

**DATES:** Comments must be received by June 27, 2005.

**ADDRESSES:** You may submit comments, identified by RIN 0694-AD29, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- E-mail to [publiccomments@bis.doc.gov](mailto:publiccomments@bis.doc.gov). Include "RIN 0694-AD29" in the subject line of the message.

- Fax: 202-482-3355.

- Mail or Hand Delivery/Courier: U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, ATTN: RIN 0694-AD29.

**FOR FURTHER INFORMATION CONTACT:** Alex Lopes, Director, Deemed Exports and Electronics Division, Bureau of Industry and Security, Telephone: (202) 482-4875, or e-mail: [alopes@bis.doc.gov](mailto:alopes@bis.doc.gov). Copies of the referenced OIG Report are available at <http://www.oig.doc.gov/oig/reports/2004/BIS-IPE-16176-03-2004.pdf>.

**SUPPLEMENTARY INFORMATION:** On March 28, 2005 the Bureau of Industry and Security published an advance notice of proposed rulemaking that addresses possible regulatory and policy changes would revise the Export Administration Regulations by adopting recommendations from a report by the Office of Inspector General (OIG). Adopting the OIG's recommendations would entail regulatory or other administrative action related to clarifying the definition of "use" technology subject to the EAR, evaluating a foreign national's successive citizenship or permanent residency, and modifying regulatory guidance on licensing technology to foreign nationals working with government-sponsored and university-based research.

The deadline for public comment was May 27, 2005 (70 FR 15607). The Bureau is now extending the comment period until June 27, 2005, to allow the public more time to comment on this proposed rule.

Dated: May 20, 2005.

**Eileen Albanese,**

*Director, Office of Exporter Services.*

[FR Doc. 05-10672 Filed 5-26-05; 8:45 am]

**BILLING CODE 3510-33-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[CGD05-05-020]

#### Special Local Regulations for Marine Events; Piankatank River, Gloucester County, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of meeting.

**SUMMARY:** The Coast Guard will hold a public meeting to provide a forum for citizens to provide oral comments relating to the "2005 Piankatank River Race", a marine event proposed to be held over the waters of the Piankatank River in Gloucester County, Virginia on July 23, 2005. The meeting will be open to the public.

**DATES:** This public meeting will be on Wednesday, June 29, 2005, from 10 a.m. to 2 p.m. The meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before June 24, 2005.

**ADDRESSES:** The Coast Guard public meeting will be held at the Gloucester County Library, 6920 Main Street, Gloucester, VA, 23061. Send written material and requests to make oral presentations to Dennis Sens, Commander (oax), U.S. Coast Guard Fifth District, 431 Crawford Street, Portsmouth, VA 23321.

**FOR FURTHER INFORMATION CONTACT:** Dennis Sens, Recreational Boating Safety Specialist, Fifth Coast Guard District, telephone 757-398-6204, Fax 757-398-6203.

**SUPPLEMENTARY INFORMATION:** This notice of meeting is in response to the notice of proposed rulemaking, (NPRM), published in the *Federal Register* on March 29, 2005, (Volume 70, pages 15788-15790). The purpose of this public meeting is to provide an opportunity for citizens to provide oral or written comments regarding a proposed marine event on the Piankatank River. The East Coast Boat Racing Club of New Jersey proposes to sponsor the "2005 Piankatank River Race" on July 23, 2005. The event would consist of approximately 20 New Jersey Speed Garveys and Jersey Speed Skiffs conducting high-speed competitive races along an oval racecourse in close proximity to the Thousand Trails Campground, over the waters of the Piankatank River, Gloucester, Virginia.

### Agenda of Meeting

The agenda includes the following:

- (1) Introduction of panel members.
- (2) Overview of meeting format.
- (3) Background on proposed marine event.

(4) Statements from citizens. Statements may be delivered in written form at the public meeting and made part of the docket or delivered orally not to exceed 10 minutes.

### Procedural

The meeting is open to the public. Please note that the meeting may close early if all business is finished. Members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the meeting coordinator at the address listed under **ADDRESSES** by June 24, 2005.

### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the meeting coordinator as soon as possible.

Dated: May 6, 2005.

**Lawrence J. Bowling,**

*Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District Acting.*

[FR Doc. 05-10363 Filed 5-26-05; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD01-05-044]

RIN 1625-AA00

#### Safety Zone; Yankee Homecoming Fireworks, Newburyport, MA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes establishing a temporary safety zone for the Yankee Homecoming Fireworks in Newburyport, Massachusetts. The safety zone is necessary to protect the life and property of the maritime public from the potential hazards posed by a fireworks display. The safety zone would temporarily prohibit entry into or movement within this portion of the Merrimack River during its effective period.

**DATES:** Comments and related material must reach the Coast Guard on or before June 27, 2005.

**ADDRESSES:** You may mail comments and related material to Sector Boston 427 Commercial Street, Boston, MA. Sector Boston maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket are part of docket CGD01-05-044 and are available for inspection or copying at Sector Boston, 427 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Chief Petty Officer Paul English, Sector Boston, Waterways Management Division, at (617) 223-3010.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for the rulemaking (CGD01-05-044), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related materials in an unbound format, no larger than 8.5 by 11 inches, suitable for copying. If you would like to know that your submission reached us, please enclose a stamped, self-addressed postcard or envelope. We may change this proposed rule in view of them.

**Public Meeting**

We do not plan to hold a public meeting. But you may submit a request for a meeting by writing to Sector Boston at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

**Background and Purpose**

This proposed rule would establish a safety zone on the waters of the Merrimack River Bay within a two hundred yard radius of Cashman Park located at approximate position 42°48.58" N, 070°52.41" W. The safety zone would be in effect from 8:30 p.m. until 10:30 p.m. on August 6, 2005.

This safety zone is necessary to protect the life and property of the maritime public from the dangers posed by this fireworks display. It would protect the public by temporarily prohibiting entry into or movement within this portion of the Merrimack River.

**Discussion of Proposed Rule**

The Coast Guard proposes establishing a temporary safety zone in a portion of the Merrimack River. The temporary safety zone would be in effect from 8:30 p.m. until 10:30 p.m. EDT on August 6, 2005. Marine traffic may transit safely outside of the safety zone during the event thereby allowing navigation of the Merrimack River except for the portion delineated by this rule. This safety zone will control vessel traffic during the fireworks event to protect the safety of the maritime public.

Given the limited time frame of the firework display and because the zone leaves the majority of the Merrimack River open for navigation, the Captain of the Port anticipates minimal negative impact on vessel traffic due to this event. Public notifications will be made prior to the effective period via local media, local notice to mariners and marine information broadcasts.

**Regulatory Evaluation**

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DHS is unnecessary.

Although this regulation prevents vessel traffic from transiting into a portion of the Merrimack River during this event, the effect of this regulation will not be significant for several reasons: Vessels will be excluded from the area of the safety zone for only two hours; vessels will be able to operate in the majority of the Merrimack River during this time period; and advance notifications will be made to the local maritime community by marine information broadcasts and Local Notice to Mariners.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities"

comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in the effected portion of the Merrimack River from 8:30 p.m. until 10:30 p.m. EDT August 6, 2005.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: Vessel traffic can safely pass outside of the safety zone during the effective period, the period is limited in duration, and advance notification via safety marine informational broadcast and local notice to mariners.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically effect it.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would effect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Chief Petty Officer Paul English at the address listed under **ADDRESSES**. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

**Collection of Information**

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

**Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of

compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not pose an environmental risk to health or risk to safety that may disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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 Considering 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 Coast Guard Instruction M16475.1D, 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 2.B.2 of the Instruction. Therefore, we believe that this rule is categorically excluded, under figure 2–1, paragraph (34)(g) of the Instruction, from further environmental documentation. A preliminary “Environmental Analysis Check List” is available in the docket where indicated under ADDRESSES. This rule fits the category selected from paragraph (34)(g), as it would establish a safety zone. 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 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR 165 as follows:

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add temporary § 165.T01–044 to read as follows:

### § 165.T01–044 Safety Zone; Yankee Homecoming Fireworks, Newburyport, Massachusetts.

(a) *Location.* The following area is a safety zone: All waters of the Merrimack River within a 200 yard radius of Cashman Park, at approximate position 42°48.58” N, 070°52.41” W.

(b) *Effective date.* This section is effective from 8:30 p.m. until 10:30 p.m. EDT on August 6, 2005.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

Dated: May 16, 2005.

**James L. McDonald,**

*Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.*

[FR Doc. 05–10595 Filed 5–26–05; 8:45 am]

BILLING CODE 4910–15–P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA–D–7618]

### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA), 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)