

(i.e., small businesses and small governments). The Corps expects that the economic impact of the establishment of this restricted area would have no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic, and accordingly, certifies that this proposal, if adopted, will have no significant economic impact on small entities.

*c. Review Under the National Environmental Policy Act*

The Seattle District has prepared a preliminary Environmental Assessment (EA) for this action. The preliminary EA concluded that this action will not have a significant impact on the human environment. After receipt and analysis of comments from this **Federal Register** posting and the Seattle District's concurrent Public Notice, the Corps will prepare a final environmental document detailing the scale of impacts this action will have upon the human environment. The environmental assessment may be reviewed at the District Office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

*d. Unfunded Mandates Act*

This proposed rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act that small governments will not be significantly and uniquely affected by this rulemaking

**List of Subjects in 33 CFR Part 334**

Danger zones, Marine safety, Restricted areas, Waterways.

For the reasons set out in the preamble, we propose to amend 33 CFR Part 334 as follows:

**PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS.**

1. The authority citation for Part 334 continues to read as follows:

**Authority:** 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

2. Revise § 334.1220 to read as follows:

**§ 334.1220 Hood Canal, Bangor; naval restricted areas.**

(a) *Hood Canal, Bangor; Naval restricted areas*—(1) *Area No. 1.* That area bounded by a line commencing on the east shore of Hood Canal at latitude 47 deg.46'18" N, longitude 122 deg.42'18" W; thence latitude 47 deg.46'32" N, longitude 122 deg.42'20"

W; thence to latitude 47 deg.46'38" N, longitude 122 deg.42'52" W; thence to latitude 47 deg.44'15" N, longitude 122 deg.44'50" W; thence to latitude 47 deg.43'53" N, longitude 122 deg.44'58" W; thence to latitude 47 deg.43'17" N, longitude 122 deg.44'49" W.

(2) *Area No. 2.* Waters of Hood Canal within a circle of 1,000 yards diameter centered on a point located at latitude 47 deg.46'26" N, longitude 122 deg.42'49" W.

(3) *The regulations*—(i) *Area No. 1.* No person or vessel shall enter this area without permission from the Commander, Naval Submarine Base Bangor, or his/her authorized representative.

(ii) *Area No. 2.* (A) The area will be used intermittently by the Navy for magnetic silencing operations.

(B) Use of any equipment such as anchors, grapnels, etc., which may foul underwater installations within the restricted area, is prohibited at all times.

(C) Dumping of any nonbuoyant objects in this area is prohibited.

(D) Navigation will be permitted within that portion of this circular area not lying within Area No. 1 at all times except when magnetic silencing operations are in progress.

(E) When magnetic silencing operations are in progress, use of the area will be indicated by display of quick flashing red beacons on the pier located in the southeast quadrant of the area.

(4) *Enforcement.* The regulations in this section shall be enforced by the Commander, Naval Submarine Base Bangor, or his/her authorized representative.

(b) [Reserved]

Dated: July 19, 2002.

**Michael G. Ensich,**

*Acting Chief, Operations Division, Directorate of Civil Works.*

[FR Doc. 02-19589 Filed 8-1-02; 8:45 am]

**BILLING CODE 3710-GB-P**

**DEPARTMENT OF DEFENSE**

**Department of the Army, Corps of Engineers**

**33 CFR Part 334**

**United States Navy Restricted Area, Narragansett Bay, East Passage, Coddington Cove, Naval Station Newport, Newport, RI**

**AGENCY:** United States Army Corps of Engineers, DoD.

**ACTION:** Notice of proposed rulemaking and request for comments.

**SUMMARY:** The Corps of Engineers is proposing regulations to establish a restricted area on the east side of Narragansett Bay East Passage at Coddington Cove in the vicinity of Naval Station Newport. These regulations will enable the Navy to enhance safety and security around active military vessels berthed at the facility. The regulations will safeguard military vessels and United States government contractor facilities from sabotage and other subversive acts, accidents, or incidents of similar nature. These regulations are also necessary to protect the public from potentially hazardous conditions that may exist as a result of Navy use of the area and its security measures.

**DATES:** Written comments must be submitted on or before September 3, 2002.

**ADDRESSES:** U. S. Army Corps of Engineers, ATTN: CECW-OR, 441 G Street, NW., Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Frank Torbett, Headquarters Regulatory Branch, Washington, DC at (202) 761-4618, or Mr. Richard Roach, Corps of Engineers, New England District, at (978) 318-8211 or 1-800-343-4789.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3) the Corps proposes to amend the restricted area regulations in 33 CFR part 334 by adding Section 334.81 which establishes a restricted area in Coddington Cove, off of the Naval Station Newport piers on the eastern side of the East Passage of Narragansett Bay in Newport, Rhode Island. To better protect active naval vessels and personnel stationed at the facility and the general public, the Navy, has requested the Corps of Engineers establish a Restricted Area. This will enable the Navy to keep persons and vessels out of the area at all times, except with the permission of the Commanding Officer, Naval Station Newport.

**Procedural Requirements**

*a. Review Under Executive Order 12866*

This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

*b. Review Under the Regulatory Flexibility Act*

These proposed rules have been reviewed under the Regulatory

Flexibility Act (Public Law 96-354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.*, small businesses and small Governments). The Corps expects that the economic impact of the establishment of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal if adopted, will have no significant economic impact on small entities.

#### *c. Review Under the National Environmental Policy Act*

An environmental assessment has been prepared for this action. We have concluded, based on the minor nature of the proposed additional restricted area regulations, that this action, if adopted, will not have a significant impact to the quality of the human environment, and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the District office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

#### *d. Unfunded Mandates Act*

This proposed rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

#### **List of Subjects in 33 CFR Part 334**

Danger zones, Marine safety, Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR Part 334, as follows:

#### **PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS**

1. The authority citation for Part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Section 334. 81 would be added to read as follows:

#### **§ 334. 81 Naragansett Bay, East Passage, Coddington Cove, Naval Station Newport, Newport, Rhode Island, Restricted Area.**

(a) *The area.* All of the navigable waters of Coddington Cove east of a line that connects Coddington Point at latitude 41° 31' 24.0" N, longitude 071°

19' 24.0" W; with the outer end of the Coddington Cove Breakwater on the north side of the cove at latitude 41° 31' 55.7" N, longitude 071° 19' 28.2" W.

(b) *The regulation.* All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted areas without permission from the Commanding Officer Naval Station Newport, USN, Newport, Rhode Island or his authorized representative.

(c) *Enforcement.* (1) The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the United States Navy, Commanding Officer Naval Station Newport, Newport, Rhode Island and/or other persons or agencies as he/she may designate.

(2) Federal and State Law enforcement vessels and personnel may enter the restricted area at any time to enforce their respective laws.

Dated: June 26, 2002.

**Karen Durham-Aguilera,**

*Chief, Operations Division, Directorate of Civil Works.*

[FR Doc. 02-19588 Filed 8-1-02; 8:45 am]

**BILLING CODE 3710-24-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[LA-61-3-7561; FRL-7254-6]

#### **Approval and Promulgation of Implementation Plan; State of Louisiana; 1-Hour Ozone Attainment Demonstration; Attainment Date Extension, and Withdrawal of Nonattainment Determination and Reclassification**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the Baton Rouge 1-hour ozone Attainment Plan and Transport State Implementation Plan (hereinafter referred to as Attainment Plan/Transport SIP) for the Baton Rouge serious ozone nonattainment area (hereinafter referred to as the Baton Rouge area). The attainment demonstration SIP, showing attainment by November 15, 2005, was submitted by the Governor of Louisiana on December 31, 2001. In conjunction with its proposed approval of the attainment

demonstration, EPA proposes: extending the ozone attainment date for the Baton Rouge area to November 15, 2005, while retaining the area's current classification as a serious ozone nonattainment area; and withdrawing EPA's June 24, 2002, rulemaking determining nonattainment and reclassification of the Baton Rouge area. EPA is also proposing to find that the Baton Rouge area meets the reasonably available control measures (RACM) requirements of the Act.

In proposing to approve the attainment demonstration, EPA is also proposing to approve the State's enforceable commitment to perform a mid-course review and submit a SIP revision to EPA by May 1, 2004, to approve the motor vehicle emissions budget (MVEB) and an enforceable commitment to submit revised budgets using MOBILE6, and an enforceable transportation control measure (TCM).

This proposed rule also addresses SIP submittals relating to corrections to the 1990 Base Year Emissions Inventory, the 9% Rate-of-Progress Plan, and the 15% Rate-of-Progress Plan.

**DATES:** Written comments must be received on or before September 3, 2002.

**ADDRESSES:** All comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733.

Copies of the Louisiana submittals addressed in this proposed rule, and other relevant documents in support of this proposal are available for public inspection during normal business hours at the following addresses: U.S. Environmental Protection Agency, Region 6, Air Planning Section, 1445 Ross Avenue, Dallas, Texas 75202; Louisiana Department of Environmental Quality, 7920 Bluebonnet Boulevard, Baton Rouge, Louisiana 70884. Please contact the appropriate office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Ms. Maria L. Martinez, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-2230.

**SUPPLEMENTARY INFORMATION:** The use of "we," "us," or "our" in this document refers to EPA.

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