

Industry and Security, at (202) 482-5301.

#### SUPPLEMENTARY INFORMATION:

##### Savings Provision

This rule constitutes notice that all references to the Office of Chief Counsel for Export Administration or Chief Counsel for Export Administration in any documents, statements, or other communications, in any form or media, and whether made before, on, or after the effective date of this rule, shall be deemed to be references to the Office of Chief Counsel for Industry and Security or Chief Counsel for Industry and Security, respectively. Any actions undertaken in the name of or on behalf of the Office of Chief Counsel for Export Administration or Chief Counsel for Export Administration, whether taken before, on, or after the effective date of this rule, shall be deemed to have been taken in the name of or on behalf of the Office of Chief Counsel for Industry and Security or the Chief Counsel for Industry and Security, respectively.

##### Rulemaking Requirements

1. This final rule has been determined to be exempt from review for purposes of Executive Order 12866.

2. This rule does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1995.

3. This rule does not contain policies with Federalism implications as the term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this rule involves a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(B). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) are not applicable.

##### List of Subjects

##### 15 CFR Part 700

Administrative practice and procedure, Business and industry, Government contracts, National defense,

Reporting and recordkeeping requirements, Strategic and critical materials.

##### 15 CFR Part 719

Administrative practice and procedure, Chemicals, Exports, Imports, Penalties, Violations.

##### 15 CFR Part 720

Administrative practice and procedure, Exports, Penalties, Violations.

##### 15 CFR Part 766

Administrative practice and procedure, Confidential business information, Exports, Foreign trade, Law enforcement, Penalties.

For the reasons set forth in the preamble, 15 CFR chapter VII is amended as set forth below:

#### PART 700—DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM

1. The authority citation for part 700 continues to read as follows:

**Authority:** Titles I and VII of the Defense Production Act of 1950, as amended (50 U.S.C. app. 2061 *et seq.*), Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 *et seq.*), and Executive Order 12919, 59 FR 29525, 3 CFR, 1994 Comp., p. 901; Section 18 of the Selective Service Act of 1948 (50 U.S.C. app. 468), 10 U.S.C. 2538, 50 U.S.C. 82, and Executive Order 12742, 56 FR 1079, 3 CFR, 1991 Comp., p. 309; and Executive Order 12656, 53 FR 226, 3 CFR, 1988 Comp., p. 585.

##### \$ 700.72 [Amended]

2. In § 700.72(b) revise “Chief Counsel for Export Administration” to read “Chief Counsel for Industry and Security”.

#### PART 719—ENFORCEMENT

3. The authority citation for part 719 continues to read as follows:

**Authority:** 22 U.S.C. 6701 *et seq.*; 50 U.S.C. 1601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13128, 64 FR 36703.

4. In § 719.1(b), revise the definition of “Office of Chief Counsel” to read as follows:

##### \$ 719.1 Scope and definitions.

\* \* \* \* \*

(b) \* \* \*

*Office of Chief Counsel.* The Office of Chief Counsel for Industry and Security, United States Department of Commerce.

\* \* \* \* \*

##### \$ 719.8 [Amended]

5. In § 719.8(b) revise “Office of Chief Counsel for Export Administration” to

read “Office of Chief Counsel for Industry and Security”.

#### PART 720—DENIAL OF EXPORT PRIVILEGES

6. The authority citation for part 720 continues to read as follows:

**Authority:** 22 U.S.C. 6701 *et seq.*; E.O. 13128, 64 FR 36703.

##### \$ 720.3 [Amended]

7. In § 720.3(c) revise “Office of Chief Counsel for Export Administration” to read “Office of Chief Counsel for Industry and Security”.

#### PART 766—ADMINISTRATIVE ENFORCEMENT PROCEEDINGS

8. The authority citation for part 766 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 10, 1999, 64 FR 44101 (August 13, 1999).

##### \$ 766.4 [Amended]

9. In § 766.4 revise “Office of Chief Counsel for Export Administration” to read “Office of Chief Counsel for Industry and Security”.

##### \$ 766.5 [Amended]

10. In § 766.5(b) revise “Chief Counsel for Export Administration” to read “Chief Counsel for Industry and Security”.

Dated: June 25, 2002.

**Kenneth I. Juster,**

*Under Secretary for Industry and Security.*

[FR Doc. 02-17154 Filed 7-9-02; 8:45 am]

BILLING CODE 3510-33-P

#### DEPARTMENT OF TRANSPORTATION

##### 33 CFR Part 100

[CGD07-02-087]

RIN 2115-AE46

#### Special Local Regulations; Beaufort Water Festival July 12th Fireworks Display, Beaufort River, Beaufort, SC

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Temporary special local regulations are being established for the Beaufort River July 12th Fireworks Display, on the Beaufort River, Beaufort, SC. This rule creates a regulated area around the fireworks display. These regulations are needed to provide for the safety of life on navigable waters during the event.

**DATES:** This rule is effective from 9 p.m. until 10 p.m. on July 12, 2002.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD07-02-049 and are available for inspection or copying at Coast Guard Group Charleston, 196 Tradd St., Charleston, SC 29401 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG Martinez, Coast Guard Group Charleston at (843) 724-7632.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing a NPRM, which would incorporate a comment period before a final rule could be issued, would be contrary to public safety interests since immediate action is needed to minimize potential danger to the public from aerial fireworks and because there will be numerous spectator craft in the area.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**Background and Purpose**

These regulations are required to provide for the safety of life on navigable waters because of the inherent danger associated with the aerial fireworks for the Beaufort Water Festival July 12th Fireworks Display on the Beaufort River, Beaufort, SC. The event sponsor expects approximately 120 spectator craft to observe the show. The fireworks barge will be located in approximate position 32°25.593' N, 080°40.292' W (NAD 83). This rule creates a regulated area that will prohibit non-participant persons and vessels from entering the regulated area during the event without the permission of the Coast Guard Patrol Commander.

**Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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) because it minimally impacts navigation. The regulated area will only be in effect for one hour, vessels will

still be able to transit the waterway around the regulated area, and vessels may be allowed to enter the regulated area with the permission of the Coast Guard Patrol Commander.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612) we considered whether this rule would have a significant economic impact on a substantial number of small entities. Small entities include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant under their fields, and governmental jurisdictions with populations of less than 50,000.

This rule may affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit or anchor in a portion of the Beaufort River from 9 p.m. to 10 p.m. on July 12, 2002. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because it minimally impacts navigation. The rule will only be in effect for one hour, vessels will still be able to transit the waterway around the regulated area, and vessels may be allowed to enter the regulated area with the permission of the Coast Guard Patrol Commander.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

**Collection of Information**

This rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

**Federalism**

A rule has implication for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Although this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

**Taking of Private Property**

This rule will 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 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 create an environmental risk to health or safety that may disproportionately affect children.

**Environment**

The Coast Guard has considered the environmental impact of this action and has determined pursuant to figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1D, that this action is categorically excluded from further environmental documentation.

## 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.

## 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 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

## PART 100—MARINE EVENTS

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46.

2. From 9 p.m. until 10 p.m. on July 12, 2002, add temporary § 100.35T–07–087 to read as follows:

### § 100.35T–07–087 Beaufort Water Festival July 12th Fireworks Display, Beaufort River, Beaufort, SC.

(a) *Regulated area.* A regulated area is established for the waters in Beaufort River, Beaufort, SC encompassing a 175-yard radius around a barge located in approximate position 32° 25.593' N, 080° 40.292' W. All coordinates referenced use Datum: NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Coast Guard Group Charleston, SC.

(c) *Special local regulations.* Entry into the regulated area by non-participant persons or vessels is prohibited, unless expressly authorized by the Coast Guard Patrol Commander.

(d) *Dates.* This rule is effective from 9 p.m. until 10 p.m. on July 12, 2002.

Dated: June 27, 2002.

**J.W. Stark,**

*Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.*

[FR Doc. 02–17097 Filed 7–9–02; 8:45 am]

**BILLING CODE 4910–15–U**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[MI79–01–7288a; FRL–7242–8]

### Designation of Areas for Air Quality Planning Purposes; Deletion of Total Suspended Particulate Designations in Michigan

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

**ACTION:** Direct final rule.

**SUMMARY:** In this action EPA is deleting Michigan attainment status designations (attainment, unclassifiable and nonattainment) affected by the original national ambient air quality standards (NAAQS) for particulate matter measured as total suspended particulate (TSP). On June 3, 1993 EPA published a final rulemaking action revising the prevention of significant deterioration (PSD) particulate matter increments, so that the increments are measured in terms of particulate matter with an aerodynamic diameter less than 10 microns (PM). Section 107(d)(4)(B) of the Clean Air Act (Act) authorizes EPA to eliminate all area TSP designations once the increments for PM become effective. The June 3, 1993 document, which became effective on June 3, 1994, also established the method by which EPA deletes such TSP designations.

**DATES:** This "direct final" rule is effective September 9, 2002, unless EPA receives written adverse or critical comments by August 9, 2002. If adverse comments are 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:** Send written comments to Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommend that you telephone Christos Panos, at (312) 353–8328, before visiting the Region 5 Office.)

A copy of this redesignation is available for inspection at the Office of Air and Radiation (OAR) Docket and

Information Center (Air Docket 6102), United States Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 260–7548.

### FOR FURTHER INFORMATION CONTACT:

Christos Panos, Environmental Engineer, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328.

**SUPPLEMENTARY INFORMATION:** This Supplementary Information section is organized as follows:

- A. What Action Is EPA Taking?
- B. What Is the Background for This Action?
- C. Why Can We Approve This Request?

### A. What Action Is EPA Taking?

We are deleting from the list of area designations in 40 CFR part 81, all of the designations for TSP in the state of Michigan (§ 81.323). Area designations which indicate the attainment status of each affected area with respect to the PM NAAQS already exist, and the TSP area designations are no longer needed.

### B. What Is the Background for This Action?

In 1971, EPA promulgated primary and secondary NAAQS for particulate matter to be measured as TSP. Section 107(d) of the 1977 Amendments to the Act authorized each State to submit to the Administrator a list identifying the attainment status designations (attainment, unclassifiable and nonattainment) for TSP areas in the state. In 1978, EPA published the original list of all area designations pursuant to section 107(d)(2) (commonly referred to as "section 107 areas"), including those designations for TSP, in 40 CFR part 81.

One of the purposes stated in the Act for the section 107 areas is for implementation of the statutory requirements of air quality PSD. The PSD provisions of part C of the Act generally apply in all section 107 areas that are designated attainment or unclassifiable (40 CFR 52.21(i)(3)). Under the PSD program, States must ensure that emissions from major stationary sources are controlled sufficiently by applying the best available control technology. Also, it must be shown that such controlled emissions from the new or modified source will not cause or contribute to air pollution that violates the NAAQS. Moreover, the air quality in an attainment or unclassifiable area is not allowed to deteriorate beyond