

Protection of Children

We have analyzed this proposed 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 risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2-1, paragraph (32)(e) of Commandant Instruction M16475.1D, this proposed rule is categorically excluded from further environmental documentation.

Indian Tribal Governments

This proposed 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 proposed 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 that order because it is not a "significant regulatory 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 117:

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.317(j) is revised to read as follows:

§ 117.317 Okeechobee Waterway.

* * * * *

(j) The draw of the Sanibel Causeway bridge, mile 151, shall open on signal, except that from 7 a.m. until 6 p.m., Monday through Friday except Federal holidays, the draw need only open on the hour and half hour. On Saturday, Sunday and Federal holidays the draw shall open on signal, except from 7 a.m. until 6 p.m., the draw need only open on the hour, quarter hour, half hour, and three quarter hour. From 10 p.m. until 6 a.m. daily, the draw shall open on signal if at least five minutes advance notice is given to the bridge tender.

Dated: January 16, 2002.

James S. Carmichael,

*Rear Admiral, U.S. Coast Guard Commander,
Seventh Coast Guard District.*

[FR Doc. 02-2636 Filed 2-1-02; 8:45 am]

BILLING CODE 4910-15-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AK-01-004b; FRL-7133-2]

Approval and Promulgation of State Implementation Plans; State of Alaska; Fairbanks

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Alaska. This revision provides for attainment of the carbon monoxide (CO) national ambient air quality standards (NAAQS) in the Fairbanks Nonattainment Area. This action also proposes to approve the use of the "CO Emissions Model" for SIP development purposes in EPA Region 10.

DATES: Written comments must be received in writing by March 6, 2002.

ADDRESSES: Written comments should be addressed to: Connie Robinson, EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the State's request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101, and the Alaska Department of Environmental Conservation, 410 Willoughby Avenue Suite 303, Juneau, AK 99801-1795.

FOR FURTHER INFORMATION CONTACT: Connie Robinson, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington, (206) 553-1086.

SUPPLEMENTARY INFORMATION: 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 relevant adverse comments. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If the EPA receives relevant 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. Please note that if EPA receives relevant 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 a relevant adverse comment.

For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: January 16, 2002.

Randall F. Smith,

Acting Regional Administrator, Region 10.

[FR Doc. 02-2506 Filed 2-1-02; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX-139-1-7535; FRL-7137-4]

Proposed Approval and Promulgation of Implementation Plans; Texas; Agreed Orders with Airlines and Memoranda of Agreement with Airport Owners and Operators Regarding Control of Pollution from Airport Ground Support Equipment for the Dallas/Fort Worth Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve Agreed Orders and Memoranda of Agreement (MOA) requiring airlines and owners and operators at major airports in the Dallas/Fort Worth (DFW) area to reduce oxides of nitrogen (NO_x) emissions from airport Ground support

Equipment (GSE) under their control. In addition, the EPA proposes to approve revisions to the GSE emissions inventory. These Orders and MOAs will contribute to attainment of the ozone standard in the DFW area. The EPA is proposing approval of these revisions to the Texas SIP to regulate emissions of NO_x in accordance with the requirements of the Federal Clean Air Act.

DATES: Written comments must be received on or before March 6, 2002.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations.

Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202-2733. Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT:

Herbert R. Sherrow, Jr., Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7237. e-mail: sherrow.herb@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” refers to EPA.

What Is the Background for This Action?

On April 19, 2000, the Texas Natural Resource Conservation Commission (TNRCC) adopted a rule that required reductions of NO_x emissions attributable to GSE from the airports which have the most air carrier operations in the DFW area. The reductions required were up to 90% of the 1996 base inventory. The rule was submitted to us as a SIP revision on April 28, 2000.

On March 26, 2001, we proposed approval of a number of rules affecting the DFW area, which included the GSE rule and the reductions expected from the rule, 9.54 tpd. (66 FR 16432).

On May 23, 2001, the TNRCC repealed the GSE rule; therefore, we can not take final action on the rule. Subsequently, the TNRCC adopted Agreed Orders and MOAs with American Airlines, American Eagle Airlines, Delta Airlines, Southwest Airlines, the City of Dallas, the Dallas/

Fort Worth International Airport Board, and the City of Fort Worth as substitutes for the repealed rule.

On July 2, 2001, the TNRCC submitted its repeal of the GSE rule and substitution of the Agreed Orders and MOAs to us as a SIP revision.

On October 15, 2001, the TNRCC submitted a SIP revision which showed the reductions expected from the Agreed Orders and MOAs to be 6.12 tpd in 2007 based on a revised emissions inventory of GSE. The TNRCC also submitted the revised inventory for approval.

What Is the Effect of the Orders and MOAs?

The rule required NO_x reductions up to 90% of the 1996 emissions from GSE. The rule applied to the airlines operating at the Dallas/Forth Worth International Airport in Dallas and Tarrant Counties, Love Field in Dallas County, and Alliance and Meacham Airports in Tarrant County.

The Orders and MOAs were executed with the airlines and owners/operators at these airports as a substitute for the rule. The orders and MOAs mirror the rule in that they require up to 90% reductions of NO_x from GSE from airports in the DFW area. The sum of reductions in the orders and MOAs from the airlines and the airport owners/operators is up to 90% of the 2007 base inventory.

The revised 2007 NO_x emissions inventory is 6.8 tpd compared to the original inventory of 10.6 tpd; therefore, the reductions expected are 6.12 tpd. The inventory revision is the result of a more refined inventory of the GSE population at the airports in the DFW area. A study was conducted to survey actual equipment at the major airports in the DFW area which refined the original estimate.

Please refer to the March 26, 2001, proposed **Federal Register** document for details of the emission reduction requirements from the rule and the TSD for this action for details of the emission reduction requirements from the Agreed Orders and MOAs and the revised inventory.

Proposed Action

We are proposing approval of the Agreed Orders and MOAs with airlines and airport owners and operators in the DFW ozone nonattainment area and the revised emission inventory and associated emission reduction requirements as a replacement for the rule we proposed to approve at 66 FR 16432 (March 26, 2001). The Orders and MOAs provide reductions that are equivalent to those that would have

occurred under the rule, and are a federally enforceable mechanism to achieve NO_x reductions necessary for the DFW attainment demonstration plan.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed 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 proposes to approve 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 proposed 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 proposed 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.*).

List of Subjects in 40 CFR Part 52

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

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

Dated: January 22, 2002.

Gregg A. Cooke,

Regional Administrator, Region 6.

[FR Doc. 02-2613 Filed 2-1-02; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02-58; MM Docket No. 00-161; RM-9929]

Radio Broadcasting Services; Fort Bridger, WY and Woodruff, UT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: The Allocations Branch denies the petition for rule making filed by M. Kent Frandsen proposing the reallocation of Channel 256C1 from Fort Bridger, Wyoming to Woodruff, Utah, as the community's first local aural transmission service. See 65 FR 55930, September 15, 2000. We find no compelling public interest benefit in removing the sole local service at Fort Bridger, Wyoming to provide a first local service at Woodruff, Utah.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 00-161, adopted January 2, 2002, and released January 11, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02-2619 Filed 2-1-02; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 80

[PR Docket No. 92-257; FCC 01-358]

Maritime Communications

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission proposes to amend the rules governing very high frequency public coast (VPC) stations. The Commission proposes, among other things, to allow the U.S. Coast Guard and VPC licensees the additional flexibility to choose non-offset, as well as offset, channel pairs when negotiating an agreement regarding the specification of two narrowband channel pairs that will be used by the U.S. Coast Guard for its Ports and Waterways Safety System (PAWSS); to expand the types of emission masks and designators permissible under the Commission's Rules in order to allow VPC licensees to provide a full range of data services; to allow public coast stations to maintain station documents via electronic means; and to limit the posting requirement for VPC geographic area licensees to a document identifying the licensee and a representative that may be contacted to answer any questions regarding the operation of a particular station transmitter.

DATES: Comments are due on or before April 5, 2002, Reply Comment are due on or before May 6, 2002.

ADDRESSES: Parties who choose to file comments by paper must file an original and four copies to the Commission's Secretary, Magalie Roman Salas, Office

of the Secretary, Federal Communications Commission, 445 12th St., SW., Room TW-A325, Washington, DC 20554. Comments may also be filed using the Commission's Electronic Filing System, which can be accessed via the Internet at www.fcc.gov/e-file/ecfs.html.

FOR FURTHER INFORMATION CONTACT:

Keith Fickner, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau at (202) 418-0680.

SUPPLEMENTARY INFORMATION: The Commission's *Fourth Further Notice of Proposed Rule Making*, PR Docket No. 92-257, FCC 01-358, adopted December 11, 2001, and released on December 28, 2001. The full text of this *Fourth Further Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, Qualex International, Inc., 445 12th Street, SW., Room CY-B402 Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov/Wireless/Orders/2000/fcc01358.txt>. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418-0260 or TTY (202) 418-2555.

Summary of the Fourth Further Notice of Proposed Rule Making

The Commission concludes that it should not propose to amend Part 80 by adopting from Part 90 the occupied bandwidth, emission mask and related regulations that govern the operation of stations that employ 12.5 kHz narrowband channels. Its intent when it adopted the rule permitting offset operations without also adopting technical rules for narrowband operations was to maximize licensee flexibility by leaving such matters to the licensee's discretion, so long as emissions are attenuated at the edge of the licensee's contiguous 25 kHz channels.

The Commission tentatively concludes that it should not propose to reallocate to VPC stations nine channel pairs in the 156.0375-156.2375 MHz band and the 160.6375-160.8375 MHz band without first assessing the demand for this spectrum from Part 90 public safety eligibles.

The Commission proposes that the channel pairs for the Ports and Waterways Safety System. That are negotiated between the Coast Guard and the VPC licensee may be either offset channel pairs on non-offset channel