

## LIST OF PUMPOUTS IN THE PROPOSED AREA—Continued

Name	Location	Contact information	Hours of operation (call ahead to verify)	Mean low water depth (feet)	Fee
Andrews Marina .....	Connecticut River, East Haddam.	860-345-2286 .....	May 1–Nov 30, daily 9 a.m.–6 p.m..	5	Free.
Hays Haven Marina .....	Connecticut River, Chester.	VHF CH 9, 860-526-9366.	May 1–Oct 31, daily 8 a.m.–5 p.m..	6	Free.
Chrisholm Marina .....	Connecticut River, Chester.	VHF CH 9, 860-526-5147.	Apr 1–Nov 30, daily 8 a.m.–5 p.m..	6	Free.
Chester Marina .....	Connecticut River, Chester.	VHF CH 9, 860-526-2227.	No data .....	6	No data.
Brewer Deep River Marina.	Connecticut River, Deep River.	VHF CH 9, 860-526-5580.	May 1–Oct 31, daily 8 a.m.–4 p.m..	10	\$5.
Brewer Dauntless Shipyard.	Connecticut River, Essex.	VHF CH 9, 860-767-0001.	June 1–Sept 30, daily 7:30 a.m. to 5 p.m..	12	Free/\$5 for non-members.
The Chandlery at Essex	Connecticut River, Essex.	VHF CH 68, 860-767-8257.	May 1–Oct 31, M–Th 8 a.m.–5 p.m., F–Sun 8 a.m.–6 p.m..	12	Free/\$5 for non-members.
Reynold's Garage and Marine.	Hamburg Cove, Lyme ...	860-434-0028 .....	May 1–Oct 31 M–Sat 9–5.	4–5	\$5.
Niantic Bay Marina .....	Niantic River, Waterford	VHF CH 9, 860-782-3774.	May 1–Oct 31, M–Th 10 a.m.–4 p.m..	5	\$5.
Port Niantic Marina .....	Niantic River, East Lyme	VHF CH 9, 860-739-2155.	May 1–Oct 15, M–F 8 a.m.–4:30 p.m., Sat and Sun 8 a.m.–12 p.m..	7	\$5.
Bayreuther's Boat Yard, Inc.	Smith Cove (Niantic), East Lyme.	VHF CH 8, 9, 860-739-6264.	May 1–Oct 31, daily 9 a.m.–4 p.m..	6	\$0.50 per gallon.
Niantic River Pumpout Boat.	Niantic River, East Lyme, Waterford.	VHF CH 68 .....	May 30–Nov 1, Sat, Sun and Monday holidays 9 a.m.–5 p.m..	N/A	Free.
Niantic Dockominium .....	Niantic River, East Lyme	860-739-8585 .....	May 15–Nov 15, 8 a.m.–4 p.m..	.....	\$5.
Burr's Yacht Haven, Inc	Thames River, New London.	VHF CH 9, 78, 860-443-8457.	May 1–Oct 31 M–Th 8:30 a.m.–5:30 p.m., F–Sun 8:30 a.m.–6:30 p.m..	9	\$5.
Thamesport Marina .....	Thames River, New London.	VHF CH 9, 68, 860-437-7022.	Mar 1–Nov 30, daily 8 a.m.–8 p.m..	13	\$5.
Crocker's Boatyard, Inc	Thames River, New London.	VHF CH 9, 10, 860-443-6304.	Mar 1–Nov 30, daily 7:30 a.m.–5 p.m..	12	Free.
City of Groton Wastewater Treatment Facility.	Thames River, New London.	VHF CH 72, 860-446-4806.	May 1–Oct 31, M–F 7 a.m.–3 p.m., Sat–Sun 7 a.m.–10 p.m..	20+	\$5.
Marina at American Wharf.	Thames River (Norwich Harbor), Norwich.	VHF CH 68, 860-886-6363.	Apr 1–Nov 30, daily 8 a.m.–8 p.m..	25	\$3 (portable), Free at gas dock.

Dated: August 31, 2005.

**Robert W. Varney,***Regional Administrator, New England Region.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7969-8]

**State Program Requirements; Revision of the Approved National Pollutant Discharge Elimination System (NPDES) Program in North Dakota****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Public notice; final approval of the revision of the North Dakota NPDES Program.

**SUMMARY:** On September 9, 2005, the Regional Administrator for Region 8 of the United States Environmental Protection Agency approved a revision to the existing North Dakota Pollutant Discharge Elimination System program. With this revision, the State of North Dakota is now authorized to administer and enforce a pretreatment program where the State has jurisdiction. This program will be administered by the North Dakota Department of Health (NDDH), Division of Water Quality Department.

**FOR FURTHER INFORMATION CONTACT:** Curt McCormick (8P-W-P), U.S. EPA, Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202-2466; telephone number (303) 312-6377; e-mail address [mccormick.curt@epa.gov](mailto:mccormick.curt@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

Under section 402 of the Clean Water Act (CWA), 33 U.S.C. 1342, the EPA may issue permits allowing discharges of pollutants from point sources into waters of the United States, subject to various requirements of the CWA. These permits are known as National Pollutant Discharge Elimination System (NPDES) permits. Section 402(b) of the CWA, 33 U.S.C. 1342(b), allows states to apply to the EPA for authorization to administer their own NPDES permit programs. In June of 1975, North Dakota's NPDES Program was approved by the EPA.

Section 402(b) of the CWA, 33 U.S.C. 1345(c), authorizes any state desiring to administer its own industrial pretreatment program to do so in accordance with section 402(b)(8) and (9) of the CWA, following the

procedures and requirements set out in 40 CFR 403.10. On November 12, 2003, North Dakota submitted an application to EPA requesting that EPA consider a revision to the State's NPDES program to include the pretreatment program.

The EPA, having found that North Dakota's application meets all pertinent requirements in the CWA and the EPA's regulations, particularly 40 CFR parts 123 and 403, has approved North Dakota's application for primary authority to administer a pretreatment program.

## II. Public Comments

EPA provided a 30-day public comment period in the **Federal Register** notice dated March 29, 2004, and in three major newspapers in the State of North Dakota for any interested member of the public to comment on this application. In addition, individual mailings were sent to persons who would be interested in this action. No comments were received. No public hearing was requested, and none was held.

## III. Indian Country

North Dakota is not authorized to carry out its industrial pretreatment program in Indian country, as defined in 18 U.S.C. 1151. This includes, but is not limited to:

1. Lands within the exterior boundaries of the following Indian reservations located within the State of North Dakota:
  - A. Fort Totten Indian Reservation,
  - B. Standing Rock Indian Reservation,
  - C. Fort Berthold Indian Reservation, and
  - D. Turtle Mountain Indian Reservation,
2. Land held in trust by the U.S. for an Indian Tribe, and
3. Other land which is "Indian country" within the meaning of 18 U.S.C. 1151.

## IV. Administrative Requirements

The EPA has long considered a determination to approve or deny a state NPDES program submission to constitute an adjudication, not a rulemaking. This is because an "approval," as that term is used in the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, constitutes a "license," which, in turn, is the product of an "adjudication." Therefore, the requirements for rules that are established by the statutes and Executive Orders mentioned below would not apply to this action. Even if this action were considered a rulemaking, the statutes and Executive

Orders discussed below would not apply for the following reasons.

### *Paperwork Reduction Act*

The EPA has determined that there is no need for an Information Collection Request under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, because this action would not impose any new federal reporting or recordkeeping requirements. Because the State of North Dakota has adopted the EPA's Industrial Pretreatment Regulations at 40 CFR 403.10(f)(1), the matters subject to reporting and recordkeeping requirements will remain the same after the EPA's approval of North Dakota's program.

### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

As Regional Administrator for EPA Region VIII, I hereby certify, pursuant to 5 U.S.C. 605(b), that this action will not have a significant economic impact on a substantial number of small entities.

### *Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA is generally required to prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. The EPA's approval of North Dakota's program is not a "Federal mandate," because there is no federal mandate for states to establish pretreatment programs.

### *National Technology Transfer and Advancement Act*

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), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be

inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards, *e.g.*, material specifications, test methods, sampling procedures, and business practices, that are developed or adopted by voluntary consensus standards bodies. This action does not involve the use of technical standards subject to the NTTAA.

### *Executive Order 12866*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine whether its regulatory actions are "significant" and therefore subject to review by the OMB. The EPA has determined that this approval action is not "significant" for purposes of Executive Order 12866 because, as mentioned above, North Dakota has adopted the EPA's pretreatment regulations.

### *Executive Order 12898—Environmental Justice*

Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994, focuses federal attention on the environmental and human health conditions of minority populations and low-income populations with the goal of achieving environmental protection for all communities. Today's action will not diminish the health protection to minority and low-income populations because, as mentioned above, it will not impose any different requirements than those already in effect for industrial pretreatment facilities.

### *Executive Order 13045—Protection of Children*

Executive Order 13045, dated April 23, 1997 (62 FR 19885), applies to any rule that (1) is determined to be "economically significant" as defined in Executive Order 12866, and (2) concerns an environmental health or safety risk that the EPA has reason to believe may have a disproportionate effect on children. This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866.

### *Executive Order 13175—Consultation With Tribes*

Under Executive Order 13175, no Federal agency may issue a regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless the Federal Government provides the funds necessary to pay the direct

compliance costs incurred by the tribal governments or the agency consults with tribal officials early in the process of developing the proposed regulation. This action will not significantly affect any Indian tribe. As indicated above, North Dakota is not authorized to implement its pretreatment program in Indian country. The EPA will continue to administer the existing pretreatment program in Indian country in North Dakota.

#### *Executive Order 13132—Federalism*

Executive Order 13132, entitled "Federalism," dated August 10, 1999 (64 FR 43255), requires the EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." The phrase "policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on States, on the relationship between the National Government and States, or on the distribution of power and responsibilities among the various levels of government." This action does not have federalism implications. It will not have any substantial direct effects on the states, on the relationship between States and the National Government, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. It will merely put in place a state regulatory program that is identical to the existing federal program.

#### *Executive Order 13211—Energy Effects*

Because it is not a "significant regulatory action" under Executive Order 12866, this action is not subject to Executive Order 13211, "Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001).

Dated: September 9, 2005.

**Kerrigan G. Clough,**

*Acting Regional Administrator, Region 8.*

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## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part

225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 13, 2005.

**A. Federal Reserve Bank of Richmond** (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. *SCBT Financial Corporation*, Columbia, South Carolina, to acquire 100% of the voting shares of Sun Bancshares, Inc., Murrells Inlet, South Carolina, and thereby indirectly acquire SunBank, National Association, Murrells Inlet, South Carolina.

**B. Federal Reserve Bank of Chicago** (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Capitol Bancorp, Ltd.*, Lansing, Michigan, to acquire 100 percent of the voting shares of Capitol Development Bancorp Limited III, Lansing, Michigan, and thereby indirectly acquire Bank of Belleville (in organization), Belleville, Illinois. In connection with this application Capitol Development Bancorp Limited III has applied to become a bank holding company.

**C. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *FC Holdings, Inc.*, Houston, Texas, and FC Holdings of Delaware, Inc., Wilmington, Delaware; to acquire 100

percent of the voting shares of Lake Area National Bank, Trinity, Texas.

**D. Federal Reserve Bank of Atlanta** (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. *Omni Bancshares, Inc.*, Metairie, Louisiana, to acquire 100 percent of the voting shares of Omni Bank, Baton Rouge, Louisiana (in organization). Comments on this application must be received by September 29, 2005.

2. *West Alabama Capital Corp.*, Reform, Alabama, to merge with West Alabama Bancshares, Inc., and thereby indirectly acquire Merchants and Farmers Bank, both of Millport, Alabama.

Board of Governors of the Federal Reserve System, September 13, 2005.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

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BILLING CODE 6210-01-S

## FEDERAL RESERVE SYSTEM

### Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 3, 2005.