

(1) 600 yards around the vessels Drillboat No. 8 and Lablift IV one hour prior to, during, and one hour after all blasting operations;

(2) 400 yards around the Drillboat No. 8 and Lablift during operations other than blasting and while moored at Conley Marine Terminal, South Boston, MA for loading and unloading explosives.

(b) *Periods of enforcement.* The security and safety zones will be enforced only when explosives are on board the Drillboat No. 8 and Lablift IV or when loading and unloading operations are in progress.

(c) *Effective date.* This section is effective from 12 a.m. November 18, 2002 through 11:59 p.m. February 28, 2003.

(d) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 and 33 CFR 165.33 apply.

(2) All individuals and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel including commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

Dated: November 15, 2002.

**B.M. Salerno,**

*Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.*

[FR Doc. 02-30928 Filed 12-6-02; 8:45 am]

**BILLING CODE 4910-15-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA144-0375a; FRL-7410-9]

### Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution District, Ventura County Air Pollution Control District

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and the Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP). Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), we are approving local rules that address general requirements for continuous emissions monitoring systems and the use of credible evidence to demonstrate compliance with emission limits under the Act. **DATES:** This rule is effective on February 7, 2003, without further notice, unless EPA receives adverse comments by January 8, 2003. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

**ADDRESSES:** Mail comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. You can inspect copies of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency,

Room B-102, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

Monterey Bay Unified Air Pollution Control District, 24850 Silver Cloud Court, Monterey, CA 93940.

Ventura County Air Pollution Control District, 669 County Square Drive, 2nd floor, Ventura, CA 93003.

A copy of the rule may also be available via the Internet at <http://www.arb.ca.gov/drdb/drdbtxt.htm>. Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:** Andy Steckel, EPA Region IX, (415) 947.4115.

#### SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us" and "our" refer to EPA.

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#### I. The State's Submittal

##### A. What Rules Did the State Submit?

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

| Local agency  | Rule No. | Rule title  | Adopted  | Submitted |
|---------------|----------|---|----------|-----------|
| MBUPACD ..... | 213      | Continuous Emissions Monitoring .....             | 03/21/01 | 05/23/01  |
| MBUAPCD ..... | 421      | Violations and Determinations of Compliance ..... | 12/21/94 | 02/24/95  |
| VCAPCD .....  | 103      | Continuous Monitoring Systems .....               | 02/09/99 | 06/03/99  |

On the following dates EPA found these rule submittals met the completeness criteria in 40 CFR part 51 Appendix V: July 3, 2001 for MBUAPCD rule 213; March 10, 1995 for MBUAPCD rule 421; and June 24, 1999 for VCAPCD

rule 103. The completeness criteria must be met before formal EPA review.

#### B. Are There Other Versions of These Rules?

We approved a version of MBUAPCD rule 213 into the SIP on July 1, 1999.

We approved a version of MBUAPCD rule 421 into the SIP on July 13, 1987.

We approved a version of VCAPCD rule 103 into the SIP on December 14, 1994. At that time, the rule was titled "Stack Monitoring".

### C. What Is the Purpose of the Submitted Rules?

MBUAPCD rule 213 includes the following significant changes from the current SIP:

- The rule is applicable to any source required to install CEMS pursuant to a District Authority to Construct or Permit to Operate.
- A reference is provided to the California Health and Safety Code (section 40702—Adoption of Rules and Regulations and section 42706—Report of Violation of Emission Standard).
- The definition of “Authority to Construct” is added.
- Sources with CEMS are required to develop and comply with a Quality Assurance/Preventative Maintenance Procedures Manual.

MBUAPCD rule 421 includes the following significant changes from the current SIP:

- Definitions are added for “Administrator” and “District”.
- References are provided to pertinent sections of the CAA.
- Any credible evidence or federally-approved monitoring methods may be used to determine compliance.

VCAPCD rule 103 includes the following significant changes from the current SIP:

- The title was changed from “Stack Monitoring” to “Continuous Monitoring Systems”.
- CEMS sources subject to federal CEMS requirements must install and operate equipment in accordance federal regulations.
- The requirement for opacity monitoring for gas fired boilers was removed.
- The time to report violations was increased from 48 to 96 hours.
- The length of time that records must be kept was increased from 4 years to 5 years.
- The requirement to maintain permanent records was changed from “net and gross” megawatt-hours to “net” megawatt-hours produced by a boiler/turbine generator system.
- Permanent records are required for a period of at least 5 years for emissions limits based on calculations.

- The requirement for quarterly reports is deleted. Sources must report excess emissions and inoperable CEMS upon written request from the District.

• CEMS data reduction requirements are added for (1) electric power generating units subject to a new source performance standards (NSPS), (2) large boilers, steam generator and process heaters, and (3) equipment with emissions of any single air pollutant greater than or equal to either 5 pounds per hour or 40 pounds per day when requested by the District to install a CEMS.

- Standards of performance are described standards for electric power generating units and units subject to NSPS.

The TSDs have more information about these rules.

## II. EPA's Evaluation and Action

### A. How Is EPA Evaluating the Rules?

These rules describe administrative provisions and definitions that support emission controls found in other local agency requirements. In combination with the other requirements, these rules must be enforceable (*see* section 110(a) of the Act) and must not relax existing requirements (*see* sections 110(l) and 193). EPA policy that we used to help evaluate enforceability requirements consistently includes the Bluebook (“Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988) and the Little Bluebook (“Guidance Document for Correcting Common VOC & Other Rule Deficiencies,” EPA Region 9, August 21, 2001).

### B. Do the Rules Meet the Evaluation Criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The TSDs have more information on our evaluation.

### C. EPA Recommendations To Further Improve the Rules

The TSDs describe additional rule revisions that do not affect EPA's

current action but are recommended for the next time the local agency modifies the rules.

### D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the proposed rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by January 8, 2003, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on February 7, 2003. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## III. Background Information

### A. Why Were These Rules Submitted?

Section 110(a) of the CAA requires states to submit regulations that control volatile organic compounds, oxides of nitrogen, particulate matter, and other air pollutants which harm human health and the environment. These rules were developed as part of the local agency's program to control these pollutants. Table 2 lists some of the national milestones leading to the submittal of these rules.

TABLE 2.—OZONE NONATTAINMENT MILESTONES

| Date                    | Event  |
|-------------------------|--|
| March 3, 1978 .....     | EPA promulgated a list of ozone nonattainment areas under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305.   |
| May 26, 1988 .....      | EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP-Call). <i>See</i> section 110(a)(2)(H) of the pre-amended Act. |
| November 15, 1990 ..... | Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q.  |

#### IV. Administrative Requirement

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

This rule also does not have tribal implications 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority

to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 rule 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 7, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 30, 2002.

**Alexis Strauss,**

*Acting Regional Administrator, Region IX.*

Part 52, chapter I, title 40 of the Code of Federal Regulations 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 F—California

2. Section 52.220 is amended by adding paragraphs (c)(215)(i)(F), (c)(264)(i)(C)(2), and (c)(281)(i)(B) to read as follows:

#### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(215) \* \* \*

(i) \* \* \*

(F) Monterey Bay Unified Air Pollution Control District.

(1) Rule 421 adopted on December 21, 1994.

\* \* \* \* \*

(264) \* \* \*

(i) \* \* \*

(C) \* \* \*

(2) Rule 103 adopted on February 9, 1999.

\* \* \* \* \*

(281) \* \* \*

(i) \* \* \*

(B) Monterey Bay Unified Air Pollution Control District.

(1) Rule 213 adopted on March 21, 2001.

\* \* \* \* \*

[FR Doc. 02-30939 Filed 12-6-02; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[IN146-1a; FRL-7411-7]

#### Approval and Promulgation of State Implementation Plans; Indiana

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving as a revision to the Indiana particulate matter (PM) State Implementation Plan (SIP) emission control regulations that pertain to Knauf Fiber Glass (Knauf) which is located in Shelbyville, Indiana, as requested by the State of Indiana on October 17, 2002. This submission makes changes to federally enforceable Indiana air pollution control rules. The rule revisions modify the PM emissions limits adopted by the State in the 1980s which are part of the current Indiana SIP. The revised rules delete references to equipment no longer in use by Knauf and update names of remaining