

east end of the Elizabeth City Bascule Bridges.

(46) *Currituck Sound, Corolla, NC, Safety Zone.* All waters of the Croatan Sound within a 300 yard radius of the fireworks barge in approximate position 36°22'48" N, 075°51'15" W (Datum NAD 1983).

(47) *Middle Sound, Figure Eight Island, NC, Safety Zone.* All waters of the Figure Eight Island Causeway Channel from latitude 34°16'32" N, 077°45'32" W, thence east along the marsh to a position located at 34°16'19" N, 077°44'55" W, thence south to the causeway at position 34°16'16" N, 077°44'58" W, thence west along the shoreline to position 34°16'29" N, 077°45'34" W, (Datum NAD 1983), thence back to the point of origin.

(48) *Pamlico River, Washington, NC, Safety Zone.* All waters of the Pamlico River that fall within a 300 yard radius of the fireworks launch site at 35°32'19" N, 077°03'20.5" W (Datum NAD 1983), located 500 yards north of Washington railroad trestle bridge.

(49) *Neuse River, New Bern, NC, Safety Zone.* All waters of the Neuse River within a 360 yard radius of the fireworks barge in approximate position 35°06'07.1" N, 077°01'35.8" W (Datum NAD 1983); located 420 yards north of the New Bern, Twin Span, high rise bridge.

(b) Notification. (1) Fireworks barges and launch sites on land in paragraph (a) of this section will have a sign on the port and starboard side of the barge or mounted on a post 3 foot above ground level when on land and facing the water labeled "FIREWORKS—DANGER—STAY AWAY". This will provide on scene notice that the safety zone will be enforced on that day. This notice will consist of a diamond shaped sign 4 foot by 4 foot with a 3-inch orange retro reflective border. The word "DANGER" shall be 10 inch black block letters centered on the sign with the words "FIREWORKS" and "STAY AWAY" in 6 inch black block letters placed above and below the word "DANGER" respectively on a white background.

(2) Coast Guard Captains of the Port in the Fifth Coast Guard District will notify the public of the enforcement of these safety zones by all appropriate means to effect the widest publicity among the affected segments of the public. Publication in the local notice to mariners, marine information broadcasts, and facsimile broadcasts may be made for these events, beginning 24 to 48 hours before the event is scheduled to begin, to notify the public.

(c) *Enforcement Period.* The safety zones in paragraph (a) of this section will be enforced from 5:30 p.m. to 1 a.m.

each day a barge with a "FIREWORKS—DANGER—STAY AWAY" sign on the port and starboard side is on-scene or a "FIREWORKS—DANGER—STAY AWAY" sign is posted on land, in a location listed in paragraph (a) of this section. Vessels may not enter, remain in, or transit through the safety zones during these enforcement periods unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on scene.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. Those personnel are comprised of commissioned, warrant, and petty officers of the Coast Guard. Other Federal, State and local agencies may assist these personnel in the enforcement of the safety zone. Upon being hailed by the U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(e) *Definitions.*

*Captain of the Port* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his or her behalf.

*State or local law enforcement officers* mean any State or local government law enforcement officer who has the authority to enforce State criminal laws.

Dated: February 14, 2007.

**Larry L. Hereth,**

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. E7-3637 Filed 3-1-07; 8:45 am]

BILLING CODE 4910-15-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2006-0921; FRL-8282-9]

### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to VOC and NO<sub>x</sub> Emission Control Areas and VOC Control Regulations

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia. These revisions amend existing volatile organic compound

(VOC) and nitrogen oxide (NO<sub>x</sub>) emissions control areas, and amend certain VOC and NO<sub>x</sub> regulations in order to manage the extension of applicability of these provisions to the amended VOC and NO<sub>x</sub> emission control areas. EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

**EFFECTIVE DATE:** This final rule is effective on April 2, 2007.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2006-0921. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (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 for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Ellen Wentworth, (215) 814-2034, or by e-mail at [wentworth.ellen@epa.gov](mailto:wentworth.ellen@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

On December 26, 2006 (71 FR 77353), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed approval of amendments to 9 VAC 5 Chapter 20, Volatile Organic Compound and Nitrogen Oxides Emissions Control Areas, (9 VAC 5-20-206), and also proposed approval of amendments to 9 VAC 5 Chapter 40, Articles 4, Emission Standards for General Process Operations; Article 36, Emission Standards for Flexographic, Packaging Rotogravure, and Publication Rotogravure Printing Lines; Article 37, Emission Standards for Petroleum Liquid Storage and Transfer Operations; and Article 53, Emission Standards for Lithographic Printing Processes. The formal SIP revisions were submitted by the Commonwealth of Virginia on September 12, 2006, and October 2, 2006.

## II. Summary of SIP Revisions

The September 12, 2006 formal SIP revision consists of amendments to 9 VAC 5–20–206 of Chapter 20, Volatile Organic Compound and Nitrogen Oxides Emission Control Areas.

Specifically, this revision creates a new VOC and NO<sub>x</sub> emissions control area (the Fredericksburg Area), consisting of Spotsylvania County and Fredericksburg City, and expands the existing Richmond VOC and NO<sub>x</sub> Emissions Control Areas to include Prince George County and Petersburg City. In addition this revision expands the existing Hampton Roads VOC and NO<sub>x</sub> Emissions Control Areas to include Gloucester and Isle of Wight Counties. These amendments are necessary to implement VOC control and contingency measures within the 8-hour ozone nonattainment areas and 1-hour ozone maintenance areas.

The October 2, 2006 formal SIP revision consists of amendments to 9 VAC 5 Chapter 40 that implement non-CTG and CTG VOC RACT control requirements within those areas that are designated as VOC emissions control areas. While most of the Chapter 40 rules apply to sources of VOCs in VOC emissions control areas designated in Chapter 20, 9 VAC 5–206, certain Chapter 40 rules (specifically Articles 4, 36, 37, and 53) have provisions mandating that these regulations apply only to certain VOC and NO<sub>x</sub> emission control areas. Article 4, Emission Standards for General Process Operations is being amended to ensure that VOC RACT is not required from large VOC sources in the new areas within the expanded Richmond VOC Emissions Control Areas; Article 36, Packaging and Publishing Rotogravure Printing, and Flexographic Printing, is being amended to add appropriate exemptions for small facilities in those VOC emissions control areas that currently have no such exemptions; and Article 37, Storage or Transfer of Petroleum Liquids, is also being amended to ensure that Stage II Vapor Recovery is not required at gasoline dispensing stations in the new areas within the expanded Richmond VOC Emissions Control Area. Lastly, Article 53, Lithographic Printing, is being amended to apply in all VOC emissions control areas instead of just in the Northern Virginia and Richmond VOC Emissions Control Areas, and is also being amended to provide appropriate exemptions for small facilities in the newly applicable VOC emissions control areas. In this rulemaking, EPA is also recodifying the lithographic printing rule (9 VAC 5–40–7800–7940,

inclusive) as Article 53 and Rule 4–53. Other specific requirements and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

## III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) “privilege” for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) that are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information “required by law,” including documents and information “required by Federal law to maintain program delegation, authorization or approval,” since Virginia must “enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts \* \* \*.” The opinion concludes that “[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing

enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.”

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that “[t]o the extent consistent with requirements imposed by Federal law,” any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since “no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.”

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by this, or any, state audit privilege or immunity law.

## IV. Final Action

EPA is approving Virginia SIP revisions submitted on September 12, and October 2, 2006, amending the VOC and NO<sub>x</sub> emission control areas found in Chapter 20, and amending certain provisions found in Chapter 40 which implement non-CTG and CTG VOC RACT control requirements within certain areas designated as VOC emissions control areas.

## V. Statutory and Executive Order Reviews

### A. General Requirements

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 requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it

approves a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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 Clean Air Act. 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.*).

#### *B. Submission to Congress and the Comptroller General*

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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### *C. Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of

this action must be filed in the United States Court of Appeals for the appropriate circuit by May 1, 2007. 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, pertaining to amendments to Chapter 20 and Chapter 40 of Virginia's regulations, 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 21, 2007.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

■ 40 CFR Part 52 is amended as follows:

#### **PART 52—[AMENDED]**

■ 1. The authority citation for 40 CFR part 52 continues to read as follows:

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

#### **Subpart VV—Virginia**

■ 2. In § 52.2420, the table in paragraph (c) is amended by:

■ a. Revising the entries for 5-20-206, 5-40-300, 5-40-5060, and 5-40-5200.

■ b. For Chapter 40, Part II, removing the entry for Article 45 and replacing it with an entry for Article 53.

#### **§ 52.2420 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

### **EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES**

State citation (9 VAC 5)	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
<b>Chapter 20—General Provisions</b>				
*	*	*	*	*
<b>Part II—Air Quality Programs</b>				
*	*	*	*	*
5-20-206 .....	Volatile organic compound and nitrogen oxides emissions control areas.	10/04/06	3/2/07 [Insert page number where the document begins].	Addition of new Fredericksburg area and expansion of Richmond and Hampton Roads emission control areas

## EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation (9 VAC 5)	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
<b>Chapter 40—Existing Stationary Sources</b>				
*	*	*	*	*
<b>Part II—Emission Standards</b>				
*	*	*	*	*
<b>Article 4—Emission Standards for General Process Operations (Rule 4-4)</b>				
*	*	*	*	*
5-40-300 .....	Standard for volatile organic compounds.	10/04/06	3/2/07 [Insert page number where the document begins.	*
*	*	*	*	*
<b>Article 36—Flexographic, Packaging Rotogravure, and Publication Rotogravure Printing Lines (Rule 4-36)</b>				
5-40-5060 .....	Applicability and designation of affected facility.	04/01/96 10/04/06	3/2/07 [Insert page number where the document begins.	*
*	*	*	*	*
<b>Article 37—Emission Standards for Petroleum Liquid Storage and Transfer Operations (Rule 4-37)</b>				
5-40-5200 .....	Applicability and designation of affected facility.	04/01/96 10/04/06	3/2/07 [Insert page number where the document begins.	*
*	*	*	*	*
<b>Article 53—Emission Standards for Lithographic Printing Processes (Rule 4-53) [Formerly Article 45]</b>				
5-40-7800 .....	Applicability and designation of affected facility.	10/04/06	3/2/07 [Insert page number where the document begins.	Revised to include and exempt certain emission control areas.
5-40-7810 .....	Definitions of “alcohol,” “Cleaning solution,” “fountain solution,” “lithographic printing,” “printing process”.	04/01/96 10/04/06	3/2/07 Insert page number where the document begins.	
5-40-7820 .....	Standard for Volatile Organic Compounds.	04/01/96 10/04/06	3/2/07 Insert page number where the document begins.	
5-40-7840 .....	Standard for Visible Emissions ..	04/01/96 10/04/06	3/2/07 [Insert page number where the document begins.	
5-40-7850 .....	Standard for Fugitive Dust Emissions.	04/01/96 10/04/06	3/2/07 [Insert page number where the document begins.	
5-40-7880 .....	Compliance .....	10/04/06	3/2/07 [Insert page number where the document begins.	Revisions to compliance dates.
5-40-7890 .....	Test Methods and Procedures ...	04/01/96 10/04/06	3/2/07 [Insert page number where the document begins.	
5-40-7900 .....	Monitoring .....	04/01/96 10/04/06	3/2/07 [Insert page number where the document begins.	
5-40-7910 .....	Notification, Records and Reporting.	04/01/96 10/04/06	3/2/07 [Insert page number where the document begins.	
5-40-7920 .....	Registration .....	04/01/96 10/04/06	3/2/07 [Insert page number where the document begins.	
5-40-7930 .....	Facility and Control Equipment Maintenance and Malfunction.	04/01/96 10/04/06	3/2/07 [Insert page number where the document begins.	
5-40-7940 .....	Permits .....	04/01/96 10/04/06	3/2/07 [Insert page number where the document begins.	
*	*	*	*	*

\* \* \* \* \*

[FR Doc. E7-3586 Filed 3-1-07; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****48 CFR Chapter 44**

[Docket ID FEMA-2006-0033]

RIN 1660-AA46

**Federal Emergency Management Agency (FEMA) Acquisition Regulation System; Removal of Chapter 44****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Direct final rule.

**SUMMARY:** This direct final rule removes the Federal Emergency Management Agency Acquisition Regulation in its entirety. This removal is a result of the establishment of the Department of Homeland Security and its subsequent Homeland Security Acquisition Regulation supplement to the Federal Acquisition Regulation.

**DATES:** This rule is effective May 1, 2007, unless adverse comment is received by April 2, 2007. If adverse comment is received, FEMA will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** You may submit comments, identified by Docket ID FEMA-2006-0033, by one of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*E-mail:* [FEMA-RULES@dhs.gov](mailto:FEMA-RULES@dhs.gov).

Include Docket ID FEMA-2006-0033 in the subject line of the message.

*Fax:* 866-466-5370.

*Mail/Hand Delivery/Courier:* Rules Docket Clerk, Office of Chief Counsel, Federal Emergency Management Agency, Room 835, 500 C Street, SW., Washington, DC 20472.

*Instructions:* All Submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available on the Privacy and Use Notice link on the Administration Navigation Bar of [www.regulations.gov](http://www.regulations.gov).

*Docket:* For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Submitted comments may also be inspected at FEMA.

**FOR FURTHER INFORMATION CONTACT:**

Joyce M. Ard, Federal Emergency Management Agency, 500 C Street, SW., Patriot Plaza Room 201, Washington, DC 20472, (phone) 202-646-3213, (facsimile) 202-646-2928, or (e-mail) [joyce.ard@dhs.gov](mailto:joyce.ard@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) is issuing this action as a direct final rule without prior proposal because FEMA believes that this action is not controversial and will not result in any adverse comments. This direct final rule removes the FEMA Acquisition Regulation (FEMAAR) at 48 CFR Chapter 44 in its entirety. (FEMAAR was published in 50 FR 31316, Aug. 1, 1985, and amended at 55 FR 28206, July 10, 1990). The specific language and subsequent clauses are removed as a result of the transfer of FEMA to the Department of Homeland Security (DHS) on March 1, 2003. The Homeland Security Acquisition Regulation (HSAR), 48 CFR Chapter 30, issued in 68 FR 67867, Dec. 4, 2003 and amended as a final rule in 71 FR 25759, May 2, 2006, 71 FR 48800, Aug. 22, 2006 and in 72 FR 1296, Jan. 11, 2007 established a uniform department-wide acquisition regulation for DHS and for purposes of 48 CFR Chapter 30 listed all entities for which the chapter applied to include FEMA.

FEMA believes it is important to make this action effective as soon as possible not only to remove inapplicable regulatory text, but to be consistent with DHS uniform department-wide acquisition regulations. For these reasons, FEMA believes that it is appropriate to issue this rule as a direct final rule. This rule conforms with the good cause exemption under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)), because notice and comment is unnecessary. As stated above, this rulemaking simply completes an administrative task by removing inapplicable and inconsistent regulatory text. However, if FEMA receives a significant adverse comment within 30 days of publication of this direct final rule, FEMA will publish a timely notice of withdrawal in the **Federal Register**. If FEMA receives no significant adverse comment, before the effective date, FEMA will publish a document in the **Federal Register** stating that no adverse

comment was received and confirming that this rule will be effective as scheduled.

**Regulatory Flexibility Act**

The Regulatory Flexibility Act (RFA) mandates that an agency conduct a RFA analysis when an agency is "required by section 553 \* \* \* to publish general notice of proposed rulemaking for any proposed rule." 5 U.S.C. 603(a). Accordingly, RFA analysis is not required when a rule is exempt from notice and comment rulemaking under 5 U.S.C. 553(b). Here, FEMA is issuing this action as a direct final rule without prior proposal because FEMA believes that this action is not controversial and will not result in any adverse comments. Moreover, as stated previously, good cause exists under 5 U.S.C. 553(b)(B) to exempt this rule from the notice and comment requirements of 5 U.S.C. 553(b). Therefore no RFA analysis under 5 U.S.C. 603 is required for this rule.

**Executive Order 12866—Regulatory Planning and Review**

Under Executive Order 12866, 58 FR 51735, Oct. 4, 1993, a "significant regulatory action" is subject to Office of Management and Budget (OMB) review and the requirements of Executive Order 12866. Section 3(f) of the Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Sections 503(1), 701(a)(2), 1511(d)(2) of the Homeland Security Act, 6 U.S.C. 313(1), 341(a)(2), 551(d)(2), established FEMA as a component within DHS. As a DHS component FEMA adheres to the HSAR, 48 CFR 3001.105-2(a) and 3001.301(a)(1). This direct final rule removes the FEMAAR as a result of the establishment of FEMA as a DHS component. Therefore, this rulemaking is not considered to be an economically significant regulatory action under