

(4) Fixed moorings, piles or stakes are prohibited.

(5) Any vessels anchored in this area shall be capable of moving and when ordered to move by the Captain of the Port shall do so with reasonable promptness.

(6) The anchoring of vessels is under the coordination of the local Harbormaster.

Dated: October 29, 2002.

**J.L. Grenier,**

*Captain, USCG, Acting District Commander,  
First Coast Guard District.*

[FR Doc. 02-28681 Filed 11-8-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD08-02-036]

#### **Drawbridge Operation Regulations; San Bernard River, Brazoria, Brazoria County, TX**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Union Pacific Railroad Swing Span Bridge across the San Bernard River, mile 20.7, at Brazoria, Brazoria County, TX. This deviation allows the bridge to remain closed to navigation from November 11, 2002, through November 14, 2002. The deviation is necessary to replace rail and signal components that affect the operation of the swing span.

**DATES:** This deviation is effective from 8 a.m. on November 11, 2002, until 8 p.m. on November 14, 2002.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130-3396 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Phil Johnson, Bridge Administration Branch, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:** The Union Pacific Railroad has requested a temporary deviation in order to replace

the hydraulic rail locking mechanism and signal components that affect the opening and closing of the swing span bridge across the San Bernard River at mile 20.7 near Brazoria, Brazoria County, Texas. This maintenance is essential for the continued operation of the bridge. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 8 a.m. on Monday, November 11, 2002, until 8 p.m. on Thursday, November 14, 2002.

The swing span bridge has a vertical clearance of 2 feet above high water in the closed-to-navigation position. Navigation on the waterway consists primarily of small recreational vessels and tugs with tows transporting petroleum products. The bridge normally opens to pass navigation on an average of 3 times per day. In accordance with 33 CFR 117.984, the draw of the bridge opens on signal; except that, from 10 a.m. to 2 p.m. and 10 p.m. to 2 a.m. the draw shall open on signal if at least three hours notice is given. Through the month of November, the San Bernard River, at the site of the bridge, is expected to remain at a stage at which as much as 17 feet of vertical clearance will be available while the swing span is in the closed-to-navigation position. Thus, average recreational vessels, as well as petroleum barges, can pass under the bridge during the closure period. The Union Pacific Railroad contacted Phillips Petroleum Company, principal user of the waterway, and advised them of the closure. Phillips Petroleum Company has made plans to shuttle barges under the bridge while it remains in the closed-to-navigation position. The bridge will not be able to open for emergencies during the closure period. No alternate routes are available.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: November 1, 2002.

**Roy J. Casto,**

*Rear Admiral, Coast Guard, Commander,  
Eighth Coast Guard District.*

[FR Doc. 02-28679 Filed 11-8-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD08-02-029]

**RIN 2115-AE47**

#### **Drawbridge Operation Regulation; Milhomme Bayou, Stephenville, LA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is removing the existing drawbridge operation regulation for the draw of the St. Martin Parish Road pontoon bridge across Milhomme Bayou, mile 12.0 (Landside Route), at Stephenville, Louisiana. A replacement bridge has been constructed and the existing bridge is being removed. Since the bridge is being removed, the regulation controlling the opening and closing of the bridge is no longer necessary.

**DATES:** This rule is effective November 12, 2002.

**ADDRESSES:** Documents referred to in this rule are available for inspection or copying at Eighth Coast Guard District, Bridge Administration Branch, 501 Magazine Street, New Orleans, Louisiana 70130-3396, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Frank, Bridge Administration Branch, at (504) 589-2965.

#### **SUPPLEMENTARY INFORMATION:**

#### **Good Cause for Not Publishing an NPRM**

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 good cause exists for not publishing an NPRM. Public comment is not necessary since the purpose of the affected regulation is to control the opening and closing of a bridge that is no longer in service and is in the process of being completely removed.

#### **Good Cause for Making Rule Effective in Less Than 30 Days**

Under 5 U.S.C. 553(d)(3), the Coast Guard finds good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The bridge for which the

special operation regulation was created is no longer in service and the need for the regulation is no longer necessary.

### Background and Purpose

A new bobtailed swing bridge across the Milhomme Bayou, mile 12.0 (Landside Route), at Stephenville, Louisiana was opened to traffic in August of 2002. The existing pontoon bridge which had previously serviced the area is in the process of being removed and no longer affects navigation. The regulation governing the operation of the pontoon bridge is found in 33 CFR 117.481. The purpose of this rule is to remove 33 CFR 117.481 from the Code of Federal Regulations since it governs a bridge that is no longer in service and is being removed.

### Regulatory Evaluation

This 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 it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

This rule removes a regulation that is being made obsolete by the removal of the bridge that it governs. Therefore, a cost/benefit analysis is unnecessary.

### 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 will have no impact on any small entities because the regulation being removed applies to a bridge that is being removed.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send

comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

### 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 concern 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. 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 rule and concluded that under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation. This final rule only involves removal of the drawbridge operation regulation for a drawbridge that has been removed from service. It will not have any impact on the environment. A "Categorical Exclusion Determination" is available in the docket where indicated under ADDRESSES.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

For the reasons set out in the preamble, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations 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); section 117.255 also issued under the authority of P. L. 102–587, 106 Stat. 5039.

**§ 117.481 [Removed]**

2. Section 117.481 is removed.

Dated: October 30, 2002.

**J.R. Whitehead,**

*Captain, Coast Guard, Acting Commander,  
8th Coast Guard District.*

[FR Doc. 02-28678 Filed 11-8-02; 8:45 am]

BILLING CODE 4910-15-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[PA181-4181a; FRL-7399-4

#### Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of the Allegheny County Carbon Monoxide Nonattainment Area and Approval of Miscellaneous Revisions

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a request for Pennsylvania for redesignation of the carbon monoxide (CO) nonattainment area in Allegheny County, to attainment of the CO national ambient air quality standard (NAAQS). EPA is also approving the plan for maintaining the CO standard in Allegheny County, as well as the 1990 base year CO emissions inventory for Allegheny County. Pennsylvania's Redesignation Request and Maintenance Plan was submitted to EPA on August 17, 2001. The 1990 base year inventory was submitted to EPA on November 12, 1992, and revised by the August 17, 2001, submittal. EPA is approving the redesignation request, the maintenance plan and the emissions inventory in accordance with the requirements of the Clean Air Act.

**DATES:** This rule is effective on January 13, 2003, without further notice, unless EPA receives adverse written comment by December 12, 2002. 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:** Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, 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; the Air and Radiation Docket and Information Center, 1301 Constitution Avenue, NW., Room B108, Washington, DC 20460; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

#### FOR FURTHER INFORMATION CONTACT:

Catherine L. Magliocchetti, (215) 814-2174, or by e-mail at [magliocchetti.catherine@epa.gov](mailto:magliocchetti.catherine@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document wherever "we," "us," or "our" is used we mean EPA.

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#### Introduction

Under the Clean Air Act (Act), EPA may redesignate areas to attainment if sufficient data are available to warrant such changes and the area meets the criteria contained in section 107(d)(3) of the Act. This includes full approval of a maintenance plan which meets the requirements of section 175A. On

August 17, 2001, the Commonwealth of Pennsylvania submitted a redesignation request and section 175A maintenance plan for the Allegheny County CO nonattainment area. When approved, the section 175A maintenance plan will become a Federally enforceable part of the SIP for these areas.

On November 12, 1992, the Commonwealth of Pennsylvania submitted a 1990 Base Year Emissions Inventory for Allegheny County, including CO data. The August 17, 2001, submittal revised some of the figures in the 1990 Base Year Inventory.

The following is a detailed analysis of the Redesignation Request and section 175A Maintenance Plan SIP submittal.

#### I. When Was This Area Originally Designated Nonattainment for Carbon Monoxide?

EPA originally designated part of Allegheny County as a CO nonattainment area under section 107 of the Act on September 12, 1978 (43 FR 40513). The area defined as CO nonattainment included high traffic density areas within the Central Business District (CBD) and certain other high traffic density areas. In 1990, Congress amended the act (1990 Act) and added a provision which authorizes EPA to classify nonattainment areas according to the degree of severity of the nonattainment problem. In 1991, EPA designated and classified all areas. The CBD of the city of Pittsburgh in Allegheny County was designated as nonattainment and not classified for CO (40 CFR 81.339). The area was not classified because at the time of the designation and classification in 1991, air quality monitoring data recorded in the area did not show violations of the CO NAAQS. However, the Commonwealth had not completed a redesignation request showing that it had complied with all of the requirements of section 107 of the Act. As a result, EPA designated the area as nonattainment, but did not establish a nonattainment classification. The preamble to the **Federal Register** document for the 1991 designation contains more details on this action (56 FR 56694). Since the EPA's 1991 designation, monitors in the area have not recorded a violation of the CO NAAQS. As a result, the area is eligible for redesignation to attainment consistent with the 1990 Act. On August 17, 2001, Pennsylvania submitted a SIP revision to the EPA, containing a redesignation request, maintenance plan, and updates to the CO emissions inventory. The Commonwealth held public hearings on the SIP revision on March 16, 2001. Public comments were