

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 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 San Francisco 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 San Francisco 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 EA will be available for review at the San Francisco District office listed at the end of the **FOR FURTHER INFORMATION CONTACT** paragraph 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, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, we propose to amend 33 CFR part 334 to read 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 334.1244 is added to read as follows:

**§ 334.1244 San Francisco Bay on the east side of Yerba Buena Island, San Francisco, San Francisco County, California; Coast Guard Restricted Area.**

(a) **The area.** San Francisco Bay on the east side of Yerba Buena Island: From a point along the southeastern shore of Yerba Buena Island at latitude 37°48'27" North, longitude 122°21'44" West; east to latitude 37°48'27" North, longitude 122°21'35" West; north to latitude 37°48'42" North, longitude 122°21'35" West, a point on the northeastern side of Yerba Buena Island.

(b) **The regulation.** (1) All persons and vessels are prohibited from entering the waters within the Restricted Area for any reason without prior written permission from the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island.

(2) Mooring, anchoring, fishing, transit and/or swimming shall not be allowed within the Restricted Area without prior written permission from the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island.

(c) **Enforcement.** The regulation in this section shall be enforced by the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island, and such agencies and persons as he/she shall designate.

Dated: June 5, 2003.

Approved:

**Lawrence A. Lang,**

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

[FR Doc. 03-16016 Filed 6-25-03; 8:45 am]

**BILLING CODE 3710-92-P**

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[PA138-4098b; FRL-7511-8]**

**Approval and Promulgation of Air Quality Implementation Plans; Allegheny County, PA; Federally Enforceable State Operating Permit Program**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Allegheny County, Pennsylvania for the purpose of establishing Allegheny County's state operating permit program. EPA is approving this revision in accordance with the requirements of sections 110 and 112 of the Clean Air

Act. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without 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 no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed 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:** Comments must be received in writing by July 28, 2003.

**ADDRESSES:** Comments may be submitted either by mail or electronically. Written comments should be mailed to Kristeen Gaffney, Acting Chief, Permits and Technical Assessment Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Electronic comments should be sent either to [gaffney.kristeen@epa.gov](mailto:gaffney.kristeen@epa.gov) or to <http://www.regulations.gov>, which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in the Supplementary Information section. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

**FOR FURTHER INFORMATION CONTACT:** Paul Arnold, (215) 814-2194, or by e-mail at [arnold.paul@epa.gov](mailto:arnold.paul@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

You may submit comments either electronically or by mail. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number PA 138-4098 in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the

close of the comment period will be marked "late." EPA is not required to consider these late comments.

i. **Electronically.** If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

ii. **E-mail.** Comments may be sent by electronic mail (e-mail) to [gaffney.kristeen@epa.gov](mailto:gaffney.kristeen@epa.gov), attention PA 138-4098. EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly without going through *Regulations.gov*, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. **Regulations.gov.** Your use of *Regulations.gov* is an alternative method of submitting electronic comments to EPA. Go directly to *Regulations.gov* at <http://www.regulations.gov>, then select "Environmental Protection Agency" at the top of the page and use the "go" button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

iv. **Disk or CD ROM.** You may submit comments on a disk or CD ROM that you mail to the mailing address identified in the **ADDRESSES** section of this document. These electronic submissions will be accepted in WordPerfect, Word or ASCII file format.

Avoid the use of special characters and any form of encryption.

2. **By Mail.** Written comments should be addressed to the EPA Regional office listed in the **ADDRESSES** section of this document.

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.

Dated: June 4, 2003.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

[FR Doc. 03-16025 Filed 6-25-03; 8:45 am]

**BILLING CODE 6560-50-U**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[NH057-7174B; A-1-FRL-7518-7]

#### Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Control of Mobile Sources of Air Pollution

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Hampshire on August 31, 2000 which contains the New Hampshire regulation Chapter Env-A 1100, Part Env-A 1101 entitled "Diesel and Gasoline Powered Motor Vehicles." This regulation adopted by New Hampshire includes maintenance and operational requirements for diesel and gasoline powered engines. This regulation sets maximum opacity limits from vehicles, prohibits removing pollution control equipment from vehicles, and also sets time limits for allowing engines to idle. EPA is proposing to approve these New Hampshire requirements into the New Hampshire SIP because EPA has found that the requirements will strengthen the SIP. The intended effect of this action is to propose approval of the New Hampshire regulation entitled "Diesel and Gasoline Powered Motor Vehicles." This action is being taken under section 110 of the Clean Air Act.

**DATES:** Written comments must be received on or before July 28, 2003.

**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 the New Hampshire 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 and the Air Resources Division, Department of Environmental Services (DES), 6 Hazen Drive, P.O. Box 95, Concord, NH 03302.

#### FOR FURTHER INFORMATION CONTACT:

Robert C. Judge, (617) 918-1045.

**SUPPLEMENTARY INFORMATION:** The information in this section is organized as follows:

- I. What is the Background for this Action?
- II. What are the Requirements of Chapter 1100, Part Env-A 1101?
- III. Proposed Action
- IV. What Are the Administrative Requirements?

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

Chapter Env-A 1100 was adopted to minimize the environmental impact from mobile sources operating in New Hampshire. It was initially adopted in 1973 and amended several times prior to this version of the rule. Prior to the September 25, 1996 version of the rule which we are acting on, this rule was last amended on December 27, 1990. The most substantive changes made between that earlier version and this version of the rule are related to the specific opacity standards which diesel engines must meet, and the specific prohibitions and conditions for allowing both diesel and gasoline engines to idle. Both versions of the rule prohibited pollution control equipment from being removed. No version of Chapter Env-A 1100 has been submitted previously for approval in the state's air quality plan. However provisions of this rule have been incorporated into the state's inspection programs administered by the Department of Safety, and those have been approved into the SIP. For example, a roadside testing program has been established to ensure that diesel opacity standards are met. Also, as part of the existing safety inspection program, vehicles will not pass the test if pollution control equipment has been removed from a vehicle.

The adoption of this rule will aid the state in meeting and maintaining compliance with air quality standards, including the standard for ground level ozone, and strengthen the SIP. The state has adopted this program to help reduce the impact of motor vehicle pollution by