

assistance to small entities in understanding the rule.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520 et seq.).

Federalism

The U. S. Coast Guard has analyzed this rule under Executive Order 13132, and has determined this rule does not have 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 direct costs without the Federal Government having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Indian Tribal Governments

This 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.

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 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 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.

Environment

The U. S. Coast Guard considered the environmental impact of this action and concluded that, under figure 2–1, paragraph (34)(g) of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. As an emergency action, the environmental analysis requisite regulatory consultations, and categorical exclusion determination, will be prepared and submitted after establishment of this temporary security zone, and will be available for inspection or copying where indicated under addresses.

List of Subjects in 33 CFR Part 165

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

Regulation

For the reasons set out in the preamble, the Coast Guard amends part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

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, and 160.5; 49 CFR 1.46.

2. From 6 a.m. September 22, 2001, until 4 p.m. March 22, 2002, a new § 165.T14–058 is added to read as follows:

§ 165.T14–058 Security Zones: Various areas near the islands of Oahu, Maui, Hawaii, and Kauai, HI.

(a) *Location.* The following areas are security zones:

(1) All waters of Honolulu Harbor and entrance channel that are shoreward of the Sea Buoy in position 21°–17.42' N/157°–52.49' W.

(2) The waters around the Tesoro Single Point Mooring extending 1,000 yards in all directions from position 21°–16.4' N/158°–05.5' W.

(3) The Honolulu International Airport Reef Runway and adjacent waters bounded by a line connecting the following coordinates: Honolulu Harbor entrance light at 21°–17.42' N/157°–52.06' W, thence in a northwesterly direction to the reef runway at 21°–18.25' N/157°–55.5' W, thence in a southerly direction to 21°–16.9' N/157°–55.5' W, thence in an easterly direction to the point of origin.

(4) The waters extending out 500 feet in all directions from cruise ship vessels anchored off Lahaina Small Boat Harbor, Maui.

(5) The Kahului Maui Harbor and Entrance Channel consisting of all waters shoreward of a line drawn between breakwater lights number 3 and number 4.

(6) The waters extending out 500 feet in all directions from cruise ship vessels anchored off Kailua-Kona Small Boat Harbor, Hawaii.

(7) All waters within the Nawiliwili Kauai Harbor shoreward of a line drawn between the breakwater light and Kukil Point.

(8) All waters consisting of Port Allen Kauai Harbor and the entrance channel that are shoreward of Lighted Buoy 1.

(9) Hilo Harbor and Entrance Channel consisting of all waters shoreward of a line drawn between breakwater light and Alealea Pt.

(b) *Designated representative.* A designated representative of the Captain of the Port is any Coast Guard commissioned officer, warrant or petty officer that has been authorized by the Captain of the Port Honolulu to act on his behalf. The following officers have or will be designated by the Captain of the Port Honolulu: The senior Coast Guard boarding officer on each vessel enforcing the security zone.

(c) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port or his designated representatives.

(d) *Effective dates.* This section is effective from 6 a.m. HST September 22, 2001, until 4 p.m. HST March 22, 2002.

Dated: September 20, 2001.

G.J. Kanazawa,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4145a; FRL–7084–5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_x RACT Determinations for Seven 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 seven 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 September 11, 2001 (66 FR 47078), EPA stated that if it received adverse comment by October 11, 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 final action based upon the proposed action also published on September 11, 2001 (66 FR 47129). EPA will not institute a second comment period on this action.

DATES: The direct final rule is withdrawn as of October 17, 2001.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford at (215) 814-2108.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: October 10, 2001.

James W. Newsom,
Acting Regional Administrator, Region III.

PART 40—[AMENDED]

§ 52.202 [Amended]

Accordingly, the addition of § 52.2020(c)(179) is withdrawn as of October 17, 2001.

[FR Doc. 01-26090 Filed 10-16-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA-4166; FRL-7080-5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC RACT Determinations for Nine Individual Sources in the Pittsburgh-Beaver Valley Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were

submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for nine major sources of volatile organic compounds (VOC). These sources are located in the Pittsburgh-Beaver Valley ozone nonattainment area (the Pittsburgh area). EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule is effective on November 1, 2001.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Marcia Spink, (215) 814-2101 or by e-mail at spink.marcia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 21, 1996, October 18, 1996, January 21, 1997, July 1, 1997, March 23, 2001, and April 19, 2001, PADEP submitted revisions to the Pennsylvania SIP which establish and impose RACT for several major sources of VOC. This rulemaking pertains to nine of those sources. The remaining sources are or have been the subject of separate rulemakings. The Commonwealth's submittals consist of operating permits (OPs) issued by PADEP and plan approval and agreement upon consent orders (Consent Orders or COs) issued by the Allegheny County Health Department (ACHD). These nine sources are located in the Pittsburgh area and consist of Armstrong World Industries, Inc., Beaver Falls; Bacharach, Inc.; Bakerstown Container Corporation; Chestnut Ridge Foam, Inc.; Flexsys America L. P. Monongahela Plant; Haskell of Pittsburgh; Three Rivers Aluminum Company; Tuscarora Plastics, Inc.; and Witco Corporation.

On August 24, 2001, EPA published a direct final rule (66 FR 44528) and a companion notice of proposed rulemaking (66 FR 44580) to approve these SIP revisions. On September 7, 2001, we received adverse comments on our direct final rule from the Citizens

for Pennsylvania's Future (PennFuture). On September 28, 2001 (66 FR 49540), we published a timely withdrawal in the **Federal Register** informing the public that the direct final rule did not take effect. We indicated in our August 24, 2001 direct final rulemaking that if we received adverse comments, EPA would address all public comments in a subsequent final rule based on the proposed rule (66 FR 44580). This is that subsequent final rule. A description of the RACT determination(s) made for each source was provided in the August 24, 2001 direct final rule and will not be restated here. A summary of the comments submitted by PennFuture germane to this final rulemaking and EPA's responses are provided in Section II of this document.

II. Public Comments and Responses

The Citizens for Pennsylvania's Future (PennFuture) submitted adverse comments on twenty proposed rules published by EPA in the **Federal Register** between August 6 and August 24, 2001 to approve case-by-case RACT SIP submissions from the Commonwealth for NO_x and or VOC sources located in the Pittsburgh area. PennFuture's letter includes general comments and comments specific to EPA's proposals for certain sources. A summary of those comments and EPA's responses are provided below.

A. Comment: PennFuture comments that EPA has conducted no independent technical review, and has prepared no technical support document to survey potential control technologies, determine the capital and operating costs of different options, and rank these options in total and marginal cost per ton of NO_x and VOC controlled. In citing the definition of the term "RACT," and the Strelow Memorandum [Roger Strelow, Assistant Administrator for Air and Waste Management, EPA, December 9, 1976, cited in *Michigan v. Thomas*, 805 F.2d 176, 180 (6th Cir. 1986) and at 62 FR 43134, 43136 (1997)], PennFuture appears to comment that in every situation, RACT must include an emission rate. PennFuture asserts that EPA should conduct its own RACT evaluation for each source, or at a minimum document a step-by-step review demonstrating the adequacy of state evaluations, to ensure that appropriate control technology is applied. The commenter also believes that EPA's failure to conduct its own independent review of control technologies has resulted in our proposing to approve some RACT determinations that fail to meet the terms of EPA's own RACT standard.