

13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that Order because 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 rule and concluded that under figure 2-1, paragraph (34)(g), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation because we are establishing a safety zone. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

### Regulation

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. 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. Add § 165.T11-082 to read as follows:

**§ 165.T11-082 Safety Zone; North Pacific Ocean, Gulf of the Farallones, offshore of San Francisco, CA.**

(a) *Regulated area.* The following area is a safety zone: all waters from the

surface of the ocean to the bottom within a one nautical mile radius centered at 37°40.38' N, 122°47.59' W (NAD 83).

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone by persons, vessels or remotely operated vehicles is prohibited, unless authorized by the Captain of the Port, or a designated representative thereof.

(c) *Effective dates.* The section will be in effect from 11:59 p.m. (PDT) on May 14, 2002 to 11:59 p.m. (PDT) on July 31, 2002. If the need for the safety zone ends prior to the scheduled termination time, the Captain of the Port will cease enforcement of the safety zone and will announce that fact via Broadcast Notice to Mariners.

Dated: May 14, 2002.

**L.L. Hereth,**

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

[FR Doc. 02-14522 Filed 6-7-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 165

[CGD05-02-033]

RIN 2115-AA97

### Safety Zone; Chesapeake Bay, Hampton Roads, James River, VA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone encompassing the M/V DEL MONTE, while conducting explosive exercises. This action is intended to restrict vessel traffic on James River within a 1500-foot radius of the vessel. The safety zone is necessary to protect mariners from the hazards associated with the exercises being conducted. Entry into this zone is prohibited unless authorized by the Captain of the Port Hampton Roads or his designated representative.

**DATES:** This temporary final rule is effective from 8:30 a.m. (local time), on June 3, 2002 to 4 p.m. (local time), on June 21, 2002.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at USCG Marine Safety Office Hampton Roads, 200 Granby Street, Norfolk, Virginia, 23510 between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG Monica Acosta, project officer, USCG Marine Safety Office Hampton Roads, at (757) 441-3453.

### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

A notice of proposed rulemaking (NPRM) was not published for this regulation. In keeping with requirements of 5 U.S.C. 553(b) (B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM, which would incorporate a comment period before a final rule was issued, would be contrary to the public interest since immediate action is needed to protect mariners from this vessel. For similar reasons, under 5 U.S.C. 553(d) (3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

#### Background and Purpose

The Coast Guard is establishing a temporary safety zone encompassing the M/V DEL MONTE, in approximate position 37°06'11" N, 076°38'40 W. The safety zone will restrict vessel traffic on a portion of the James River, within a 1500-foot radius of the M/V DEL MONTE. The safety zone is necessary to protect mariners from the hazards associated with the explosives exercises.

The safety zone will be effective from 8:30 a.m. (local time) on June 3, 2002 to 4 p.m. (local time), on June 21, 2002. Entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representative. Public notifications will be made prior to the transit via marine information broadcasts.

#### Regulatory Evaluation

This temporary final rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

Although this regulation restricts access to the regulated area, the effect of this regulation will not be significant because: (i) The COTP may authorize access to the safety zone; (ii) the safety zone will be in effect for a limited duration; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For the reasons stated in the *Regulatory Evaluation*, the Coast Guard certifies under 5 U.S.C. section 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit or anchor within 1500 feet of the M/V DEL MONTE in approximate position 37°06'11" N, 076°38'40" W from 8:30 a.m. (local time), on June 3, 2002 to 4 p.m. (local time), on June 21, 2002. (NAD 83)

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding this rule.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888-REG-FAIR (1–888–734–3247).

### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct

effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that Order because

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 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 is a safety zone of over one week in duration. A "Categorical Exclusion Determination" 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. 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 8:30 a.m. on June 3, 2002, to 4 p.m. on June 21, 2002, add a temporary § 165.T05–033 to read as follows:

#### § 165.T05–033 Safety Zone; Chesapeake Bay, Hampton Roads and James River, VA

(a) *Location*. The following area is a safety zone: all waters of the James River within a 1500-foot radius of the M/V DEL MONTE in approximate position 37°06'11" N, 076°38'40" W (NAD 83).

(b) *Captain of the Port*. Captain of the Port (COTP) means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on his behalf.

(c) *Regulations*: (1) All persons are required to comply with the general regulations governing safety zones found in § 165.23 of this part.

(2) Persons or vessels requiring entry into or passage through a safety zone must first request authorization from the

Captain of the Port or his designated representative. The Captain of the Port can be contacted at telephone number (757) 441-3298.

(3) No vessel movement is allowed within the safety zone unless expressly authorized by the COTP or his designated representative.

(d) *Effective Dates.* This section will be effective from 8:30 a.m. local time, June 3, 2002, to 4 p.m. local time June 21, 2002.

Dated: May 31, 2002.

**L.M. Brooks,**

*Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.*

[FR Doc. 02-14521 Filed 6-7-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 51

[AD-FRL-7223-8]

RIN 2060-AH25

### Consolidated Emissions Reporting

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

**ACTION:** Final rule.

**SUMMARY:** This action simplifies and consolidates emission inventory reporting requirements to a single location within the Code of Federal Regulations (CFR), establishes new reporting requirements related to PM<sub>2.5</sub> and regional haze, and establishes new requirements for the statewide reporting of area source and mobile source emissions. Many State and local agencies asked EPA to take this action to: Consolidate reporting requirements; improve reporting efficiency; provide flexibility for data gathering and reporting; and better explain to program managers and the public the need for a consistent inventory program. Consolidated reporting should increase the efficiency of the emission inventory program and provide more consistent and uniform data.

**DATES:** The regulatory amendments announced in this rule take effect on August 9, 2002.

**ADDRESSES:** *Docket.* Supporting material used in developing the proposal and final regulatory revisions is contained in Docket Number A-98-40. This docket is available for public inspection and copying between 8:30 a.m. and 5:30 p.m., Monday through Friday. The address of the EPA air docket is: Air and Radiation Docket and Information Center (6102), Attention Docket Number

A-98-40, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The Docket is located in Room M-1500, Waterside Mall (ground floor). The telephone number for the EPA air docket is (202) 260-7548. A reasonable fee may be charged for copying.

#### FOR FURTHER INFORMATION CONTACT:

William B. Kuykendal, Emissions, Monitoring, and Analysis Division (MD-C205-01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, Telephone: (919) 541-5372, email: kuykendal.bill@epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Authority

Sections 110(a)(2)(F), 110(a)(2)(K), 110(a)(2)(J), 110(p), 172(c)(3), 182(a)(3), 187(a)(5), 301(a) of the Clean Air Act.

##### II. Background

Emission inventories are critical for the efforts of State, local, and federal agencies to attain and maintain the National Ambient Air Quality Standards (NAAQS) that EPA has established for criteria pollutants such as ozone, particulate matter, and carbon monoxide. Pursuant to its authority under section 110 of Title I of the Clean Air Act (CAA), EPA has long required State Implementation Plans (SIPs) to provide for the submission by States to EPA of emission inventories containing information regarding the emissions of criteria pollutants and their precursors (e.g., volatile organic compounds (VOC)). The EPA codified these requirements in 40 CFR part 51, subpart Q in 1979 and amended them in 1987.

The 1990 Amendments to the CAA revised many of the provisions of the CAA related to the attainment of the NAAQS and the protection of visibility in mandatory Class I Federal areas (certain national parks and wilderness areas). These revisions established new periodic emission inventory requirements applicable to certain areas that were designated nonattainment for certain pollutants. For example, section 182(a)(3)(A) required States to submit an emission inventory every three years for ozone nonattainment areas beginning in 1993. Emissions reported must include VOC, nitrogen oxides (NO<sub>x</sub>), and carbon monoxide (CO) for point, area, mobile (onroad and nonroad), and biogenic sources. Similarly, section 187(a)(5) required States to submit an inventory every three years for CO nonattainment areas for the same source classes, except biogenic sources. The EPA, however, did not codify these statutory

requirements in the Code of Federal Regulations (CFR), but simply relied on the statutory language to implement them.

The EPA has promulgated the NO<sub>x</sub> SIP Call (§ 51.121) which calls on the affected States and the District of Columbia to submit SIP revisions providing for NO<sub>x</sub> reductions in order to reduce the amount of ozone and ozone precursors transported among States. As part of that rule, EPA established emissions reporting requirements to be included in the SIP revisions to be submitted by States in accordance with that action.<sup>1</sup>

This rule consolidates the various emissions reporting requirements that already exist into one place in the CFR, establishes new reporting requirements related to PM<sub>2.5</sub> and regional haze, and establishes new requirements for the statewide reporting of area source and mobile source emissions. This rule also includes the reporting provisions for the NO<sub>x</sub> SIP call. The NO<sub>x</sub> SIP call reporting requirements are very detailed and are specified in 40 CFR 51.122; this rule references these requirements.

In this action, we refer to the required types of inventories as the following:

- Annual inventories.
- 3-year cycle inventories.

The EPA anticipates that States will use data obtained through their current annual source reporting requirements (annual inventories) to report emissions from larger point sources annually. States will need to get data from smaller point sources only every third year. States may also take advantage of data from Emission Statements that are available to States but not reported to EPA. As appropriate, States may use these data to meet their reporting requirements for point sources. States will also be required to inventory area and mobile source emissions on a Statewide basis for the 3-year cycle inventory. We will be furnishing each State the National Emission Inventory (NEI) which should be a good starting point for estimating area source emissions. Mobile source emissions should be estimated by using the latest emissions models and planning assumptions available. The MOBILE emissions factor model should be used to estimate emissions from on-road

<sup>1</sup> EPA recognizes that the United States Court of Appeals has remanded certain issues regarding the NO<sub>x</sub> SIP call to the Agency. See *Michigan v. EPA*, 213 F. 3d 663 (D.C. Cir. 2000), and *Appalachian Power Co. v. EPA*, No. 99-1268, United States Court of Appeals for the District of Columbia Circuit, slip op. Issued June 8, 2001. Those issues, however, do not include the reporting requirements and the consolidation of those requirements does not represent any prejudgment of the issues on remand to the Agency.