

## COTP QUARTERLY REPORT—1ST QUARTER 2004—Continued

COTP docket	Location	Type	Effective date
Savannah 03-177 .....	Savannah River, Savannah, GA .....	Security Zone .....	1/29/2004
Savannah 04-003 .....	Savannah River, Savannah, GA .....	Security Zone .....	1/1/2004
Savannah 04-006 .....	Savannah River, Savannah, GA .....	Security Zone .....	1/8/2004
Savannah 04-007 .....	Savannah River, Savannah, GA .....	Security Zone .....	1/11/2004
Savannah 04-013 .....	Savannah River, Savannah, GA .....	Security Zone .....	1/24/2004
Savannah 04-028 .....	Savannah River, Savannah, GA .....	Security Zone .....	2/14/2004
Savannah 04-038 .....	Savannah River, Savannah, GA .....	Security Zone .....	3/15/2004

[FR Doc. 04-9955 Filed 5-3-04; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD05-04-081]

RIN 1625-AA00

#### Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone encompassing all waters surrounding P/V HORIZON, to ensure the security of the vessel during inbound and outbound transits in the Port of Hampton Roads, and while the vessel is berthed at Nauticus International Terminal. The security zone extends in a 500-yard radius around P/V HORIZON and requires that all vessels transiting within 500 yards of P/V HORIZON operate only at the minimum speed necessary to navigate safely. No vessels are allowed within 100 yards of P/V HORIZON without authorization by the Captain of the Port, Hampton Roads, or his designated representative.

**DATES:** This rule is effective from April 24 through June 4, 2004.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket [CGD05-04-081] and are available for inspection or copying at USCG Marine Safety Office Hampton Roads, 200 Granby Street, Suite 700, Norfolk, Virginia, 23510, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Mike Dolan, project officer, USCG Marine Safety Office Hampton Roads, at (757) 668-5590.

**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 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 this vessel from potential security threats. 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**. The exact arrival date for vessels such as the P/V NORWEGIAN MAJESTY is not known by the Coast Guard until the vessel submits its Notice of Arrival, four days in advance of its anticipated arrival.

### Background and Purpose

Following terrorist attacks on the United States in September 2001, there is a heightened awareness that vessels or persons could launch subversive activity against passenger ships. These regulations are necessary to protect the vessel, its passengers, and its crew from these potential threats. The Coast Guard is establishing a temporary security zone to ensure the vessel's safe inbound and outbound transits, and to protect the vessel while moored at Nauticus International Terminal.

### Discussion of Rule

The Coast Guard is establishing a temporary security zone to ensure the safe transit and port call of the P/V HORIZON. The security zone will be effective while the P/V HORIZON transits inbound and outbound in the Port of Hampton Roads, and while it is berthed at Nauticus International Terminal. The security zone will extend in a 500 yard radius around P/V HORIZON. All vessels within 500 yards shall operate only at the minimum speed necessary to navigate safely. No vessels are allowed within 100 yards of P/V HORIZON without authorization by the Captain of the Port, Hampton Roads,

or his designated representative. The security zone is effective from April 24 through June 4, 2004.

This rule will provide for increased security of the vessel and other vessels transiting in the area, and will allow the uninterrupted flow of commerce in the Port of Hampton Roads. Public notifications will be made prior to the transit via marine information broadcasts.

### 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 Homeland Security (DHS).

Although this rule restricts access to the regulated area, the effect of this rule will not be significant because: (i) The COTP may authorize access to the security zone; (ii) the security 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. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "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.

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.

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 a 500-yard radius of P/V HORIZON as she transits the Port of Hampton Roads, and while she is berthed at the Nauticus International Terminal.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offer to assist small entities in understanding the rule so that they could 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 affect 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 analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under

figure 2-1, paragraph (34)(g), of the Instruction, from further environmental documentation. This regulation is a temporary security zone.

Under figure 2-1, paragraph 34(g), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

#### 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 temporary § 165.T05-081, to read as follows:

#### § 165.T05-081 Security Zone: Chesapeake Bay, Hampton Roads and Elizabeth River, Virginia.

(a) *Location.* The following area is a security zone: All waters in a 500 yard radius surrounding the P/V HORIZON, while the vessel transits inbound and outbound through the Captain of the Port Hampton Roads zone (defined in 33 CFR 3.25-10), and while berthed at Nauticus International Terminal.

(b) *Definition.* As used in this section, *the designated representative of the Captain of the Port* is any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Contact Information.* The Captain of the Port, Hampton Roads and the Command Duty Officer at the Marine Safety Office Hampton Roads, Norfolk, Virginia, can be contacted at telephone number (757) 668-5555 or (757) 484-8192. The Coast Guard vessels enforcing the security zone can be contacted on VHF-FM channels 13 and 16.

(d) *Regulation.* (1) In accordance with the general regulations in § 165.33 of this part, vessels are prohibited from entering within 100 yards of the P/V HORIZON, while the P/V HORIZON is in the Captain of the Port Hampton Roads zone, unless authorized by the Captain of the Port, Hampton Roads, Virginia, or his designated representatives. Vessels within 500

yards of the P/V HORIZON, while the P/V HORIZON is in the Captain of the Port Hampton Roads zone, must operate only at the minimum speed necessary to navigate safely.

(2) The operator of any vessel in the immediate vicinity of this security zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on board a vessel displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a U.S. Coast Guard Ensign.

(iii) Operate at the minimum safe speed within a 500-yard radius of P/V HORIZON.

(e) The COTP will enforce these zones and may enlist the aid and cooperation of any Federal, state, county, or municipal law enforcement agency to assist in the enforcement of the regulation.

(f) *Effective dates.* This rule is effective from April 24 through June 4, 2004.

Dated: April 24, 2004.

**Steven M. Hanewich,**

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

[FR Doc. 04-10113 Filed 5-3-04; 8:45 am]

BILLING CODE 4910-15-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 9 and 716

[OPPT-2003-0028; FRL-7322-8]

RIN 2070-AB11

### Health and Safety Data Reporting; Addition of Certain Chemicals

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

**ACTION:** Final rule.

**SUMMARY:** This final rule, issued pursuant to section 8(d) of the Toxic Substances Control Act (TSCA) and its regulations, requires manufacturers (including importers) of the following 15 chemicals to report certain unpublished health and safety data to EPA: 3H-1,2,4-triazole-3-thione, 5-amino-1,2-dihydro-; imidazo[4,5-d]imidazole-2,5(1H,3H)-dione, tetrahydro-; stannane, dimethylbis[(1-oxoneodecyl)oxy]-; benzene, 1,3,5-tribromo-2-(2-propenyloxy)-; 1-triazene, 1,3-diphenyl-; benzenamine, 3-chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)-; and 9 indium compounds. The Interagency Testing

Committee (ITC), established under section 4(e) of TSCA to recommend chemicals and chemical mixtures to EPA for priority testing consideration, amends the TSCA section 4(e) *Priority Testing List* through periodic reports submitted to EPA. The ITC added the 15 chemicals in this rule to the *Priority Testing List*.

In addition, in order to display the approval of the information collection requirements contained in this final rule as required by the Paperwork Reduction Act (PRA), EPA is amending the table of PRA approval numbers that appear in 40 CFR part 9.

**DATES:** This final rule is effective on June 3, 2004. For purposes of judicial review, this rule shall be promulgated at 1 p.m. eastern daylight/standard time on May 18, 2004. (See 40 CFR 23.5)

A request to withdraw a chemical from this rule pursuant to 40 CFR 716.105(c) must be received on or before May 18, 2004. (See Unit IV. of the **SUPPLEMENTARY INFORMATION.**)

### Reporting Requirements

The reporting described in Unit III.B. is required by August 2, 2004. Any person who manufactures or imports or who proposes to manufacture or import the listed substance from June 3, 2004 to August 2, 2004 must inform (by submitting a list) EPA of any studies initiated during the period from June 3, 2004 to August 2, 2004 within 30 days of their initiation, but in no case later than August 30, 2004. In addition, if any such person has submitted lists of studies that were ongoing or initiated during the period from June 3, 2004 to August 2, 2004 to EPA, such person must submit a copy of each study within 30 days after its completion, regardless of the study's completion date. See 40 CFR 716.60 and 716.65.

**ADDRESSES:** Submit your withdrawal request, identified by docket ID number OPPT-2003-0028, by one of the following methods:

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

- *Agency Website:* <http://www.epa.gov/edocket/>. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

- *E-mail:* [oppt.ncic@epa.gov](mailto:oppt.ncic@epa.gov).

- *Fax:* (202) 566-0282.

- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania

Ave., NW., Washington, DC 20460-0001, Attention: 8(d) Auto-ITC.

- *Hand delivery/courier:* OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC, Attention: 8(d) Auto-ITC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to docket ID number OPPT-2003-0028. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.epa.gov/edocket/>, 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 information that you consider to be CBI or otherwise protected through EDOCKET, regulations.gov, or e-mail. The EPA EDOCKET and the regulations.gov websites are "anonymous access" systems, 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 EDOCKET or 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 EDOCKET on-line or see the **Federal Register** of May 31, 2002 (67 FR 38102) (FRL-7181-7).

*Docket:* All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket/>. 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,