

R-2510B, from "CO, Yuma MCAS, AZ," to "Commanding Officer, U.S. Navy Fleet Area Control and Surveillance Facility, San Diego, CA." The FAA is taking this action in response to a request from the United States Navy to reflect an administrative change of responsibility for the restricted areas. There are no changes to the boundaries; designated altitudes; time of designation; or activities conducted within the affected restricted areas.

**EFFECTIVE DATE:** 0901 UTC, December 22, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ken McElroy, Airspace and Rules, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by changing the using agency of R-2510 A & B, El Centro, CA. On July 18, 2005, the U.S. Navy requested that the FAA change the using agency from "CO, Yuma MCAS, AZ," to "Commanding Officer, U.S. Navy Fleet Area Control and Surveillance Facility, San Diego, CA." This action addresses that request. This is an administrative change and does not affect the boundaries; designated altitudes; or activities conducted within the restricted areas. Therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

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, Policies and Procedures for Considering Environmental Impacts. 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.

**§ 73.25 [Amended]**

■ 2. § 73.25 is amended as follows:

\* \* \* \* \*

**R-2510A El Centro, CA [Amended]**

By removing the words "Using agency. CO, Yuma MCAS, AZ," and inserting the words "Using agency. Commanding Officer, U.S. Navy Fleet Area Control and Surveillance Facility, San Diego, CA."

\* \* \* \* \*

**R-2210B El Centro, CA [Amended]**

By removing the words "Using agency. CO, Yuma MCAS, AZ," and inserting the words "Using agency. Commanding Officer, U.S. Navy Fleet Area Control and Surveillance Facility, San Diego, CA."

\* \* \* \* \*

Issued in Washington, DC, on September 12, 2005.

**Edith V. Parish,**

*Acting Manager, Airspace and Rules.*

[FR Doc. 05-18503 Filed 9-16-05; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[CGD09-05-123]

RIN 1625-AA00

**Safety Zone; Milwaukee River Challenge, Milwaukee River, Milwaukee, WI**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the Milwaukee River, in Milwaukee, WI. This zone is intended to restrict vessels from a portion of the Milwaukee River in Milwaukee, WI during the Milwaukee River Challenge. This temporary safety zone is necessary to protect participants and spectators of the event from the hazards associated with vessel traffic on the Milwaukee River.

**DATES:** This rule is effective from 10 a.m. (local) on September 17, 2005 through 4:30 p.m. (local) on September 17, 2005.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09-05-123] and are available for inspection or copying at U.S. Coast Guard Sector Lake Michigan, 2420 S. Lincoln Memorial Dr., Milwaukee, Wisconsin 53207 between 7 a.m. (local) and 3:30 p.m. (local), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Marine Science Technician Chief Harold Millsap, Prevention Department, Sector Lake Michigan, 2420 S. Lincoln Memorial Dr., Milwaukee, WI 53207, (414) 747-7160.

**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 permit application was not received in time to publish an NPRM followed by a final rule before the effective date. Under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of participants and vessels during this event and immediate action is necessary to prevent possible

loss of life or property. The Coast Guard has not received any complaints or negative comments previously with regard to this event.

### Background and Purpose

This temporary safety zone is necessary to ensure the safety of the participants and spectators from hazards associated with vessel traffic on the Milwaukee River. Based on accidents that have occurred in other Captain of the Port zones and the hazards of vessel traffic during non-motorized boat races, the Captain of the Port Lake Michigan has determined boat races in close proximity to vessel traffic on the Milwaukee River pose a significant risk to public safety and property. Establishing a safety zone to control vessel movement around the location of the race will help ensure the safety of participants and property at these events and help minimize the associated risks.

### Discussion of Rule

A temporary safety zone is necessary to ensure the safety of participants and vessels during the race in conjunction with the Milwaukee River Challenge. The race will occur between 10 a.m. (local) and 4:30 p.m. (local) on September 17, 2005.

The safety zone for the race will encompass all waters of the Milwaukee River from North Water Street Bridge north to Humboldt Avenue Bridge. The Captain of the Port Lake Michigan, or his designated on-scene representative, has the authority to terminate the event.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene representative. Entry into, transit, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

### 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 proposed 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 minimal time that vessels will be restricted from the zone and the zone is located in an area where the Coast Guard expects insignificant adverse impact to mariners from the zone's activation.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit or anchor in a portion of the Milwaukee River in Milwaukee, WI, between 10 a.m. (local) and 4:30 p.m. (local) on September 17, 2005.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: this rule will be in effect for only six and a half hours, on a portion of the Milwaukee River not significantly affecting commercial traffic. In the event that this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of the Port Lake Michigan to transit through the safety zone. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. 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 rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

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

### Taking of Private Property

This rule will 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 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

This 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.

### Energy Effects

We have analyzed this proposed 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. The Administrator of the office of Information and Regulatory Affairs has not designated it 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 procedure; and related management system 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. This rule fits the category from paragraph (34)(g) because it establishes a safety zone.

A preliminary "Environmental Analysis Check List" is available in the docket where indicated under

**ADDRESSES.** Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

### List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 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. A new temporary section 165.T09–123 is added as follows:

#### § 165.T09–123 Safety zone; Milwaukee River Challenge, Milwaukee River, Milwaukee, WI.

(a) Location: The following area is a temporary safety zone: All waters of the Milwaukee River from the North Water Street Bridge north to the Humboldt Avenue Bridge.

(b) Effective period. This regulation is effective from 10 a.m. (local) until 4:30 p.m. (local), on September 17, 2005.

(c) Enforcement Period. This zone will be enforced from 10 a.m. (local) until 4:30 p.m. (local), on September 17 2005.

(d) Regulations.

(1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Lake Michigan, or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan or his designated on-scene representative.

(3) The "on-scene representative" of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall

contact the Captain of the Port Lake Michigan or his on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone shall comply with all directions given to them by the Captain of the Port Lake Michigan or his on-scene representative.

Dated: September 9, 2005.

**S.P. LaRochelle,**

*Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.*

[FR Doc. 05–18594 Filed 9–16–05; 8:45 am]

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[R07–OAR–2005–MO–0003; FRL–7969–6]

#### Approval and Promulgation of Implementation Plans; State of Missouri; Correction

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** On July 13, 2005, EPA published a final rule approving revisions to the Missouri State Implementation Plan (SIP). In the July 13, 2005, rule, EPA inadvertently included an incorrect state effective date for the Missouri statewide NO<sub>x</sub> rule. The purpose of this action is to correct the state effective date to August 30, 2003.

**DATES:** This action is effective September 19, 2005.

**FOR FURTHER INFORMATION CONTACT:** Michael Jay at (913) 551–7460, or by e-mail at [jay.michael@epa.gov](mailto:jay.michael@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever "we," "us," or "our" is used, we mean EPA.

On July 13, 2005 (70 FR 40193), EPA published a final rule approving a SIP revision for Missouri that included a revision to the statewide NO<sub>x</sub> rule, 10 CSR 10–6.350 "Emissions Limitations and Emissions Trading of Oxides of Nitrogen." The purpose of the rule is to reduce the state's contribution to the St. Louis 8-hour ozone nonattainment area. The July 13, 2005, rule inadvertently included an incorrect state effective date for the statewide NO<sub>x</sub> rule of June 23, 2003. Today's action is necessary to correct the state effective date to August 30, 2003.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B),