

US EPA ARCHIVE DOCUMENT

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 will 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 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.

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 M16475.1D 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 the 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. This rule falls under the provisions of paragraph (34)(g) because the rule establishes a safety zone.

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 part 165 continues to read as follows:

Authority: 33 U.S.C. 1226 and 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 temporary § 165.T01–075 to read as follows:

§ 165.T01–075 Safety Zone: Lawrence Beach Club Fireworks, Atlantic Beach, NY.

(a) *Location.* The following area is a safety zone: All navigable waters of Long Island Sound off of Atlantic Beach, NY within a 1200-foot radius of the

fireworks barge located in approximate position 40°34'42.65" N, 073°42'56.02 W.

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

(2) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Long, Island Sound.

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

(c) *Enforcement period.* This section will be enforced from 8 p.m. to 11 p.m. on Saturday, June 30, 2007.

Dated: June 13, 2007.

D.A. Ronan,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. E7–12461 Filed 6–27–07; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 52, 72, 73, 74, 78, 96, and 97

[EPA–HQ–OAR–2004–0076; FRL–8333–1]

RIN 2060–AM99

Rulemaking on Section 126 Petition From North Carolina To Reduce Interstate Transport of Fine Particulate Matter and Ozone; Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone: Notice of Actions Denying Petitions for Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Actions Denying Petitions for Reconsideration.

SUMMARY: The EPA is providing notice that it has responded to 4 petitions for reconsideration of a final rule published in the **Federal Register** on April 28, 2006. The rule promulgated Federal implementation plans (FIPs) for the Clean Air Interstate Rule (CAIR) and responded to a petition from North Carolina that was submitted under section 126 of the Clean Air Act (CAIR FIPs-Section 126 Rule). Subsequent to publishing the rule, EPA received 4 petitions for reconsideration from ARRIPA (dated June 26, 2006), Colver

Power Project (dated June 27, 2006), the State of North Carolina (dated June 26, 2006), and Southern Environmental Law Center (on behalf of Southern Environmental Law Center, Sierra Club, and Environment North Carolina) (dated June 27, 2006). The EPA considered the petitions and supporting information along with information contained in the rulemaking docket (Docket No. EPA-OAR-HQ-2004-0076) in reaching a decision on the petitions. EPA Administrator Stephen L. Johnson denied the petitions for reconsideration in separate letters to the petitioners dated February 27, 2007 to ARRIPA and to Colver Power Project and dated May 7, 2007 to Southern Environmental Law Center and to the State of North Carolina. The letters explain EPA's reasons for the denials.

FOR FURTHER INFORMATION CONTACT: Sonja Rodman, U.S. EPA, Office of General Counsel, Mail Code 2344A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone (202) 564-4097, e-mail at rodman.sonja@epa.gov.

SUPPLEMENTARY INFORMATION:

I. How Can I Get Copies of This Document and Other Related Information?

This **Federal Register** notice, the petitions for reconsideration, and the letters denying the petitions for reconsideration are available in the docket that EPA established for the CAIR FIRs-Section 126 Rule under Docket ID No. EPA-HQ-OAR-2004-0076. The document identification numbers for the petitions for reconsideration are: ARRIPA, EPA-HQ-OAR-2004-0076-0284; North Carolina, EPA-HQ-OAR-2004-0076-0293.1 (petition) and EPA-HQ-OAR-2004-0076-0293.2 through EPA-HQ-OAR-2004-0076-0293.21 (supporting materials); and Southern Environmental Law Center, Sierra Club, and Environment North Carolina, EPA-HQ-OAR-2004-0076-0233. The document identification numbers for EPA's response letters are: to ARRIPA, EPA-HQ-OAR-2004-0076-0307; to Colver Power Project, EPA-HQ-OAR-2004-0076-0308; to North Carolina, EPA-HQ-OAR-2004-0076-0305; and to Southern Environmental Law Center, EPA-HQ-OAR-2004-0076-0306.

All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information (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 through www.regulations.gov or in hard copy at the EPA Docket Center (Air Docket), EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the Air Docket is (202) 566-1742.

This **Federal Register** notice, the petitions for reconsideration, and the letters denying the petitions can also be found on EPA's Web site <http://www.epa.gov/cair>. The CAIR FIPs-Section 126 Rule was published in the **Federal Register** on April 28, 2006 at 71 FR 25328.

II. Judicial Review

Section 307(b)(1) of the Clean Air Act indicates which Federal Courts of Appeals have venue for petitions for review of final actions by EPA. This section provides, in part, that the petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit if (i) the agency action consists of "nationally applicable regulations promulgated, or final action taken, by the Administrator," or (ii) such actions are locally or regionally applicable, if "such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination."

The EPA has determined that its actions denying the petitions for reconsideration are of nationwide scope and effect for purposes of section 307(d)(1) because the actions directly affect the CAIR FIPs-Section 126 Rule, which previously was found to be of nationwide scope and effect. Thus, any petitions for review of the letters denying the petitions for reconsideration described in this Notice must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date this Notice is published in the **Federal Register**.

Dated: June 22, 2007.

Stephen D. Page,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 07-3188 Filed 6-27-07; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2006-0130-200714(w); FRL-8332-6]

Approval and Promulgation of Implementation Plans: State of Florida; Prevention of Significant Deterioration Requirements for Power Plants Subject to the Florida Power Plant Siting Act; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to an adverse comment, EPA is withdrawing the direct final rule published May 25, 2007 (72 FR 29273), approving a revision to the State Implementation Plan of the State of Florida. This revision grants full approval to implement the State's Clean Air Act Prevention of Significant Deterioration program for electric power plants subject to the Florida Electrical Power Plant Siting Act. EPA stated in the direct final rule that if EPA received an adverse comment by June 25, 2007, the rule would be withdrawn and not take effect. EPA subsequently received an adverse comment. EPA will address the comment in a subsequent action.

DATES: The direct final rule is withdrawn as of June 28, 2007.

FOR FURTHER INFORMATION CONTACT: Ms. Kelly Fortin, Air Permits Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9117. Ms. Fortin can also be reached via electronic mail at fortin.kelly@epa.gov.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 19, 2007.

Russell L. Wright, Jr.,

Acting Regional Administrator, Region 4.

Accordingly, the amendments to 40 CFR 52.530 (which published in the **Federal Register** on May 25, 2007, at 72 FR 29273) is withdrawn as of June 28, 2007.

[FR Doc. E7-12585 Filed 6-27-07; 8:45 am]

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