

(incorporated by reference as specified in § 250.198), API RP 14G (incorporated by reference as specified in § 250.198), and API RP 14F, Design and Installation of Electrical System for Offshore Production Platforms (incorporated by reference as specified in § 250.198).

\* \* \* \* \*

11. In § 250.1630 the following changes are made:

A. Paragraphs (a) introductory text and (a)(2) introductory text are revised to read as set forth below.

B. Paragraphs (a)(3) through (a)(5) are redesignated (a)(4) through (a)(6).

C. New paragraph (a)(3) is added to read as set forth below.

**§ 250.1630 Safety-system testing and records.**

(a) *Inspection and testing.* You must inspect and successfully test safety system devices at the interval specified below or more frequently if operating conditions warrant. Testing must be in accordance with API RP 14C, Appendix D (incorporated by reference as specified in § 250.198). For safety system devices other than those listed in API RP 14C, Appendix D, you must utilize the analysis technique and documentation specified therein for inspection and testing of these components, and the following:

\* \* \* \* \*

(2) The following safety devices (excluding electronic pressure transmitters and level sensors) must be inspected and tested at least once each calendar month, but at no time may more than 6 weeks elapse between tests:

\* \* \* \* \*

(3) The following electronic pressure transmitters and level sensors must be inspected and tested at least once every 3 months, but at no time may more than 120 days elapse between tests:

(i) All PSH or PSL, and

(ii) All LSH and LSL controls.

\* \* \* \* \*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD07-02-098]

#### Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, mile 1055.0 at Pompano Beach, Broward County, FL

AGENCY: Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the NE. 14th Street (SR 844) bridge, mile 1055.0 at Pompano Beach, Florida, from August 2 to August 14, 2002. This deviation allows this bridge to only open a single-leaf of the bridge. Double-leaf openings will be available with a one-hour advance notice to the bridge tender. This temporary deviation is required to allow the bridge owner to safely complete repairs to the bridge. **DATES:** This deviation is effective from 12:01 a.m. on August 2, 2002 to 8 p.m. on August 14, 2002.

**ADDRESSES:** Material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE. 1st Avenue, Room 432, Miami, FL 33131 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Lieberum, Project Officer, Seventh Coast Guard District, Bridge Section at (305) 415-6744.

**SUPPLEMENTARY INFORMATION:** The SR 844 (NE. 14th Street) bridge, mile 1055.0 at Pompano Beach, Broward County, Florida, has a vertical clearance of 15 feet at mean high water and a horizontal clearance of 45 feet between the down span and the fender system. The existing operating regulations in 33 CFR 117.261(cc) require the bridge to open on signal, except that, from 7 a.m. to 6 p.m., the draw need open only on the quarter-hour and three-quarter-hour.

The Florida Department of Transportation notified the Coast Guard on July 24, 2002, that due to an equipment malfunction, they temporarily can only operate a single-leaf of the drawbridge. A double-leaf opening will be available if a one-hour's notice is provided to the bridge tender, allowing enough time to bring in a work crew to open the other leaf.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.261(cc) to complete repairs to the drawbridge. Under this deviation, the SR 844 (NE. 14th Street) bridge, mile 1055.0 at Pompano Beach, need only open a single-leaf on signal; except that, from 7 a.m. to 6 p.m., the draw need open a single-leaf on the quarter-hour and three-quarter-hour from 12:01 a.m.

on August 2, 2002, to 8 p.m. on August 14, 2002. A double-leaf opening will be available if one-hour's advance notice is provided to the bridge tender from 12:01 a.m. on August 2, 2002, to 8 p.m. on August 14, 2002.

Dated: August 1, 2002.

**Greg Shapley,**

*Chief, Bridge Administration Branch, Seventh Coast Guard District.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-02-063]

RIN 2115-AA97

#### Safety and Security Zones; USCGC EAGLE Port Visit—Salem Harbor, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary safety and security zones for the United States Coast Guard Cutter (CGC) EAGLE's port visit to the PG&E Power Plant in Salem, MA, from August 9, 2002, to August 12, 2002. The safety and security zones close all waters within a 100-yard radius of the USCGC EAGLE while underway off the coast of Massachusetts in United States territorial seas, and while moored at the PG&E Pier in Salem Harbor, Salem, MA. The safety and security zones prohibit entry into or movement within this portion of Salem Harbor during the effective periods.

**DATES:** This rule is effective from 6 a.m. August 9 until 11:59 p.m., August, 12, 2002.

**ADDRESSES:** Documents indicated in this preamble are available for inspection or copying at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT David M. Sherry, Marine Safety Office Boston, Waterways Safety and Response Division, at (617) 223-3000.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On July 11, 2002, we published a notice of proposed rulemaking (NPRM) entitled "Safety and Security Zones: USCGC EAGLE Port Visit—Salem Harbor, Massachusetts" in the **Federal Register** (67 FR 45945). We received no

comments on the proposed rule. No public hearing was requested, and none was held. 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**. Any delay encountered in this rule's effective date would be contrary to public interest since immediate action is needed to safeguard the CGC EAGLE (a training vessel for the U.S. Coast Guard Academy), persons on the vessel, the public, and surrounding communities from sabotage or other subversive acts, accidents, or other events of a similar nature. The CGC EAGLE presents a possible target of terrorist attack, because it is a prominent and highly visible public vessel. These temporary safety and security zones are being established to safeguard the CGC EAGLE (a training vessel for the U.S. Coast Guard Academy), persons on the vessel, the public, and surrounding communities from sabotage or other subversive acts, accidents, or other events of a similar nature. These safety and security zones, having identical boundaries, prohibit entry into or movement within the specified areas. Public notifications will be made prior to the effective period via safety marine information broadcasts.

#### Background and Purpose

This rule establishes safety and security zones within a 100-yard radius of the USCGC EAGLE while it is moored at the PG&E Pier in Salem Harbor, Salem, MA and while the vessel is transiting within navigable waters of the United States in the Captain of the Port (COTP) Boston zone, as defined in 33 CFR 3.05–10. Under the Ports and Waterways Safety Act, (33 U.S.C.S. 1221 *et seq.*) navigable waters of the United States include all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988 (103 Stat. 2981; 54 FR 777, January 9, 1989). This Presidential Proclamation declared that the territorial sea of the United States extends to 12 nautical miles from the baseline of the United States determined in accordance with international law. The safety and security zones are in effect from August 9, 2002, to August 12, 2002. Public notifications will be made prior to the effective period via local notice to mariners and marine information broadcasts.

#### 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).

The Coast Guard expects the economic impact of this rule to be minimal enough that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

The Captain of The Port anticipates minimal impact to vessel traffic due to the safety and security zones. Some impact on recreational vessel and small passenger vessel traffic is expected in the vicinity of Salem Harbor, however it is expected to be minimal due to the ability of these vessels to transit safely outside of the safety and security zones. Thus, although this rule would prevent traffic from transiting a portion of Salem Harbor during the effective periods, the effects will not be significant for the reasons outlined above. Advance notifications will be made to the local maritime community by safety marine information broadcasts and local notice to mariners.

#### 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 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 would not have significant economic impact on a substantial number of small entities. This rule would have a minimal impact on small entities because vessel traffic can safely pass outside of the safety and security zones during the effective period, the safety and security zones are limited in duration, and advance notifications will be made to the local maritime community by safety marine information broadcasts.

#### Collection of Information

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### Federalism

The Coast Guard analyzed this rule under Executive Order 13132,

Federalism, and has determined that this rule does not have implications for federalism under that Order.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate.

#### Taking of Private Property

This rule would 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

The Coast Guard 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 pose 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.

#### Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, (34)(g), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation. A “Categorical Exclusion Determination” is available in the docket where indicated under **ADDRESSES**.

## 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.

## 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, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01–063 to read as follows:

### § 165.T01–063 Safety and Security Zones: USCGC EAGLE Port visit-Salem Harbor, Massachusetts.

(a) *Location.* The following areas are safety and security zones: (1) All waters of Salem Harbor within a 100 yard radius of the United States Coast Guard Cutter (USCGC) EAGLE while moored at the PG & E Pier;

(2) All navigable waters of the United States within the Captain of the Port (COTP) Boston zone, as defined in 33 CFR 3.05–10, within a 100-yard radius of the USCG EAGLE while underway.

(b) *Effective date.* This rule is effective from 6 a.m. August 9, 2002 through 11:59 p.m. August 12, 2002.

(c) *Definitions.* For purposes of this section, *navigable waters of the United States* includes all waters of the territorial sea as described in Presidential Proclamation No. 5928 of December 27, 1988. Presidential Proclamation No. 5928 of December 27, 1988 declared that the territorial sea of the United States extends to 12 nautical miles from the baseline of the United States.

(d) *Regulations.*

(1) In accordance with the general regulations in § 165.23 and § 165.33 of this part, entry into or movement within these zones will be prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators 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 include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

Dated: July 31, 2002.

**B.M. Salerno,**

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

[FR Doc. 02–20245 Filed 8–6–02; 4:08 pm]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[NC 93–200122b; FRL–7206–9]

### Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Open Burning Regulations Within the Forsyth County Local Implementation Plan

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

**ACTION:** Direct final rule.

**SUMMARY:** On December 30, 1999, the Forsyth County Environmental Affairs Department through the North Carolina Department of Environment and Natural Resources, submitted revisions to the Forsyth County Local Implementation Plan (LIP). These revisions include the amending of open burning, transportation conformity, and general provision regulations. The purpose of these revisions is to make the revised regulations consistent with the requirements of the Clean Air Act as amended in 1990. The EPA is approving these revisions.

**DATES:** This direct final rule is effective October 8, 2002 without further notice, unless EPA receives adverse comment by September 9, 2002. If adverse comment is received, EPA 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:** All comments should be addressed to: Randy Terry at the EPA, Region 4 Air Planning Branch, 61

Forsyth Street, SW, Atlanta, Georgia 30303–8960.

Copies of the State submittal(s) 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. Randy Terry, 404/562–9032.

North Carolina Department of Environment and Natural Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604.

Forsyth County Environmental Affairs Department, 537 North Spruce Street, Winston-Salem, North Carolina 27101.

### FOR FURTHER INFORMATION CONTACT:

Randy B. Terry at 404/562–9032, or by electronic mail at [terry.randy@epa.gov](mailto:terry.randy@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

On December 30, 1999, the Forsyth County Environmental Affairs Department, through the North Carolina Department of Environment and Natural Resources, submitted revisions to the Forsyth county LIP. These revisions include the revision of open burning, transportation conformity, and general provisions regulations. A detailed analysis of each of the major revisions submitted is listed below.

#### II. Analysis of Forsyth County's Submittal

##### Subchapter 3D

3D .1903 Permissible Open Burning and 2D .1904 Air Curtain Burners

These rules were revised to include language that states that any material to be burned must originate from the land being cleared or the area being maintained.

##### .2003 Transportation Conformity Determination

This rule was amended to change an incorrect reference to 40 CFR 93.106 to the correct cite of 40 CFR 93.108.

##### Subchapter 3Q

3Q .0102 Activities Exempted From Permit Requirements

This rule has been amended to clarify that it only applies to those facilities with permits issued under Section .300 of this Subchapter.

3Q .0103 Definitions

This rule has been amended to modify the definitions for both "insignificant activities" and "potential emissions." Insignificant activities is now defined as