

Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This proposed 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

To help the Coast Guard establish regular and meaningful consultation and collaboration with Indian and Alaskan Native tribes, we publish notice in the **Federal Register** (66 FR 36361, July 11, 2001) requesting comments on how to best carry out the Order. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a "tribal implication" under the Order.

### Energy Effects

We have analyzed this proposed 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 proposed rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation because this rule is not expected to result in any significant environmental impact as described in the National Environmental Policy Act of 1969 (NEPA). A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 147 as follows:

### PART 147—SAFETY ZONES

1. The authority citation for part 147 continues to read as follows:

**Authority:** 14 U.S.C. 85; 43 U.S.C. 1333; 49 CFR 1.46.

2. Add § 147.827 to read as follows:

#### § 147.827 Marlin Tension Leg Platform safety zone.

(a) *Description.* The Marlin Tension Leg Platform (Marlin TLP), Viasca Knoll, Block 915 (VK 915), is located at position 29°06'27.46" N, 87°56'37.14" W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel;

(2) A vessel under 100 feet in length overall not engaged in towing; or

(3) A vessel authorized by the Commander, Eighth Coast Guard District.

Dated: December 9, 2002.

**Roy J. Casto,**

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

[FR Doc. 03-4900 Filed 2-26-03; 2:37 pm]

**BILLING CODE 4910-15-P**

### DEPARTMENT OF DEFENSE

#### Department of the Army; Corps of Engineers

### 33 CFR Part 328

### ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 110, 112, 116, 117, 122, 230, 232, 300, and 401

[FRL-7456-4]

RIN 2040-AB74

### Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of "Waters of the United States"

**AGENCIES:** U.S. Army Corps of Engineers, Department of the Army, DoD; and Environmental Protection Agency.

**ACTION:** Advance notice of proposed rulemaking; extension of comment period.

**SUMMARY:** On January 15, 2003, the Department of the Army (Army) and the Environmental Protection Agency (EPA) jointly published an Advance Notice of Proposed Rulemaking (ANPRM) on the Clean Water Act (CWA) regulatory definition of "Waters of the United States" (68 FR 1991). That ANPRM requests public input on issues associated with the definition of "waters of the United States" in light of the U.S. Supreme Court decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001) (SWANCC). It also solicits information or data from the general public, the scientific community, and Federal and State resource agencies on the implications of the SWANCC decision for jurisdictional decisions under the CWA. The input received from the public in response to the ANPRM will be used by the agencies to determine the issues to be addressed and the substantive approach for a future proposed rulemaking addressing the scope of CWA jurisdiction.

The Army and EPA sought responses to the ANPRM by March 3, 2003. In response to comments from the public requesting additional time to fully analyze the issues, gather requested information, and prepare comments, we are extending the comment period on the ANPRM to April 16, 2003.

**DATES:** In order to be considered, comments or information in response to the ANPRM must be postmarked or e-mailed on or before April 16, 2003.

**ADDRESSES:** Comments may be submitted electronically, by mail, or

through hand delivery/courier. Mail comments to: Water Docket, Environmental Protection Agency, Mailcode 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW-2002-0050.

**FOR FURTHER INFORMATION CONTACT:** For information on the ANPRM, contact either Donna Downing, U.S. Environmental Protection Agency, Office of Wetlands, Oceans and Watersheds (4502T), 1200 Pennsylvania Avenue NW., Washington, DC 20460, phone: (202) 566-1366, e-mail: [CWAwaters@epa.gov](mailto:CWAwaters@epa.gov), or Ted Rugiel, U.S. Army Corps of Engineers, ATTN CECW-OR, 441 G Street NW., Washington, DC 20314-1000, phone: (202) 761-4595, e-mail: [Thaddeus.J.Rugiel@HQ02.USACE.ARMY.MIL](mailto:Thaddeus.J.Rugiel@HQ02.USACE.ARMY.MIL).

**SUPPLEMENTARY INFORMATION:** To submit comments or access the official docket, please follow the detailed instructions as provided in section I.B. of the **SUPPLEMENTARY INFORMATION** section of the January 15, 2003, **Federal Register** document (68 FR 1991). If you have questions, consult one of the persons listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: February 21, 2003.

**G. Tracy Mehan, III,**

*Assistant Administrator, Office of Water, Environmental Protection Agency.*

Dated: February 24, 2003.

**George S. Dunlop,**

*Deputy Assistant Secretary of the Army (Policy and Legislation), Department of the Army.*

[FR Doc. 03-4768 Filed 2-27-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51 and 52

[AD-FRL-7456-3]

#### Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement

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

**ACTION:** Proposed rulemaking; extension of comment period.

**SUMMARY:** The EPA is hereby extending for 60 days the public comment period regarding the December 31, 2002 proposal proposing revisions to the regulations governing the NSR programs mandated by parts C and D of title I of

the Clean Air Act (CAA). *See* 67 FR 80290. The proposed changes provide a future category of activities that would be considered to be routine maintenance, repair and replacement (RMRR) under the NSR program. The changes are intended to provide greater regulatory certainty without sacrificing the current level of environmental protection and benefit derived from the program. We believe that those changes will facilitate the safe, efficient, and reliable operation of affected facilities.

**DATES:** *Comments.* Comments must be received on or before May 2, 2003.

**ADDRESSES:** *Comments.* Comments may be submitted by mail (two copies) to U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Avenue, Northwest, Room B108, Mail Code: 6102T, Washington, DC 20406, Attention Docket ID No. A-1002-04.

Comments may also be submitted electronically, by facsimile, or through hand delivery/courier. Follow the detailed instructions as provided in the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Dave Svendsgaard at (919) 541-2380, telefax (919) 541-5509, E-mail: [svendsgaard.dave@epa.gov](mailto:svendsgaard.dave@epa.gov) or by mail at U.S. Environmental Protection Agency, OAQPS, Information Transfer and Program Integration Division, (C339-03), Research Triangle Park, North Carolina 27711.

#### **SUPPLEMENTARY INFORMATION:**

*Comments:* This document extends the public comment period established in the **Federal Register** issued on December 31, 2002 (67 FR 80290). In that document, EPA proposed revisions to the regulations governing the NSR programs mandated by parts C and D of title I of the Clean Air Act (CAA). EPA is hereby extending the comment period, which was set to end on March 3, 2003, to May 2, 2003.

You may submit comments electronically, by mail, by facsimile, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in section I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

a. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. To access EPA's electronic public docket from the EPA Internet Home Page, select "Information Sources," "Dockets," and "EPA Dockets." Once in the system, select "search," and then key in Docket ID No. A-2002-04. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

b. *E-mail.* Comments may also be sent by electronic mail (e-mail) to [A-and-R-Docket@epamail.epa.gov](mailto:A-and-R-Docket@epamail.epa.gov), Attention Docket ID No. A-2002-04. In contrast to EPA's electronic public docket, EPA's email system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

c. *Disk or CD ROM.* You may also submit comments on a disk or CD ROM that you mail to the mailing address identified in section 2. These electronic submissions will be accepted in