

greater than 3 feet into the safety zone in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port. Movement of vessels with a draft greater than 3 feet within the safety zone will be prohibited except as specifically authorized by the Captain of the Port. The general requirements of § 165.23 also apply to this section.

(2) The Captain of the Port 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. The Captain of the Port can be contacted at telephone number (800) 325-4965.

(3) The Captain of the Port will notify the public of changes in the status of this safety zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(d) *Effective period.* The safety zone in paragraph (a) of this section will be effective from 3:30 p.m., December 3, 2003 through May 8, 2004.

Dated: December 03, 2003.

Jane M. Hartley,

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

[FR Doc. 03-30906 Filed 12-12-03; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[NV 050-0073A; FRL-7595-3]

Approval and Promulgation of Implementation Plans; State of Nevada; Designation of Areas for Air Quality Planning Purposes; Lake Tahoe Nevada Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On October 27, 2003, the State of Nevada requested EPA to redesignate the Lake Tahoe Nevada "not classified" carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standards (NAAQS) and submitted a CO maintenance plan for the area as a revision to the Nevada State Implementation Plan (SIP). In this action, EPA is approving the maintenance plan and redesignating the Lake Tahoe Nevada nonattainment area to attainment. EPA is also determining that the maintenance plan is adequate for transportation conformity purposes under the limited maintenance plan policy for CO.

DATES: This direct final rule is effective February 13, 2004, without further notice, unless we receive adverse comments by January 14, 2004. Elsewhere in this **Federal Register**, we are proposing approval and soliciting written comment on this action. If adverse written comments are received, we will withdraw the direct final rule and address the comments received in a new final rule; otherwise no further rulemaking will occur on this approval action.

ADDRESSES: Please address your comments to Eleanor Kaplan, Air Planning Office (AIR-2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901 or e-mail to kaplan.eleanor@epa.gov, or submit comments at <http://www.regulations.gov>. A copy of the State's submittal is available for public inspection during normal business hours at EPA's Region IX office. Please contact Eleanor Kaplan if you wish to schedule a visit. A copy of the submittal is also available at the Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 333 West Nye Lane, Carson City, Nevada 89706.

FOR FURTHER INFORMATION CONTACT: Eleanor Kaplan, EPA Region IX at (415) 947-4147 or kaplan.eleanor@epa.gov

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us," and "our" refer to EPA. This supplementary information is organized as follows.

Table of Contents

- I. What Is the Purpose of This Action?
- II. What Is the State's Process To Submit These Materials to EPA?
- III. EPA's Evaluation of the Redesignation Request and Maintenance Plan
 - A. The Area Must Have Attained the Carbon Monoxide NAAQS
 - B. The Area Must Have Met All Applicable Requirements Under Section 110 and Part D
 1. Section 110 Requirements
 2. Part D Requirements
 - (a) Section 172(c)(3)—Emissions Inventory
 - (b) Section 172(c)(5)—New Source Review (NSR)
 - (c) Section 172(c)(7)—Compliance With CAA Section 110(a)(2): Air Quality Monitoring Requirements
 - C. The Area Must Have a Fully Approved SIP Under Section 110(k) of the CAA
 - D. The Area Must Show the Improvement in Air Quality is Due to Permanent and Enforceable Emissions Reductions
 - E. The Area Must Have a Fully Approved Maintenance Plan Under CAA Section 175A
 1. Emissions Inventory—Attainment Year
 2. Demonstration of Maintenance

3. Monitoring Network and Verification of Continued Attainment
4. Contingency Plan
- IV. Conformity
 - A. How Is Transportation Conformity Demonstrated to a Limited Maintenance Plan?
 - B. What Is the Adequacy Status of This Limited Maintenance Plan?
 - C. Are the Requirements for General Conformity Altered Under This Limited Maintenance Plan?
- V. Final Action
- VI. Administrative Requirements

I. What Is the Purpose of This Action?

EPA is redesignating the Lake Tahoe, Nevada "not classified" CO nonattainment area from nonattainment to attainment and approving the maintenance plan that will keep the area in attainment for the next ten years.

We originally designated the Lake Tahoe Basin as nonattainment for CO under the provisions of the Clean Air Act (CAA or "Act"), as amended in 1977. See 43 FR 8962 (March 3, 1978). The Lake Tahoe Basin nonattainment area ("Lake Tahoe Nevada area") is defined by State hydrographic area 90, which includes the southwestern corner of Washoe County and the western-most portions of Carson City and Douglas counties.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted.¹ Under section 107(d)(1)(C) of the Act, as amended in 1990, the Lake Tahoe Nevada area was designated nonattainment for CO by operation of law because the area had been designated as nonattainment before November 15, 1990. Later, we categorized the Lake Tahoe Nevada area as an unclassified, or "not classified", CO nonattainment area because there were no violations of the CO standard during the two calendar years immediately preceding enactment of the 1990 Clean Air Act Amendments. See 56 FR 56694, at 56798 (November 6, 1991), codified at 40 CFR 81.329.

Nonattainment areas can be redesignated to attainment after the area has measured air quality data showing it has attained the NAAQS and when certain planning requirements are met. Section 107(d)(3)(E) of the CAA provides the requirements for redesignation. These are:

- (i) EPA determines that the area has attained the NAAQS;
- (ii) EPA has fully approved the applicable implementation plan for the area under section 110(k) of the Act;
- (iii) EPA determines that the improvement in air quality is due to

¹ Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q.