

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 is a safety zone and therefore fits the category described in paragraph (34)(g). An “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

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 section 165.T07–120 is added to read as follows:

§ 165.T07–120 Safety zone; Tampa Bay, Florida.

(a) *Regulated Area.* The Coast Guard is establishing a safety zone on the waters of the Intracoastal Waterway in the vicinity of the Clearwater Memorial Bascule bridge. The safety zone encompasses all waters within a 1,000 foot radius of the Clearwater Memorial Bascule bridge located at 27°58′00″ N, 82°48′17″ W.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this Regulated Area is prohibited to all vessels and persons without the prior permission of the Coast Guard Captain of the Port St Petersburg or his designated representative.

(c) *Effective Period.* This Safety Zone is effective from 7:30 a.m. on October 4, 2005 through 2 p.m. on November 8, 2005 and will be enforced when a Coast Guard and/or Pinellas County Sheriff marine unit is on scene.

Dated: October 4, 2005.

J.A. Servidio,

Captain, U.S. Coast Guard, Captain of the Port, St Petersburg, Florida.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket # R08–OAR–2005–UT–0002; FRL–7987–9]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; State Implementation Plan Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: When EPA approved Utah State Implementation Plan (SIP) revisions for the Salt Lake City Carbon Monoxide (CO) Maintenance Plan and related Vehicle Inspection and Maintenance (I/M) Program for Salt Lake County, we inadvertently used an invalid acronym for the Utah Annotated Code. EPA is correcting this error with this document.

DATES: This rule is effective on November 25, 2005.

FOR FURTHER INFORMATION CONTACT: Domenico Mastrangelo, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 999 18th Street, Suite 200, Denver, Colorado 80202–2466, phone (303) 312–6436, and e-mail at: mastrangelo.domenico@epa.gov.

SUPPLEMENTARY INFORMATION:

(i) Throughout this document, wherever *we*, *us* or *our* is used it means the Environmental Protection Agency.

(ii) The initials *SIP* mean or refer to State Implementation Plan.

(iii) The word *State* means the State of Utah, unless the context indicates otherwise.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that when an agency for good cause finds that notice and public procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today’s rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect acronym in a previous rulemaking. Thus, notice and

public comment procedures are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

I. Correction

Correction for the Federal Register Document Published on August 1, 2005 (70 FR 44055)

On August 1, 2005 we published a final rule approving the revised Salt Lake City Carbon Monoxide Maintenance Plan and related revisions submitted by the Governor of Utah on October 19, 2004. When we published this rule, within the regulatory text we incorrectly referred to the Utah Annotated Code using the acronym UACR instead of UAC. Therefore, we are correcting the regulatory text in 40 CFR 52.2320(c)(60) to replace all references to UACR with UAC.

II. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4, 209 Stat. 48 (1995)). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA.

This rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rules is discussed in the August 1, 2005 rule approving the revised Salt Lake City Carbon Monoxide Maintenance Plan and related revisions submitted by the Governor of Utah on October 19, 2004.

The Congressional Review Act (CRA), 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement, 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the

reasons therefore, and established an effective date of November 25, 2005. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This correction to the identification of plan for Utah is not a "major rule" as defined by 5 U.S.C. section 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: October 14, 2005.

Robert E. Roberts,

Regional Administrator, Region VIII.

■ 40 CFR part 52 is amended to read as follows:

PART 52—[CORRECTED]

■ 1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart TT—UTAH

§ 52.2320 [Amended]

■ 2. Section 52.2320 is amended in paragraphs (c)(60) introductory text, (c)(60)(i)(A), and (c)(60)(i)(B) by revising "UACR" to read "UAC" wherever it appears.

[FR Doc. 05-21266 Filed 10-25-05; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 00-258; FCC 05-172]

Advanced Wireless Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallocates the 2155-2160 MHz band for Fixed and Mobile services and designates the 2155-2175 MHz band for Advanced Wireless Service (AWS) use. We continue our ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including Advanced Wireless Services (AWS).

DATES: Effective November 25, 2005.

FOR FURTHER INFORMATION CONTACT:

Priya Shrinivasan, Office of Engineering & Technology, (202) 418-7005.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Eighth Report and Order*, ET Docket No. 00-258, FCC 05-172, adopted September 23, 2005, and released September 29, 2005. The full text of this document is available on the Commission's Internet site at <http://www.fcc.gov>. It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The full text of this document also may be purchased from the Commission's duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th St., SW., Room CY-B402, Washington, DC 20554; telephone (202) 488-5300; fax (202) 488-5563; e-mail FCC@BCPIWEB.COM.

Summary of the Report and Order

1. In the *Eighth Report and Order* ("Eighth R&O") in ET Docket No. 00-258, the Commission continues its ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including Advanced Wireless Services (AWS). Advanced wireless systems could provide, for example, a wide range of voice, data and broadband services over a variety of mobile and fixed networks. Specifically, the Commission reallocates the 2155-2160 MHz band for Fixed and Mobile services and designates the 2155-2175 MHz band for AWS use.

2. Based on the Commission's determination that additional spectrum is needed for AWS use, and because the characteristics of the 2155-2175 MHz band make it well suited for such use, concludes that designating this band for AWS will promote efficient use of the spectrum and allow for the rapid introduction of high-value services in the band. Because the 2155-2175 MHz band is adjacent to the 2110-2155 MHz and 2175-2180 MHz bands that have already been designated for AWS, an AWS designation for this band will create 70 MHz of contiguous spectrum that will promote the rapid introduction of new technologies and service offerings, and will foster the use of the highest potential spectrum. Furthermore, designation of the 2155-2175 MHz band for AWS use is consistent with the Commission's previous decisions to designate spectrum for AWS on a primary basis to support the types of high powered mobile applications associated with AWS and Broadband PCS expansion. In addition, as proposed, the Commission