

Law Enforcement Officer or Alaska Law Enforcement Officer may enforce the rules contained in this section pursuant to 33 CFR 6.04–11. In addition, the Captain of the Port may be assisted by other federal, state or local agencies in enforcing this section.

(j) *Waiver.* The Captain of the Port, Prince William Sound, Alaska may waive any of the requirements of this section for any vessel upon finding that a vessel or class of vessels, operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purpose of port security, safety or environmental safety.

Dated: June 17, 2003.

M.A. Swanson,

Commander, U.S. Coast Guard, Captain of the Port, Prince William Sound, Alaska.

[FR Doc. 03–17463 Filed 7–9–03; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP San Juan-03–113]

RIN 1625–AA00

Security Zone; St. Croix, United States Virgin Islands

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; request for comments.

SUMMARY: The Coast Guard is establishing a temporary security zone in the vicinity of the HOVENSA refinery facility on St. Croix, U.S. Virgin Islands. This security zone extends 3 miles seaward from the HOVENSA facility waterfront area along the south coast of the island of St. Croix, U.S. Virgin Islands. All vessels must receive permission from the U.S. Coast Guard Captain of the Port San Juan prior to entering this temporary security zone. This security zone is needed for national security reasons to protect the public and the HOVENSA facility from potential subversive acts.

DATES: This regulation is effective at 6 p.m. on July 1, 2003 until 11:59 p.m. on December 15, 2003. Comments and related material must reach the Coast Guard on or before September 8, 2003.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of the docket [COTP San Juan-03–113] and are available for inspection or copying

at Marine Safety Office San Juan, RODVAL Bldg, San Martin St. #90 Ste 400, Guaynabo, PR 00968, between 7 a.m. and 3:30 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

LCDR Michael Roldan, Marine Safety Office San Juan, Puerto Rico at (787) 706–2440.

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. Publishing a NPRM and delaying the rule's effective date would be contrary to the public interest since immediate action is needed to protect the public, ports and waterways of the United States. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction.

For the same reasons, 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**.

Similar regulations were established on December 19, 2001 and published in the **Federal Register** (67 FR 2332, January 17, 2002), and on August 30, 2002 and published in the **Federal Register** (67 FR 57952, September 13, 2002) and on March 18, 2003 and published in the **Federal Register** (67 FR 22296, April 28, 2003). However, these regulations expired on June 15, 2002, December 15, 2002, and June 15, 2003, respectively. We did not receive any comments on these three regulations. The Captain of the Port San Juan has determined that the need to continue to have this regulation in place exists. The Coast Guard intends to publish a separate notice of proposed rulemaking to propose a final rule for a permanent security zone.

Request for Comments

Although the Coast Guard has good cause to implement this regulation without a notice of proposed rulemaking, we want to afford the public the opportunity to participate in this rulemaking by submitting comments and related material regarding the size and boundaries of these security zones in order to minimize unnecessary burdens. If you do so, please include your name and address, identify the docket number for this rulemaking [COTP San Juan 03–113] indicate the specific section of this document to which each comment applies, and gives the reason for each

comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this temporary final rule in view of them.

Background and Purpose

Based on the September 11, 2001, terrorist attacks on the World Trade Center buildings in New York and the Pentagon in Arlington, Virginia, there is an increased risk that subversive activity could be launched by vessels or persons in close proximity to the HOVENSA refinery on St. Croix, USVI against tank vessels and the waterfront facility. Given the highly volatile nature of the substances stored in the HOVENSA facility, this security zone is necessary to decrease the risk that subversive activity could be launched against the HOVENSA facility. The Captain of the Port San Juan is reducing this risk by prohibiting all vessels without a scheduled arrival from coming within 3 miles of the HOVENSA facility unless specifically permitted by the Captain of the Port San Juan, his designated representative, or the HOVENSA Facility Port Captain. The Captain of the Port San Juan can be reached on VHF Marine Band Radio, Channel 16 (156.8 Mhz) or by calling (787) 289–2040, 24 hours a day, 7 days a week. The HOVENSA Facility Port Captain can be reached on VHF Marine Band Radio channel 11 (156.6 Mhz) or by calling (340) 692–3488, 24 hours a day, 7 days a week. The temporary security zone around the HOVENSA facility is outlined by the following coordinates: 64°45'09" W, 17°41'32" N, 64°43'36" W, 17°38'30" N, 64°43'36" W, 17°38'30" N and 64°43'06" W, 17°38'42" N.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of the 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 this order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security (DHS) because this zone covers an area that is not typically used by commercial vessel traffic, including fishermen, and vessels may be allowed to enter the zone on a case by case basis with the

permission of the Captain of the Port San Juan or the HOVENSA Port Captain.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule would have a significant economic effect upon a substantial number of small entities. “Small entities” include 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.

This rule may affect the following entities, some of which may be small entities: owners of small charter fishing or diving operations that operate near the HOVENSA facility. 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 because this zone covers an area that is not typically used by commercial fishermen and vessels may be allowed to enter the zone on a case by case basis with the permission of the Captain of the Port San Juan or the HOVENSA Port Captain.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding this rule.

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 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 requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

A rule has implication 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. Although 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.

Environmental

The Coast Guard has considered the environmental impact of this rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M14475.1D that this rule is categorically excluded from further environmental documentation. A “Categorical Exclusion Determination” is available in the docket for inspection or copying where indicated under **ADDRESSES**.

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 relationships 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 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.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports 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, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 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. A new temporary section 165.T07–113 is added to read as follows:

§ 165.T07–113 Security Zone; HOVENSA Refinery, St. Croix, U.S. Virgin Islands.

(a) *Regulated area.* All waters three miles seaward of the HOVENSA facility waterfront outlined by the following coordinates: 64°45′09″ W, 17°41′32″ N, 64°43′36″ W, 17°38′30″ N, 64°43′36″ W, 17°38′30″ N and 64°43′06″ W, 17°38′42″ N.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.33 of this part, with the exception of vessels with scheduled arrivals to the HOVENSA Facility, no vessel may enter the regulated area unless specifically authorized by the Captain of the Port San Juan or a Coast Guard commissioned, warrant, or petty officer designated by him, or the HOVENSA Facility Port Captain. The Captain of the Port will notify the public of any changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 16 (156.9 Mhz).

(2) The Captain of the Port San Juan can be reached on VHF Marine Band Radio, Channel 16 (156.8 Mhz) or by calling (787) 289-2040, 24 hours a day, 7 days a week. The HOVENSA Facility Port Captain can be reached on VHF Marine Band Radio channel 11 (156.6 Mhz) or by calling (340) 692-3488, 24 hours a day, 7 days a week.

(c) *Effective period.* This section is effective from 6 p.m. on July 1, 2003 until 11:59 p.m. on December 15, 2003.

Dated: June 30, 2003.

William J. Uberti,

Captain, U.S. Coast Guard, Captain of the Port San Juan.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY 139-200307(d); FRL-7526-3]

Approval and Promulgation of Implementation Plans for Kentucky: Source-Specific Revision for Lawson Mardon Packaging; Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is finalizing approval of a source-specific revision to the State Implementation Plan (SIP) of the Commonwealth of Kentucky. This revision allows Lawson Mardon Packaging, USA, Inc. to have an alternative compliance averaging period of 30 days instead of the 24-hour averaging period previously specified in the approved SIP. This final rule addresses comments submitted in response to EPA's direct final rulemaking previously published for this action.

EFFECTIVE DATE: This rule will be effective August 11, 2003.

ADDRESSES: Copies of the Commonwealth's submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region 4, Air Planning Branch, 61
Forsyth Street, SW., Atlanta, Georgia
30303-8960. (Michele Notarianni,
404/562-9031,
notarianni.michele@epa.gov)
Commonwealth of Kentucky, Division
for Air Quality, 803 Schenkel Lane,
Frankfort, Kentucky 40601-1403.
(502/573-3382)

FOR FURTHER INFORMATION CONTACT:
Michele Notarianni at address listed

above or 404/562-9031 (phone) or
notarianni.michele@epa.gov (e-mail).

SUPPLEMENTARY INFORMATION:

- I. Today's Action
- II. Background
- III. Comment and Response
- IV. Final Action
- V. Statutory and Executive Order Reviews

I. Today's Action

In this final rulemaking, EPA is responding to comments received in response to a direct final rule and simultaneous proposed rule to approve a source-specific revision to the Kentucky SIP allowing Lawson Mardon Packaging, USA, Inc. (LMP) located in Shelby County, Kentucky, to have an alternative compliance averaging period for emissions of volatile organic compounds (VOCs). The proposal would allow an averaging period of 30 days instead of the 24-hour averaging period previously specified in the approved SIP.

II. Background

On December 18, 2002, EPA simultaneously published a proposed rule (67 FR 77463) and a direct final rule (67 FR 77430) to approve a source-specific revision to the Kentucky SIP which allows LMP to have an alternative compliance averaging period of 30 days for VOC emissions instead of the 24-hour averaging period specified by SIP-approved Kentucky air quality regulations 59:210 and 59:212. EPA received adverse comment during the 30-day comment period and therefore withdrew the direct final rule on February 10, 2003 (*see* 68 FR 6629). This final rule addresses the comment on the proposed rule.

III. Comment and Response

EPA received one adverse comment submitted by the Coalition for Health Concern in Benton, Kentucky. A summary of the adverse comment and EPA's response is provided below.

Comment: The Coalition for Health Concern opposes the change in the VOC compliance averaging period for LMP due to concern over the health effects of dioxins and furans. The Coalition stated, "No amount of additional exposure is safe to humans or animals."

Response: The Clean Air Act (CAA) establishes several, separate programs to address different types of air pollution. The SIP program addresses emissions that impact an area's ability to attain or maintain national ambient air quality standards (NAAQS), such as the ozone standard. Under the CAA, EPA promulgates the NAAQS and states are then provided the discretion to develop plans to attain and maintain the

NAAQS. If a state plan meets these criteria of the Act, EPA must approve the plan and cannot mandate the choices that the state makes to meet these goals. Separate provisions include other programs, such as the program to address the emission of hazardous air pollutants.

This final action approves a revision to the compliance averaging period for emissions of VOCs, which are regulated under the SIP for the purpose of attaining and maintaining the 1-hour ozone NAAQS. EPA has reviewed this SIP revision and determined that it will not interfere with the area's ability to attain and maintain the NAAQS. (*See* direct final rule: 67 FR 77430, December 18, 2002.)

Dioxins and furans are hazardous air pollutants (HAPs). HAPs are regulated under section 112 of the CAA and regulations that EPA has promulgated pursuant to section 112 of the Act. These regulations (and LMP's compliance with the regulations) are not relevant for purposes of this rulemaking, which only concerns compliance with the NAAQS. EPA has established a control regulation—Maximum Achievable Control Technology (MACT) standard—for the printing and publishing industry that applies to any facility that is a major source of HAPs. 40 CFR part 63, subpart KK. LMP is subject to the MACT for the printing and publishing industry because it is a major source of HAPs. LMP's title V permit reflects the applicable requirements that apply pursuant to subpart KK.

IV. Final Action

The EPA is finalizing approval of a source-specific revision to the Kentucky SIP which allows LMP to have an alternative compliance averaging period for VOC emissions of 30 days instead of the 24-hour averaging period specified in the approved SIP. EPA is approving the aforementioned changes to the SIP because they are consistent with Agency policy and guidance.

V. Statutory and Executive Order Reviews

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