

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 procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID, 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)(h), of the Instruction, from further environmental documentation.

Under figure 2–1, paragraph (34)(h), of the Instruction, an “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

### List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1.

2. Add a temporary § 100.35–T05–005 to read as follows:

#### § 100.35–T05–005, Pasquotank River, Elizabeth City, NC

(a) Regulated area. The regulated area is established for the waters of the Pasquotank River, adjacent to Elizabeth City, NC, from shoreline to shoreline, bounded on the east by a line running northerly from a point near the shoreline in the vicinity of Brickhouse Point at latitude 36°15′52″ N, longitude 076°09′22″ W, thence to latitude 36°17′18″ N, longitude 076°08′47″ W, and bounded on the west by the Elizabeth City Draw Bridge. All coordinates reference Datum NAD 1983.

(b) Definitions:

(1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Cape Hatteras. Designation of Patrol Commander will be made by Commander, Coast Guard Sector North Carolina effective July 29, 2005.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Group Cape Hatteras with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign. Assignment and approval of Official Patrol will be made by Commander, Coast Guard Sector North Carolina effective July 29, 2005.

(c) *Regulations:*

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) The operator of a vessel in the regulated area shall stop the vessel immediately when instructed to do so by the Official Patrol and then proceed as directed. When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(d) Enforcement period. This section will be enforced from 7:30 a.m. to 6:30 p.m. on September 23, 24 and 25, 2005.

Dated: June 20, 2005.

**Sally Brice-O'Hara,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 05–12730 Filed 6–27–05; 8:45 am]

BILLING CODE 4910–15–P

### ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Parts 51, 72, 73, 74, 77, 78, and 96**

[OAR–2003–0053; FRL–7927–9]

RIN 2060–AM95

### Availability of Additional Information Supporting the Proposed Rule To Include Delaware and New Jersey in the Clean Air Interstate Rule, and Reopening of Comment Period for the Proposed Rule

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

**ACTION:** Notice of data availability (NODA) and reopening of public comment period.

**SUMMARY:** We are soliciting comment on modeling information relevant to our May 12, 2005, proposal to include the States of Delaware and New Jersey within the scope of the Clean Air Interstate Rule (CAIR) for purposes of assessing significance of contribution to downwind States' attainment of the National Ambient Air Quality Standard (NAAQS) for fine particulate matter (PM<sub>2.5</sub>) (70 FR 25408). Note that we are soliciting comment only on this modeling information, and are not reopening, reconsidering, or otherwise seeking comment on any aspect of the CAIR. This information is summarized in a table listing the combined contributions of emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) from Delaware and New Jersey, to annual average PM<sub>2.5</sub> concentrations in projected 2010 nonattainment counties in other States within the Eastern United States. This table is included in Section III below.

Detailed background information describing the rulemaking may be found in two previously published actions:

1. Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Final Rule, 70 FR 25162, May 12, 2005; and,

2. Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule; Proposed Rule, 70 FR 25408, May 12, 2005.

These actions and the table listed above are available in the public docket (Docket Number OAR–2003–0053) and

are also available for public review on the Web site for this rulemaking at <http://www.epa.gov/cleanairinterstaterule>. We have chosen to include material for this rulemaking as part of the CAIR docket. However, this is a separate rulemaking, and we are not soliciting comment on any aspect of the CAIR rule. We may place additional documents in the docket, and if we do so, we will announce their availability by posting a notice on the CAIR Web site shown above.

In addition, we are reopening the comment period for the Proposed Rule to Include Delaware and New Jersey in the Clean Air Interstate Rule so it coincides with the comment period for this NODA.

**DATES:** Comments on both this NODA and the Proposed Rule to Include Delaware and New Jersey in the CAIR must be received on or before July 19, 2005. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on the comment period.

**ADDRESSES:** Submit your comments, identified by Docket Number OAR-2003-0053, by one of the following methods:

A. Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. Agency Web site: <http://www.epa.gov/edocket>. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

C. E-mail: [A-AND-R-Docket@epa.gov](mailto:A-AND-R-Docket@epa.gov).

D. Mail: Air Docket, ATTN: Docket Number OAR-2003-0053, Environmental Protection Agency, Mail Code: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

E. Hand Delivery: EPA Docket Center, 1301 Constitution Avenue, NW., Room B102, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. OAR-2003-0053. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.epa.gov/edocket>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through EDOCKET, regulations.gov, or e-mail. The EPA

EDOCKET and the Federal regulations.gov Web sites are "anonymous access" systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through EDOCKET or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA is unable to read your comment and contact you for clarification due to technical difficulties, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit EDOCKET on-line or see the **Federal Register** of May 31, 2002 (67 FR 38102) entitled "EPA Dockets; EPA's New Electronic Public Docket and Comment System." For additional instructions on submitting comments, go to Unit I of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the EPA Docket Center, EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

**FOR FURTHER INFORMATION CONTACT:** For general questions concerning today's action, please contact Jan King, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, C539-02, Research Triangle Park, NC 27711, telephone (919) 541-5665, e-mail at [king.jan@epa.gov](mailto:king.jan@epa.gov). For legal questions, please contact Steven Silverman, U.S.

EPA, Office of General Counsel, Mail Code 2344A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone (202) 564-5523, e-mail at [silverman.steven@epa.gov](mailto:silverman.steven@epa.gov). For questions regarding air quality modeling analyses, please contact Norm Possiel, U.S. EPA, Office of Air Quality Planning and Standards, Emissions Modeling and Analysis Division, D243-01, Research Triangle Park, NC 27711, telephone (919) 541-5692, e-mail at [possiel.norm@epa.gov](mailto:possiel.norm@epa.gov). For questions regarding the emissions inventories of electric generating units (EGUs) and State budgets, please contact Misha Adamantiades, U.S. EPA, Office of Atmospheric Programs, Clean Air Markets Division, Mail Code 6204J, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone (202) 343-9093, e-mail at [adamantiades.mikhail@epa.gov](mailto:adamantiades.mikhail@epa.gov). For questions regarding the emissions inventories for non-EGU sources, please contact Marc Houyoux, U.S. EPA, Office of Air Quality Planning and Standards, Emissions Modeling and Analysis Division, Mail Code D205-01, Research Triangle Park, NC 27711, telephone (919) 541-4330, e-mail at [houyoux.marc@epa.gov](mailto:houyoux.marc@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Additional Information on Submitting Comments**

###### *A. How Can I Help EPA Ensure That My Comments Are Reviewed Quickly?*

To expedite review of your comments by Agency staff, you are encouraged to send a separate copy of your comments, in addition to the copy you submit to the official docket, to Joann Allman, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, Mail Code C539-02, Research Triangle Park, NC 27711, telephone (919) 541-1815, e-mail [allman.joann@epa.gov](mailto:allman.joann@epa.gov). If you e-mail the copy of your comments to Ms. Allman, put "comment for Docket Number OAR-2003-0053" in the subject line to alert Ms. Allman that a comment is included.

###### *B. What Should I Consider as I Prepare My Comments for EPA?*

1. **Submitting CBI.** Do not submit CBI information to EPA through EDOCKET, regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one

complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI only to the following address: Roberto Morales, U.S. EPA, Office of Air Quality Planning and Standards, Mail Code C404-02, Research Triangle Park, NC 27711, telephone (919) 541-0880, e-mail at [morales.roberto@epa.gov](mailto:morales.roberto@epa.gov), Attention Docket Number OAR-2003-0053.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- i. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Explain why you agree or disagree.
- iii. Describe any assumptions and provide any technical information and/or data that you used.
- iv. Provide specific examples to illustrate your concerns, and suggest alternatives.
- v. Make sure to submit your comments by the comment period deadline identified.

**II. Rulemaking Information**

The EPA has also established a website for this rulemaking at <http://www.epa.gov/cleanairinterstaterule>. The Web site includes the rulemaking actions and certain other related information that the public may find useful.

*A. New Information Placed in the Docket*

We are making available for public comment new information relating to the inclusion of Delaware and New Jersey in the CAIR for purposes of their contribution to PM<sub>2.5</sub> air quality problems. The information is shown in the table below. This table has also been placed in the docket for this rulemaking and on the Web site listed above.

The information in the table lists the combined contribution of emissions of SO<sub>2</sub> and NO<sub>x</sub> from Delaware and New Jersey to annual average PM<sub>2.5</sub> concentrations in projected 2010 nonattainment counties in other States within the Eastern United States. The EPA determined the PM<sub>2.5</sub> contributions listed in this table by applying the same “zero-out” modeling technique used in the CAIR rule to the projected 2010 Base Case SO<sub>2</sub> and NO<sub>x</sub> emissions from New Jersey and Delaware. The rationale for evaluating the contributions from

Delaware and New Jersey using the combined SO<sub>2</sub> and NO<sub>x</sub> emissions in both States is described in the proposed rule entitled, “Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule” (70 FR 25408, May 12, 2005). Details on the PM<sub>2.5</sub> modeling platform, zero-out modeling technique, and procedures for calculating interstate contributions are provided in the report “Technical Support Document for the Final Clean Air Interstate Rule—Air Quality Modeling,” March 2005 (Docket Number OAR-2003-0053-2151). The 2010 Base Case emissions in Delaware and New Jersey and the procedures for calculating these emissions can be found in the report “Clean Air Interstate Rule Emissions Inventory Technical Support Document,” March 2005 (Docket Number OAR-2003-0053-2047).

The table below shows that the combined contribution of emissions of SO<sub>2</sub> and NO<sub>x</sub> from Delaware and New Jersey to annual average PM<sub>2.5</sub> concentrations in New York County, New York is projected to be 0.23 µg/m<sup>3</sup>, which is above the 0.2 µg/m<sup>3</sup> used in the CAIR as the air quality factor for assessing significance of contribution to downwind States’ nonattainment <sup>1</sup> (70 FR 251723).

CONTRIBUTIONS FROM SO<sub>2</sub> AND NO<sub>x</sub> EMISSIONS IN DELAWARE AND NEW JERSEY TO ANNUAL AVERAGE PM<sub>2.5</sub> IN PROJECTED 2010 NONATTAINMENT COUNTIES IN OTHER STATES WITHIN THE EASTERN UNITED STATES

Downwind Nonattainment Counties		PM <sub>2.5</sub> Contributions from DE + NJ (µg/m <sup>3</sup> )
State	County	
Alabama	Jefferson Co	< 0.05
Alabama	Russell Co	< 0.05
District of Columbia	District of Columbia	0.09
Georgia	Bibb Co	< 0.05
Georgia	Clarke Co	< 0.05
Georgia	Clayton Co	< 0.05
Georgia	Cobb Co	< 0.05
Georgia	DeKalb Co	< 0.05
Georgia	Floyd Co	< 0.05
Georgia	Fulton Co	< 0.05
Georgia	Walker Co	< 0.05
Illinois	Cook Co	< 0.05
Illinois	Madison Co	< 0.05
Illinois	St. Clair Co	< 0.05
Indiana	Clark Co	< 0.05
Indiana	Dubois Co	< 0.05
Indiana	Lake Co	< 0.05
Indiana	Marion Co	< 0.05
Indiana	Vanderburgh Co	< 0.05
Kentucky	Fayette Co	< 0.05
Kentucky	Jefferson Co	< 0.05
Maryland	Anne Arundel Co	0.12
Maryland	Baltimore City	0.13
Michigan	Wayne Co	< 0.05
New York	New York Co	0.23
North Carolina	Catawba Co	< 0.05
North Carolina	Davidson Co	< 0.05

<sup>1</sup> There are three counties in Pennsylvania for which the Delaware-New Jersey contributions are

projected to be close to the 0.2 µg/m<sup>3</sup> air quality factor level. These are Lancaster and Philadelphia

Counties (at 0.18 µg/m<sup>3</sup>), and Delaware County (at 0.19 µg/m<sup>3</sup>).

CONTRIBUTIONS FROM SO<sub>2</sub> AND NO<sub>x</sub> EMISSIONS IN DELAWARE AND NEW JERSEY TO ANNUAL AVERAGE PM<sub>2.5</sub> IN PROJECTED 2010 NONATTAINMENT COUNTIES IN OTHER STATES WITHIN THE EASTERN UNITED STATES—Continued

Downwind Nonattainment Counties		PM <sub>2.5</sub> Contributions from DE + NJ (µg/m <sup>3</sup> )
State	County	
Ohio	Butler Co	< 0.05
Ohio	Cuyahoga Co	< 0.05
Ohio	Franklin Co	< 0.05
Ohio	Hamilton Co	< 0.05
Ohio	Jefferson Co	< 0.05
Ohio	Lawrence Co	< 0.05
Ohio	Mahoning Co	< 0.05
Ohio	Montgomery Co	< 0.05
Ohio	Scioto Co	< 0.05
Ohio	Stark Co	< 0.05
Ohio	Summit Co	< 0.05
Pennsylvania	Allegheny Co	< 0.05
Pennsylvania	Beaver Co	< 0.05
Pennsylvania	Berks Co	0.16
Pennsylvania	Cambria Co	< 0.05
Pennsylvania	Dauphin Co	0.11
Pennsylvania	Delaware Co	0.19
Pennsylvania	Lancaster Co	0.18
Pennsylvania	Philadelphia Co	0.18
Pennsylvania	Washington Co	< 0.05
Pennsylvania	Westmoreland Co	< 0.05
Pennsylvania	York Co	0.14
Tennessee	Hamilton Co	< 0.05
Tennessee	Knox Co	< 0.05
West Virginia	Berkeley Co	0.05
West Virginia	Brooke Co	< 0.05
West Virginia	Cabell Co	< 0.05
West Virginia	Hancock Co	< 0.05
West Virginia	Kanawha Co	< 0.05
West Virginia	Marion Co	< 0.05
West Virginia	Marshall Co	< 0.05
West Virginia	Ohio Co	< 0.05
West Virginia	Wood Co	< 0.05

We may place additional documents in the docket, and if we do so, we will announce their availability by posting a notice on the CAIR Web site: <http://www.epa.gov/cleanairinterstaterule>.

*B. Reopening of Comment Period For the May 12, 2005 Proposed Rule*

The EPA has received a request to reopen the comment period for the May 12 proposal to be co-extensive with the comment period to this NODA. The EPA believes this request is reasonable and accordingly is reopening the period for comment until July 19, 2005.

Dated: June 21, 2005.

**Mary E. Henigin,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. 05-12706 Filed 6-27-05; 8:45 am]

**BILLING CODE 6560-50-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket No. FEMA-P-7693]

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the

National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division