

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 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. Although 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 safety that may disproportionately affect children.

### Environment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1D, that this action is categorically excluded from further environmental documentation.

### 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.

### List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—MARINE EVENTS

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46.

2. From 8:30 p.m. on July 4, 2002 until 10:15 p.m. on July 5, 2002, add temporary § 100.35T-07-056 to read as follows:

**§ 100.35T-07-056 Harbour Town Fireworks Display, Calibogue Sound, Harbour Town, Hilton Head, SC.**

(a) *Regulated area.* A regulated area is established on the waters of Calibogue Sound, Harbour Town, Hilton Head, SC, within a 350-yard radius of a fireworks launch barge in approximate position 32°08.2' N, 080°49.2' W. All coordinates referenced use Datum: NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Group Charleston, SC.

(c) *Special local regulations.* Entry into the regulated area by non-participant persons or vessels is prohibited unless authorized by the Coast Guard Patrol Commander.

(d) *Dates.* This rule will be enforced from 8:30 p.m. to 10:15 p.m. on July 4, 2002. If the event is postponed on July 4, 2002, it will be enforced from 8:30 p.m. to 10:15 p.m. on July 5, 2002.

Dated: June 14, 2002.

**John E. Crowley, Jr.,**

*Captain, Coast Guard, Acting Commander Seventh Coast Guard District.*

[FR Doc. 02-16743 Filed 7-2-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### 33 CFR Part 100

[CGD07-02-045]

RIN 2115-AE46

### Special Local Regulations; Skull Creek, Hilton Head, SC

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Temporary special local regulations are being established for the Skull Creek July 4th Celebration Fireworks Display, on Skull Creek, Hilton Head, SC. This rule creates a regulated area around the fireworks barge. This rule is needed to provide for the safety of life on navigable waters during the event.

**DATES:** This rule is effective from 8:30 p.m. on July 4, 2002, until 10:30 p.m. on July 5, 2002.

**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 [CGD07-02-045] and are available for inspection or copying at Coast Guard Group Charleston, 196 Tradd St, Charleston S. C. 29401 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG Martinez, Coast Guard Group Charleston at (843)—724-7621.

### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this

rule. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing a NPRM, which would incorporate a comment period before a final rule could be issued, would be contrary to public safety interests since immediate action is needed to minimize potential danger to the public from aerial fireworks and because there will be numerous spectator craft in the area.

For the same reason, 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**

This rule is required to provide for the safety of life on navigable waters because of the inherent danger of aerial fireworks for the Skull Creek July 4th Celebration on Skull Creek, Hilton Head, SC. The event sponsor expects approximately 120 spectator craft to observe the show. The fireworks barge will be located in approximate position 32°13.95' N, 080°45.1' W, approximately 900 feet offshore from Hudson's Seafood. This rule creates a regulated area that will prohibit non-participant vessels from entering the regulated area during the event without the permission of the Coast Guard Patrol Commander.

### **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) because the rule minimally impacts navigation: the regulated area will only be in effect for two hours, the main channel will be open, vessels will still be able to transit the waterway around the regulated area, and vessels may be allowed to enter the regulated area with the permission of the Coast Guard Patrol Commander.

### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on 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.

This rule may affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit or anchor in a portion of the Skull Creek, part of the Intercoastal Waterway, from 8:30 p.m. to 10:30 p.m., July 4, 2002 (or July 5, 2002 if the event is postponed). 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 it has minimal impact on navigation: the rule will only be in effect for two hours, the main channel will be open, vessels will still be able to transit the waterway around the regulated area, and vessels may be allowed to enter the regulated area with the permission of the Coast Guard Patrol Commander.

### **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 this rule so that they may better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. 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-GAIR (1–888–734–3247).

### **Collection of Information**

This rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (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. Although this rule will not result in such 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 safety that may disproportionately affect children.

### **Environment**

The Coast Guard has considered the environmental impact of this action and has determined pursuant to figure 2–1, paragraph 34(h) of Commandant Instruction M16475.1D, that this action is categorically excluded from further environmental documentation.

### **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.

#### List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

#### PART 100—MARINE EVENTS

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46.

2. From 8:30 p.m. on July 4, 2002 until 10:30 p.m. on July 5, 2002 add temporary § 100.35T-07-045 to read as follows:

##### **§ 100.35T-07-045; Skull Creek July 4th Celebration, Skull Creek, Hilton Head SC.**

(a) *Regulated area.* A regulated area is established for the waters in Skull Creek, Hilton Head, SC, encompassing a 500-foot radius around a barge located in approximate position 32°13.95' N, 080°45.1' W. All coordinates referenced use Datum: NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Coast Guard Group Charleston, SC.

(c) *Special local regulations.* Entry into the regulated area by non-participant persons or vessels is prohibited, unless expressly authorized by the Coast Guard Patrol Commander.

(d) *Dates.* This section will be enforced from 8:30 p.m. until 10:30 p.m. on July 4, 2002. If the event is postponed on July 4, 2002, this section will be enforced from 8:30 p.m. to 10:30 p.m. on July 5, 2002.

Dated: June 14, 2002.

**John E. Crowley, Jr.,**

*Captain, Coast Guard, Acting Commander  
Seventh Coast Guard District.*

[FR Doc. 02-16748 Filed 7-2-02; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

#### 33 CFR Part 117

[CGD07-01-143]

RIN 2115-AE47

#### **Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Mile 1069.4 at Dania Beach, Broward County, FL**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the operating regulations of the Dania Beach Boulevard bridge across the Atlantic Intracoastal Waterway, mile 1069.4 at Dania Beach, Florida, from July 31, 2002 to November 15, 2002. This temporary rule allows this bridge to only open a single leaf of the bridge on a regular schedule. Double leaf openings will be provided during certain times. This action is necessary to facilitate repairs to the bridge.

**DATES:** This rule is effective from 8:01 p.m. on July 31, 2002 until 6 p.m. on November 15, 2002.

**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 [CGD07-01-143] and are available for inspection or copying at room 432, Seventh Coast Guard District, Bridge Branch, 909 S.E. 1st Avenue, Miami, Florida, 33130-3050, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Lieberum, Project Officer, Seventh Coast Guard District, Bridge Branch, telephone 305-415-6744.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

On February 21, 2002 we published a notice of proposed rulemaking (NPRM) entitled "Drawbridge Operation Regulations: Dania Beach Boulevard Drawbridge, Atlantic Intracoastal Waterway, Florida" in the **Federal Register** (67 FR 7991).

On April 16, 2002, PCL Constructors, who were hired by Florida Department of Transportation, notified the Coast Guard that due to a safety issue involving the welding of deck plates, the bridge should be put on a single leaf opening schedule as soon as possible, and requested this be done to facilitate repairs. The Coast Guard met with Florida Department of Transportation representatives on April 22, 2002 to

discuss this request. After this meeting the Coast Guard determined that to best facilitate the needs of navigation and bridge repair, the bridge would be put on a 20-minute, single leaf opening schedule with double leaf openings available with 2 hours advance notice to the bridge tender. On June 13, 2002 the Coast Guard published a notice of temporary deviation from regulations entitled "Drawbridge Operation Regulations: Atlantic Intracoastal Waterway, Mile 1069.4 at Dania Beach, Broward County, FL" in the **Federal Register** (67 FR 40606). This deviation allows the bridge operator to only open a single leaf of the bridge from June 4, 2002 until July 31, 2002 with double leaf openings available with 2 hours advanced notice to the bridge tender.

##### **Background and Purpose**

The Dania Beach Boulevard bridge, mile 1069.4 at Dania Beach, Broward County, Florida, has a vertical clearance of 22 feet at mean high water and a horizontal clearance of 45 feet between fenders. The existing operating regulations in 33 CFR 117 require the bridge to open on signal.

On November 7, 2001, the Coast Guard met with the Florida Department of Transportation representative, URS to discuss altering the Dania Beach Boulevard bridge regulations to facilitate a major rehabilitation of the bridge. The representatives stated that due to the comprehensive nature of the repairs, which includes rebalancing the bascules, they would only be able to open a single span of the bridge for a period of 45 days during the months of September and October. URS requested the bridge be allowed to only open a single leaf of the bridge on the quarter hour and three-quarter hour during these 45 days. Double leaf openings would not be available during this time period because one span will be inoperable. Since the notice of proposed rulemaking was published, URS determined that the 45 days will begin on September 5, 2002 and end on October 19, 2002.

On April 16, 2002, PCL Contractors notified the Coast Guard that the work on the bridge bascules had started and due to safety issues involving welding deck plates, the current on-demand bridge schedule raised safety concerns and impeded their work. As a result, they requested a 20-minute, single leaf, opening schedule. On April 22, 2002, the Coast Guard contacted URS to discuss this request. As a result of that meeting, the Coast Guard determined that operational and safety concerns justified a 20-minute, single leaf, opening schedule. Double-leaf openings