

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.

#### List of Subjects in 33 CFR Part 165

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

#### Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

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 temporary § 165.T01-175 to read as follows:

#### § 165.T01-175 Naval Force Protection, at Bath Iron Works, Kennebec River, Bath, Maine.

(a) *Location.* The following is a safety and security zone: all waters off of Bath Iron Works facility, Bath, Maine extending 400-feet out into the Kennebec River.

(b) *Effective date.* This section is effective from 12:01 a.m. September 21, 2001 to 11:59 p.m. December 31, 2001.

(c) *Regulations.* (1) The general regulations contained in § 165.23, § 165.33 and the regulations specifically relating to safety zones and security zones in §§ 165.20 and 165.30 of this part apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene personnel. Upon being hailed by designated personnel via siren, radio, flashing light, bullhorn or other means, the operator of the vessel shall proceed as directed.

(3) No person may swim upon or below the surface of the water within the boundaries of the safety and security zone unless previously authorized by the Captain of the Port, Portland or his authorized patrol representative.

Dated: September 21, 2001.

**M.P. O'Malley,**

*Commander, Coast Guard, Captain of the Port.*

[FR Doc. 01-24536 Filed 10-1-01; 8:45 am]

**BILLING CODE 4910-15-U**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CCGD08-01-036]

RIN 2115-AA97

#### Security Zone; DOD Barge Flotilla, Cumberland City, TN to Alexandria, LA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone around a barge flotilla carrying military equipment on the waters of the Cumberland River, the Ohio River, the Lower Mississippi River, and the Red River. The United States Army is shipping military equipment on board a barge flotilla, requiring a 100-yard security perimeter commencing in Cumberland City, TN on and securing upon offloading of cargo at Alexandria, LA. This zone is needed to safeguard the shipment from sabotage or other subversive acts in light of recent terrorist activity in the United States. Navigation within this zone will be prohibited unless specifically authorized by the Eighth Coast Guard District Commander's on-scene representative.

**DATES:** This rule is effective from 6 p.m. (CDT) September 20, 2001 until 11:59 p.m. (CDT) on September 30, 2001.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD08-01-036 and are available for inspection or copying at Commander Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans, LA 70130, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Karrie C. Trebbe, Eighth Coast Guard District Marine Safety Division, Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans LA 70130, 504-589-6271.

#### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to protect military assets.

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**. Due to security reasons and complex planning and coordination requirements, the Coast Guard was not able to obtain details of the event thirty days prior to its occurrence.

#### Background and Purpose

The Coast Guard is establishing a security zone with a 100-yard security perimeter around an Army barge flotilla on the waters of the Cumberland River from mile 108.5 to 0.0, the Ohio River mile 923.0 to 981.0, the Lower Mississippi River mile 953.5 to 310.5, and the Red River mile 00.0 to 85.0. The United States Army is shipping military equipment onboard the barge flotilla commencing in Cumberland City, TN at 6 p.m. on September 20, 2001 and securing upon offloading at Alexandria, LA. The zone will be in effect during the flotilla's entire transit and while the flotilla is moored at Alexandria, LA with cargo on deck. This zone is needed to safeguard the Army shipment from sabotage or other subversive acts, accidents, or other causes of a similar nature. The protection of this Army shipment is a matter of national security. Therefore, the Coast Guard has determined it is necessary to prevent access into this zone in order to ensure this equipment safely reaches its destination. Entry into this zone will be prohibited unless authorized by the Eighth Coast Guard District Commander's on-scene representative. The on-scene representative will be located on a Coast Guard vessel accompanying the flotilla and may be contacted on VHF channel 13 or 16.

#### Regulatory Evaluation

This 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. The Office of Management and Budget has not reviewed it 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).

The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation is unnecessary. This regulation will only be in effect for a short period of time. The impacts on routine navigation are expected to be minimal.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. The impact on small entities is expected to be minimal, as only short delays to vessel traffic will occur when the shipment meets other vessels along its route.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

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 Effect

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. A “Categorical Exclusion Determination” is available 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.

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. A new § 165.T08–036 is added to read as follows:

#### § 165.T08–036 Security Zone; Fort Campbell—DOD Barge Flotilla, Cumberland City, TN to Alexandria, LA.

(a) *Location.* The following area is a security zone: the waters 100 yards around the Army barge flotilla while in transit on the Cumberland River from mile 108.5 to 0.0, the Ohio River from mile 923.0 to 981.0, the Lower Mississippi River from mile 953.5 to 310.5, and the Red River from mile 00.0 to 85.0. The security zone remains in effect while the flotilla is moored in Alexandria, LA with cargo on deck.

(b) *Effective date.* This section is effective from 6 p.m. September 20, 2001 to 11:59 p.m. on September 30, 2001.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.33 of this part, entry within 100 yards of the Army flotilla is prohibited unless authorized by the Eighth Coast Guard District Commander’s on-scene representative.

(2) No vessels may enter this security zone unless specifically authorized by the Eighth Coast Guard District Commander’s on-scene representative. Vessels shall contact the on-scene representative on channel 13 or 16 for closure information and passing instructions. The Eighth Coast Guard District Commander will notify the public of changes in the status of this zone by Marine Radio Safety Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: September 20, 2001.

**R.J. Casto,**

*Rear Admiral, U. S. Coast Guard,  
Commander, Eighth Coast Guard District.*

[FR Doc. 01-24535 Filed 10-1-01; 8:45 am]

BILLING CODE 4910-15-U

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 60, 61, and 63

[FRL-7071-5]

#### **Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); Delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, Nebraska; and City of Omaha, NE**

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** The states of Iowa, Kansas, Missouri, Nebraska, and the local agencies of Lincoln-Lancaster County, Nebraska, and city of Omaha, Nebraska, have submitted updated regulations for delegation of the EPA authority for implementation and enforcement of NSPS and NESHAPS. The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated. EPA's review of the pertinent regulations shows that they contain adequate and effective procedures for the implementation and enforcement of these Federal standards. This action informs the public of delegations to the above-mentioned agencies.

**DATES:** This rule is effective on November 1, 2001. The dates of delegation can be found in the **SUPPLEMENTARY INFORMATION** section of this document.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Effective immediately, all notifications, applications, reports, and other correspondence required pursuant to the newly delegated standards and revisions identified in this notice should be submitted to the Region 7 office, and, with respect to sources located in the jurisdictions identified in this notice, to the following addresses:

Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Urbandale, Iowa 50322.

Kansas Department of Health and Environment, Bureau of Air and Radiation, 1000 SW Jackson, Suite 310, Topeka, Kansas 66612-1366.

Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, P.O. Box 176, Jefferson City, Missouri 65102.

Nebraska Department of Environmental Quality, Air and Waste Management Division, P.O. Box 98922, Statehouse Station, Lincoln, Nebraska 68509.

Lincoln-Lancaster County Air Pollution Control Agency, Division of Environmental Health, 3140 "N" Street, Lincoln, Nebraska 68510.

City of Omaha, Public Works Department, Air Quality Control Division, 5600 South 10th Street, Omaha, Nebraska 68510.

#### **FOR FURTHER INFORMATION CONTACT:**

Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101, (913) 551-7603.

**SUPPLEMENTARY INFORMATION:** The supplementary information is organized in the following order:

What does this notice do?  
What is the authority for delegation?  
What does delegation accomplish?  
What is being delegated?  
What is not being delegated?

#### **List of Delegation Tables**

Table I—NSPS, 40 CFR part 60  
Table II—NESHAPS, 40 CFR part 61  
Table III—NESHAPS, 40 CFR part 63

#### **What Does This Notice Do?**

EPA is providing notice that it is delegating authority for implementation and enforcement of the Federal standards shown in the tables below to the state and local air agencies in Region 7. This notice updates the delegation tables most recently published at 65 FR 20754 (April 18, 2000).

Section 553(b)(B) of the Administrative Procedures Act (APA) provides that an agency may forgo notice-and-comment rulemaking upon determination of "good cause" published with the rule. EPA considers these updates to be minor changes which are not subject to notice-and-comment rulemaking procedures under the APA or any other statute.

#### **What Is the Authority for Delegation?**

1. Section 111(c)(1) of the Clean Air Act (CAA) authorizes EPA to delegate authority to any state agency which submits adequate regulatory procedures

for implementation and enforcement of the NSPS program. The NSPS standards are codified at 40 CFR part 60.

2. Section 112(l) of the CAA and 40 CFR part 63, subpart E, authorizes EPA to delegate authority to any state or local agency which submits adequate regulatory procedures for implementation and enforcement of emission standards for hazardous air pollutants. The hazardous air pollutant standards are codified at 40 CFR parts 61 and 63, respectively.

#### **What Does Delegation Accomplish?**

Delegation confers primary responsibility for implementation and enforcement of the listed standards to the respective state and local air agencies. However, EPA also retains the authority to enforce the standards if it so desires.

#### **What Is Being Delegated?**

Tables I, II, and III below list the delegated standards. The first date in each block is the reference date to the CFR contained in the state rule. In general, the state has adopted the applicable standard through this date as noted in the table. The second date is the most recent effective date of the state agency rule for which EPA is providing or updating the delegation.

#### **What Is Not Being Delegated?**

1. EPA regulations effective after the first date specified in each block have not been delegated, and authority for implementation of these regulations is retained solely by EPA.

2. In some cases, the standards themselves specify that specific provisions cannot be delegated. You should review the standard for this information.

3. In some cases, the agency rules do not adopt the Federal standard in its entirety. Each agency rule (available from the respective agency) should be consulted for specific information.

4. In some cases, existing delegation agreements between EPA and the agencies limit the scope of the delegated standards. Copies of delegation agreements are available from the state agencies, or from this office.

5. With respect to 40 CFR part 63, subpart A, General Provisions (see Table III), EPA has determined that sections 63.6(g), 63.6(h)(9), 63.7(e)(2)(ii) and (f), 63.8(f), and 63.10(f) cannot be delegated. Additional information is contained in an EPA memorandum titled "Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies" from John Seitz, Director, Office of Air Quality