

Dated: March 3, 2003.

**Vivien S. Crea,**

*RADM, U.S. Coast Guard, Commander, First Coast Guard District.*

[FR Doc. 03-7806 Filed 3-31-03; 8:45 am]

BILLING CODE 4910-15-U

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD09-03-202]

RIN 1625-AA00

#### Safety Zones; Northeast Ohio

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish Safety Zones for annual fireworks displays located in Northeast Ohio. These rules are intended to manage vessel traffic in Northeast Ohio during each event to protect life and property.

**DATES:** Comments must be received on or before 60 days from the publication date of this notice.

**ADDRESSES:** You may mail comments and related material to Coast Guard Marine Safety Office (MSO) Cleveland (CGD09-03-202), 1055 East Ninth Street, Cleveland, Ohio, 44114. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and available for inspection or copying at Coast Guard MSO Cleveland between 8 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Allen Turner, U.S. Coast Guard Marine Safety Office Cleveland, at (216) 937-0128.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD09-03-202), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please include

a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

#### Public Meeting

We do not plan to hold a public meeting. But you may submit a request for a meeting by writing to Coast Guard MSO Cleveland at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

#### Background and Purpose

A total of eight permanent safety zones would be established in Northeast Ohio for annual firework displays. The safety zones would be activated only during a firework display at their respective location. There is a total of ten separate annual firework events in Northeast Ohio. The safety zones would be established to protect the public from potential firework debris.

#### Discussion of Proposed Rule

The safety zones would be established around the launch site in the following areas:

- (1) Cleveland Harbor and Lake Erie, north of Voinovich Park;
- (2) Rocky River and Lake Erie, west of the river entrance;
- (3) Lake Erie, North of Lakewood Park;
- (4) Black River (2 locations);
- (5) Mentor Harbor Beach, west bank of harbor entrance;
- (6) Ashtabula, north of Walnut Beach Park; and
- (7) Fairport Harbor, east of harbor entrance.

The size of each safety zone was determined using National Fire Protection Association, local fire department standards.

#### Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 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 this rule under that order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

This determination is based on the short amount of time that vessels will be

restricted from the zones, and the actual location of the safety zones within the waterways.

#### Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of commercial vessels intending to transit a portion of an activated safety zone.

These safety zones would not have a significant economic impact on a substantial number of small entities for the following reasons. The proposed zone is only in effect for few hours on the day of the event. Vessel traffic can safely pass outside the proposed safety zones during the events. In cases where recreational boat traffic congestion is greater than expected and consequently obstructs shipping channels, commercial traffic may be allowed to pass through the Safety Zone under Coast Guard escort with the permission of the Captain of the Port Cleveland. Before the effective period, the Coast Guard would issue maritime advisories available to users who may be impacted through notification in the **Federal Register**, the Ninth Coast Guard District Local Notice to Mariners, and through Marine Information Broadcasts. Additionally, the Coast Guard has not received any reports from small entities negatively affected during previous events.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see ADDRESSES*) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule so that they can

better evaluate its effects and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Cleveland (*see ADDRESSES*.)

### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

### 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. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This proposed rule would 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 proposed 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

The Coast Guard has 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 concern an environmental risk to health or risk to safety that may disproportionately affect children.

### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive

Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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

The Coast Guard has 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.

### Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 32(g) of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; Department of Homeland Security Delegation No. 0170.

2. Add § 165.919 to read as follows:

#### § 165.919 Safety Zones; Annual fireworks events in the Captain of the Port Cleveland Zone.

(a) *Safety Zones*. The following areas are designated safety zones:

(1) *City of Cleveland 4th of July Fireworks Display, Cleveland, OH.*

(i) *Location*. All navigable waters of Cleveland Harbor and Lake Erie beginning at 41°30.823' N, 081°41.620' W (the northwest corner of Burke Lakefront Airport); continuing northwest to 41°31.176' N, 081°41.884' W; then southwest to 41°30.785' N, 081°42.542' W; then southeast to 41°30.450' N, 081°42.222' W (the northwest corner of dock 28 at the Cleveland Port Authority) then northeast back to the starting at 41°30.443' N, 081°42.215' W. All geographic coordinates are based upon North American Datum 1983 (NAD 1983).

(ii) *Expected date*. One day in the first week of July.

(2) *Dollar Bank Jamboree Fireworks Display, Cleveland, OH.*

(i) *Location*. Same as (1)(i).

(ii) *Expected date*. One Saturday evening in late July or August.

(3) *Browns Football Halftime Fireworks Display, Cleveland, OH.*

(i) *Location*. Same as (1)(i).

(ii) *Expected date*. One Sunday afternoon during NFL football season.

(4) *Lakewood City Fireworks Display, Lakewood, OH.*

(i) *Location*. All waters and adjacent shoreline of Lake Erie bounded by the arc of a circle with a 500-yard radius with its center approximate position 41°29.755' N, 081°47.780' W (off of Lakewood Park)(NAD 1983).

(ii) *Expected date*. One day in the first week of July.

(5) *Cleveland Yachting Club Fireworks Display, Rocky River, OH.*

(i) *Location*. All waters and adjacent shoreline of the Rocky River and Lake Erie bounded by the arc of a circle with a 200-yard radius with its center at Sunset Point on the western side of the mouth of the Rocky River in approximate position 41°29.428' N, 081°50.309' W (NAD 1983).

(ii) *Expected date*. One day during the second or third week of July.

(6) *Lorain 4th of July Celebration Fireworks Display, Lorain, OH.*

(i) *Location*. The waters of Lorain Harbor bounded by the arc of a circle with a 300-yard radius with its center east of the harbor entrance on the end of the break wall near Spitzer's Marina in approximate position 41°28.591' N, 082°10.855' W (NAD 1983).

(ii) *Expected date*. One day during the first week of July.

(7) *Lorain Port Fest Fireworks Display, Lorain, OH.*

(i) *Location*. All waters and adjacent shoreline of Lorain Harbor bounded by the arc of a circle with a 250-yard radius with its center at approximate position 41°28.040' N, 082°10.365' W.

(ii) *Expected date*. One day during the third or fourth week of July.

(8) *Mentor Harbor Yacht Club Fireworks Display, Mentor, OH.*

(i) *Location.* All waters and adjacent shoreline of Lake Erie and Mentor Harbor bounded by the arc of a circle with a 200-yard radius with its center in approximate position 41°43.200' N, 081°21.400' W (west of the harbor entrance)(NAD 1983).

(ii) *Expected date.* One day during the first week of July.

(9) *Fairport Mardi Gras Fireworks Display, Fairport Harbor, OH.*

(i) *Location.* All waters and adjacent shoreline of Fairport Harbor and Lake Erie bounded by the arc of a circle with a 300-yard radius with its center east of the harbor entrance at Fairport Harbor Beach in approximate position 41°45.500' N, 081°16.300' W (NAD 1983).

(ii) *Expected date.* One day during the first or second week of July.

(10) *Ashtabula Area Fireworks Display, Ashtabula, OH.*

(i) *Location.* All waters and adjacent shoreline of Lake Erie and Ashtabula Harbor bounded by the arc of a circle with a 300-yard radius with its center west of the harbor in approximate position 41°54.167' N, 080°48.416' W (NAD 83).

(ii) *Expected date.* One day during the first week of July.

(b) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) Several of the safety zones in this regulation encompass portions commercial navigation channels but are not expected to adversely affect shipping. In cases where shipping is affected, commercial vessels may request permission from the Captain of the Port Cleveland to transit the safety zone. Approval will be made on a case-by-case basis. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via the U.S. Coast Guard Patrol Commander (PAT COM) on Channel 16, VHF-FM.

(c) *Effective period.* The Captain of the Port Cleveland will publish at least 5 days in advance a Notice in the **Federal Register** as well as in the Ninth Coast Guard District Local Notice to

Mariners the dates and times this section is in effect.

Dated: March 10, 2003.

**Lorne W. Thomas,**

*Commander, U.S. Coast Guard, Captain of the Port Cleveland.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[PA183-4198b; FRL-7465-5]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; NO<sub>x</sub> RACT Determinations for Five Individual Sources

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania to establish and require reasonably available control technology (RACT) for five major sources of nitrogen oxides (NO<sub>x</sub>) located in Pennsylvania. 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 May 1, 2003.

**ADDRESSES:** Written comments should be addressed to Walter K. Wilkie, Deputy Branch Chief, Air Quality Planning & Information Services Branch, Air Protection Division, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. 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; and the Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Betty Harris at (215) 814-2168 or Rose Quinto at (215) 814-2182 or via e-mail at [harris.betty@epa.gov](mailto:harris.betty@epa.gov) or [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, Pennsylvania's Approval of NO<sub>x</sub> RACT Determinations for Five Individual Sources, that is located in the "Rules and Regulations" section of this **Federal Register** publication. 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: March 5, 2003.

**Thomas C. Voltaggio,**

*Acting Regional Administrator, Region III.*

[FR Doc. 03-7641 Filed 3-31-03; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IN214-1b; FRL-7470-8]

#### Approval and Promulgation of Implementation Plans; Indiana

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve a revision to Indiana's shipbuilding and ship repair volatile organic compound (VOC) rules into the Indiana State Implementation Plan (SIP). This request for a SIP revision, which was submitted by the Indiana Department of Management on August 8, 2001, revises exemption levels and compliance, recordkeeping and reporting requirements and is being approved because these revisions are enforceable and in some cases more stringent than the existing rules.

In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP revision request as a direct final rule without prior proposal because EPA views this action as noncontroversial and