

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 and Department of Homeland Security Management Directive 5100.1, 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. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section.

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—REGATTAS AND MARINE PARADES

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 § 100.35T–05–078 to read as follows:

§ 100.35T–05–078 Patapsco River, Inner Harbor, Baltimore, MD.

(a) *Definitions.* The following definitions apply to this section:

(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 Sector Baltimore.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* includes all vessels participating in the Red Bull Flugtag Baltimore under the auspices of a Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Baltimore.

(4) *Regulated area* includes the waters of the Patapsco River, Baltimore, MD, Inner Harbor within the immediate vicinity of the southwest corner of the harbor adjacent to the Maryland Science Center. The area is bounded on the south and west by the shoreline promenade, bounded on the north by a line drawn along latitude 39°16'58" North and bounded on the east by a line drawn along longitude 076°36'36.5" West. All coordinates reference Datum NAD 1983.

(b) *Special local regulations.* (1) Except for event participants and 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.

(ii) Proceed as directed by any Official Patrol.

(iii) 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 event area.

(c) *Effective period.* This section will be enforced from 10:30 a.m. to 5:30 p.m. on October 21, 2006.

Dated: July 28, 2006.

Larry L. Hereth,
Rear Admiral, U.S. Coast Guard, Commander,
Fifth Coast Guard District.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2004–NH–0001; A–1–FRL–8210–6]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Withdrawal of Proposed Rulemaking To Control Gasoline Fuel Parameters and Remove the Reformulated Gasoline Program From Four Counties in New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed rule.

SUMMARY: In a letter dated May 31, 2006, the New Hampshire Department of Environmental Services (DES) requested withdrawal of their previously submitted State Implementation Plan (SIP) revision for oxygen flexible reformulated gasoline (OFRFG). EPA had proposed to approve this revision on February 2, 2004 (69 FR 4903), and received comments from five parties which outlined concerns. For reasons outlined below, New Hampshire has withdrawn this SIP revision request. Therefore, EPA is also withdrawing its proposed approval of the SIP revision.

DATES: The proposed rule is withdrawn as of August 16, 2006.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, EPA New England (CAQ), 1 Congress Street, suite 1100, Boston MA 02203; telephone, 617–918–1045; fax, 617–918–0045; judge.robert@epa.gov.

SUMMARY: On February 2, 2004 (69 FR 4903), EPA proposed approval of a State Implementation Plan (SIP) revision submitted by the New Hampshire Department of Environmental Services (DES) on October 31, 2002 and October 3, 2003, establishing fuel emissions performance requirements for gasoline distributed in southern New Hampshire which includes Hillsborough, Merrimack, Rockingham, and Strafford Counties. Final EPA approval of this SIP revision would ultimately result in New Hampshire no longer utilizing Federal reformulated gasoline (RFG) in this area 90 days after the effective date of the rule. New Hampshire had hoped their program would result in gasoline with less methyl tertiary butyl ether (MTBE) being distributed in the State.

On May 31, 2006, DES submitted a letter by which the State of New Hampshire withdrew their request to adopt their own State specific fuel program (OFRFG), and their request to opt-out of the Federal reformulated gasoline program. In this letter, New

Hampshire outlined several reasons for withdrawing this SIP revision request. They explained that since the time of their initial SIP submission and EPA's subsequent proposed approval in February 2004, several circumstances that impact New Hampshire's choice to opt-out of RFG and implement their own State fuel program have changed. Specifically, they noted that MTBE bans were implemented in 2004 in Connecticut and New York areas with Federal reformulated gasoline without supply or price disruptions. Informed by this development, the New Hampshire General Court passed House Bill 58 in 2005 which banned (effective January, 2007) the importation and distribution of gasoline containing MTBE in New Hampshire. (Other similar MTBE ban legislation was also enacted in Maine, Vermont, and Rhode

Island). And finally, New Hampshire pointed to the enactment of Federal energy legislation (the Energy Policy Act of 2005) with provisions that eliminated the Clean Air Act (CAA) minimum 2 percent oxygen mandate for RFG (the requirement that had resulted in between 3 and 10 times higher MTBE levels in RFG than conventional gasoline), mandated increased use of renewable fuels (primarily ethanol) nationally, and limited EPA's ability to approve new "boutique" fuel blends.

Given those circumstances, New Hampshire felt that their state, as well as many other areas of the country, would soon be receiving cleaner fuels with significantly reduced levels of MTBE. As such, they feel they achieved the state's objective of reducing MTBE in its gasoline without removing itself from the Federal RFG program and its associated toxics emission reduction

benefits. Therefore, New Hampshire has requested that EPA no longer consider this SIP revision request, and has withdrawn the SIP revision request from EPA. As a result, EPA is also withdrawing its previous proposed approval of New Hampshire's SIP revision request.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, and Reporting and recordkeeping requirements.

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

Dated: August 7, 2006.

Robert W. Varney,

Regional Administrator, EPA-New England.
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