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X. Statutory and Executive Order Reviews

This notice describes the approach that EPA intends to use to identify the first 50 to 100 chemicals to be screened under the EDSF. It represents a statement of Agency policy in this respect, but does not impose any requirements. As a policy statement related to a new program and the potential for novel policy issues to arise during this initial implementation of the statutory mandate in section 408(p) of FFDCFA, the Office of Management and Budget (OMB) has designated this notice as “significant” under section 3(f) of Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). The Agency therefore submitted this notice to OMB for review under this Executive order, and any changes made in response to recommendations or comments received from OMB during that review have been documented in the public docket as required by the Executive order.

Since this notice is not a regulation and does not otherwise impose any requirements, it does not qualify as an economically significant action under section 3(f)(1) of Executive Order 12866. As such, this action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), or Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). Nor does this notice contain any information collection requirements that require review and approval by OMB pursuant to the Paperwork

Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*).

Since this type of action does not require any proposal, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), and since this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), does not apply.

For the same reason, this action will not have substantial direct effects on State or tribal governments, on the relationship between the Federal Government and States or Indian tribes, or on the distribution of power and responsibilities between the Federal Government and States or Indian tribes. As a result, this action does not require any action under Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999), or under Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Nor does it impose any enforceable duty or contain any unfunded mandate or otherwise require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

Nor does this action require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

In addition, although not a final action that requires action under the Congressional Review Act, 5 U.S.C. 801 *et seq.*, which generally provides that before a final action may take effect, the issuing Agency must submit a report to each House of the Congress and the Comptroller General of the United States, EPA has submitted a courtesy copy of this notice to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to its publication in the **Federal Register**.

List of Subjects

Environmental protection, Chemicals, Endocrine disruptors, Pesticides and pests.

Dated: August 8, 2005.

Susan B. Hazen,
Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 05–19260 Filed 9–26–05; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–7975–3]

New Hampshire Sanitation Device Standard; Notice of Determination

This Notice of Determination is for all New Hampshire coastal waters.

On July 8, 2005 notice was published that the State of New Hampshire had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for all coastal waters of New Hampshire. The petition was filed pursuant to section 312(f)(3) of Public Law 92–500, as amended by Public laws 95–217 and 100–4, for the purpose of declaring these waters a “No Discharge Area” (NDA).

Section 312(f)(3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

The information submitted to me by the State of New Hampshire certified that there are six disposal facilities available to service vessels operating in the coastal waters of New Hampshire. A list of the facilities, phone numbers, locations, and hours of operation is appended at the end of the determination.

Based on the examination of the petition and its supporting information, which included site visits by EPA New England staff, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the area covered under this determination.

The area covered under this determination is:

| Waterbody/general area | Latitude | Longitude |
|---|-----------------|-------------------|
| Open Ocean—southern | 42°51'26.81241" | -70°44'50.43790" |
| Open Ocean—south of Isles of Shoals | 42°54'54.69793" | -70°37'48.0360" |
| Open Ocean—east of Isles of Shoals | 42°57'24.92153" | -70°32'6.08357" |
| Open Ocean—northern | 43°0'40.06352" | -70°39'39.85119" |
| Open Ocean—center | 42°57'13.00278" | -70°41'42.94551" |
| Hampton Falls River | 42°54'39.99647" | -70°51'49.17592" |
| Great Bay—Squamscott River | 42°58'55.12418" | -70°56'45.02511" |
| Great Bay—Lamprey River | 43°4'53.81971" | -70°56'4.65330" |
| Little Bay—Oyster River | 43°7'51.91065" | -70°55'4. -70649" |
| Cocheco River | 43°11'42.30454" | -70°52'21.96791" |
| Salmon Falls River | 43°13'36.97946" | -70°48'40.68515" |

This determination is made pursuant to section 312 (f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4.

EPA has prepared a response to the one written comment it received during the 45-day comment period, and it may be requested from EPA by writing to:

Ann Rodney, U.S. EPA New England, 1 Congress Street, Suite 1100, COP, Boston, MA 2114-2023.

MARINAS WITH PUMPOUT STATIONS

| Marina name | Town | Waterbody | Phone number and VHF number | Contact | Operating hours |
|-------------------------------|----------------|---------------------|--------------------------------|------------------------------|--|
| George's Marina | Dover | Cocheco River | (603) 742-9089 | George Maglaras. | 8:30 a.m.-5:00 p.m. (week-days); 8:30 a.m.-6:00 p.m. (Saturday); 9:00 a.m.-4:00 p.m. (Sunday). |
| Little Bay Boating Club | Dover | Little Bay | (603) 749-9282 VHF: 9, 16 | Ed Rosholt | Call marina. |
| Great Bay Marine | Newington ... | Little Bay | (603) 436-5299 VHF: 9, 68 | Ellen Saas/ Tom Brown. | 24 hours (May through October). |
| Wentworth by the Sea Marina. | New Castle .. | Little Harbor | (603) 433-5050 VHF: 9, 68, 71. | Pat Kelley | 8:00 a.m.-8:00 p.m. (week-days); 7:00 a.m. 8:00 p.m. (weekends). |
| Hampton River Marina | Hampton | Hampton Harbor | (603) 929-1422 VHF:10, 16. | Len Russell | Call marina. |
| DES Mobile Pumpout Boat | Portsmouth ... | All coastal | (603) 436-0915 VHF: 9 | Steve Root/ Ken Anderson. | Call for an appointment. |

Dated: September 20, 2005.

Ira Leighton,

Acting Regional Administrator, Region 1.

[FR Doc. 05-19252 Filed 9-26-05; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7975-4]

Public Water System Supervision Program Revision for the State of Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Tennessee is revising its approved Public Water System Supervision Program. Tennessee has adopted drinking water regulations for the Long Term 1 Surface Water Treatment Rule and the Arsenic Rule. EPA has determined that these revisions are no less stringent than the corresponding federal regulations.

Therefore, EPA intends on approving this State program revision.

All interested parties may request a public hearing. A request for a public hearing must be submitted by October 27, 2005 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by October 27, 2005, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on October 27, 2005. Any request for a public hearing shall include the following information: The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the

individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices: Tennessee Department of Environment and Conservation, Division of Water Supply, 401 Church Street, 6th Floor, L&C Tower, Nashville, Tennessee 37219-5404 or at the Environmental Protection Agency, Region 4, Drinking Water Section, 61 Forsyth Street SW, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Amy Newbold, EPA Region 4, Drinking Water Section at the Atlanta address given above or at telephone (404) 562-9482.

Authority: Section 1420 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142.