

Instruction, from further environmental documentation because we are establishing a security zone.

An "Environmental Analysis Check List" and a "Categorical Exclusion Determination" (CED) will be available in the docket where indicated under **ADDRESSES**.

#### 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. 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 § 165.1197, to read as follows:

#### § 165.1197 Security Zones; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, California.

(a) *Locations.* The following areas are security zones:

(1) *Chevron Long Wharf, San Francisco Bay.* This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Chevron Long Wharf, Richmond, CA, and encompasses all waters in San Francisco Bay within a line connecting the following geographical positions—

| Latitude      | Longitude      |
|---------------|----------------|
| 37°55′52.2″ N | 122°24′04.7″ W |
| 37°55′41.8″ N | 122°24′07.1″ W |
| 37°55′26.8″ N | 122°24′35.9″ W |
| 37°55′47.1″ N | 122°24′55.5″ W |
| 37°55′42.9″ N | 122°25′03.5″ W |
| 37°55′11.2″ N | 122°24′32.8″ W |
| 37°55′14.4″ N | 122°24′27.5″ W |
| 37°55′19.7″ N | 122°24′23.7″ W |
| 37°55′22.2″ N | 122°24′26.2″ W |
| 37°55′38.5″ N | 122°23′56.9″ W |
| 37°55′47.8″ N | 122°23′53.3″ W |

and along the shoreline back to the beginning point.

(2) *Conoco-Phillips, San Pablo Bay.* This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Conoco-Phillips Wharf, Rodeo, CA, and encompasses all waters in San Pablo Bay within a line connecting the following geographical positions—

| Latitude      | Longitude      |
|---------------|----------------|
| 38°03′06.0″ N | 122°15′32.4″ W |
| 38°03′20.7″ N | 122°15′35.8″ W |
| 38°03′21.8″ N | 122°15′29.8″ W |
| 38°03′29.1″ N | 122°15′31.8″ W |
| 38°03′23.8″ N | 122°15′55.8″ W |
| 38°03′16.8″ N | 122°15′53.2″ W |
| 38°03′18.6″ N | 122°15′45.2″ W |
| 38°03′04.0″ N | 122°15′42.0″ W |

and along the shoreline back to the beginning point.

(3) *Shell Terminal, Carquinez Strait.* This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Shell Terminal, Martinez, CA, and encompasses all waters in San Pablo Bay within a line connecting the following geographical positions—

| Latitude      | Longitude      |
|---------------|----------------|
| 38°01′39.8″ N | 122°07′40.3″ W |
| 38°01′54.0″ N | 122°07′43.0″ W |
| 38°01′56.9″ N | 122°07′37.9″ W |
| 38°02′02.7″ N | 122°07′42.6″ W |
| 38°01′49.5″ N | 122°08′08.7″ W |
| 38°01′43.7″ N | 122°08′04.2″ W |
| 38°01′50.1″ N | 122°07′50.5″ W |
| 38°01′36.3″ N | 122°07′47.6″ W |

and along the shoreline back to the beginning point.

(4) *Amorco Pier, Carquinez Strait.* This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Amorco Pier, Martinez, CA, and encompasses all waters in the Carquinez Strait within a line connecting the following geographical positions—

| Latitude      | Longitude      |
|---------------|----------------|
| 38°02′03.1″ N | 122°07′11.9″ W |
| 38°02′05.6″ N | 122°07′18.9″ W |
| 38°02′07.9″ N | 122°07′14.9″ W |
| 38°02′13.0″ N | 122°07′19.4″ W |
| 38°02′05.7″ N | 122°07′35.9″ W |
| 38°02′00.5″ N | 122°07′31.1″ W |
| 38°02′01.8″ N | 122°07′27.3″ W |
| 38°01′55.0″ N | 122°07′11.0″ W |

and along the shoreline back to the beginning point.

(5) *Valero, Carquinez Strait.* This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Valero Pier, Benicia, CA, and encompasses all waters in the Carquinez Strait within a line connecting the following geographical positions—

| Latitude      | Longitude      |
|---------------|----------------|
| 38°02′37.6″ N | 122°07′51.5″ W |
| 38°02′34.7″ N | 122°07′48.9″ W |
| 38°02′44.1″ N | 122°07′34.9″ W |
| 38°02′48.0″ N | 122°07′37.9″ W |
| 38°02′47.7″ N | 122°07′42.1″ W |

and along the shoreline back to the beginning point.

(6) *Avon Pier, Suisun Bay.* This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Avon Pier, Martinez, CA, and encompasses all waters in Suisun Bay within a line connecting the following geographical positions—

| Latitude      | Longitude      |
|---------------|----------------|
| 38°02′24.6″ N | 122°04′52.9″ W |
| 38°02′54.0″ N | 122°05′19.5″ W |
| 38°02′55.8″ N | 122°05′16.1″ W |
| 38°03′02.1″ N | 122°05′19.4″ W |
| 38°02′55.1″ N | 122°05′42.6″ W |
| 38°02′48.8″ N | 122°05′39.2″ W |
| 38°02′52.4″ N | 122°05′27.7″ W |
| 38°02′46.5″ N | 122°05′22.4″ W |

and along the shoreline back to the beginning point.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.33, entry into the security zones described in paragraph (a) of this section is prohibited, unless specifically authorized by the Captain of the Port San Francisco Bay, or his designated representative.

(2) Persons desiring to transit the area of a security zone may contact the Captain of the Port at telephone number 415–399–3547 or on VHF–FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

(c) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of these security zones by federal, state and local law enforcement as necessary.

Dated: February 17, 2006.

**W.J. Uberti,**

*Captain, U.S. Coast Guard, Captain of the Port, San Francisco Bay, California.*

[FR Doc. 06–2257 Filed 3–8–06; 8:45 am]

**BILLING CODE 4910–15–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R04–OAR–2005–AL–0002–200528a; FRL–8042–9]

#### Approval and Promulgation of Implementation Plans; Alabama: State Implementation Plan Revision

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the Alabama State Implementation Plan (SIP), submitted by the Alabama Department of Environmental Management (ADEM) on September 11, 2003. The revisions include modifications to Alabama's open burning rules found at Alabama Administrative Code (AAC) Chapter 335-3-3-.01. These revisions are part of Alabama's strategy to meet the national ambient air quality standards (NAAQS) by reducing emissions of volatile organic compounds and nitrogen oxides. Open burning creates smoke that contains fine particles (PM<sub>2.5</sub>) and precursors to ozone. ADEM has found that elevated levels of PM<sub>2.5</sub> mirror the months when ozone levels are highest (May–September). These rules are intended to help control levels of PM<sub>2.5</sub> and ozone precursors that contribute to high ozone and PM<sub>2.5</sub> levels. Today's action is being taken pursuant to section 110 of the Clean Air Act (CAA). In its September 11, 2003, submittal, ADEM also proposed SIP revisions to include changes to AAC Chapter 335-3-4, concerning opacity. EPA is not acting on that part of the revision at this time.

**DATES:** This direct final rule is effective May 8, 2006 without further notice, unless EPA receives adverse comment by April 10, 2006. 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:** Submit your comments, identified by Docket ID Number, "EPA-R04-OAR-2005-AL-0002," by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

2. E-mail: [difrank.stacy@epa.gov](mailto:difrank.stacy@epa.gov).

3. Fax: 404-562-9019.

4. Mail: "EPA-R04-OAR-2005-AL-0002," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.

5. Hand Delivery or Courier: Stacy DiFrank, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division 12th floor, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID Number, "EPA-R04-OAR-

2005-AL-0002." EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through <http://www.regulations.gov> or e-mail, information that you consider to be CBI or otherwise protected. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are

Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Stacy DiFrank, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9042.

Ms. DiFrank can also be reached via electronic mail at [difrank.stacy@epa.gov](mailto:difrank.stacy@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Today's Action**

On September 11, 2003, ADEM submitted to EPA proposed SIP revisions for review and approval into the Alabama SIP. The proposed revisions include changes made by the State of Alabama to its open burning regulations, found at AAC Chapter 335-3-3-.01. These rules became state effective on October 2, 2003.

The original provisions that were part of Chapter 335-3-3-.01(1) still exists, with the exception of subpart (i), which was deleted and included as part of the newly added provision, 335-3-3-.01(2). In summary, the revisions submitted by ADEM include changes to the duration, timing, and location of open burning, and add other specific requirements for open burning.

These other requirements include expansion of the seasonal ban on open burning to now include the months of May and September, and the additional counties of Baldwin, Lawrence, Madison, Mobile, Montgomery, Morgan, and Shelby. The new provision, Chapter 335-3-3-.01(2), also describes new requirements for open burning which include, among others: (1) A limitation on open burning of vegetation or untreated wood for only the specified purposes; (2) a specification regarding fuel; (3) setbacks for all open burning; (4) a requirement to reduce traffic hazards associated with the burning; and (5) a limit on the hours of open burning. No action is being taken with regard to the last paragraph of Chapter 335-3-3-.01(2)(d), referring to open burning in Morgan County during 2003, because it was removed from the Alabama SIP in a separate action in December 2005 (70 FR 76694, December 28, 2005). The proposed revisions summarized above are approvable pursuant to section 110 of the CAA.

EPA is now taking direct final action to approve the proposed revisions, specifically, AAC Chapter 335-3-3-.01(1) and .01(2), into the Alabama SIP. These revisions include the entirety of Alabama's open burning rules and are

part of the State's strategy to meet the NAAQS by reducing emissions of volatile organic compounds and nitrogen oxides.

## II. Final Action

EPA is taking direct final action to approve revisions to the Alabama SIP to include changes made to Alabama's open burning rules found at AAC Chapter 335-3-3-.01, as submitted on September 11, 2003, with the exception of one sentence in 335-3-3-.01(2)(d) regarding Morgan County. In addition, at this time, EPA is not acting on the revision to AAC Chapter 335-3-4 concerning opacity.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective May 8, 2006 without further notice unless the Agency receives adverse comments by April 10, 2006.

If EPA receives such comments, EPA will then publish a document withdrawing the direct final rule and informing the public that such rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 8, 2006 and no further action will be taken on the proposed rule.

## III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic

impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does 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 (64 FR 43255, August 10, 1999). This action 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 CAA. This rule also is not subject to Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. 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.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 17, 2006.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

■ 40 CFR part 52 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 B—Alabama

■ 2. Section 52.50(c) is amended by revising entries for "Section 335-3-3.01" to read as follows:

#### § 52.50 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

## EPA APPROVED ALABAMA REGULATIONS

| State citation      | Title/subject | State effective date                     | EPA approval date                          | Explanation                                                                                                                                                                         |
|---------------------|---------------|------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chapter 335–3–3     |               | Control of Open Burning and Incineration |                                            |                                                                                                                                                                                     |
| * * * * *           | * * * * *     | * * * * *                                | * * * * *                                  | * * * * *                                                                                                                                                                           |
| Section 335–3–3–.01 | Open Burning  | 10/2/2003                                | 3/9/2006 [Insert citation of publication]. | We are not acting on the portion of section 2(d) stating “During 2003 only burning may be conducted in Morgan County if any air curtain incinerator is used to burn the materials.” |
| * * * * *           | * * * * *     | * * * * *                                | * * * * *                                  | * * * * *                                                                                                                                                                           |

\* \* \* \* \*

[FR Doc. 06–2184 Filed 3–8–06; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 271****[EPA–R05–RCRA–2006–0043; FRL–8040–3]****Michigan: Final Authorization of State Hazardous Waste Management Program Revision****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** The EPA is granting Michigan final authorization of the changes to its hazardous waste management program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on November 23, 2005, at 70 FR 70761 and provided for public comment. The public comment period ended on December 23, 2005. We received no comments. No further opportunity for comment will be provided. EPA has determined that these changes satisfy all requirements needed to qualify for final authorization and is authorizing the State's changes through this final action.

**EFFECTIVE DATE:** This final authorization will be effective on March 9, 2006.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–RCRA–2006–0043. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy from 9 a.m. to 4 p.m. at the following addresses: Michigan Department of Environmental Quality, Waste Management Division, Constitution Hall—Atrium North, Lansing, Michigan (mailing address P.O. Box 30241, Lansing, Michigan 48909), contact Ronda Blayer (517) 353–9548; and EPA Region 5, contact Judy Feigler at the following address.

**FOR FURTHER INFORMATION CONTACT:** Judy Feigler, Waste, Pesticides and Toxics Division, Program Management Branch, State Programs and Authorization Section, Mail Code DM–7J, U.S. Environmental Protection Agency, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–4179; fax number (312) 353–3159; e-mail address: [Feigler.Judith@epa.gov](mailto:Feigler.Judith@epa.gov).

**SUPPLEMENTARY INFORMATION:** On November 23, 2005, EPA published a proposed rule proposing to grant Michigan authorization for changes to its RCRA hazardous waste management program, listed in Section F of that notice, which was subject to public comment. No comments were received. We hereby determine that Michigan's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization.

**A. Why Are Revisions to State Programs Necessary?**

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal program. As the federal program changes, states must change their programs and ask EPA to authorize the changes. Changes to state programs may be necessary when federal or state statutory or regulatory authority is

modified or when certain other changes occur. Most commonly, states must change their programs because of EPA's changes to its own regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

**B. What Decisions Have We Made in This Rule?**

We conclude that Michigan's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we hereby grant Michigan final authorization to operate its hazardous waste management program with the changes described in the authorization application. Michigan has responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders (except in Indian country) and for carrying out the aspects of the RCRA described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by federal regulations that EPA promulgates under the authority of HSWA take effect in authorized states before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Michigan, including issuing permits, until the State is granted authorization to do so.

**C. What Is the Effect of Today's Authorization Decision?**

This decision means that a facility in Michigan subject to RCRA will now have to comply with the authorized state requirements (listed in section F of this document) instead of the equivalent federal requirements in order to comply with RCRA. Michigan has enforcement responsibilities under its state hazardous waste management program for violations of such program, but EPA