

**PART 169—SHIP REPORTING SYSTEMS**

1. The authority citation for part 169 is revised to read as follows:

**Authority:** 33 U.S.C. 1230(d), 49 CFR 1.46.

2. Revise § 169.5 to read as follows:

**§ 169.5 What terms are defined?**

*Gross tons* means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.

*Mandatory ship reporting system* means a ship reporting system that requires the participation of specified vessels or classes of vessels, and that is established by a government or governments after adoption of a proposed system by the International Maritime Organization (IMO) as complying with all requirements of regulation V/8-1 of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), except paragraph (e) thereof.

*Self-propelled ships* means ships propelled by mechanical means.

*Shore-based authority* means the government appointed office or offices that will receive the reports made by

ships entering each of the mandatory ship reporting systems. The office or offices will be responsible for the management and coordination of the system, interaction with participating ships, and the safe and effective operation of the system. Such an authority may or may not be an authority in charge of a vessel traffic service.

3. In § 169.100, revise the note at the end of the section to read as follows:

**§ 169.100 What mandatory ship reporting systems are established by this subpart?**

\* \* \* \* \*

**Note to § 169.100:** 50 CFR 224.103(c) contains requirements and procedures concerning northern right whale approach limitations and avoidance procedures.

4. Revise § 169.120 to read as follows:

**§ 169.120 When is the southeastern reporting system in effect?**

The mandatory ship reporting system in the southeastern United States operates during the period beginning on November 15 each year through April 16 of the following year.

5. Revise § 169.125 to read as follows:

**§ 169.125 What classes of ships are required to make reports?**

Each self-propelled ship of 300 gross tons or greater must participate in the reporting systems, except government ships exempted from reporting by regulation V/8-1(c) of SOLAS. However, exempt ships are encouraged to participate in the reporting systems.

6. Revise § 169.135(a) to read as follows:

**§ 169.135 How must the reports be made?**

(a) A ship equipped with INMARSAT C must report in IMO standard format as provided in § 169.140 in table 169.140.

\* \* \* \* \*

7. Revise § 169.140 to read as follows:

**§ 169.140 What information must be included in the report?**

Each ship report made to the shore-based authority must follow the standard reporting and format requirements listed in this section in table 169.140. Current email addresses and telex numbers are published annually in the US Coast Pilot.

TABLE 169.140—REQUIREMENTS FOR SHIP REPORTS

Telegraphy	Function	Information required
Name of system .....	System identifier .....	Ship reporting system WHALESNORTH or WHALESSOUTH.
M .....	INMARSAT Number .....	Vessel INMARSAT number
A .....	Ship .....	The name, call sign or ship station identity, IMO number, and flag of the vessel.
B .....	Date and time of event .....	A 6-digit group giving day of month (first two digits), hours and minutes (last four digits).
E .....	True course .....	A 3-digit group indicating true course.
F .....	Speed in knots and tenths of knots .....	A 3-digit group.
H .....	Date, time and point of entry into system .....	Entry time expressed as in (B) and entry position expressed as—(1) a 4-digit group giving latitude in degrees and minutes suffixed with N(north) or S(south) and a 5-digit group giving longitude in degrees and minutes suffixed with E(east) or W(west); or (2) True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark)
I .....	Destination and expected time of arrival .....	Name of port and date time group expressed as in (B)
L .....	Route information .....	Intended track.

Dated: September 7, 2001.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 01-28964 Filed 11-19-01; 8:45 am]

BILLING CODE 4910-75-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[FRL-7105-6]

**Availability of Federally-Enforceable State Implementation Plans for All States**

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

**ACTION:** Notice of availability.

**SUMMARY:** Section 110(h) of the Clean Air Act, as amended in 1990 (the "Act"), requires EPA by November 15,

1995, and every three years thereafter, to assemble the requirements of the Federally-enforceable State Implementation Plans (SIPs) in each State and to publish notice in the **Federal Register** of the availability of such documents. This notice of availability fulfills the three-year requirement of making these SIP compilations for each State available to the public.

**EFFECTIVE DATE:** November 20, 2001.

**ADDRESSES:** You may contact the appropriate EPA Regional Office regarding requirements of applicable implementation plans for each State in

that region. The list below identifies the appropriate regional office for each state. The SIP compilations are available for public inspection during normal business hours at the appropriate EPA Regional Office. If you want to view these documents, you should make an appointment with the appropriate EPA office and arrange to review the SIP at a mutually agreeable time.

Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Regional Contact: Donald Cooke (617/918-1668) EPA, Office of Ecosystem Protection (CAQ), Suite 1100, One Congress Street, Boston, MA 02114-2023.

See also: <http://www.epa.gov/region1/topics/air/sips.html>.

Region 2: New Jersey, New York, Puerto Rico, and Virgin Islands.

Regional Contact: Paul Truchan (212/637-3711) EPA, Air Programs Branch, 290 Broadway, New York, NY 10007-1866.

Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

Regional Contact: Harold A. Frankford (215/814-2108) EPA, Office of Air Programs (3AP20), Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103.

See also: <http://www.epa.gov/reg3airtd/airregulations/sip.htm>.

Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Regional Contact: Sean Lakeman (404/562-9043) EPA, Air Planning Branch, 61 Forsyth Street, S.W., Atlanta, GA 30303.

See also: <http://www.epa.gov/region4/air/sips/index.html>.

Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Regional Contacts: Charles Hatten for the States of Michigan, Minnesota and Wisconsin (312/886-6031); Jeremiah Hall (312/353-3503) for the States of Illinois, Indiana, and Ohio EPA, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, IL 60604-3507.

See also: <http://www.epa.gov/ARD-R5/sips/index.html>.

Region 6: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Regional Contact: Bill Deese (214/665-7253) EPA, Multimedia Planning and Permitting Division, Air Planning Section, (6PD-L), 1445 Ross Avenue, Suite 700, Dallas, TX 75202-2733.

See also: <http://www.epa.gov/earth1r6/6pd/air/sip/sip.htm>.

Region 7: Iowa, Kansas, Missouri, and Nebraska.

Regional Contact: Evelyn VanGoethem (913-551-7659) EPA, Air,

RCRA and Toxics Division, Air Planning and Development Branch, 901 N. 5th Street, Kansas City, KS 66101.

See also: <http://www.epa.gov/region07/program/artd/air/rules/fedapprv.htm>.

Region 8: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Regional Contact: Laurie Ostrand (303/312-6437) EPA, Air and Radiation Program, Office of Partnership and Regulatory Assistance, 999 18th Street, Suite 300, Denver, CO 80202-2466.

Region 9: Arizona, California, Hawaii, Nevada, American Samoa, and Guam.

Regional Contact: Julie Rose (415/744-1184), and Cynthia Allen (415/744-1189) EPA, Air Division, AIR-4, 75 Hawthorne Street, San Francisco, CA 94105.

See also: <http://www.epa.gov/region9/air/sips/>.

Region 10: Alaska, Idaho, Oregon, and Washington.

Regional Contacts: Donna Deneen (206/553-6706) and Debra Suzuki (206/553-0985) EPA, Office of Air Quality (OAQ 107), 1200 6th Avenue, Seattle, WA 98101.

See also: <http://www.epa.gov/r10earth/sips.htm>.

#### FOR FURTHER INFORMATION CONTACT:

Donald Cooke, (617) 918-1668.

#### SUPPLEMENTARY INFORMATION:

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#### Availability of SIP Compilations

This notice identifies the appropriate EPA Regional Offices to which you may address questions of SIP availability and SIP requirements. In response to the 110(h) requirement following the 1990 Clean Air Act Amendments, the first notice of availability was published in the **Federal Register** on November 1, 1995 at 60 FR 55459. The second notice of availability was published in the **Federal Register** on November 18, 1998 at 63 FR 63986. This is the third notice of availability of the compilations of Federally-enforceable state implementation plans for each state.

In addition, for certain states, information on the content of EPA-approved SIPs is available on the Internet through the EPA Regional Web site. For those regions where such

information is available, an address for this information is provided in the regional contacts list above.

#### What Is the Basis for This Notice

Section 110(h)(1) of the Clean Air Act mandates that not later than 5 years after the date of enactment of the Clean Air Act Amendments of 1990, and every three years thereafter, the Administrator shall assemble and publish a comprehensive document for each State setting forth all requirements of the applicable implementation plan for such State and shall publish notice in the **Federal Register** of the availability of such documents.

Section 110(h) recognizes the fluidity of a given State SIP. The SIP is a living document which can be revised by the State with EPA approval as necessary to address the unique air pollution problems in the State. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations. On May 31, 1972 (37 FR 10842), EPA approved, with certain exceptions, the initial SIPs for 50 states, four territories and the District of Columbia. [Note: EPA approved an additional SIP—for the Northern Mariana Islands—on November 10, 1986 (51 FR 40799)]. Since 1972, each State and territory has submitted numerous SIP revisions, either on their own initiative, or because they were required to as a result of various amendments to the Clean Air Act. This notice of availability informs the public that the SIP compilation has been updated to include the most recent requirements approved into the SIP. These approved requirements are Federally-enforceable.

#### What Is Being Made Available Under This Notice

The federally-enforceable SIP is indeed a complex document, containing both many regulatory requirements and non-regulatory items such as plans and inventories. Regulatory requirements include State-adopted rules and regulations, source-specific requirements reflected in consent orders, and in some cases, provisions in the enabling statutes. Following the 1990 Clean Air Act Amendments, the first section 110(h) SIP compilation availability notice was published on November 1, 1995 (61 FR 55459). At that time EPA announced the SIP compilations, comprised of the regulatory portion of each State SIP, were available at the EPA Regional Office serving that particular State. In general, the compilations made available in 1995 did not include the source-specific requirements or other documents and materials associated

with the SIP. With the second notice of availability in 1998, the source-specific requirements and the "non-regulatory" documents [e.g., attainment plans, rate of progress plans, emission inventories, transportation control measures, statutes demonstrating legal authority, monitoring networks, etc.] were made available and will remain available for public inspection at the respective regional office listed in the **ADDRESSES** section above. If you want to view these documents, please make an appointment with the appropriate EPA Regional Office and arrange for a mutually agreeable time.

#### **What Are the Documents and Materials Associated With the SIP**

EPA-approved non-regulatory control measures, include control strategies (such as transportation control measures, local ordinances, state statutes, and emission inventories, or may include regulations provided on other sections of the State-specific subpart of part 52), which have been submitted for inclusion in the SIP by the state. These control measures must have gone through state rulemaking process and the public was given an opportunity to participate in the rulemaking. EPA also took rulemaking action on these control measures and those which have been EPA-approved or conditionally approved are listed along with any limitations on their approval, if any. Examples of EPA-approved documents and materials associated with the SIP include, but are not limited to, the following subject matter: SIP Narratives; PM<sub>10</sub> Plans; CO Plans; Ozone Plans; Maintenance plans; Inspection and Maintenance (I/M) SIP's; Emissions Inventories; Monitoring Networks; State Statutes submitted for the purposes of demonstrating legal authority; Part D plans; Attainment demonstrations; Transportation control measures (TCM's); Committal measures; Contingency Measures; Non-regulatory & Non-TCM Control Measures; 15% Rate of Progress Plans; Emergency episode plans; Visibility plans. As stated above, the "non-regulatory" documents are available for public inspection at the appropriate EPA Regional Office.

#### **Background**

##### *Relationship of National Ambient Air Quality Standards (NAAQS) to SIPs*

EPA has established National Ambient Air Quality Standards (NAAQS) for six criteria pollutants, which are widespread common pollutants known to be harmful to human health and welfare. The present criteria pollutants are: carbon

monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur oxides. See 40 CFR part 50 for a technical description of how the levels of these standards are measured and attained. State Implementation Plans provide for implementation, maintenance, and enforcement of the NAAQS in each state. Areas within each state that are designated nonattainment are subject to additional planning and control requirements. Accordingly, different regulations or programs in the SIP will apply to different areas. EPA lists the designation of each area at 40 CFR part 81.

##### *What is a State Implementation Plan*

The State Implementation Plan (SIP) is a plan for each State which identifies how that State will attain and/or maintain the primary and secondary National Ambient Air Quality Standards (NAAQS) set forth in section 109 of the Clean Air Act and 40 Code of Federal Regulations 50.4 through 50.12 and which includes federally-enforceable requirements. Each State is required to have a SIP which contains control measures and strategies which demonstrate how each area will attain and maintain the NAAQS. These plans are developed through a public process, formally adopted by the State, and submitted by the Governor's designee to EPA. The Clean Air Act requires EPA to review each plan and any plan revisions and to approve the plan or plan revisions if consistent with the Clean Air Act.

SIP requirements applicable to all areas are provided in section 110. Part D of title I of the Clean Air Act specifies additional requirements applicable to nonattainment areas. Section 110 and part D describe the elements of a SIP and include, among other things, emission inventories, a monitoring network, an air quality analysis, modeling, attainment demonstrations, enforcement mechanisms, and regulations which have been adopted by the State to attain or maintain NAAQS. EPA has adopted regulatory requirements which spell out the procedures for preparing, adopting and submitting SIP's and SIP revisions that are codified in 40 CFR part 51.

EPA's action on each State's SIP is promulgated in 40 CFR part 52. The first section in the subpart in 40 CFR part 52 for each State is generally the "Identification of plan" section which provides chronological development of the State SIP. Or if the state has undergone the new Incorporation by Reference format process (see 62 FR 27968, May 22, 1997), the identification of plan section identifies the State-

submitted rules and plan elements which have been Federally approved. The goal of the State-by-State SIP compilation is to identify those rules under the "Identification of plan" section which are currently Federally-enforceable. In addition, some of the SIP compilations may include control strategies, such as transportation control measures, local ordinances, State statutes, and emission inventories, or may include regulations provided in other sections of the State-specific subpart of part 52. Some of the SIP compilations may not identify these other Federally-enforceable elements.

The contents of a typical SIP fall into three categories: (1) State-adopted control measures which consists of either rules/regulations or source-specific requirements (e.g., orders and consent decrees); (2) State-submitted "non-regulatory" components (e.g., attainment plans, rate of progress plans, emission inventories, transportation control measures, statutes demonstrating legal authority, monitoring networks, etc.); (3) additional requirements promulgated by EPA (in the absence of a commensurate State provision) to satisfy a mandatory section 110 or part D (Clean Air Act) requirement.

##### *What Is Federally-Enforceable*

Enforcement of the state regulation before and after it is incorporated into the Federally-approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, EPA is authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the Clean Air Act.

You should note that, when States have submitted their most current State regulations for inclusion into Federally-enforceable SIPs, EPA will begin its review process of submittals as soon as possible. Until EPA approves a submittal by rulemaking action, State-submitted regulations will be State-enforceable only; therefore, State-enforceable SIPs may exist which differ from Federally-enforceable SIPs. As EPA approves these State-submitted regulations, the regional offices will continue to update the SIP compilations to include these applicable requirements.

Dated: November 14, 2001.

**Christine Todd Whitman,**

*U.S. EPA Administrator.*

[FR Doc. 01-28970 Filed 11-19-01; 8:45 am]

**BILLING CODE 6560-50-P**