

(3) The “on-scene representative” of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Lake Michigan or his on-scene representative to obtain permission to do so. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Lake Michigan or his on-scene representative.

Dated: August 3, 2007.

**B.C. Jones,**

*Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[COTP Sector St. Petersburg, FL. 07-047]

RIN 1625-AA87

#### Security Zone; Tampa Bay, Port of Tampa, Rattlesnake, Big Bend, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary Final Rule.

**SUMMARY:** The Coast Guard is temporarily revising the security zones in the Port of Tampa, East Bay, Rattlesnake, Sunshine Skyway Bridge and Big Bend for the purpose of providing counter-surveillance, intrusion detection and response measures. Entry into these zones will be prohibited unless authorized by the Captain of the Port, or his designated representative.

**DATES:** This rule is effective from July 26, 2007 through January 1, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket [COTP 07-047] and are available for inspection or copying at Coast Guard Sector St. Petersburg, Prevention Department, 155 Columbia Drive, Tampa, FL 33606-3598 between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lt. Ronaydee Marquez, Waterways Management Division, Sector St. Petersburg, FL (813) 228-2191 Ext 8307.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. It is necessary to implement these changes immediately to ensure the security of vessels, facilities, and the surrounding areas within the Captain of the Port Sector St. Petersburg Zone. These are temporary modifications of currently existing zones. The Coast Guard does intend to make these changes permanent, and will publish a Notice of Proposed Rulemaking to request public comments before any permanent changes are made.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

##### Background and Purpose

The Maritime Transportation Security Act mandated Area Maritime Security Committee convened a working group to validate the existing security zones within Tampa Bay that were established following the terrorist attacks of September 11, 2001. These existing security zones included some established September 3, 2003, codified in 33 CFR 165.760, and some established September 1, 2003, codified in § 165.764 (68 FR 47852, August 12, 2003).

Using the newly developed Maritime Security Risk Analysis Model tool, the working group evaluated risk to the maritime transportation system (MTS) within Tampa Bay. The results of the risk assessment indicated the need to revise the following established security zones for the purpose of implementing counter-surveillance; and, intrusion detection and response measures:

- § 165.760(a)(1), Rattlesnake, Tampa, FL;
- § 165.760(a)(3), Sunshine Skyway Bridge, Tampa, FL;
- § 165.760(a)(5), Piers, Seawalls, and Facilities, Port of Tampa, Port Sutton and East Bay;
- § 165.760(a)(6), Piers, Seawalls, and Facilities, Port of Tampa, East Bay and the eastern side of Hooker's Point;
- § 165.760(a)(7), Piers, Seawalls, and Facilities, Port of Tampa, on the western side of Hooker's Point; and
- § 165.760(a)(8), Piers, Seawalls, and Facilities, Port of Manatee.

- § 165.764(a)(1), Big Bend, Tampa Bay, Florida zone.

The Security Zones revised include 3 zones within the Port of Tampa (Port Sutton and East Bay; East Bay and the eastern side of Hooker's Point; and the western side of Hooker's Point), Sunshine Skyway Bridge, Rattlesnake and Big Bend and Port of Manatee. At the Port of Tampa, a minor adjustment to the Security Zone boundary was implemented for alignment with protected assets. The East Bay segment of the Security Zone was discontinued. The Security Zone beneath the Sunshine Skyway Bridge was reduced to the size of the navigable channel. The Rattlesnake area Security Zone was expanded shoreward to protect critical facilities. The Big Bend Security Zone was modified to align with the natural barriers around the facility.

##### Discussion of Rule

This temporary rule is establishing the following security zones and will temporarily suspend paragraphs in §§ 165.760 and 165.764 that are being replaced by these new security zones or that are no longer needed. The coordinates are based on North American Datum (NAD) 1983.

- *Rattlesnake, Tampa, FL.* All water from surface to bottom, in Old Tampa Bay east and south of a line commencing at position 27°53.32' N, 082°32.05' W; north to 27°53.36' N, 082°32.05' W, including the fenced area encompassing the Chemical Formulators Chlorine Facility.

- *Sunshine Skyway Bridge, FL.* All waters in Tampa Bay, from surface to bottom, in Cut “A” channel beneath the bridge's main span encompassed by a line connecting the following points: 27°37.30' N, 082°39.38' W to 27°37.13' N, 082°39.26' W; and, the bridge structure columns, base and dolphins. This is specific to the bridge structure and dolphins and does not include waters adjacent to the bridge columns or dolphins outside of the bridge's main span.

- *Piers, seawalls, and facilities, Port of Tampa and Port Sutton, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities in Port Sutton within the Port of Tampa encompassed by a line connecting the following points: 27°54.15' N, 082°26.11' W, east northeast to 27°54.19' N, 082°26.00' W, then northeast to 27°54.37' N, 082°25.72' W, closing off all Port Sutton channel, then northerly to 27°54.48' N, 082°25.70' W.
- *Piers, seawalls, and facilities, Port of Tampa, on the western side of Hooker's Point, Tampa, FL.* All waters,

from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities on Hillsborough Bay northern portion of Cut "D" channel, Sparkman channel, Ybor Turning Basin, and Ybor channel within the Port of Tampa encompassed by a line connecting the following points: 27°54.74' N, 082°26.47' W, northwest to 27°55.25' N, 082°26.73' W, then north-northwest to 27°55.60' N, 082°26.80' W, then north-northeast to 27°56.00' N, 082°26.75' W, then northeast to 27°56.58' N, 082°26.53' W, and north to 27°57.29' N, 082°26.51' W, west to 27°57.29' N, 082°26.61' W, then southerly to 27°56.65' N, 082°26.63' W, southwesterly to 27°56.58' N, 082°26.69' W, then southwesterly and terminating at 27°56.53' N, 082°26.90' W.

• *Big Bend Power Plant, FL.* All waters of Tampa Bay, from surface to bottom, adjacent to the Big Bend Power Facility, and within an area bounded by a line connecting the following points: 27°48.08' N, 082°24.88' W then northwest to 27°48.15' N, 082°24.96' W then southwest to 27°48.10' N, 082°25.00' W then south-southwest to 27°47.85' N, 082°25.03' W then southeast to 27°47.85' N, 082°24.79' W then east to 27°47.55' N, 082°24.04' W then north to 27°47.62' N, 082°24.04' W then west to 27°47.60' N, 082°24.72' W then north to 27°48.03' N, 082°24.70' W then northwest to 27°48.08' N, 082°24.88' W, closing off entrance to Big Bend Power Facility and the attached cooling canal.

Entry into or remaining on or within these zones is prohibited unless authorized by the Captain of the Port Sector St. Petersburg or his designated representative. Persons desiring to transit the area of the security zone may contact the Captain of the Port Sector St. Petersburg or his designee on VHF channel 16, or by phone at (727) 824-7506, to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

#### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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 it under that Order.

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. This rule may have some impact on the public, but these potential impacts will

be minimized for the following reasons: There is ample room for vessels to navigate around security zones, and there are several locations for recreational and commercial fishing vessels to fish throughout the Tampa Bay Region. Also, the Captain of the Port may, on a case-by-case basis allow persons or vessels to enter a security zone.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic 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 rule will not have a significant economic impact on a substantial number of small entities. This rule may impact the following entities, some of which may be small entities: the owners or operators of vessels who wish to transit in the areas where the security zones are enforced. This rule will not have a significant impact on a substantial number of small entities because the majority of the zones are limited in size, leaving ample room for vessels to navigate around the zones. The zones will not significantly impact commuter and passenger vessel traffic patterns, and mariners will be notified of the zones via local notice to mariners and marine broadcasts. Also, the Captain of the Port may on a case-by-case basis allow persons or vessels to enter a security zone.

#### 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 proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. 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 the office listed under **FOR FURTHER INFORMATION CONTACT**, for assistance in understanding this rule. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

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

#### Taking of Private Property

This rule will 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 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

We have analyzed this 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.

#### Indian Tribal Governments

This 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 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. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g.), of the Instruction, from further environmental documentation. An "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are available in the docket 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 amends 33 CFR part 165 as follows:

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

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

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add new temporary § 165.T07–047 to read as follows:

#### § 165.T07–047 Security Zone; Tampa Bay, Port of Tampa, Rattlesnake and Big Bend; Florida.

(a) *Regulated Areas.* The following areas, denoted by coordinates fixed using the North American Datum of 1983, are security zones:

(1) *Rattlesnake, Tampa, FL.* All water from surface to bottom, in Old Tampa Bay east and south of a line commencing at position 27°53.32' N, 082°32.05' W; north to 27°53.36' N, 082°32.05' W, including the fenced area encompassing the Chemical Formulators Chlorine Facility.

(2) *Sunshine Skyway Bridge, FL.* All waters in Tampa Bay, from surface to bottom, in Cut "A" channel beneath the bridge's main span encompassed by a line connecting the following points: 27°37.30' N, 082°39.38' W to 27°37.13' N, 082°39.26' W; and, the bridge structure columns, base and dolphins. This is specific to the bridge structure and dolphins and does not include waters adjacent to the bridge columns or dolphins outside of the bridge's main span.

(3) *Piers, seawalls, and facilities, Port of Tampa and Port Sutton, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities in Port Sutton within the Port of Tampa encompassed by a line connecting the following points: 27°54.15' N, 082°26.11' W, east northeast to 27°54.19' N, 082°26.00' W, then northeast to 27°54.37' N, 082°25.72' W, closing off all Port Sutton Channel, then northerly to 27°54.48' N, 082°25.70' W.

(4) *Piers, seawalls, and facilities, Port of Tampa, on the western side of Hooker's Point, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall and piers

around facilities on Hillsborough Bay northern portion of Cut "D" channel, Sparkman channel, Ybor Turning Basin, and Ybor channel within the Port of Tampa encompassed by a line connecting the following points: 27°54.74' N, 082°26.47' W, northwest to 27°55.25' N, 082°26.73' W, then north-northwest to 27°55.60' N, 082°26.80' W, then north-northeast to 27°56.00' N, 082°26.75' W, then northeast to 27°56.58' N, 082°26.53' W, and north to 27°57.29' N, 082°26.51' W, west to 27°57.29' N, 082°26.61' W, then southerly to 27°56.65' N, 082°26.63' W, southwesterly to 27°56.58' N, 082°26.69' W, then southwesterly and terminating at 27°56.53' N, 082°26.90' W.

(5) *Big Bend Power Plant, FL.* All waters of Tampa Bay, from surface to bottom, adjacent to the Big Bend Power Facility, and within an area bounded by a line connecting the following points: 27°48.08' N, 082°24.88' W then northwest to 27°48.15' N, 082°24.96' W then southwest to 27°48.10' N, 082°25.00' W then south-southwest to 27°47.85' N, 082°25.03' W then southeast to 27°47.85' N, 082°24.79' W the east to 27°47.55' N, 082°24.04' W the north to 27°47.62' N, 082°24.04' W then west to 27°47.60' N, 082°24.72' W then north to 27°48.03' N, 082°24.70' W then northwest to 27°48.08' N, 082°24.88' W, closing off entrance to Big Bend Power Facility and the attached cooling canal.

(b) *Regulation.* (1) Entry into or remaining on or within these zones is prohibited unless authorized by the Captain of the Port Sector St. Petersburg or his designee.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port Sector St. Petersburg or his designee on VHF channel 16, or by phone at (727) 824–7506, to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

(c) *Effective period.* This section is effective from July 26, 2007, through January 1, 2008.

#### § 165.760 [Amended]

■ 3. In § 165.760, from July 26, 2007, until January 1, 2008, suspend paragraphs (a)(1), (a)(3), (a)(5), (a)(6), (a)(7) and (a)(8).

#### § 165.764 [Amended]

■ 4. In § 165.764, from July 26, 2007 until January 1, 2008, suspend paragraph (a)(1).

Dated: July 25, 2007.

**J.A. Servidio,**

*Captain, U.S. Coast Guard, Captain of the Port Sector St. Petersburg.*

[FR Doc. E7-15827 Filed 8-10-07; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2006-0060; FRL-8452-6]

#### Approval and Promulgation of Air Quality Implementation Plans; Virginia; State Implementation Plan Revision Variance for International Paper, Franklin Paper Mill, Virginia

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Commonwealth of Virginia State Implementation Plan (SIP). This action will approve the SIP revision request submitted by the Commonwealth of Virginia, consisting of the variance regulations adopted by Virginia for the International Paper, Franklin Paper Mill facility. The variance regulations provide regulatory relief from compliance with state regulations governing new source review for the implementation of the International Paper, Franklin Paper Mill innovation project. In lieu of compliance with these regulatory requirements, the variance requires the facility to comply with site-wide emission caps. EPA is approving this revision to the Commonwealth of Virginia State Implementation Plan in accordance with the requirements of the Clean Air Act.

**DATES:** This rule is effective on October 12, 2007 without further notice, unless EPA receives adverse written comment by September 12, 2007. If EPA receives such comments, it 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:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2006-0060 by one of the following methods:

A. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. *E-mail:* [campbell.dave@epa.gov](mailto:campbell.dave@epa.gov).

C. *Mail:* EPA-R03-OAR-2006-0060, David Campbell, Chief, Permits and Technical Assessment Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

**D. Hand Delivery:** At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-R03-OAR-2006-0060. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Sharon McCauley, (215) 814-3376, or by e-mail at [mccauley.sharon@epa.gov](mailto:mccauley.sharon@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

International Paper operates a pulp and paper mill located in Franklin, Virginia. International Paper is a member of EPA's voluntary National Environmental Performance Track Program and the Virginia Department of Environmental Quality's (VADEQ) Environmental Excellence Program. International Paper had entered into a partnership with the U.S. EPA and the VADEQ to implement an innovative approach to meeting environmental regulations in a more cost-effective manner. International Paper submitted a proposal for such an innovative project to VADEQ. International Paper's innovation project relied on the principles established in the Joint EPA/State Agreement to Pursue Regulatory Innovation that was signed by EPA and the Environmental Council of States (ECOS) in 1998.

The International Paper innovation project includes a number of environmentally beneficial projects that will: (1) Reduce groundwater use; (2) reduce solid waste generation and disposal; (3) reduce chemical and biological oxygen demand, and total suspended solids discharges to surface water; (4) reduce overall emissions for a number of air pollutants; and, (5) increase the efficiency of pulp production.

By implementing this project, emissions of hazardous air pollutants will be reduced at the Mill by an estimated 430 tons per year. Emissions increases of criteria pollutants and carbon dioxide from typical NESHAP control strategies will also be reduced under this project. These reductions, along with improvements in the combustion efficiencies of the No. 7 power boiler and No. 6 recovery furnace will result in a decreased use of fossil fuels and will net large decreases in criteria pollutant emissions from the Mill. The reduction in useable fiber discharges in the mill sewer along with improvements in the performance of the wastewater treatment system will result in substantial reductions in discharges of wastewater pollutants. Generation of thousands of tons per year of solid waste will also be eliminated.

In order to implement these projects, certain innovations to the typical regulatory implementation process were necessary in order to make these environmentally beneficial projects a reality. First, the International Paper innovation project required an