

### Taking of Private Property

This proposed rule would not effect 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 would not create an environmental risk to health or risk to safety that might 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 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. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a "tribal implication" under the Order.

### 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. 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.

### Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2-

1, paragraph (35)(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation because it is a safety zone in effect for only 2 days. A "Categorical Exclusion Determination" is not required.

### 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 part 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. 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 § 165.T11–063 to read as follows:

#### § 165.T11–063 Safety Zone; Long Beach, CA.

(a) *Location.* The following area is a safety zone:

All waters encompassed by lines connecting the following points, beginning at latitude 33°45'50" N, longitude 118°10'48" W; thence to 33°44'00" N, 118°10'05" W; thence to 33°44'00" N, 118°09'26" W; thence to 33°45'28" N, 118°09'00" W; and thence returning to the point of origin.

(b) *Effective period.* This section is effective from 8 a.m. to 5 p.m. (PST) on March 23, 2002 and from 8 a.m. to 5 p.m. (PST) on March 24, 2002.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through or anchoring within the safety zone is prohibited unless authorized by the Coast Guard Captain of the Port, Los Angeles-Long Beach, or his designated representative.

Dated: February 6, 2002.

**J.M. Holmes,**

*Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach, California.*  
[FR Doc. 02–3928 Filed 2–15–02; 8:45 am]

**BILLING CODE 4910–15–P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 81

[MA084–7214b; A–1–FRL–7143–8]

#### Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Commonwealth of Massachusetts; Carbon Monoxide Redesignation Request, Maintenance Plan, and Emissions Inventory for the Cities of Lowell, Springfield, Waltham and Worcester

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts containing a redesignation request, maintenance plan, and emissions inventory for the carbon monoxide (CO) nonattainment areas of Lowell, Springfield, Waltham, and Worcester. Under the Clean Air Act as amended in 1990 (the CAA), designations can be revised if sufficient data is available to warrant such revisions and the redesignation request meets all of the requirements of section 107(d)(E)(3) of the CAA. EPA is proposing to approve the Massachusetts redesignation request and maintenance plan because they meet the applicable requirements and will ensure that the four cities remain in attainment. The approved maintenance plans will become a federally enforceable part of the Massachusetts SIP. In this action, EPA is also proposing to approve the Massachusetts 1996 baseline emission inventory for CO.

In the Final Rules Section of this **Federal Register**, EPA is approving the Massachusetts SIP submittal as a direct final rule without a prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives no adverse comments in response to this action rule, we contemplate no further activity. If EPA receives relevant adverse comments, we will withdraw the direct final rule and we will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before March 21, 2002.

**ADDRESSES:** Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, EPA New England, One Congress Street, Suite 1100, Boston, MA 02114-2023. Copies of Massachusetts' submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England, One Congress Street, 11th floor, Boston, MA, 02114-2023, and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey S. Butensky, Environmental Planner, Air Quality Planning Unit of the Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, New England office, One Congress Street, Boston, MA 02114-2023, (617) 918-1665 or at [butensky.jeff@epa.gov](mailto:butensky.jeff@epa.gov).

**SUPPLEMENTARY INFORMATION:** Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule that is located in the Rules Section of this **Federal Register**.

Dated: January 29, 2002.

**Robert W. Varney,**

*Regional Administrator, EPA New England.*

[FR Doc. 02-3759 Filed 2-15-02; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-7145-1]

#### National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

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

**ACTION:** Notice of intent to delete the Austin Avenue Radiation Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA), Region III, announces its intent to delete the Austin Avenue

Radiation Superfund Site (Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substance Pollution Contingency Plan (NCP). EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9605. EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that the Site may be deleted from the NPL because all Fund-financed response under CERCLA has been implemented and no further response action by responsible parties is appropriate.

**DATES:** Comments concerning the proposed deletion of this Site from the NPL may be submitted on or before March 21, 2002.

**ADDRESSES:** Comments may be mailed to: Mr. David Turner, Remedial Project Manager, U.S. Environmental Protection Agency, Region III, (3HS22), Philadelphia, PA, 19103-2029, e-mail [turner.david@epa.gov](mailto:turner.david@epa.gov).

**INFORMATION REPOSITORIES:** Comprehensive information on the Site has been compiled in a public deletion docket which may be reviewed and copied during normal business hours at the following information repositories: U.S. EPA Region III Library (2nd Floor), 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, telephone 215-814-5254 and the Lansdowne Borough Library, 55 S. Lansdowne Avenue, Lansdowne Pennsylvania 19050, telephone 610-623-0239.

**FOR FURTHER INFORMATION CONTACT:** Contact Mr. David Turner, Remedial Project Manager, U.S. Environmental Protection Agency, Region III, (3HS22), Philadelphia, PA, 19103-2029, e-mail [turner.david@epa.gov](mailto:turner.david@epa.gov), telephone 215-814-3216.

#### SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

#### I. Introduction

The U.S. Environmental Protection Agency (EPA), Region III, announces its intent to delete the Austin Avenue Radiation Superfund Site (CERCLIS No. PAD987341716), located in Lansdowne Borough, Aldan Borough, East Lansdowne Borough, Darby Borough, and Upper Darby Township, Delaware County, Pennsylvania, from the National Priorities List (NPL) and requests public comment on this

proposed action. The NPL constitutes appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9605. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action. EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that the remedial action for the site has been successfully executed.

EPA will accept comments on the proposal to delete this Site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the Austin Avenue Radiation Superfund Site and explains how the Site meets the deletion criteria established in the NCP.

#### II. NPL Deletion Criteria

Section 300.425(e)(1) of the NCP provides that releases may be deleted from, or recategorized on, the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further action by responsible parties is appropriate; or

(iii) The Remedial Investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

If new information becomes available which indicates a need for further action, EPA may initiate additional remedial actions. Whenever there is a significant release from a site which has been deleted from the NPL, the site may be restored to the NPL without application of the Hazard Ranking System.