

either Port Canaveral Channel Entrance Buoys #3 or #4, at respective approximate positions 28°22.7' N, 80°31.8' W, and 28°23.7' N, 80°29.2' W, when entering Port Canaveral.

Temporary fixed security zones are established 100 yards around all tank vessels, passenger vessels and military pre-positioned ships docked in the Ports of Jacksonville and Canaveral, Florida.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into these zones is prohibited except as authorized by the Captain of the Port, or a Coast Guard commissioned, warrant, or petty officer designated by him. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz) of all active security zones in port by identifying the names of the vessels around which they are centered.

(c) *Dates.* This section becomes effective at 12 noon on September 12, 2001, and will terminate at 11:59 p.m. on October 3, 2001.

Dated: September 12, 2001.

M.M. Rosecrans,

Captain, U.S. Coast Guard, Captain of the Port Jacksonville.

[FR Doc. 01-24111 Filed 9-25-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-01-163]

RIN 2115-AA97

Safety and Security Zones; Coast Guard Force Protection Station Portsmouth Harbor, Portsmouth, New Hampshire; Coast Guard Base Portland, South Portland, Maine; and Station Boothbay Harbor, Boothbay Harbor Maine

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three safety and security zones to close the waters near the federal properties of the following Coast Guard facilities: Portsmouth, New Hampshire; Station Portland, Maine; and Station Boothbay, Maine. These security and safety zones are needed to safeguard Coast Guard facilities, vessels and personnel from potential sabotage or other subversive acts, accidents or other causes of a similar nature. Entry or movement within these zones by any vessel of any description whatsoever,

without the express authority of the Captain of the Port, Portland, or his authorized patrol representative, is strictly prohibited.

DATES: This section is effective from 6 p.m. September 14, 2001 through 6 p.m. March 12, 2002.

Portland, Maine between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) W. W. Gough, Chief, Ports and Waterways Safety Branch, Captain of the Port, Portland, Maine at (207) 780-3251.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after publication in the **Federal Register**. Due to the catastrophic nature and extent of damage realized from the aircraft crashes into the World Trade Center towers, this rulemaking is urgently necessary to protect the national security interests of the United States against future potential terrorist strikes against governmental targets. A similar attack was conducted on the Pentagon on the same day. Any delay in the establishment and enforcement of this regulation's effective date would be unnecessary and contrary to public interest and national security since immediate action is needed to protect the Group Portland Base, South Portland Maine, Coast Guard Station Portsmouth Harbor, Portsmouth, New Hampshire, and Coast Guard Station Boothbay Harbor, Boothbay Harbor, Maine, facilities, vessels and personnel, as well as the public and maritime community, from potential terrorist attacks. The public will be kept apprised of the safety and security zones and respective changes via Broadcast Notice to Mariners.

Background and Purpose

On September 11, 2001, both towers of the World Trade Center, New York City, New York, were destroyed as a result of two commercial airliner crashes, an act that can only be explained as resulting from terrorist attacks. This regulation establishes three safety and security zones: (1) All waters of Portland Harbor, Maine in a 100-yard radius from the point at 43°38.742' N, 70°14.865' W; (2) All waters of Portsmouth Harbor, New Hampshire in a 50-yard radius from the point at 43°04.292' N, 70°42.632' W; and (3) All

waters of Boothbay Harbor, Maine in a 50-yard radius from the point at 43°50.606' N, 69°38.571' W.

The safety and security zones have identical boundaries, and restrict entry into or movement within the waters of Portland Harbor, Portsmouth Harbor, and Boothbay Harbor. The safety and security zones are necessary to protect Coast Guard personnel, facilities, the public and the surrounding area from sabotage or other subversive acts, accidents, or events of a similar nature. All persons other than those approved by the Captain of the Port or his authorized patrol representative are prohibited from entering into or moving within the zones without the prior approval of the Captain of the Port. In addition to this publication in the **Federal Register**, the public will be made aware of the existence of these safety and security zones, their exact locations within these boundaries, and the restrictions involved, via Broadcast Notice to Mariners.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 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 Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary for the following reasons: these safety and security zones encompass only a portion of Portsmouth, Portland, and Boothbay Harbors, allowing vessels to safely navigate around the zones without delay and maritime advisories will be made to advise the maritime community of these safety and security zones.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed under the Regulatory Evaluation above, the Coast

Guard expects the impact of this regulation to be minimal and certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 13132 and have determined that this rule does not have sufficient federalism implications for Federalism under that order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An Unfunded Mandate is a regulation that requires a state, local or tribal government or the private sector to incur costs without the Federal government's having first provided the funds to pay those costs. This rule will not impose an Unfunded Mandate.

Taking of Private Property

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

Protection of Children

The Coast Guard has analyzed this 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 concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has 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.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under Figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation.

Energy Effects

The Coast Guard has analyzed this 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

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

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01–163 to read as follows:

§ 165.T01–163 Safety and Security Zones; Coast Guard Force Protection for Coast Guard Group Portland, South Portland, Maine, Station Portsmouth Harbor, New Hampshire, and Station Boothbay Harbor, Maine.

(a) *Location.* The following are safety and security zones: (1) All waters of Portland Harbor, Maine in a 100-yard radius from the point at 43°38.742' N, 70°14.865' W; (2) All waters of Portsmouth Harbor, New Hampshire in a 50-yard radius from the point at 43°04.292' N, 70°42.632' W; and (3) All waters of Boothbay Harbor, Maine in a 50-yard radius from the point at 43°50.606' N, 69°38.571' W.

(b) *Effective dates.* This section is effective from 6 p.m. September 14, 2001, through 6 p.m. March 12, 2002.

(c) *Regulations.* (1) In accordance with the general regulations in §§ 165.23 and 165.33 of this part, entry into or movement within this zone is prohibited unless previously authorized by the Captain of the Port (COTP) Portland.

(2) All persons and vessels 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.

(3) No person may swim upon or below the surface of the water within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Portland or his authorized patrol representative.

Dated: September 14, 2001.

M.P. O'Malley,

Commander, U.S. Coast Guard, Captain of the Port.

[FR Doc. 01–24110 Filed 9–25–01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4116a; FRL–7060–5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_x RACT Determinations for Eighteen Individual Sources Located in the Philadelphia-Wilmington-Trenton Area; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to receipt of a letter of adverse comment, EPA is withdrawing the direct final rule approving revisions which establish reasonably available control technology (RACT) requirements for 18 major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x) located in the Philadelphia-Wilmington-Trenton ozone nonattainment area. In the direct final rule published on August 20, 2001 (66 FR 43502), we stated that if we received adverse comment by September 19, 2001, the rule would be withdrawn and not take effect. EPA subsequently received adverse comments from the Citizens for Pennsylvania's Future (PennFuture). EPA will address the comments received in a subsequent