

agree. We believe that the previous approvals for using hydrophobic coating should have included special conditions in the type certification basis. As is the case for the Model G150, the use of hydrophobic coatings in lieu of windshield wipers represents a novel design feature relative to the certification basis of each of those airplane types. While the satisfactory service history indicates that these particular designs would likely have met the requirements of the special conditions, the existing regulatory requirements would not by themselves have necessarily assured the intended level of safety for the use of hydrophobic coating for precipitation removal for these designs, or for other designs. Special conditions are necessary to address the use of hydrophobic coating instead of windshield wipers. No changes were made as a result of this comment.

Sufficient View

The commenter recommends that the term "sufficient view" be changed to "sufficient view depending on aircraft speed." The commenter states that the visibility requirements for taxi are different than the requirements for flight.

We do not agree with the commenter's recommendation. The existing regulatory requirements in 14 CFR 25.773(b)(1), at Amendment 25-108, do not explicitly include this qualification. As with the existing requirements, the interpretation of "sufficient view" in these special conditions may be dependent on several factors other than airplane speed, such as phase of flight or ground operations. No changes were made as a result of this comment.

Changes to the Proposed Special Conditions

The reference to "the flight path in normal flight attitudes of the airplane" has been changed to "the ground or flight path in normal taxi and flight attitudes of the airplane." This change clarifies a possible ambiguity regarding the path of the airplane relative to the speeds necessary to maintain the clear vision area. While this additional language is absent from the requirement of § 25.773(b)(1), it is consistent with the intended level of safety. As noted in the Discussion section of the Notice of Proposed Special Conditions, the existing requirements are premised on the use of windshield wipers or other means for which slow speeds and minimal airflow are not limiting conditions for maintaining an area of clear vision. Hydrophobic coatings, however, are least effective at slow

speeds and low airflow rates. To maintain the same level of safety as the existing regulations, the certification basis must address both ground and flight operations, as reflected by the speed and airflow range included in the proposed special conditions.

We also changed the Discussion section to correct the effective date of Amendment 25-108 from December 26, 1990, to December 26, 2002. In addition, we made editorial changes to the Discussion section to clarify certain information regarding airspeed. Except as discussed above, the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Model G150. Should GALP apply at a later date for a change to the type certificate to include other type designs incorporating the same novel or unusual design feature, the special conditions would apply to those models as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Gulfstream Aerospace Limited Partnership (GALP) Model G150 airplanes.

Pilot Compartment View—Hydrophobic Coatings in Lieu of Windshield Wipers

The airplane must have a means to maintain a clear portion of the windshield, during precipitation conditions, enough for both pilots to have a sufficiently extensive view along the ground or flight path in normal taxi and flight attitudes of the airplane. This means must be designed to function, without continuous attention on the part of the crew, in conditions from light misting precipitation to heavy rain at speeds from fully stopped in still air, to 1.5 V_{SR1} with lift and drag devices retracted.

Issued in Renton, Washington, on October 7, 2005.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05-20864 Filed 10-17-05; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2005-22421; Airspace Docket No. 05-ASW-1]

RIN 2120-AA66

Revision of Jet Routes J-8, J-18, J-19, J-58, J-76, J-104 and J-244; and VOR Federal Airways V-60, V-190, V-263 and V-611; Las Vegas, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Jet Routes J-8, J-18, J-19, J-58, J-76, J-104 and J-244; and Very High Frequency Omnidirectional Range (VOR) Federal Airways V-60, V-190, V-263 and V-611 over the Las Vegas, NM, area. The FAA is taking this action due to the renaming of the "Las Vegas VOR tactical air navigation (VORTAC)" to the "Fort Union VORTAC." The name of the Las Vegas, NM, VORTAC is being changed to enhance the management of aircraft operations over the Las Vegas, NM, area by eliminating the possibility of confusion with the Las Vegas, NV, VORTAC. The FAA is also making editorial changes to update the format of the legal descriptions for VOR Federal Airways V-190, V-263 and V-611.

DATES: Effective Dates: 0901 UTC, December 22, 2005.

FOR FURTHER INFORMATION CONTACT: Steve Rohring, 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:

History

To reduce confusion between the Las Vegas, NM, VORTAC and the Las Vegas, NV, VORTAC, a decision was made to change the name of the "Las Vegas, NM, VORTAC" to the "Fort Union, NM, VORTAC." Because the name of the VORTAC is contained in the legal description of J-8, J-18, J-19, J-58, J-76, J-104 and J-244; and V-60, V-190, V-263 and V-611, the legal descriptions

must be changed. The FAA is also making editorial changes to update the format of the legal descriptions for VOR Federal Airways V-190, V-263 and V-611 by eliminating references to mileages and altitudes that are no longer included in the legal descriptions of airways.

Jet Routes and Federal airways are published in paragraphs 2004 and 6010(a), respectively of FAA Order 7400.9N dated September 1, 2005, and effective September 15, 2005, which is incorporated by reference in 14 CFR 71.1. The Jet Routes and Federal airways listed in this document will be published subsequently in the order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by revising the legal descriptions for Jet Routes J-8, J-18, J-19, J-58, J-76, J-104 and J-244; and VOR Federal Airways V-60, V-190, V-263 and V-611 over the Las Vegas, NM, area. The FAA is taking this action due to the renaming of the Las Vegas, NM, VORTAC and to enhance the management of aircraft operations over the Las Vegas, NM, area. Further, the FAA is making editorial changes to update the format of the legal descriptions for VOR Federal Airways V-190, V-263 and V-611. There are no geographical changes to the affected Jet routes and VOR Federal airways. 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 Paragraph 311(a) of FAA Order 1050.1E, Policies and Procedure for Considering Environmental Impacts. This airspace

action is not expected to cause any potentially significant impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

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:

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

■ 1. The authority citation for part 71 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.

§ 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 16, 2005, is amended as follows:

Paragraph 2004 Jet Routes.

* * * * *

J-8 (Revised)

From Needles, CA, via Flagstaff, AZ; Gallup, NM; Fort Union, NM; Borger, TX; INT Borger 095° and Kingfisher, OK, 261° radials; Kingfisher; Springfield, MO; St Louis, MO; Louisville, KY; Charleston, WV; INT Charleston 092° and Casanova, VA, 253° radials; to Casanova.

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J-18 (Revised)

From Mission Bay, CA, via Imperial, CA; Bard, AZ; INT of the Bard 089° and Gila Bend, AZ, 261° radials; Gila Bend; Phoenix, AZ; St. Johns, AZ; Albuquerque, NM; Fort Union, NM; Garden City, KS; Salina, KS; St. Joseph, MO; to Moline, IL.

* * * * *

J-19 (Revised)

From Phoenix, AZ, via INT Phoenix 053° and Zuni, NM, 242° radials; Zuni; INT Zuni 059° and Fort Union, NM, 268° radials; Fort Union; Liberal, KS; Wichita, KS; Butler, MO; St. Louis, MO; Roberts, IL; to Northbrook, IL.

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J-58 (Revised)

From Oakland, CA, via Manteca, CA; Coaldale, NV; Wilson Creek, NV; Milford, UT; Rattlesnake, NM; Fort Union, NM; Panhandle, TX; Wichita Falls, TX; Ranger, TX; Alexandria, LA; Harvey, LA.

* * * * *

J-76 (Revised)

From Las Vegas, NV, via INT Las Vegas 090° and Tuba City, AZ, 268° radials; Tuba City; Fort Union, NM; Tucumcari, NM; to Wichita Falls, TX.

* * * * *

J-104 (Revised)

From Los Angeles, CA, via INT Los Angeles 083° and Twentynine Palms, CA, 269° radials; Twentynine Palms; Parker, CA; INT Parker 112° and Gila Bend, AZ, 312° radials; Gila Bend; Tucson, AZ; San Simon, AZ; Socorro, NM; Fort Union, NM; to Pueblo, CO.

* * * * *

J-244 (Revised)

From Fort Union, NM; Zuni, NM; INT Zuni 242° and Phoenix, AZ, 053° radials; Phoenix.

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Paragraph 6010(a)—Domestic VOR Federal Airways

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V-60 (Revised)

From Gallup, NM, via INT Gallup 089° and Albuquerque, NM, 303° radials; Albuquerque, via INT Albuquerque 103° and Otto, NM, 253° radials; Otto; to Fort Union, NM.

* * * * *

V-190 (Revised)

From Phoenix, AZ; St. Johns, AZ; Albuquerque, NM; Fort Union, NM, Dalhart, TX; Gage, OK; INT Gate 059° and Pioneer, OK, 280° radials; Pioneer; INT Pioneer 094° and Bartlesville, OK, 256° radials; Bartlesville; INT Bartlesville 075° and Oswego, KS, 233° radials; Oswego; INT Oswego 085° and Springfield, MO, 261° radials; Springfield; Maples, MO; Farmington, MO; Marion, IL; Pocket City, IN.

* * * * *

V-263 (Revised)

From Corona, NM, INT Corona 278° and Albuquerque, NM, 160° radials; Albuquerque; INT Albuquerque 019° and Santa Fe, NM, 268° radials; Santa Fe; Fort Union, NM; Cimarron, NM; Tobe, CO; Lamar, CO; Hugo, CO; INT Hugo 345° and Akron, CO, 232° radials; to Akron. From Pierre, SD; Aberdeen, SD.

* * * * *

V-611 (Revised)

From Newman, TX, via INT Newman 286° and Truth or Consequences, NM, 159° radials; Truth or Consequences; INT Truth or Consequences 028° and Socorro, NM, 189° radials; Socorro; Albuquerque, NM; INT Albuquerque 036° and Santa Fe, NM, 245° radials; Santa Fe; Fort Union, NM; Cimarron, NM; Pueblo, CO; Black Forest, CO; INT Black Forest 036° and Gill, CO, 149° radials; Gill; Cheyenne, WY; Muddy Mountain, WY; Crazy Woman, WY; Sheridan, WY; Billings, MT; INT Billings 347° and Lewistown, MT, 104° radials; Lewistown; INT Lewistown 322° and Havre, MT, 226° radials; to Havre.

* * * * *

Issued in Washington, DC, on October 11, 2005.

Edith V. Parish,

Acting Manager, Airspace and Rules.

[FR Doc. 05-20852 Filed 10-17-05; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 153, 157 and 375

[Docket No. RM05-31-000; Order No. 665]

Regulations Implementing Energy Policy Act of 2005; Pre-Filing Procedures for Review of LNG Terminals and Other Natural Gas Facilities

Issued October 7, 2005.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its regulations in accordance with section 311(d) of the Energy Policy Act of 2005 (EPA 2005) to establish mandatory procedures requiring prospective applicants to begin the Commission's pre-filing review process at least six months prior to filing an application for authorization to site and construct a liquefied natural gas (LNG) terminal. Section 311(d) of EPA 2005, enacted on August 8, 2005, directs the Commission to promulgate such regulations within 60 days after enactment of EPA 2005. The regulations' mandatory procedures are designed to encourage applicants for LNG terminal siting and construction authority to cooperate with state and local officials, as required by EPA 2005. The regulations also make the pre-filing process mandatory for prospective applicants for authority to construct related jurisdictional pipeline and other natural gas facilities, as defined in the regulations. The regulations also require a prospective applicant to comply with the pre-filing procedures prior to filing an application to make modifications to an existing or authorized LNG terminal if such modifications involve significant state and local safety considerations that have not been previously addressed. Under this Final Rule, prospective applicants may elect on a voluntary basis to undertake the pre-filing process prior to filing applications for other facilities subject to the Commission's jurisdiction under the Natural Gas Act (NGA).

EFFECTIVE DATE: The rule will become effective November 17, 2005.

FOR FURTHER INFORMATION CONTACT:

Richard Hoffmann, Office of Energy Projects, 888 First Street, NE., Washington, DC 20426, (202) 502-8066, richard.hoffmann@ferc.gov.
John Leiss, Office of Energy Projects, 888 First Street, NE., Washington, DC 20426, (202) 502-8058, john.leiss@ferc.gov.
Whit Holden, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8089, edwin.holden@ferc.gov.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Joseph T. Kelliher, Chairman; Nora Mead Brownell, and Sudeen G. Kelly.

I. Introduction

1. Pursuant to section 311(d) of the Energy Policy Act of 2005 (EPA 2005),¹ enacted on August 8, 2005, the Commission is required, by October 7, 2005, to promulgate regulations requiring prospective applicants for authorization for the siting and construction of liquefied natural gas (LNG) terminals (as defined in EPA 2005) to comply with the Commission's pre-filing review process, beginning at least six months prior to filing an application. As further required by EPA 2005, the proposed regulations are designed to encourage applicants to cooperate with state and local officials, a goal also contemplated by the National Environmental Policy Act of 1969 (NEPA).² This Final Rule fulfills the Commission's responsibilities under section 311(d) of EPA 2005.

2. The mandatory procedures established in this Final Rule require that a prospective applicant for authority to site and construct an LNG terminal submit information necessary for NEPA pre-filing review of the LNG terminal, as defined in EPA 2005. A prospective applicant for authority to construct related jurisdictional pipeline and other natural gas facilities, as defined in the regulations, is also required to undertake the mandatory pre-filing review process. A prospective applicant is also required to comply with the pre-filing procedures prior to filing an application to make modifications to an existing LNG terminal if such modifications involve significant state and local safety considerations that have not been previously addressed. This Final Rule provides that prospective applicants

may elect on a voluntary basis to undertake the pre-filing process prior to filing applications for other facilities subject to the Commission's jurisdiction under the Natural Gas Act (NGA).

II. Notice of Proposed Rulemaking

3. In response to EPA 2005's directive with respect to LNG terminals, the Commission issued a Notice of Proposed Rulemaking (NOPR) on August 26, 2005, in Docket No. RM05-31-000 setting forth proposed regulations to implement a mandatory pre-filing process for prospective applicants for authority under section 3 of the NGA for the siting and construction of new LNG terminals.³ As explained in the NOPR, it was already the Commission's policy prior to enactment of EPA 2005 to encourage prospective applicants' use of the Commission's optional pre-filing process for LNG terminal projects, as well as interstate gas pipeline projects in appropriate cases, to encourage early involvement by the public and governmental agencies, as contemplated by NEPA and Council on Environmental Quality (CEQ) regulations. Further, because it is desirable to maximize early public involvement to promote the wide-spread dissemination of information about proposed projects and to reduce the amount of time required to issue an environmental impact statement (EIS) or environmental assessment (EA) once an application is filed, the Commission's Office of Energy Projects (OEP) developed its current guidelines for going beyond informal discussions into a more formal pre-filing process.⁴

4. As explained in the NOPR, the Commission's experience with the current pre-filing process is that it has been used with much success since its introduction several years ago. It is a process with which the natural gas industry, governmental entities and the public are familiar. However, the current pre-filing process is optional, and EPA 2005 requires that the Commission implement a mandatory, rather than elective, pre-filing process

³ 112 FERC ¶ 61,232 (2005); 70 FR 52328 (September 2, 2005).

⁴ Under the Commission's optional pre-filing process, the Commission's staff provides prospective applicants guidelines which are described at length in the NOPR. As explained in the NOPR, the current guidelines were developed because in certain respects the collaborative pre-filing procedures set forth in section 157.22 of the Commission's regulations, 18 CFR 157.22 (2005), have proven to be impracticable. Therefore, as proposed in the NOPR, the Commission is eliminating the collaborative process procedures of section 157.22 in conjunction with the promulgation of new regulations in this rulemaking proceeding.

¹ Public Law 109-58, 119 Stat. 594.

² 42 U.S.C. 4321, *et seq.*