

§ 165.T05-0759 Safety Zone: American Music Festival Fireworks Event, Chesapeake Bay, Virginia Beach, VA.

(a) *Regulated area.* The following area is a safety zone: All navigable waters of the Captain of the Port Sector Hampton Roads zone, as defined in 33 CFR 3.25-10, in the vicinity of the Virginia Beach Oceanfront in Virginia Beach, VA and within 420 feet of position 36°49'58" N / 75°57'57" W (NAD 1983).

(b) *Definitions.* As used in this section, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads and the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia can be contacted at telephone number (757) 668-5555 or (757) 484-8192.

(4) The Captain of the Port Representative enforcing the safety zone can be contacted on VHF-FM marine band radio, channel 13 (156.65 Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(e) *Enforcement period.* This rule is effective on August 29, 2008 from 10 p.m. to 11 p.m. and on August 31, 2008 from 10 p.m. to 11 p.m.

Dated: July 30, 2008.

Patrick B. Trapp,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. E8-19533 Filed 8-21-08; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-OAR-R04-2008-0512-200815 (a); FRL-8706-4]

Approval and Promulgation of Plans; North Carolina: Miscellaneous Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the State Implementation Plan (SIP) submitted by the North Carolina Department of Environment and Natural Resources (NCDENR) on behalf of the State of North Carolina on April 16, 2001, April 4, 2003, and December 14, 2004. The purpose of these revisions is to require that continuous emissions monitoring systems be used to determine compliance; specify a 24-hour block averaging time for sulfur dioxide emissions; make a correction to a cross-reference; provide options for supplying missing data and for determining heat input; and make several revisions to permit exemptions. This action is being taken pursuant to section 110 of the Clean Air Act (CAA).

DATES: This direct final rule is effective October 21, 2008 without further notice, unless EPA receives adverse comment by September 22, 2008. 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 No. EPA-OAR-R04-2008-0512 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *E-mail:* ward.nacosta@epa.gov.

3. *Fax:* (404) 562-9019.

4. *Mail:* "EPA-OAR-R04-2008-0512," Regulatory Development 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.

5. *Hand Delivery or Courier:* Nacosta C. Ward, Regulatory Development 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. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official

hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

Instructions: Direct your comments to Docket ID No. "EPA-OAR-R04-2008-0512." EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://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 through <http://www.regulations.gov> or e-mail, information that you consider to be CBI or otherwise protected. The <http://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 <http://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. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the electronic docket are listed in the <http://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 <http://www.regulations.gov> or in hard copy at the Regulatory Development 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. EPA requests that if at all possible, you contact the person listed in the **FOR**

FURTHER INFORMATION CONTACT section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT:

Nacosta C. Ward, Regulatory Development 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) 562-9140. Ms. Ward can also be reached via electronic mail at ward.nacosta@epa.gov.

SUPPLEMENTARY INFORMATION:

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- II. Analysis of the State's Submittals
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I. EPA's Action

EPA is taking direct final action to approve multiple revisions for several rules submitted by NCDENR on April 16, 2001, April 4, 2003, and December 14, 2004. The revisions were submitted to update the SIP with State rule changes. The rule changes support North Carolina's plan for attainment and maintenance of the NAAQS. The rule changes now being incorporated into the SIP are as follows:

a. 15A North Carolina Administrative Code (NCAC) subchapter 2D, section .0519, "Emission Control Standards; Control of Nitrogen Dioxide and Nitrogen Oxides" (submitted December 14, 2004, and effective January 1, 2005);

b. 15A NCAC subchapter 2D, section .0606, "Monitoring; Recordkeeping; Reporting; Sources Covered by Appendix P of 40 CFR part 51" (submitted April 16, 2001, April 4, 2003, and December 14, 2004, and effective January 1, 2005);

c. 15A NCAC subchapter 2D, section .0608, "Monitoring/Recordkeeping/Reporting; Other Large Coal or Residual Oil Burners" (submitted April 16, 2001, April 4, 2003, and December 14, 2004, and effective January 1, 2005);

d. 15A NCAC subchapter 2D, section .1404, "Nitrogen Oxides; Recordkeeping; Reporting; Monitoring" (submitted December 14, 2004, and effective January 1, 2005); and

e. 15A NCAC subchapter 2Q, section .0102, "Air Quality Permits Procedures; Activities Exempted from Permit Requirements" (submitted December 14, 2004, and effective January 1, 2005).

II. Analysis of State's Submittal

The following analysis is in the order of the rules noted above.

a. 15A NCAC, subchapter 2D, section .0519 is being revised to remove an incorrect cross-reference in the paragraph which specifies how to calculate the allowable emission limit for boilers that burn both coal and oil or gas.

b. and c. 15A NCAC, subchapter 2D, sections .0606 and .0608 are being revised to require continuous emission monitoring systems (CEMS) be used to determine compliance for sources covered by Appendix P of 40 CFR part 51 and other large coal or residual oil burners if these sources are required to use CEMS under another State or federal rule and to specify a 24-hour averaging time for sulfur dioxide emissions to determine compliance. These rules were revised to provide facilities an alternative method of sampling coal and fuel oil instead of sampling each fuel shipment individually. This revision was made to improve the quality of reported sulfur dioxide emissions estimates. The final revision to these rules allow for a different procedure or methodology other than those specified by sections .0606 and .0608 to be used if certain conditions are met, specifying the procedures for requesting these alternative methodologies and approval of the request to utilize them. These rules currently contain specific procedures and methodologies for how to monitor sulfur dioxide emissions for fossil fuel-fired steam generators, nitric acid plants, sulfuric acid plants, petroleum refineries, and other large coal or residual oil burners.

d. 15A NCAC, subchapter 2D .1404 is being revised to include options for supplying missing data and determining heat input. This revision allows the owner or operator of the source to avoid having to supply missing data if it can be documented that the source and its control device were being properly operated when the monitoring measurements are missing.

e. 15A NCAC, subchapter 2Q .0102 is being revised to make changes to several permit exemptions. Those permit exemptions pertain to petroleum dry cleaners, small fuel combustion sources which primarily combust wood, and emergency generators. Revisions to this section make corrections to a cross-reference and typographical errors and also includes a clarification that to qualify for the permit exemption, the exempted sources at a facility must not be in violation of any applicable emission standard.

III. Final Action

EPA is taking direct final action to approve the aforementioned revisions, specifically, subchapter 2D, sections .0519, .0606, .0608, and .1404, and subchapter 2Q, section .0102 into the North Carolina SIP. These revisions were submitted by NCDENR on April 16, 2001, April 4, 2003, and December 14, 2004.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 21, 2008 without further notice unless the Agency receives adverse comments by September 22, 2008.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 21, 2008 and no further action will be taken on the proposed rule.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 21, 2008. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See, section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 6, 2008.

Russell L. Wright, Jr.,
Acting Deputy Regional Administrator,
Region 4.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart II—North Carolina

■ 2. In § 52.1770(c), table 1 is amended:

(a) Under subchapter 2D by revising the entries for “.0519 Control of Nitrogen Dioxide and Nitrogen Oxides,” “.0606 Sources Covered by Appendix P of 40 CFR Part 51,” “.0608 Other Large Coal or Residual Oil Burners,” “.1404 Recordkeeping: Reporting: Monitoring”; and

(b) Under subchapter 2Q by revising the entry for “.0102 Activities Exempted from Permit Requirements” to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Subchapter 2D Air Pollution Control Requirements				
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Sect. 0519	Control of Nitrogen Dioxide and Nitrogen Oxides.	01/01/05	08/22/08	*
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Sect. 0606	Sources Covered by Appendix P of 40 CFR part 51.	01/01/05	08/22/08	*
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Sect. 0608	Other Large Coal or Residual Oil Burners.	01/01/05	08/22/08	*
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Sect. 1404	Recordkeeping: Reporting: Monitoring	01/01/05	08/22/08	*
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Subchapter 2Q Air Quality Permits				
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Sect. 0102	Activities Exempted from Permit Requirements.	01/01/05	08/22/08	*

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
[FR Doc. E8–19192 Filed 8–21–08; 8:45 am] BILLING CODE 6560–50–P				
GENERAL SERVICES ADMINISTRATION	DEPARTMENT OF COMMERCE			
48 CFR Part 522	National Oceanic and Atmospheric Administration			
	50 CFR Part 216			
	[Docket No. 080310408–81008–02]			
	RIN 0648–AW55			
	Marine Mammals; Subsistence Taking of Northern Fur Seals; Harvest Estimates			
	AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.			
	ACTION: Final estimates of annual fur seal subsistence needs.			
	SUMMARY: Pursuant to the regulations governing the subsistence taking of northern fur seals, NMFS is publishing the annual fur seal subsistence harvests on St. George and St. Paul Islands (the Pribilof Islands) for 2005 to 2007, and the annual estimates for the fur seal subsistence needs for 2008 through 2010. NMFS estimates the annual subsistence needs are 1,645–2,000 seals on St. Paul and 300–500 seals on St. George.			
	DATES: Effective September 22, 2008.			
	FOR FURTHER INFORMATION CONTACT: Michael Williams, (907) 271–5117, email Michael.Williams@noaa.gov ; Kaja Brix, (907) 586–7824, email Kaja.Brix@noaa.gov ; or Tom Eagle, (301) 713–2322, ext. 105, email Tom.Eagle@noaa.gov .			
	SUPPLEMENTARY INFORMATION:			
	Electronic Access			
	A Final Environmental Impact Statement is available on the Internet at the following address: http://www.fakr.noaa.gov/protectedresources/seals/fur.htm .			
	The subsistence harvest from the depleted stock of northern fur seals on the Pribilof Islands, AK, is governed by regulations found in 50 CFR part 216, subpart F, Taking for Subsistence Purposes. The regulations require NMFS to publish every 3 years a summary of the harvest in the preceding 3 years and a discussion of the number of fur seals expected to be taken over the next 3 years to satisfy the subsistence			
	requirements of residents of the Pribilof Islands (St. Paul and St. George). After a 30-day comment period, NMFS must publish a final notification of the expected annual harvest levels for the next 3 years.			
	On June 3, 2008 (73 FR 31666), NMFS published the summary of the 2005–2007 fur seal harvests and provided a 30-day comment period on proposed estimates of subsistence needs for 2008–2010. One comment letter was received on the proposed estimates. The letter identified one substantive point: The northern fur seal harvest is unnecessary. NMFS responds that the harvest of northern fur seals meets the dietary and cultural needs of the Pribilof Island Alaska Native residents (Pribilovians). The harvest is authorized by the Fur Seal Act and the Marine Mammal Protection Act and continues a tradition as reported in numerous government documents dating back to the late 1800s. NMFS estimates the annual subsistence needs are 1,645–2,000 juvenile male fur seals on St. Paul and 300–500 juvenile male fur seals on St. George. Background information related to these estimates was included in the proposed harvest estimates published in the Federal Register on June 3, 2008.			
	Classification			
	<i>National Environmental Policy Act</i>			
	NMFS prepared an EIS evaluating the impacts on the human environment of the subsistence harvest on northern fur seals. The final EIS is available on the Internet (see Electronic Access).			
	<i>Executive Order 12866 and Regulatory Flexibility Act</i>			
	This action has been determined to be not significant under Executive Order (E.O.) 12866. The Chief Counsel for Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration at the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. Because the harvest of northern fur seals on the Pribilof Islands, AK, is for subsistence purposes only, the estimate of subsistence need would not have an economic effect on any small entities.			
	Correction			
	In the final rule document appearing in the issue of August 8, 2008:			
	1. On page 46202, second column, last paragraph under “Background,” remove “deleted in its entirety because of its potential for conflict” and add “revised to ensure consistency” in its place.			
	Dated: August 18, 2008.			
	Laurieann Duarte,			
	<i>Acting Director, Regulatory Secretariat.</i>			
	[FR Doc. E8–19501 Filed 8–21–08; 8:45 am]			
	BILLING CODE 6820–61–S			