

## Protection of Children

The Coast Guard has 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 concern 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 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.

## Energy Effects

The Coast Guard has 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.

## Environment

We have considered the environmental impact of this rule under Commandant Instruction M16475.1C, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded under Figure 2-1, paragraph 35(a) of the Instruction, from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

## List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, 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. Add temporary § 165.T09-258 to read as follows:

### § 165.T09-258 Regulated Navigation Area; 2003 Gravity Games, Cleveland, Ohio.

(a) *Regulated navigation area.* All waters of Cleveland Harbor, including the Inner Harbor, encompassed by a line starting at 41°30'49" N, 081°41'37" W (northwest corner of Burke Lakefront Airport); then northwest to 41°31'02" N, 081°41'49" W; then southwesterly following the break wall to 41°30'41" N, 081°42'26" W; then southeasterly to 41°30'27" N, 081°42'13" W (extending directly across the harbor from the northwestern corner of Dock 28 of the Cleveland Port Authority to the break wall); then following the contours of the waterfront back to the point of origin including all portions of the Rock and Roll Museum inner harbor. These coordinates are based upon North American Datum 1983 (NAD 83).

(b) *Effective period.* This section will be in effect from 12 p.m. EST on Saturday, September 6, 2003 through 12 p.m. EST on Monday, September 15, 2003.

(c) *Special regulations.* (1) Vessels within the regulated navigation area (RNA) shall not exceed 5 miles per hour or shall proceed at no-wake speed, whichever is slower; and maintain headway conditions permitting.

(2) Vessels within the RNA shall not pass within 50 feet of a moored obstacle.

(3) Vessels within the RNA shall not enter the Rock and Roll Museum inner harbor.

(4) Vessels within the RNA must adhere to the direction of the Patrol Commander or other official patrol craft.

(5) No vessel shall transit the RNA during the Wakeboard Competition without permission from the Patrol Commander.

(6) Permission to deviate from the above rules must be obtained from the Captain of the Port or the Patrol Commander via VHF/FM radio, Channel 6 or by telephone at (216) 937-0111.

Dated: August 8, 2003.

**Ronald F. Silva,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[PA 124-4079a; FRL-7545-4]

### Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Pennsylvania; Withdrawal of Direct Final Rule; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to our receipt of adverse written public comments, EPA is withdrawing the direct final rule to approve Pennsylvania's section 111(d) plan for the Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills. In the direct final rule published on June 24, 2003 (68 FR 37421), EPA stated that if we received adverse written public comment by July 24, 2003, the rule would be withdrawn and would not take effect. EPA subsequently received a letter of adverse comments. EPA will address the comments received in a subsequent final action based upon the proposed action also published on June 24, 2003 (68 FR 37449). EPA will not institute a second comment period on this action.

**DATE:** The Direct final rule is withdrawn as of August 19, 2003.

#### FOR FURTHER INFORMATION CONTACT:

James B. Topsale, via mail at: Air Quality Analysis Branch, Mail Code 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; or via telephone at: (215) 814-2190; or via e-mail at: [topsale.jim@epa.gov](mailto:topsale.jim@epa.gov).

#### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Paper and paper products industry, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Sulfur acid plants, Waste treatment and disposal.