

it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. This proposed rule fits paragraph 34(g) as it establishes a safety zone. A "Categorical Exclusion Determination" is 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 proposes to amend 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. 1231; 50 U.S.C. 191, 33 CFR 1.05-1(g), 6.04-1, 6.04-6, 160.5; 49 CFR 1.46.

2. From 11:30 a.m. June 29, 2002, to 6:30 p.m. June 30, 2002, add temporary § 165.T01-033 to read as follows:

#### § 165.T01-033 Safety Zone: Lake Champlain Challenge, Cumberland Bay, NY.

(a) *Regulated area.* The following area is a safety zone: All waters of Cumberland Bay north of a line drawn from the east end of the old Canal Terminal Pier in approximate position 44°42'26.0" N 073°26'28.5" W, to approximate position 44°43'00.8" N 073°24'37.3" W (NAD 1983) on Cumberland Head.

(b) *Enforcement period.* This section will be enforced from 11:30 a.m. to 6:30 p.m. on Saturday, June 29, and Sunday, June 30, 2002.

(c) *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. These personnel comprise commissioned, 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.

Dated: March 22, 2002.

**C.E. Bone,**

*Captain, U.S. Coast Guard, Captain of the Port, New York.*

[FR Doc. 02-7915 Filed 4-1-02; 8:45 am]

**BILLING CODE 4910-15-U**

#### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

#### 36 CFR Parts 1190 and 1191

[Docket No. 99-1]

RIN 3014-AA20

#### Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines

**AGENCY:** Architectural and Transportation Barriers Compliance Board.

**ACTION:** Availability of draft final guidelines.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (Access Board) has placed in the docket for public review a draft of the final guidelines revising the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines. The Board has placed this document in the docket to inform the building codes community of the actions taken by the Board to promote the harmonization of the Board's guidelines with the International Code Council/American National Standards Institute A117.1 Standard on Accessible and Usable Buildings and Facilities and the International Building Code.

**ADDRESSES:** The draft final guidelines will be available for inspection at the offices of the Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., suite 1000, Washington, DC 20004-1111 from 9:00 a.m. to 5:00 p.m. on regular business days.

**FOR FURTHER INFORMATION CONTACT:** Marsha Mazz, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC 20004-1111. Telephone number (202) 272-0020 (Voice); (202) 272-0082 (TTY). These are not toll-free numbers. Electronic mail address: [mazz@access-board.gov](mailto:mazz@access-board.gov).

**SUPPLEMENTARY INFORMATION:** On November 16, 1999, the Architectural

and Transportation Barriers Compliance Board (Access Board) published a Notice of Proposed Rulemaking to amend the accessibility guidelines for the Americans with Disabilities Act (ADA) of 1990 and the Architectural Barriers Act (ABA) of 1968. 64 FR 62248 (November 16, 1999). The proposed rule was based on recommendations made by the Board's ADAAG Review Advisory Committee. The committee was established in 1994 by the Board to conduct a complete review of the guidelines and to recommend changes. The committee was charged with reviewing ADAAG in its entirety and making recommendations to the Board on:

- Improving the format and usability of ADAAG;
- Reconciling differences between ADAAG and national consensus standards, including model codes and industry standards;
- Updating ADAAG to reflect technological developments and to continue to meet the needs of persons with disabilities; and
- Coordinating future ADAAG revisions with national standards and model code organizations.

The committee recommended significant changes to the format and style of ADAAG. The changes were recommended to provide a guideline that is organized and written in a manner that can be more readily understood, interpreted and applied. The recommended changes would also make the arrangement and format of ADAAG more consistent with model building codes and industry standards.

Subsequent to the committee's recommendations, the 1998 edition of the International Code Council (ICC)/ American National Standards Institute (ANSI) A117.1 Standard on Accessible and Usable Buildings and Facilities was published. Its requirements were "harmonized" with the committee's recommendations. An important goal of the Board throughout this rulemaking has been to promote the harmonization of its guidelines and private sector standards.

At its March 13, 2002, meeting, the Access Board decided to place in the rulemaking docket for public review a draft of the guidelines revising the ADA and ABA Accessibility Guidelines. The Board expects to complete action on the final guidelines in the next few months. The final guidelines will then be submitted to the Office of Management and Budget for review in accordance with Executive Order 12866. The Board expects to publish the final guidelines

in the **Federal Register** later this summer.

The Board is not soliciting comments on the draft of the final guidelines, but has placed the document in the docket for public inspection to promote the harmonization of the Board's guidelines with the ICC/ANSI standards and the International Building Code. The ANSI Committee and the International Codes Council are currently in the process of revising the private sector accessibility provisions and proposed changes must be submitted during the Spring of 2002. Without taking this step, an important opportunity would have been missed to harmonize the Board's guidelines with those of the private sector.

**Lawrence W. Roffee,**

*Executive Director.*

[FR Doc. 02-7884 Filed 4-1-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[WV001-1000b; FRL-7166-7]

#### Approval of Section 112(I) Authority for Hazardous Air Pollutants; State of West Virginia; Division of Environmental Protection

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve West Virginia Department of Environmental Protection's (WVDEP's) request for delegation of authority to implement and enforce its hazardous air pollutant regulations for perchloroethylene dry-cleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning, and secondary lead smelting which have been adopted by reference from the Federal requirements set forth in the Code of Federal Regulations. This proposed approval will automatically delegate future amendments to these regulations once WVDEP incorporates these amendments into its regulations. In addition, EPA is proposing to approve of WVDEP's mechanism for receiving delegation of future hazardous air pollutant regulations. This mechanism entails WVDEP's incorporation by reference of the unchanged Federal standard into its hazardous air pollutant regulation and WVDEP's notification to EPA of such incorporation. This action pertains only to affected sources, as defined by the

Clean Air Act hazardous air pollutant program, which are not located at major sources, as defined by the Clean Air Act operating permit program. In the Final Rules section of this **Federal Register**, EPA is approving the State's request for delegation of authority as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before May 2, 2002.

**ADDRESSES:** Written comments on this action should be sent concurrently to: Makeba A. Morris, Chief, Permits and Technical Assessment Branch, Mail Code 3AP11, Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, and John A. Benedict, West Virginia Department of Environmental Protection, Division of Air Quality, 7012 MacCorkle Avenue, SE, Charleston, WV 25304-2943. Copies of the documents relevant to this action are available 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 and the West Virginia Department of Environmental Protection, Division of Air Quality, 7012 MacCorkle Avenue, SE, Charleston, WV 25304-2943.

**FOR FURTHER INFORMATION CONTACT:**

Dianne J. McNally, 215-814-3297, at the EPA Region III address above, or by e-mail at [mcnally.dianne@epa.gov](mailto:mcnally.dianne@epa.gov). Please note that any formal comments must be submitted, in writing, as provided in the **ADDRESSES** section of this document.

**SUPPLEMENTARY INFORMATION:** For further information on this action, pertaining to approval of WVDEP's delegation of authority for the hazardous air pollutant emission standards for perchloroethylene dry-cleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning, and secondary lead smelting (Clean Air Act section 112), please see the information provided in

the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: March 21, 2002

**Judith M. Katz,**

*Director, Air Protection Division, Region III.*

[FR Doc. 02-7940 Filed 4-1-02; 8:45 am]

**BILLING CODE 6560-50-U**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 171, 172, 173, and 175

[Docket No. RSPA-02-11989 (HM-224C)]

RIN 2137-AD48

#### Hazardous Materials; Transportation of Lithium Batteries

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** RSPA (we) proposes to amend the Hazardous Materials Regulations (HMR) regarding the transportation of lithium batteries. These proposals are consistent with changes recently made to the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations). They would increase the level of safety associated with the transportation of lithium batteries and facilitate the transport of these materials in international commerce.

**DATES:** Comments must be received by June 14, 2002.

**ADDRESSES:** Submit written comments to the Docket Management System, U.S. Department of Transportation, Room PL 401, 400 Seventh St., SW., Washington, DC 20590-0001. Identify the docket number, RSPA-02-11989 (HM-224C) at the beginning of your comments and submit two copies. If you wish to receive confirmation of receipt of your comments, include a self-addressed stamped postcard. You may also submit comments by e-mail by accessing the Docket Management System website at <http://dms.dot.gov>. Click on "Help" to obtain instructions for filing the document electronically.

The Docket Management System is located on the Plaza Level of the Nassif Building at the U.S. DOT at the above address. You can view public dockets between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. You can also view comments on-line at <http://dms.dot.gov>.