

warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(c) *Waivers.* The COTP may waive any of the requirements of this section for any person, vessel or class of vessel upon finding that circumstances are such that application of the safety zone is unnecessary for port safety.

(d) *Effective period.* This section is effective from 12 noon on October 17, 2003, to 5 p.m. on November 1, 2003.

Dated: October 17, 2003.

Jane M. Hartley,

Captain, U.S. Coast Guard, Captain of the Port, Wilmington, NC.

[FR Doc. 03-27128 Filed 10-27-03; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL-7579-6]

Revisions to the Regional Haze Rule To Correct Mobile Source Provisions in Optional Program for Nine Western States and Eligible Indian Tribes Within That Geographic Area; Direct Final Rule, Removal of Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; removal of amendments.

SUMMARY: On July 3, 2003, (68 FR 39842), EPA published a direct final rule to approve a correction to the mobile source provisions in the regional haze rule. EPA stated in that direct final action that, if we received adverse comment by August 4, 2003, we would publish a timely withdrawal in the **Federal Register**. EPA subsequently received adverse comment on that direct final rule but did not timely publish the withdrawal. In this action, EPA is removing the amendments that were published in the July 3, 2003, direct final rule. We will address all public comments in a subsequent final action on the parallel proposed rule amendment (68 FR 39888).

DATES: This action is effective as of October 28, 2003.

ADDRESSES: Docket. Materials relevant to the direct final rule that was published in the **Federal Register** on July 3, 2003 (68 FR 39842) are contained in Public Docket Number OAR-2002-0076 at the following address: EPA Docket Center (EPA/DC), Public Reading

Room, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, except on government holidays. You can reach the Reading Room by telephone at (202) 566-1744, and by facsimile at (202) 566-1741. The telephone number for the Air Docket is (202) 566-1742. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR part 2.

Electronic Access. You may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>. An electronic version of the public docket is available through EPA’s electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified above. Once in the system, select “search,” then key in the docket identification number, OAR-2002-0076. **FOR FURTHER INFORMATION CONTACT:** If you would like further information about this rule, contact Kathy Kaufman, Integrated Policies and Strategies Group, (919) 541-0102 or by e-mail kaufman.kathy@epa.gov.

SUPPLEMENTARY INFORMATION: On July 1, 1999, we published the final regional haze rule. The regional haze rule provisions appear at 40 CFR 31.308 and 40 CFR 51.309. The rule requires States to develop implementation plans that will make “reasonable progress” toward the national visibility goal. The State plans must include these visibility progress goals for each Class I area, as well as emissions reductions strategies and other measures needed to meet these goals. The rule also provides an optional approach, described in 40 CFR 51.309, that may be followed by the nine Western States (Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Wyoming) that comprise the transport region analyzed by the Grand Canyon Visibility Transport Commission (GCVTC) during the 1990’s. This optional approach is also available to eligible Indian Tribes within this geographic region.

On July 3, 2003, we published a direct final action (68 FR 39842) and a parallel

proposal (68 FR 39888) to amend the mobile source provisions in 40 CFR 51.309. We stated in the direct final action that if we received adverse comment by August 4, 2003, we would publish a withdrawal notice in the **Federal Register**. We also stated that if the Agency received no adverse comments, the rule would be effective September 2, 2003. We received adverse comments from the Center for Energy and Economic Development but did not publish the withdrawal notice before September 2, 2003. In this action, EPA is removing the amendments that were published in the July 3, 2003 direct final rule. We will address all public comments in a subsequent final action on the parallel proposed rule amendment.

This removal action is a ministerial correction of the prior direct final rulemaking, which by its terms did not become effective because the Center for Energy and Economic Development commented adversely on the approval action. Therefore, EPA is invoking the good cause exception under the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B) because EPA believes that notice-and-comment rulemaking of this removal action is contrary to the public interest and unnecessary. This removal action merely restores the regulatory text that existed prior to the direct final rule. Further notice-and-comment on this action is unnecessary because we are merely restoring the regulatory text that existed prior to the final rule. For the same reasons, we believe there is good cause for this removal to become effective upon publication. We will address all public comments in a subsequent final action on the parallel proposed rule amendment.

Statutory and Executive Order Reviews

As discussed above, this removal action merely restores the regulatory text that existed prior to the direct final rule. Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to OMB review. Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments. This rule does not have tribal implications, as specified in Executive Order 13175 (63 FR 67249, November 9, 2000). This action will not