

Paperwork Reduction Act (44 U.S.C. 3501–3520).

### Federalism

A rule has implication 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.

### Environmental

The Coast Guard preliminary review indicates this temporary rule is categorically excluded from further environmental documentation under Figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1D. The environmental analysis and Categorical Exclusion Determination will be prepared and submitted after establishment of this temporary security zone, and will be available in the docket. This temporary rule protects the Navy facility, the public, and the waterways of the United States. The Categorical Exclusion Determination will be made available in the docket for inspection or copying where indicated under ADDRESSES.

### 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 concern 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 relationships 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 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), Reports 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—[AMENDED]

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 temporary § 165.T07–101 is added to read as follows:

#### § 165.T07–101 Security Zone; Cooper River, Charleston, South Carolina.

(a) *Regulated Area.* The following closed waters are encompassed in the security zone for this section: Captain of the Port Charleston, South Carolina has closed the Cooper River to all vessel traffic from Cooper River Lighted Buoy 62 (LLNR 2930) in the vicinity of the entrance to Goose Creek to Cooper River Light 87 (LLNR 3135) near the entrance to Foster Creek. Goose Creek is also closed.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port, or a Coast Guard commissioned, warrant, or petty officer designated by him. The Captain of the Port will notify the public of any changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 13 and 16 (157.1 MHz).

(c) *Dates.* This section becomes effective at 12 noon on September 19, 2001 and will terminate at 12 noon on December 17, 2001. The Coast Guard will publish a separate document in the **Federal Register** announcing any earlier termination of this rule.

Dated: September 19, 2001.

**G. W. Merrick,**

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

[FR Doc. 01–24425 Filed 9–27–01; 8:45 am]

BILLING CODE 4910–15–U

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP San Juan–01–098]

RIN 2115–AA97

#### Security Zones; St. Croix, U.S. Virgin Islands

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary fixed security zones around all commercial tank and freight vessels moored at every dock at the HOVENSA refinery at St. Croix, U.S. Virgin Islands. All persons aboard commercial tank and freight vessels moored at the HOVENSA docks must remain on board for the duration of the port call unless escorted by designated HOVENSA personnel or specifically permitted to disembark by the U.S. Coast Guard Captain of the Port San Juan. These security zones are needed for national security reasons to protect the public and port of HOVENSA from potential subversive acts.

**DATES:** This regulation becomes effective at 9 p.m. on September 15, 2001 and will terminate at 11:59 p.m. on October 15, 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 [COTP San Juan–01–098] and are available for inspection or copying at

Marine Safety Office San Juan, RODVAL Bldg, San Martin St. #90 Ste 400, Guaynabo, PR 00968, between 7 a.m. and 3:30 p.m. Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**  
LCDR Robert Lefevers, Marine Safety Office San Juan, Puerto Rico at (787) 706-2440.

**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. Because of recent terrorist attacks in the United States, there is an urgent need to protect persons in the vicinity of the HOVENSA refinery. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to protect the public and this port in the U.S. Virgin Islands. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction.

For the same 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**

On September 11, 2001, there were terrorist attacks on the World Trade Center buildings in New York and the Pentagon in Arlington, Virginia. Given these events and the highly volatile nature of the substances stored at the HOVENSA facility, there is a risk that subversive activity could be launched by persons aboard commercial tank and freight vessels calling at the HOVENSA facility in St. Croix, USVI. The Captain of the Port San Juan is reducing this risk by prohibiting all persons aboard these vessels from disembarking while moored at the HOVENSA facility unless escorted by designated HOVENSA personnel or specifically permitted by the Captain of the Port San Juan. HOVENSA security personnel, in conjunction with local police department personnel, will assist in the enforcement of these security zones.

**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).

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard considered whether this rule would have a significant economic effect upon 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.

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 because persons may be allowed to disembark the vessels on a case by case basis with the authorization of the Captain of the Port and this temporary rule is only in effect for a limited time.

**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 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 requirements under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

**Federalism**

A rule has implication 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.

**Environmental**

The Coast Guard considered the environmental impact of this rule and concluded 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**.

**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 concern 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 relationships 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 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), Reports 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—[AMENDED]

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 temporary § 165.T07–098 is added to read as follows:

#### § 165.T07–098 Security Zone; HOVENSA Refinery, St. Croix, U.S. Virgin Islands.

(a) *Regulated area.* This section establishes temporary fixed security zones encompassing 20 yards around all commercial tank and freight vessels moored at every dock at the HOVENSA refinery at St Croix, U.S. Virgin Islands. All persons aboard commercial tank or freight vessels moored at the docks must remain on board for the duration of the port call unless escorted by designated HOVENSA personnel or specifically permitted to disembark by the Captain of the Port San Juan. These security zones are needed for national security reasons to protect the public and port of HOVENSA from potential subversive acts.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, all persons aboard commercial tank and freight vessels moored at the docks must remain on board for the duration of the port call unless escorted by designated HOVENSA personnel or specifically authorized by the Captain of the Port San Juan, or a Coast Guard commissioned, warrant, or petty officer designated by him. In addition to publishing it in the **Federal Register**, the Captain of the Port will notify the public of any changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 16 (157.1 Mhz).

(c) *Dates.* This section becomes effective at 9 p.m. on September 15, 2001 and will terminate at 11:59 p.m. on October 15, 2001.

Dated: September 15, 2001.

**J.A. Servidio,**

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

[FR Doc. 01–24424 Filed 9–27–01; 8:45 am]

**BILLING CODE 4910–15–U**

#### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### 33 CFR Part 165

[CGD01–01–166]

RIN 2115–AA97

#### Safety Zone; Tomlinson Bridge, Quinnipiac River, New Haven, CT

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of the Quinnipiac River within 100 yards of the north side and 500 yards of the south side of the Tomlinson Bridge. This safety zone will prevent marine traffic from transiting beneath the Tomlinson Bridge while a new, permanent lift span is installed on the bridge. The safety zone is needed to enable installation of a new lift span on the bridge and to protect marine traffic from the hazards associated with this operation.

**DATES:** This rule is effective from 7 a.m. (EST) on October 15, 2001 through 7 a.m. (EST) on October 20, 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 CGD01–01–166 and are available for inspection or copying at Coast Guard Group/Marine Safety Office Long Island Sound, Waterways Management Branch, 120 Woodward Avenue, New Haven, CT between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Lieutenant (junior grade) Pamela Garcia, Waterways Management Branch, Group/MSO Long Island Sound, telephone (203) 468–4429.

#### 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. The safety

zone is being established to enable the installation of a new lift span on the Tomlinson Bridge. This operation is one of the final stages of a multi-year bridge reconstruction project. The timing of this phase is dependent upon a number of variables, including tidal conditions and ambient temperatures for curing concrete. Following the installation of the new lift span, portions of the navigable channel must be dredged and the temporary Tomlinson Bridge will be removed. Both of these operations are permitted to occur only between October 1 and January 31.

For these reasons, it was determined that the delay inherent in the NPRM process would be contrary to the public interest. Failure to complete installation of the new lift span will delay reopening the Tomlinson Bridge and prevent removal of the temporary bridge until October 2002. That delay would, in turn, result in significant additional construction costs and prolong the impediment to navigation represented by the presence of two adjacent bridges across the waterway.

Moreover, it was determined that the NPRM process would be unnecessary. The State of Connecticut met with known waterway users August 22, 2000 and July 10, 2001 to discuss the anticipated channel closure required for the lift span installation. Waterway users in attendance acknowledge the necessity of the channel closure and the ability to adjust their waterway use accordingly. The State has continued to communicate with waterway users to apprise them of the anticipated safety zone dates and has identified the effective dates of this temporary rule as those preferred by those affected.

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**. For the reasons stated above, we have determined that a delay in the effective dates of the temporary rule would be unnecessary and contrary to the public interest. Advance notice of the safety zone will be disseminated by notice to mariners.

#### Background and Purpose

The Coast Guard is establishing a safety zone on all waters of the Quinnipiac River within 100 yards of the north side and 500 yards of the south side of the Tomlinson Bridge, located in approximate position 41° 17'9" N, 072° 54'3" W. This safety zone is effective from 7 a.m. (EST) on October 15, 2001 to 7 a.m. (EST) on October 20, 2001. The safety zone will prevent waterway users from transiting through this portion of the Quinnipiac River