

Headquarters, 2100 Second Street SW., Washington, DC. If you would like to submit questions in advance or written material for distribution, contact LT Brooke Grant, at 2100 2nd St., SW., Washington, DC 20593, [brooke.e.grant@uscg.mil](mailto:brooke.e.grant@uscg.mil). Any written material that vendors or the public wish to provide should reach the Coast Guard on or before November 15, 2007. This notice is available in our online dockets, TSA-2006-24191; USCG-2006-24196, at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** LT Brooke Grant; at 202-372-1136 and [brooke.e.grant@uscg.mil](mailto:brooke.e.grant@uscg.mil).

**SUPPLEMENTARY INFORMATION:** On November 19, 2007, TSA and the Coast Guard invite vendors and the public to discuss the Transportation Worker Identification Credential Reader Hardware and Card Application Specification published in the **Federal Register** on September 28, 2007. (72 FR 55043.) The reader specification is also available on the docket at TSA-2006-24191 and on the TSA Web site [http://www.tsa.gov/what\\_we\\_do/layers/twic/index.shtm](http://www.tsa.gov/what_we_do/layers/twic/index.shtm). After an overview of the TWIC Reader Hardware and Card Application Specification and TWIC pilot test plans, TSA and Coast Guard representatives will be available to answer questions concerning the specification and pilot. Vendors and members of the public are encouraged to submit any questions in advance to the Coast Guard at the number listed in **FOR FURTHER INFORMATION CONTACT** above. These questions will be addressed during the Overview.

#### Agenda of Meeting

The agenda for this November 19, 2007 public meeting is as follows:

- (1) Opening Remarks.
- (2) TWIC Reader Hardware and Card Application Specification Overview.
- (3) TWIC Pilot Overview.
- (4) Questions from vendors and the public.
- (5) Closing Remarks.

#### Procedure

This meeting is open to the public. You may participate or monitor the meeting by teleconference. Note that the number of teleconference lines is limited and only available on a first come, first served basis. For the telephone number and password to attend by teleconference, contact the Coast Guard at the number listed in **FOR FURTHER INFORMATION CONTACT** above by November 15, 2007.

You may also attend the meeting in person at the location listed in **ADDRESSES** above. Security requires

members of the public who wish to attend the meeting in person at Coast Guard Headquarters to provide their name no later than 4 p.m. EST, November 15, 2007 to the Coast Guard at the number listed in **FOR FURTHER INFORMATION CONTACT** above. Photo identification is required for entry into Coast Guard Headquarters.

#### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Coast Guard at the number listed in the **FOR FURTHER INFORMATION CONTACT** section above as soon as possible.

Dated: October 31 2007.

**M.L. Blair,**

*Captain, U.S. Coast Guard, Acting Director, Commercial Regulations and Standards.*

[FR Doc. 07-5594 Filed 11-5-07; 4:01 pm]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05-07-107]

#### Drawbridge Operation Regulations; Tar River, Washington, NC

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, Fifth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the US17-264 Bridge, at mile 37.2, across Tar River at Washington, NC. This deviation allows the drawbridge to remain closed to navigation to facilitate sandblasting and painting operations.

**DATES:** This deviation is effective from 7 a.m. on November 15, 2007 to 7 a.m. on May 15, 2008.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6222. Commander (dpb), Fifth Coast Guard District maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Bill H. Brazier, Bridge Management

Specialist, Fifth Coast Guard District, at (757) 398-6422.

**SUPPLEMENTARY INFORMATION:** The US17-264 Bridge, a swing-type bridge, has a vertical clearance in the closed position to vessels of six feet, above mean high water.

The contractor, on behalf of the North Carolina Department of Transportation (the bridge owner), has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.831 to close the swing bridge to navigation to facilitate sandblasting, cleaning and painting of the bridge.

To facilitate this operation, the US17-264 Bridge will be maintained in the closed-to-navigation position beginning at 7 a.m. on November 15, 2007, until and including 7 a.m. on May 15, 2008. In addition, the work requires installation of a platform the full length of the swing span portion of bridge reducing the available vertical clearance by approximately two feet.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

We have analyzed this temporary deviation under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f). The environmental impact that this temporary deviation will have is minimal because of the drawbridge being closed to vessels to perform routine repair and maintenance will not result in a change in functional use, or an impact on a historically significant element or setting.

Dated: October 25, 2007.

**Waverly W. Gregory, Jr.,**

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

[FR Doc. E7-21883 Filed 11-7-07; 8:45 am]

**BILLING CODE 4910-15-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2005-CA-0013, FRL-8489-7]

#### Revisions to the California State Implementation Plan, Kern County Air Pollution Control District

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing full approval of revisions to the Kern County Air Pollution Control District (KCAPCD) portion of the California State Implementation Plan (SIP). EPA is also finalizing full disapproval of a revision to the KCAPCD portion of the California SIP. These actions were proposed in the **Federal Register** on December 19, 2006 and concern permitting requirements. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action directs California to replace the SIP rules with the approved rules and to retain in the SIP the present SIP version of the disapproved rule.

**DATES:** *Effective Date:* This rule is effective on December 10, 2007.

**ADDRESSES:** EPA has established docket number EPA-R09-OAR-2005-CA-0013 for this action. The index to the docket is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business

hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Manny Aquitania, Permits Office (AIR-3), U.S. Environmental Protection Agency, Region IX, (415) 972-3977, [aquitania.manny@epa.gov](mailto:aquitania.manny@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to EPA.

**I. Proposed Action**

On December 19, 2006 (71 FR 75916), EPA proposed to approve the rules in Table 1 that were submitted for incorporation into the California SIP. We proposed to approve these rules, because they met all requirements.

TABLE 1.—SUBMITTED RULES PROPOSED FOR FULL APPROVAL

Local agency	Rule No.	Rule title	Amended	Submitted
KCAPCD .....	201	Permits Required .....	05/02/96	07/23/96
KCAPCD .....	202.1	Experimental Research Operations .....	05/02/96	07/23/96
KCAPCD .....	209.1	Permit Conditions .....	05/02/96	07/23/96
KCAPCD .....	210.2	Standards for Permits to Operate .....	05/02/96	07/23/96
KCAPCD .....	210.5	Visibility Protection .....	05/02/96	07/23/96

On December 19, 2006 (71 FR 75916), EPA proposed to disapprove the following rule in Table 2 that was

submitted for incorporation into the California SIP.

TABLE 2.—SUBMITTED RULE PROPOSED FOR FULL DISAPPROVAL

Local agency	Rule No.	Rule title	Amended	Submitted
KCAPCD .....	203	Transfer .....	05/02/96	07/23/96

We proposed to disapprove this rule because a rule provision conflicts with section 110 and part D of the Act. This provision is as follows:

- The revision to Rule 203 that allows the transfer of a permit from one location to another is prohibited, because permitting requirements may be different at different locations. A New Source Review must be performed upon changing location. See 40 CFR part 51, sections 165–166.

Our proposed action contains more information on the basis for this rulemaking and on our evaluation of the submittal.

**II. Public Comments and EPA Responses**

EPA’s proposed action provided a 30-day public comment period. During this period, we did not receive any comments.

**III. EPA Action**

No comments were submitted that change our assessment of the rules as described in our proposed action.

Therefore, as authorized in section 110(k)(3) of the CAA, EPA is finalizing a full approval of submitted KCAPCD Rules 201, 202.1, 209.1, 210.2, and 210.5.

We are also finalizing a full disapproval of submitted KCAPCD Rule 203. This action will retain the present SIP-approved rule in the SIP. Sanctions will not be imposed as described in CAA section 179 and 40 CFR 52.30–52.32, because the present SIP-approved rule fulfills CAA requirements.

**IV. Statutory and Executive Order Reviews**

*A. Executive Order 12866, Regulatory Planning and Review*

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled “Regulatory Planning and Review.”

*B. Paperwork Reduction Act*

This rule does not impose an information collection burden under the

provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

*C. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due

to the nature of the Federal-State relationship, under the Clean Air Act preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 10(a)(2).

#### *D. Unfunded Mandates Reform Act*

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to approve pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### *E. Executive Order 13132, Federalism*

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial

direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

#### *F. Executive Order 13175, Coordination With Indian Tribal Governments*

Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This proposed rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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. Thus, Executive Order 13175 does not apply to this rule.

EPA specifically solicits additional comment on this proposed rule from tribal officials.

#### *G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks*

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be “economically significant” as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a

disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

#### *H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use*

This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

#### *I. National Technology Transfer and Advancement Act*

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical. The EPA believes that VCS are inapplicable to this action. Today’s action does not require the public to perform activities conducive to VCS.

#### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: October 5, 2007.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

■ Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### **PART 52—[AMENDED]**

■ 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### **Subpart F—California**

■ 2. Section 52.220 is amended by adding paragraphs (c)(239)(i)(C)(3) and (4) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
 (239) \* \* \*  
 (i) \* \* \*  
 (C) \* \* \*

(3) Rule 201, adopted on April 18, 1972 and amended on May 2, 1996.  
 (4) Rules 202.1, 209.1, 210.2, and 210.5, adopted on December 15, 1980, April 5, 1982, December 28, 1976, and November 18, 1985, respectively, and amended on May 2, 1996.

\* \* \* \* \*

■ 3. Section 52.242 is amended by adding paragraph (a)(5) to read as follows:

**§ 52.242 Disapproved rules and regulations.**

(a) \* \* \*  
 \* \* \* \* \*

(5) Kern County Air Pollution Control District.  
 (i) Rule 203, Transfer, submitted on July 23, 1996 and amended on May 2, 1996. Rule 203, submitted on June 30, 1972, is retained.

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 BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

[Docket No. FEMA-7999]

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**DATES:** *Effective Dates:* The effective date of each community's scheduled

suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office.

**FOR FURTHER INFORMATION CONTACT:** David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood

Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

*National Environmental Policy Act.* This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This rule meets the applicable standards of Executive Order 12988.

*Paperwork Reduction Act.* This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows: