

direct effect on one or more Indian tribes, on the relationships 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 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 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), Reports and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 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. A new temporary § 165.T07–024 is added to read as follows:

#### § 165.T07–024 Security Zone; Port of Tampa, Tampa Florida.

(a) *Regulated area.* The Coast Guard is establishing a temporary fixed security zone in all waters in the vicinity of MacDill Air Force Base commencing from a point at 27°50.20' N, 82°32.14' W; extending to a point at 27°49.60' N, 82°32.14' W; then south-easterly 1,000 yards from shore to a point at 27°48.90' N, 82°28.20' W; then circling 1,000 yards from shore to a point at 27°51.51' N, 82°28.60' W; then westerly to end at a point at 27°51.51' N, 82°29.18' W. All positions noted are fixed using the North American Datum of 1983 (World Geodetic System 1984).

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port, or his designated representative. The Captain of the Port will notify the public via Marine Safety

Radio Broadcast on VHF Marine Band Radio, Channel 13 and 16 (157.1 MHz).

(c) *Dates.* This section becomes effective at 7 a.m. on April 1, 2002 and will remain in effect until 7 a.m. on June 15, 2002.

Dated: March 27, 2002.

**S.J. Ferguson,**

*Acting Commander, Coast Guard, Captain of the Port, Tampa, FL.*

[FR Doc. 02–9680 Filed 4–18–02; 8:45 am]

**BILLING CODE 4910–15–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[GA–46–200221(a); FRL–7172–7]

### Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to State Implementation Plan

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving the State Implementation Plan (SIP) revisions submitted by the State of Georgia through the Georgia Environmental Protection Division (GAEPD) on August 9, 1999. These revisions pertain to Rules for Air Quality Control and Rules for Enhanced Inspection and Maintenance.

**DATES:** This direct final rule is effective June 18, 2002 without further notice, unless EPA receives adverse comment by May 20, 2002. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and inform the public that the rule will not take effect.

**ADDRESSES:** All comments should be addressed to: Scott Martin at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Telephone (404) 363–7000.

**FOR FURTHER INFORMATION CONTACT:** Scott Martin 404–562–9036. Email: martin.scott@epa.gov.

## SUPPLEMENTARY INFORMATION:

### I. Background

On August 9, 1999, the GAEPD submitted revisions to the Georgia SIP. The revisions pertain to Chapter 391–3–1 Rules for Air Quality Control and Chapter 391–3–20 Enhanced Inspection and Maintenance. The revisions were the subject of a public hearing held on May 12, 1999, and became State effective on July 8, 1999. The revisions are described below.

### II. Analysis of State's Submittal

#### Rules for Air Quality Control Chapter 391–3–1–.01 Definitions

Rule 391–3–1–.01(yy) Particulate Matter Emissions

A statement is being added that states that the term "Particulate Emissions" as used in the Rules for Air Quality Control has the same meaning as the term "Particulate Matter Emissions."

Rule 391–3–1–.01(III) Volatile Organic Compound (VOC)

The definition of VOC is being amended to be consistent with the EPA definition by adding methyl acetate to the list of chemicals which are designated to have negligible photochemical reactivity. Various technical corrections were made.

#### Rules for Enhanced Inspection and Maintenance

Rule 391–3–20–.01 Definitions

The definition for "I/M Test Manual" is updated to the version dated April 9, 1999.

Rule 391–3–20–.05 Emission Standards. Amended

Paragraph (2)(b) is being amended to extend the use of ASM start-up exhaust emission standards until the EPA concludes a confirmation of the stringency of final exhaust emission standards and GAEPD establishes a new effective date for the final standards.

Rule 391–3–20–.21 Inspection Fees. Amended

Subparagraph (3)(c) is being amended to extend through July 31, 1999, the \$25.00 fixed test fee and the issuing of an administrative fee credit of \$6.30 to an inspection station owner for each ASM test performed.

### III. Final Action

EPA is approving the aforementioned changes to the Georgia SIP because they are consistent with the Clean Air Act and Agency requirements.

The EPA is publishing this rule without prior proposal because the

Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective June 18, 2002 without further notice unless the Agency receives adverse comments by May 20, 2002.

If the EPA receives such comments, then EPA will publish a document withdrawing the direct final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule published elsewhere in this **Federal Register**. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 18, 2002 and no further action will be taken on the proposed rule published elsewhere in this **Federal Register**. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

#### IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond

that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 18, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: April 8, 2002.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

#### Subpart L—Georgia

2. Amend § 52.570(c) by revising table entries 391-3-.01 and 391-3-20 to read as follows:

#### § 52.570 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

EPA APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
391-3-1-.01	Definitions	7/8/99	4/19/02	
*	*	*	*	*
391-3-20	Enhanced Inspection and Maintenance	7/8/99	4/19/02	
*	*	*	*	*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[Region II Docket No. NY56-240; FRL-7172-6]

**Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of New York**

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

**ACTION:** Final rule.

**SUMMARY:** On November 23, 1999, the New York State Department of Environmental Conservation (NYSDEC) submitted a request to EPA to redesignate the New York portion of the New York—Northern New Jersey—Long Island Carbon Monoxide (CO) nonattainment area from nonattainment to attainment of the National Ambient Quality Standard (NAAQS) for CO. By this action, EPA is approving the NYSDEC's request to redesignate the New York portion of the New York—Northern New Jersey—Long Island CO nonattainment area to attainment of the NAAQS for CO.

EPA is approving the New York request because it meets the redesignation requirements set forth in the Clean Air Act (CAA). In addition, EPA is approving New York's CO maintenance plan because it provides for continued attainment of the CO NAAQS.

EPA is also approving the New York CO attainment demonstration that was submitted by NYSDEC on November 15, 1992. This action provides for full approval of the New York State Implementation Plan (SIP) for CO. The intended effect of this action is to approve a plan that demonstrates that the CO standard has been attained and will continue to be attained.

In a related matter, EPA is approving New York's March 22, 2000 submittal of the Downtown Brooklyn Master Plan

component of the CO attainment demonstration. This removes several transportation control measures from the SIP that have been demonstrated as no longer necessary to attain and maintain the NAAQS for CO.

Finally, EPA is using today's action as an opportunity to establish a Carbon Monoxide section in the Code of Federal Regulations (CFR) Subpart for the New York SIP. This is an administrative change designed to make the CFR more clear to the reader.

**EFFECTIVE DATE:** This action will be effective May 20, 2002.

**ADDRESSES:** Copies of the State submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 20th Floor, New York, New York 10007-1866 New York Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233

**FOR FURTHER INFORMATION CONTACT:** Henry Feingersh, Air Programs Branch, Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866, (212) 637-4249

**SUPPLEMENTARY INFORMATION:**

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**1. Background**

The New York portion of the New York—Northern New Jersey—Long Island CO nonattainment area is classified as a moderate 2 area (an area that has a design value of 12.8—16.4 parts per million (ppm)). This area, which is part of the New York—Northern New Jersey—Long Island Consolidated Metropolitan Statistical Area (CMSA), includes the Counties of Bronx, Kings, New York, Queens, Richmond, Nassau, and Westchester. The remainder of New York State is in attainment for CO.

This area was designated nonattainment for CO under the provisions of sections 186 and 187 of the CAA. The area was classified moderate 2 because it had a design value of 13.5 ppm based on 1988 and 1989 data. (See 56 FR 56694 (November 6, 1991) and 57 FR 56762 (November 30, 1992), codified at 40 CFR part 81, § 81.333.) This design value was based on ambient CO data recorded in Kings County, New York.

On September 21, 1990, New York submitted a revision to the New York SIP to attain the CO air quality standard in the Brooklyn portion of the New York City metropolitan area (Downtown Brooklyn Master Plan). On November 13, 1992, New York submitted to EPA proposed revisions to its CO SIP that addressed each of the requirements for a moderate CO nonattainment area. Finally, on March 21, 1994, New York submitted to EPA additional information pertaining to its CO SIP. On September 15, 1995 (60 FR 47911), EPA proposed approval of these three submittals and on July 26, 1996 (61 FR 38594) EPA finalized those approvals. EPA did not act upon New York's CO attainment demonstration in those actions because it relied on emission reductions from the enhanced inspection and maintenance program which was not approved at that time.

On November 23, 1999, the State of New York submitted a CO redesignation request and a maintenance plan for the New York portion of the New York—Northern New Jersey—Long Island CMSA. This submittal contained evidence that public hearings were held on September 7, 1999 for the CO redesignation request including a maintenance plan and on September 9, 1999 for the Downtown Brooklyn Master Plan. The State submitted the final Downtown Brooklyn Master Plan SIP revision on March 22, 2000.

On May 7, 2001, (66 FR 22922), EPA approved the New York Inspection and Maintenance program, thereby, removing the last obstacle to approval of the CO attainment demonstration. With an approvable attainment demonstration, EPA also could take