

(3) If any other requester has a particular need for information designated as CEII, the requester may request the information using the following procedures:

(i) File a written request with the Commission's CEII Coordinator. The request shall contain the following: requester's name, title, address and telephone number; the name, address and telephone number of the person or entity on whose behalf the information is requested; a detailed statement explaining the particular need for and intended use of the information; and a statement as to the requester's willingness to adhere to limitations on the use and disclosure of the information requested.

(ii) Once the request is received, the CEII Coordinator will determine whether to release the CEII to the requester. The CEII Coordinator will consider the requester's need for the information. If the requester is determined to be eligible to receive the information requested, the CEII Coordinator will determine what conditions, if any, to place on release of the information. Where appropriate, the CEII Coordinator will forward a non-disclosure agreement to the requester for execution. Once the requester signs any required non-disclosure agreement, the CEII Coordinator will make the critical energy infrastructure information available to the requester. The CEII Coordinator's decisions regarding release of CEII are final decisions for purposes of § 385.713.

(iii) The CEII Coordinator will attempt to respond to the requester under this section according to the timing required for responses under the Freedom of Information Act in § 388.108(c), and will provide notice to the submitter in accordance with § 388.112(d) and (e).

#### Appendix—List of Respondents

**Note:** This appendix will not appear in the Code of Federal Regulations.

1. Adirondack Mountain Club
2. American Library Association
3. American Public Power Association (APPA)
4. American Superconductor Corporation
5. American Transmission Company, LLC
6. Atlanta Gas Light Company; Chattanooga Gas Company; Virginia Natural Gas, Inc.
7. Blue Ridge Power Agency; East Texas Electric Cooperative
8. Bonneville Power Administration
9. Central Maine Power
10. Connecticut Department of Public Utility Control
11. Duke Energy Trading Group, which includes:
  - Algonquin Gas Transmission Company
  - East Tennessee Natural Gas Company
  - Texas Eastern Transmission, LP

12. Duquesne Light Company
13. Dynegy Power Marketing, Inc.
14. Edison Electric Institute (EII),\* including
  - EII Alliance of Energy Suppliers
  - EII Transmission Group
15. Electric Power Supply Association
16. Exelon Corporation, on behalf of its public utility subsidiaries:
  - PECO Energy Company
  - Commonwealth Edison Company
17. Interstate Natural Gas Association of America (INGAA)\*
18. LegalNetWorks, Lee M. Zeichner
19. Leggett, Nikolaus E., Independent Technology Analyst
20. Maine Public Utilities Commission
21. Member Systems (members of the Transmission Owners Committee for the Energy Association of New York State), includes:
  - Central Hudson Gas and Electric Corporation
  - Consolidated Edison Company of New York, Inc.
  - LIPA
  - New York State Electric & Gas Corporation
  - Orange and Rockland Utilities, Inc.
  - Rochester Gas and Electric Corporation
  - Power Authority of New York
22. Michigan Public Power Agency; Michigan South Central Power Agency
23. MidAmerican Energy Company\*
24. Mid-Continent Area Power Pool (MAPP), based on survey of MAPP members
25. National Association of Regulatory Utility Commissioners (NARUC)
26. National Grid
27. National Hydropower Association (NHA) (non-public filing)
28. National Rural Electric Cooperative Association (NRECA)
29. Utilities Commission, City of New Smyrna Beach, Florida
30. New York State Public Service Commission
31. New York Attorney General, Eliot Spitzer
32. NiSource Pipelines, consisting of:
  - Columbia Gas Transmission Corporation
  - Columbia Gulf Transmission Company
  - Crossroads Pipeline Company
  - Granite State Gas Transmission, Inc.
33. North American Electric Reliability Council (NERC)
34. North Carolina Electric Membership Corporation
35. Oklahoma Gas and Electric Company
36. OMB Watch
37. PJM Interconnection, L.L.C., PJM arranges filings required of the Mid Atlantic Area Council, such as form 715. PJM's responses pertain to PJM data and MAAC data.
38. Platts, a division of the McGraw-Hill Companies
39. Process Gas Consumers Group; American Forest & Paper Association; American Iron and Steel Institute; Georgia Industrial Group; Florida Industrial Gas Users; Industrial Gas Users of Florida; United States Gypsum Company; Collectively, "the Industrials"
40. Public Citizen Litigation Group
41. Public Utilities Commission of Ohio; Oklahoma Corporation Commission; Michigan Public Service Commission
42. Public Utilities Fortnightly

43. Public Utility District No. 1 of Chelan County, Washington\*
44. Reliant Energy HL & P
45. Reliant Resources, Inc.
46. Reporters Committee for Freedom of the Press
47. Southern California Edison Company
48. Southern Company Services, Inc., acting for itself and as agent for:
  - Alabama Power Company
  - Georgia Power Company
  - Gulf Power Company
  - Mississippi Power Company
  - Savannah Electric and Power Company
  - Southern Power Company
49. Washington Legal Foundation, along with Economic Freedom Law Clinic, George Mason University of Law
50. Williston Basin Interstate Pipeline Company\*

\* Filed both public and non-public responses.

[FR Doc. 02-23302 Filed 9-12-02; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD08-02-016]

RIN 2115-AE84

#### Regulated Navigation Area; Lower MI River Mile 529.8 to 532.3, Greenville, Mississippi

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a regulated navigation area (RNA) for all waters of the Lower Mississippi River beginning at mile 529.8 and ending at mile 532.3 in Greenville, Mississippi. This RNA is needed to protect bridge construction personnel, equipment, and vessels from potential safety hazards associated with construction of the new U.S. Highway 82 Greenville Bridge at mile 530.8. Deviation from this rule would be prohibited unless specifically authorized by the Captain of the Port Memphis, or his designated representative.

**DATES:** Comments and related material must reach the Coast Guard on or before November 12, 2002.

**ADDRESSES:** You may mail comments and related material to U.S. Coast Guard Marine Safety Office Memphis, 200 Jefferson Avenue, Memphis, TN, 38103-2300. Marine Safety Office Memphis maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as

being available in the docket, will become part of this docket and will be available for inspection or copying at U.S. Coast Guard Marine Safety Office Memphis between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (LT) Malcolm McLellan, Marine Safety Detachment Greenville, at (662) 332-0964.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CDG08-02-16], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

**Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to U.S. Coast Guard Marine Safety Office Memphis at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

**Background and Purpose**

Since 1972, the existing U.S. Highway 82 Greenville Bridge, mile 531.3 on the Lower Mississippi River, Greenville, Mississippi, has been struck more times than any other bridge on the Mississippi River. As a result, a new U.S. Highway 82 Greenville Bridge is currently being constructed further from the river bend at mile 530.8 on the Lower Mississippi River. Construction on the new bridge is expected to continue until August of 2005.

When construction began, broadcasts to mariners were made requesting mariners to navigate in the channel to avoid hazarding bridge construction activities, and to maintain contact with the on-scene work vessel when passing the bridge construction site. These requests were not effective.

Because of the safety concerns associated with the bridge construction

and a second simultaneous construction project being conducted by the Army Corp of Engineers in the same vicinity, the Eighth Coast Guard District Commander established a temporary final rule creating an RNA for miles 529.8 to 537.0 extending the entire width of the river. This rule was published in the **Federal Register** on July 25, 2002 (67 FR 48550) and will expire on November 30, 2002.

With the completion of the Army Corp of Engineers project scheduled for November 30, 2002 some of the restrictions imposed by the existing temporary rule will no longer be required. The Coast Guard proposes to create a new regulated navigation area (RNA) to protect construction personnel, equipment, and vessels from potential safety hazards associated with the bridge construction for the duration of the project. The proposed rule would allow one-way traffic through the area 24 hours a day. It would also reduce the size of the area from 7.2 miles to 2.5 miles.

**Discussion of Proposed Rule**

In our proposed rule, a RNA would be established for all waters of the Lower Mississippi River from mile 529.8 to 532.3, extending the entire width of the river. This RNA would apply to all vessels except construction vessels. Construction vessels would be defined as those vessels engaged in the construction of the new U.S. Highway 82 Greenville Bridge.

Vessels would be prohibited from meeting or overtaking other vessels within the RNA. When downbound vessels reached mile 534.8, they would have to make a broadcast in the blind on VHF-FM channel 13 announcing their estimated time of arrival at mile 532.3. When upbound vessels reached mile 528.3, they would have to make a broadcast in the blind on VHF-FM channel 13 announcing their estimated time of arrival at mile 529.8. If a downbound vessel were already in the RNA, the upbound vessel would have to adjust its speed to avoid a meeting situation in the RNA.

Vessels would have to proceed at minimum safe speed while in the RNA.

All vessels would be required to contact the on-scene work vessel on VHF-FM channel 13, Monday through Saturday from 7 a.m. to 6 p.m., prior to entering the RNA. All vessels would have to continually monitor VHF-FM channel 13 on their radiotelephone while in and approaching the RNA.

No vessel would be allowed to transit between the caissons and the bank at mile 530.8.

Deviation from this rule would be prohibited unless specifically authorized by the Captain of the Port Memphis, or his designated representative. They can be contacted via VHF Channel 13 or 16, or via telephone at (901) 544-3941.

**Regulatory Evaluation**

This proposed 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 proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The impacts on routine navigation are expected to be minimal.

Representatives from the bridge construction project have met with local industry including the Lower Mississippi River Committee (LOMRC) to discuss ways to minimize the economic impact. LOMRC is an industry body, composed primarily of companies that transport commodities between Cairo, IL and New Orleans, LA. It represents carriers, facilities, and other maritime interests for the entire Lower Mississippi River. Economic impact should be minimal because vessel traffic would be allowed to transit the RNA 24 hours a day. Upbound vessels may experience short delays while waiting for downbound vessels to complete their transit of the RNA but would be allowed to continue their transit afterwards.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed 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 proposed rule would not have a significant economic impact on a substantial number of small entities. This rule would affect the

following entities, some of which may be small entities: the owners or operators of vessels intending to transit the Lower Mississippi River from mile 529.8 to mile 532.3. This RNA would not have a significant economic impact on a substantial number of small entities for the reasons enumerated under the *Regulatory Evaluation* above.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LT Malcolm McLellan, Marine Safety Office Memphis, at (662) 332–0964.

#### Collection of Information

This proposed rule would call 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 proposed 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This proposed rule would 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a “tribal implication” under the Order.

#### Energy Effects

We have analyzed this proposed 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 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 because this rule is not expected to result in any significant adverse environmental impact as described in the National Environmental Policy Act of 1969 (NEPA). 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 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, and 160.5; 49 CFR 1.46.

2. A new § 165.816 is added to read as follows:

#### § 165.816 Regulated Navigation Area; Lower Mississippi River Mile 529.8 to 532.3, Greenville, Mississippi.

(a) *Definition.* *Construction vessels* are defined as those vessels engaged in construction of the new U.S. Highway 82 Greenville Bridge.

(b) *Location.* The following area is a regulated navigation area (RNA): the waters of the Lower Mississippi River from mile 529.8 to mile 532.3, extending the entire width of the river.

(c) *Regulations.* (1) Vessels are prohibited from meeting or overtaking other vessels within the RNA.

(i) When downbound vessels reach mile 534.8, they shall make a broadcast in the blind on VHF–FM channel 13 announcing their estimated time of arrival at mile 532.3.

(ii) When upbound vessels reach mile 528.3, they shall make a broadcast in the blind on VHF–FM channel 13 announcing their estimated time of arrival at mile 529.8. If a downbound vessel is already in the RNA, the upbound vessel shall adjust its speed so as to avoid a meeting situation in the RNA.

(2) Vessels shall proceed at minimum safe speed while in the RNA.

(3) Vessels shall contact the on-scene work vessel, Monday through Saturday from 7 a.m. to 6 p.m., prior to entering the RNA. All vessels shall continually monitor VHF–FM channel 13 on their

radiotelephone while in and approaching the RNA.

(4) No vessel may transit between the caissons and the bank at mile 530.8.

(5) Deviation from this rule is prohibited unless specifically authorized by the Captain of the Port Memphis, or his designated representative. They may be contacted via VHF Channel 13 or 16, or via telephone at (901) 544-3941.

Dated: September 4, 2002.

**Roy J. Casto,**

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

[FR Doc. 02-23404 Filed 9-12-02; 8:45 am]

**BILLING CODE 4910-15-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

**[CA 270-0366b; FRL-7272-5]**

#### **Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the El Dorado County Air

Pollution Control District (EDCAPCD) portion of the California State Implementation Plan (SIP). These revisions concern Oxides of Nitrogen (NO<sub>x</sub>) emissions from stationary internal combustion (IC) engines rated at more than 50 brake horsepower (bhp). We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by October 15, 2002.

**ADDRESSES:** Mail comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support document (TSD) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

California Air Resources Board,  
Stationary Source Division, Rule  
Evaluation Section, 1001 "I" Street,  
Sacramento, CA 95814.

El Dorado County Air Pollution Control  
District, 2850 Fairlane Court, Building  
C, Placerville, CA 95667.

A copy of the rule may also be available via the Internet at <http://>

[www.arb.ca.gov/drdb/drdbtxt.htm](http://www.arb.ca.gov/drdb/drdbtxt.htm).

Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:** Charnjit Bhullar, EPA Region IX, (415) 972-3960.

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following local rule: EDCAPCD 233. In the Rules and Regulations section of this **Federal Register**, we are approving this local rule in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: August 20, 2002.

**Keith Takata,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 02-23254 Filed 9-12-02; 8:45 am]

**BILLING CODE 6560-50-P**