

Port's representative enforcing the safety zone can be contacted on VHF marine band radio, channels 13 and 16. The Captain of the Port can be contacted at (757) 668-5555.

(3) The Captain of the Port will notify the public of changes in the status of this safety zone by marine information broadcast on VHF marine band radio, channel 22 (157.1 MHz).

(d) *Enforcement period.* This section will be enforced from 6 a.m. to 8 p.m. on December 16, 2002 through December 22, 2002.

Dated: December 16, 2002.

**L. M. Brooks,**

*Captain, Coast Guard, Captain of the Port, Hampton Roads.*

[FR Doc. 02-32141 Filed 12-19-02; 8:45 am]

**BILLING CODE 4910-15-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MS 23-1-200242(a); FRL-7424-3]

#### Approval and Promulgation of Implementation Plans for Mississippi: Infectious Waste Incinerator Requirements

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving a revision to the Mississippi State Implementation Plan (SIP) modifying infectious waste incineration requirements to reflect current Emissions Guidelines approved in the State for existing hospital/medical/infectious waste incinerator units (HMIWIs).

**DATES:** This direct final rule is effective February 18, 2003 without further notice, unless EPA receives adverse comment by January 21, 2003. 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: Michele Notarianni, Air Planning Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. (404/562-9031 (phone) or [notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov) (e-mail).)

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. (Michele Notarianni, (404) 562-9031,

[notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov))

Mississippi Department of

Environmental Quality, Air Division, PO Box 10385, Jackson, Mississippi 39289-0385. ((601) 961-5171).

#### FOR FURTHER INFORMATION CONTACT:

Michele Notarianni at address listed above or 404/562-9031 (phone) or [notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov) (e-mail).

#### SUPPLEMENTARY INFORMATION:

##### I. Today's Action

The EPA is approving revisions to rule APC-S-1 to reflect current requirements for existing HMIWIs as detailed in the Mississippi HMIWI State Plan. The State of Mississippi submitted both the Plan and these SIP revisions on May 5, 1999. In a separate notice, EPA approved the Mississippi HMIWI State Plan (65 FR 18252, April 7, 2000). The State Plan controls air emissions from existing HMIWIs in Mississippi, except for those HMIWIs located in Indian Country.

The associated SIP revisions to rule APC-S-1 correct a section reference in Paragraph 8, "Incineration," of Section 3, "Specific Criteria for Sources of Particulate Matter," and change provisions listed in Paragraph 4, "Additional Requirements for Infectious Waste Incineration," of Section 6, "New Sources," to be consistent with the Mississippi HMIWI State Plan.

##### II. Final Action

The EPA is approving into the Mississippi SIP revisions to rule APC-S-1 because they are consistent with the requirements of the Clean Air Act and EPA policy.

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 February 18, 2003 without further notice unless the Agency receives adverse comments by January 21, 2003.

If the EPA receives such comments, then EPA will publish a document withdrawing the 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. 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 February 18, 2003 and no further action will be taken on the proposed rule.

##### III. 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. section 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. section 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 February 18, 2003. 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, Lead, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 2, 2002.

**J.I. Palmer, Jr.,**  
Regional Administrator, Region 4.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

**PART 52—[AMENDED]**

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

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

**Subpart Z—Mississippi**

2. In § 52.1270(c) the table is amended under subchapter APC-S-1 by revising the entries "Section 3" and "Section 6" to read as follows:

**§ 52.1270 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED MISSISSIPPI REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Comments
APC-S-1	Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants			
Section 3	Specific Criteria for Sources of Particulate Matter.	05/28/99	12/20/02 [Insert FR page citation].	
Section 6	New Sources	05/28/99	12/20/02 [Insert FR page citation].	Subsection 2 Other Limitations and Subsection 3 NSPS have not been Federally approved.

\* \* \* \* \*  
[FR Doc. 02-31977 Filed 12-19-02; 8:45 am]  
**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 82**

[FRL-7425-6]

RIN 2060-AG12

**Protection of Stratospheric Ozone: Notice 17 for Significant New Alternatives Policy Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of acceptability.

**SUMMARY:** This notice of acceptability expands the list of acceptable substitutes for ozone-depleting substances (ODS) under the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) program. The substitutes are for use in the following sectors: refrigeration and air conditioning, solvents cleaning, fire suppression and explosion protection, and aerosols.

**EFFECTIVE DATE:** December 20, 2002.

**ADDRESSES:** Information relevant to this notice is contained in Air Docket A-91-42, 1301 Constitution Avenue, NW.; U.S. Environmental Protection Agency,

Mail Code 6102T; Washington, DC, 20460. The docket reading room is located at the address above in room B102 in the basement. Reading room telephone: (202) 566-1744, facsimile: (202) 566-1749 Air docket staff telephone: (202) 566-1742 and facsimile: (202) 566-1741 You may inspect the docket between 8:30 a.m. and 4:30 p.m. weekdays. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying.

**FOR FURTHER INFORMATION CONTACT:** Margaret Sheppard by telephone at (202) 564-9163, by fax at (202) 565-2155, by e-mail at *sheppard.margaret@epa.gov*, or by mail at U.S. Environmental Protection