

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This final rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Logs, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending 7 CFR part 319 as follows:

#### PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

**Authority:** 7 U.S.C. 166, 450, 7711–7714, 7718, 7731, 7732, and 7751–7754; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

##### § 319.77–3 [Amended]

2. In § 319.77–3, paragraph (a) is removed and paragraphs (b) through (e) are redesignated as (a) through (d), respectively.

Done in Washington, DC, this 17th day of September 2002.

**Bobby R. Acord,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 02–24102 Filed 9–20–02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP San Diego 02–021]

RIN 2115–AA97

#### Safety Zone; Crazy Horse Campground, Colorado River, Lake Havasu, AZ

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone within the Lake Havasu Region on the navigable waters of the Colorado River during the Skat Trak World Championships. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

**DATES:** This rule is effective from 7 a.m. (PST) on October 6, 2002 until to 6 p.m. (PST) on October 13, 2002.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket (COTP San Diego 02–021) and are available for inspection or copying at Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego, CA 92101–1064 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Petty Officer Austin Murai, USCG, c/o U.S. Coast Guard Captain of the Port, at (619) 683–6495.

#### 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 a NPRM. Final approval and permitting of this event were not issued in time to engage in full notice and comment rulemaking. Publishing a NPRM and delaying the effective date would be contrary to the public interest since the event would occur before the rulemaking process was complete.

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**. In addition to the reasons stated above, it would be contrary to the

public interest not to publish this rule because the event has been permitted and participants and the public require protection.

#### Background and Purpose

The International Jet Sports Boating Association is sponsoring the Skat Trak World Championships, which is held at the Crazy Horse Campgrounds, Lake Havasu City, AZ. This temporary safety zone is established during the Skat Trak World Championships, a marine event that includes participating vessels racing along an established and marked course on Lake Havasu, AZ. This temporary safety zone is necessary to provide for the safety of the crews, spectators, and participants of the Skat Trak World Championships and is also necessary to protect other vessels and users of the waterway.

#### Discussion of Rule

The following area is a temporary safety zone: the area enclosed by a line beginning from a point on land at 32°28'18" N, 114°21'04" W, thence northerly to a point 34°28'06" N, 114°21'55" W, thence easterly to a point 34°28'05" N, 114°21'02" W, thence southerly along the shoreline to the point of origin. All coordinates are North American Datum 1983.

The Coast Guard is establishing one (1) safety zone that will be enforced everyday from 7 a.m. (PST) to 6 p.m. (PST) from October 6, 2002 to October 13, 2002. This safety zone is necessary to provide for the safety of the crews, spectators, and participants of the Skat Trak World Championships and to protect other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by 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. It is not “significant” under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary because of its limited duration of eleven

(11) hours per day for a period of eight (8) days and the limited geographic scope of the safety 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 safety zone would not have a significant economic impact on a substantial number of small entities because this safety zone is limited in scope and duration (in effect for only eleven (11) hours per day for a period of eight (8) days, from October 6 2002 to October 13, 2002). In addition the Coast Guard will publish local notice to mariners (LNM) before the safety zone is enforced.

#### **Assistance for Small Entities**

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 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. 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 (34)(g), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation because we are proposing to establish a safety zone. A “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 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. 1231; 50 U.S.C. 191; and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. Add new § 165.T11–033 to read as follows:

#### **§ 165.T11–033 Safety Zone; Crazy Horse Campground, Lake Havasu, Colorado River, AZ.**

(a) *Location.* The following area is a temporary safety zone: the area enclosed by a line beginning from a point on land at 32°28′18″ N, 114°21′04″ W, thence northerly to a point 34°28′06″ N, 114°21′55″ W, thence easterly to a point 34°28′05″ N, 114°21′02″ W, thence southerly along the shoreline to the point of origin. All coordinates are North American Datum 1983.

(b) *Effective dates.* This section will be in effect from 7 a.m. (PST) on October 6, 2002 until 6 p.m. on October 13, 2002. The zone will be enforced everyday from 7 a.m. (PST) to 6 p.m., from October 6, 2002 until October 13, 2002. If the need for the safety zone ends before the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by all vessels is prohibited, unless authorized by the Captain of the Port, or his designated representative. Mariners requesting permission to transit through the safety zone may request

authorization to do so from the Patrol Commander, who will be Petty Officer Austin Murai of the U.S. Coast Guard Marine Safety Office San Diego. He may be contacted via VHF-FM Channel 16.

Dated: September 9, 2002.

**S.P. Metruck,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[SIP NO. MT-001-0032, MT-001-0039; FRL-7374-4]

#### Approval and Promulgation of Air Quality Implementation Plans; Montana; State Implementation Plan Corrections

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

**ACTION:** Final rule; technical correction.

**SUMMARY:** On January 26, 1989, we approved the Butte Total Suspended Particulate (TSP) State Implementation Plan (SIP), and on March 11, 1994, we approved the Butte Particulate Matter with an aerodynamic diameter less than or equal to 10 micrometers (PM-10) SIP. The Butte PM-10 SIP replaced the Butte TSP SIP and therefore, EPA is making a correction to remove the Butte TSP SIP from the approved SIP. In addition, on August 13, 2001, EPA approved the recodification and revisions to the Administrative Rules of Montana (ARM). In the regulatory material of the August 13, 2001 rule, EPA inadvertently referenced the wrong date. We are correcting the date in this document. Also, in Federal Register documents published on September 21, 2001, November 15, 2001 and November 19, 2001, we incorporated by reference (IBR) materials that contained omission errors in the text. We are correcting the errors contained in the IBR material.

**DATES:** This rule is effective on September 23, 2002.

**FOR FURTHER INFORMATION CONTACT:** Laurel Dygowski, EPA, Region 8, (303) 312-6144.

#### SUPPLEMENTARY INFORMATION:

Throughout this document, wherever "we" or "our" is used it means EPA.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public

interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because we are merely correcting incorrect text in previous rulemakings. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

#### I. Corrections

##### *A. Correction to Federal Register Document Published on March 11, 1994 (59 FR 11550)*

When we approved the Butte PM-10 SIP on 3/11/94 (59 FR 11550) (codified at 40 CFR 52.1370(c)(29)) we should have removed our prior approval of the Butte TSP plan that was approved on 1/26/89 (codified at 40 CFR 52.1370(c)(21)). Page 47.10.9(4) of the SIP narrative of the Butte PM-10 plan adopted on 11/15/91 indicates that the PM-10 control plan approved by the Montana Board of Health and Environmental Science (MBHES) on November 15, 1991 will replace the entire Butte TSP SIP. The SIP narrative explains that the PM-10 plan is more stringent than what was required in the TSP plan. Specifically street sweeping and street flushing requirements and permit requirements are more stringent in the PM-10 plan than was required in the TSP plan. Additionally, street paving projects identified in the TSP plan have been completed. We agree with the State's assessment and under 110(k)(6) of the Clean Air Act, we are removing 40 CFR 52.1370(c)(21) from the approved SIP.

##### *B. Correction to Federal Register Document Published on August 13, 2001 (66 FR 42427)*

On August 13, 2001 (66 FR 42427), EPA approved, for the most part, a recodification and revisions to the Administrative Rules of Montana. In the regulatory text of that rulemaking, we erroneously identified an effective date of a rule. Specifically, in the introductory text of 40 CFR 52.1370(c)(49) we indicated that we were replacing in the SIP all previously approved Montana air quality regulations except for the Kraft Pulp Mill Rule, ARM 16.8.1413, effective December 13, 1972, and the Stack Heights and Dispersion Techniques Rule, ARM 16.8.1204-1206, effective June 13, 1986, with those regulations listed in paragraph (c)(49)(i)(A). The correct effective date for the Kraft Pulp Mill Rule is December 31, 1972 and not

December 13, 1972. We are correcting the introductory text of 40 CFR 52.1370(c)(49) to show the correct effective date for the Kraft Pulp Mill Rule as December 31, 1972.

##### *C. Correction to Federal Register Documents Published on September 21, 2001 (66 FR 48561), November 15, 2001 (66 FR 57391), and November 19, 2001 (66 FR 57882)*

In our September 21, 2001 (66 FR 48561) rulemaking, and subsequent rule correction on November 19, 2001 (66 FR 57882), we approved ARM 17.8.1305, Conformity, and made a rule correction to the regulatory text. With the September 21, 2001 and November 19, 2001 rules, we inadvertently submitted IBR material that had text missing. Specifically, the "\*" under Table B (page 9.2.2.13 (5)) should read: "\*" If consultation on draft does not result in any revisions, distribution of a separate final document is not required. In this case consulted agencies may simply be notified that the draft has been adopted as final." Therefore, we are correcting this error by resubmitting page 9.2.2.13 (5) of 17.8.1305 of the IBR material for the September 21, 2002 and November 19, 2001 rules to the Air and Radiation Docket and Information Center for incorporation into the SIP.

In our November 15, 2001 (66 FR 57391) rulemaking, we approved revisions to the Missoula County Air Pollution Control Program. With the November 15, 2001 rule, we inadvertently submitted IBR material that had text missing. Specifically, Rule 17.6.107(6), on page 32.9.1(41) was omitted. Therefore, we are correcting this error by resubmitting page 32.9.1(41) of the IBR material for the Missoula County Air Quality Program to the Air and Radiation Docket and Information Center for incorporation into the SIP.

#### II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the Supplementary Information section above, it is not