

### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

### Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office 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 proposed rule is categorically excluded, under figure 2-1, paragraph (32)(e) of

the Instruction, from further environmental documentation.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Revise section 117.1101 to read as follows:

##### § 117.1101 Sturgeon Bay.

(a) The draw of the Michigan Street Bridge, mile 4.3 at Sturgeon Bay, shall open as follows:

(1) From March 15 through December 31, the draw need open on signal for recreational vessels only on the hour, 24 hours a day. However, if more than 20 vessels have accumulated at the bridge, or vessels are seeking shelter from severe weather, the bridge shall open on signal.

(2) From January 1 through March 14, the draw shall open on signal if notice is given at least 12 hours in advance of a vessel's time of intended passage.

(b) The draw of the Bayview (SR 42/57) Bridge, mile 3.0 at Sturgeon Bay, shall open as follows:

(1) From March 15 through November 30, the draw shall open on signal.

(2) From December 1 through March 14, the draw shall open on signal if notice is given at least 12 hours in advance of a vessel's time of intended passage.

Dated: July 25, 2005.

**R.J. Papp, Jr.,**

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

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### ENVIRONMENTAL PROTECTION AGENCY

[OPP-2004-0404; FRL-7733-6]

#### 40 CFR Part 155

#### Pesticides; Procedural Regulations for Registration Review; Availability of a Draft Schedule for Registration Review

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

**ACTION:** Notice of availability.

**SUMMARY:** EPA is announcing availability of a draft schedule for the registration review of pesticides mandated in section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA is making the draft schedule available to assist the public in its review of the proposed procedural regulations for registration review that EPA published on July 13, 2005. To develop the draft schedule, EPA used procedures described in the July 13, 2005 proposal. The draft schedule is, in effect, a model schedule which shows how the Agency could sequence pesticide reviews to meet the goal of reviewing each pesticide's registration every 15 years. Although the Agency is not seeking comment on the draft schedule, you may include comments on the draft schedule in your comments on the proposed procedural regulations for the registration review of pesticides.

**FOR FURTHER INFORMATION CONTACT:** Kennan Garvey, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 703-305-7106; fax number: 703-308-8041; e-mail address: [garvey.kennan@epa.gov](mailto:garvey.kennan@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

##### A. Does this Action Apply to Me?

You may be potentially affected by this action if you hold pesticide registrations. Pesticide users or other persons interested in the regulation of the sale, distribution, or use of pesticides may also be interested in this action. Potentially affected entities may include, but are not limited to:

- Producers of pesticide products (NAICS code 32532)
- Producers of antifoulant paints (NAICS code 32551)
- Producers of antimicrobial pesticides (NAICS code 32561)
- Producers of nitrogen stabilizer products (NAICS code 32531)
- Producers of wood preservatives (NAICS code 32519)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by

this action, you should carefully examine the applicability provisions in proposed § 155.40 of the regulatory text of the **Federal Register** of July 13, 2005 (70 FR 40251) (FRL-7718-4). If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2004-0404. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to view public comments, to access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

## II. Background

EPA is announcing the availability of a draft schedule for the registration review of pesticides. To develop the draft schedule, EPA used procedures described in proposed procedural regulations for the registration review of pesticides published in the **Federal Register** of July 13, 2005 (70 FR 40251).

The draft schedule is, in effect, a model schedule which shows how the Agency could sequence pesticide reviews to meet the goal of reviewing each pesticide's registration every 15 years. As explained in the proposed rule, EPA plans to issue a registration review schedule after completing the final registration review rule, and then update the schedule annually.

The Agency has placed the draft schedule in the docket for the proposed procedural regulations for the registration review of pesticides, OPP-2004-0404. You may electronically access the draft schedule and the proposed procedural regulations from the Agency's E-docket at <http://www.epa.gov/edocket/>.

EPA is making the draft schedule available to assist the public in its review of the proposed procedural regulations for the registration review of pesticides. This notice provides additional information that can be considered when reviewing the proposed regulations, but does not impact the public comment period on the proposed procedural regulations for the registration review of pesticides that ends on October 11, 2005. Although the Agency is not seeking comment on the draft schedule, you may include comments on the draft schedule in your comments on the proposed procedural regulations for the registration review of pesticides. Instructions for submitting comments on the proposed regulations are provided in the **Federal Register** notice of July 13, 2005 (70 FR 40251).

EPA issued the proposed regulations for the registration review of pesticides under section 3(g) of FIFRA. The statute requires EPA to establish regulations for the periodic review of pesticides to assure that each pesticide registration continues to satisfy the FIFRA standard for registration. The goal is to review each pesticide every 15 years. The registration review program will replace the tolerance reassessment program and the reregistration program as the Agency's means for systematically reviewing existing pesticides.

### List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 11, 2005.

**Anne E. Lindsay**,  
*Acting Director, Office of Pesticide Programs.*  
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**BILLING CODE 6560-50-S**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 05-2201; MB Docket No. 05-238; RM-11260]

### Radio Broadcasting Services; Columbus, IN

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rulemaking filed by Columbus Community Radio Corporation, licensee of Station WHUM-LP, Channel 253L1, Columbus, Indiana, requesting allotment of Channel 228A at Columbus, Indiana, and its reservation for noncommercial educational use. Channel 228A can be allotted and reserved for NCE use in compliance with the Commission's minimum distance separation requirements, with the imposition of a site restriction of 7.9 kilometers (4.9 miles) southeast at reference coordinates 39-09-06 NL and 85-52-09 WL.

**DATES:** Comments must be filed on or before September 19, 2005, and reply comments on or before October 4, 2005.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Mitzi Quinn, President, Columbus Community Radio Corporation, 1325 Washington Street, Columbus, Indiana 47201.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 05-238, adopted July 27, 2005, and released July 29, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC, 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition,