recreation, shelter belts, or forest products, Oklahoma proposed to add new paragraphs (b)(3)(E) (formerly paragraphs (b)(3)(D)). These new paragraphs require comments on tree and shrub stocking and vegetative ground cover from State agencies responsible for the management of fish and wildlife.

The Federal regulations at 30 CFR 816.116(b)(3)(i) and 817.116(b)(3)(i) require the regulatory authority to consult with the State agencies responsible for the administration of forestry and wildlife programs regarding minimum stocking and planting arrangements. Therefore, we are approving Oklahoma’s proposed new paragraphs because they are no less effective than the Federal regulations.

F. OAC 460:20–43–52. Roads: General
(Federal Counterpart 30 CFR 816.150)

Oklahoma proposed to add new paragraph (d)(3) to require that the relocation of a public road must comply with newly proposed OAC 460:20–43–14(a)(14). This newly proposed regulation prohibits embankment slopes of impoundments from being closer than 100 feet, measured horizontally, from any public road right-of-way unless otherwise approved under procedures established in 460:20–7–4(4) and 460:20–7–5(d). It also requires the area between the road right-of-way and the impoundment slopes, which is the clear zone slopes, to not be steeper than a 1V:6H grade.

The counterpart Federal regulations to Oklahoma’s regulations are found at 30 CFR 816.150 (Roads: general). There is no direct counterpart Federal regulation regarding the distance between the right-of-way of a relocated public road and an embankment slope of an impoundment. Also, there is no counterpart Federal regulation regarding clear zone slopes. However, there is a Federal regulation at 30 CFR 761.11(d) which ordinarily prohibits or limits surface coal mining operations within 100 feet, measured horizontally, of the outside right-of-way line of any public road.

Oklahoma proposed that relocated public roads comply with the requirements of newly proposed OAC 460:20–43–14(a)(14) and this newly proposed regulation ordinarily prohibits embankment slopes of impoundments from being closer than 100 feet, measured horizontally, of the outside right-of-way line of a relocated public road. Therefore, we are approving Oklahoma’s proposed revision to require that the clear zone slopes not be steeper than a 1V:6H grade because it is not inconsistent with the Federal regulations at 30 CFR 816.150.

G. OAC 460:20–45–47. Subsidence Control (Federal Counterpart 30 CFR 817.121)

Oklahoma proposed to delete paragraphs (c)(4)(A) through (E) regarding rebuttable presumption of causation by subsidence and to incorporate the language in existing paragraph (c)(4)(E) into paragraph (c)(4) so that paragraph (c)(4) reads as follows:

(4) Be governed by a rebuttable presumption of causation by subsidence. The information to be considered in determination of causation is whether damage to protected structures was caused by subsidence from underground mining. All relevant and reasonably available information will be considered by the Department.

The counterpart Federal regulation is found at 30 CFR 817.121(c)(4)(v). This Federal regulation provides for the regulatory authority to consider all relevant and reasonably available information when determining the cause of damage to EPAct protected structures by underground mining. Because Oklahoma’s proposed revision at paragraph (c)(4) has the same provision as the counterpart Federal regulation at 30 CFR 817.121(c)(4)(v), we are approving it.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment, but did not receive any.

Federal Agency Comments

On August 31, 2005, and December 15, 2005, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRCA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Oklahoma program [Administrative Record Nos. OK–946.03 and OK–946.09]. We did not receive any comments.

Environmental Protection Agency (EPA) Concurrency and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to obtain written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.). None of the revisions that Oklahoma proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask EPA to concur on the amendment. On August 31, 2005, and December 15, 2005, under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from EPA [Administrative Record Nos. OK–946.03 and OK–946.09]. EPA did not respond to our request.

State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On August 31, 2005, and December 15, 2005, we requested comments on Oklahoma’s amendment.
SMCRA requires consistency of State programs with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to “establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.” Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be “in accordance with” the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations “consistent with” regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects 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. This determination is based on the fact that the Oklahoma program does not regulate coal exploration and surface coal mining and reclamation operations on Indian lands. Therefore, the Oklahoma program has no effect on Federally-recognized Indian tribes.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment,
productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that a portion of the State provisions are based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule. For the portion of the State provisions that is not based upon counterpart Federal regulations, this determination is based upon the fact that the State provisions are not expected to have a substantive effect on the regulated industry.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that a portion of the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulations did not impose an unfunded mandate. For the portion of the State provisions that is not based upon counterpart Federal regulations, this determination is based upon the fact that the State provisions are not expected to have a substantive effect on the regulated industry.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that a portion of the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulations did not impose an unfunded mandate. For the portion of the State provisions that is not based upon counterpart Federal regulations, this determination is based upon the fact that the State provisions are not expected to have a substantive effect on the regulated industry.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

DATES: This rule is effective from March 31, 2006 through April 3, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [CGD 07–06–020] and are available for inspection or copying at Coast Guard Sector St. Petersburg, 155 Columbia Drive, Tampa, Florida 33606–3598, between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

For further information contact: BM1 Charles Voss at Coast Guard Sector St. Petersburg (813) 228–2191 Ext 6307.

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), the Coast Guard finds that good cause exists for not publishing an NPRM. The necessary information to determine whether the Air Show poses a threat to persons and vessels was not provided with sufficient time to publish an NPRM. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to minimize potential danger to the public during the Air Show. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction and on scene Coast Guard and local law enforcement assets will also provide notice to mariners.

For the same reasons, Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. The Coast Guard will issue a broadcast notice to mariners to advise them of the restriction.

Background and Purpose

The City of St. Petersbug and Honda Motor Company are sponsoring the St. Petersburg Grand Prix, an auto race in the downtown area of St. Petersburg, Florida on March 31, 2006 through April 3, 2006. An Air Show is also included in the race festivities and consists of aerial demonstrations over the near shore waters of St. Petersburg, Florida. The demonstrations will total approximately seventy-one (71) minutes of flight time per day. Aerial demonstrations will include military aircraft, parachute jumpers, and smaller aircraft flying in formation at approximately fifty (50) feet above the water.

Discussion of Rule

The Federal Aviation Administration (FAA) will create a sterile “no-fly” zone (air box) above the restricted waters encompassed by this regulation. Following creation of the air box, the