

(A) Sixty calendar days after the date of publication of the final modifying or revoking notice in the *Customs Bulletin* under paragraph (b)(2) or paragraph (c)(2)(i) of this section; or

(B) At the option of a person who makes a valid claim regarding previous treatment, on and after the date of publication of the final modifying or revoking notice in the *Customs Bulletin* under paragraph (b)(2) or paragraph (c)(2)(i) of this section.

**PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS**

1. The authority citation for Part 178 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 1624; 44 U.S.C. 3501 *et seq.*

2. In § 178.2, the table is amended by removing the listings for §§ 177.2, 177.5, 177.11, and 177.12 and adding, in their place, a listing for Part 177 to read as follows:

**§ 178.2 Listing of OMB control numbers.**

19 CFR section	Description	OMB control No.
* * *	* * *	* * *
Part 177 .....	Issuance of administrative rulings on prospective and current customs transactions.	1515-0228
* * *	* * *	* * *
* * *	* * *	* * *

**Robert C. Bonner,**  
*Commissioner of Customs.*

Approved: August 12, 2002.

**Timothy E. Skud,**  
*Deputy Assistant Secretary of the Treasury.*  
[FR Doc. 02-20757 Filed 8-15-02; 8:45 am]  
BILLING CODE 4820-02-P

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

[CGD09-02-005]

RIN 2115-AA97

**Security Zones; Captain of the Port Buffalo Zone**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing four permanent security zones on the navigable waters of Lake Ontario and the St. Lawrence River in the Captain of the Port Buffalo Zone. These security zones are necessary to protect the Nuclear Power Plants and the St. Lawrence Seaway system from possible acts of terrorism. These security zones are intended to restrict vessel traffic from a portion of the St. Lawrence River and Lake Ontario.

**DATES:** This rule is effective August 16, 2002.

**ADDRESSES:** Comments and materials received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD09-02-005) and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Buffalo, 1 Fuhrmann Blvd, Buffalo, New York 14203 between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** LCDR David Flaherty, U.S. Coast Guard Marine Safety Office Buffalo, (716) 843-9574.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

On May 30, 2002, we published a notice of proposed rulemaking (NPRM) entitled "Security Zones; Captain of the Port Buffalo Zone" in the **Federal Register** (67 FR 37748). We did not receive any letters commenting on the proposed rule. No public hearing was requested, and none was held.

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 permanent security zones being established by this rulemaking are smaller in size than the temporary security zones currently in effect. By immediately implementing the smaller zone size, we will be relieving some of the burden placed on the public by a larger security zone.

**Background and Purpose**

On September 11, 2001, the United States was the target of coordinated attacks by international terrorists resulting in catastrophic loss of life, the destruction of the World Trade Center, and significant damage to the Pentagon. National security and intelligence officials warn that future terrorists attacks are likely.

This regulation proposes to establish four permanent security zones: (1) Nine Mile Point and Fitzpatrick Nuclear Power Plants; (2) Ginna Nuclear Power

Plant; (3) Moses-Saunders Power Dam; and, (4) Long Sault Spillway Dam.

These security zones are necessary to protect the public, facilities, and the surrounding area from possible sabotage or other subversive acts. All persons other than those approved by the Captain of the Port Buffalo, or his designated representative, are prohibited from entering or moving within this zone. The Captain of the Port Buffalo, or his on scene representative, may be contacted via VHF Channel 16 for further instructions before transiting through the restricted area. In addition to publication in the **Federal Register**, the public will be made aware of the existence of these security zones, exact locations, and the restrictions involved via Local Notice to Mariners and Broadcast Notice to Mariners.

**Discussion of Comments and Changes**

No comments were received and no changes are being made from the proposed rule in this final rule.

**Regulatory Evaluation**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 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 exempted it from review 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

**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" 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 rule will not have a significant economic impact on a substantial number of small entities.

This security zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will not

obstruct the regular flow of commercial traffic and will allow vessel traffic to pass around the security zone. In addition, in the event that it may be necessary, prior to transiting commercial vessels can request permission from the Captain of the Port Buffalo to transit through the zone.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. No comments or questions were received from any small businesses.

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 would not create an environmental risk to health or risk to safety that might 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 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.

#### 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 considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.IC, this rule is categorically excluded from further environmental documentation. A “Categorical Exclusion Determination” is available in the docket 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 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. 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.

#### §§ 165.T09–999, 165.T09–101, and 165.T09–103 [Removed]

2. Add § 165.911 to read as follows:

#### § 165.911 Security Zones; Captain of the Port Buffalo Zone.

(a) *Location.* The following are security zones:

(1) *Nine Mile Point and Fitzpatrick Nuclear Power Plants.* The navigable waters of Lake Ontario bounded by the following coordinates: commencing at 43°30.8' N, 076°25.7' W; then north to 43°31.2' N, 076°25.7' W; then east-northeast to 43°31.6' N, 076°24.9' W; then east to 43°31.8' N, 076°23.2' W; then south to 43°31.5' N, 076°23.2' W; and then following the shoreline back to the point of origin (NAD 83).

(2) *Ginna Nuclear Power Plant.* The waters of Lake Ontario bounded by the following area, starting at 43°16.9' N, 077°18.9' W; then north to 43°17.3' N, 077°18.9' W; then east to 43°17.3' N, 077°18.3' W; then south to 43°16.7' N, 077°18.3' W; then following the shoreline back to starting point (NAD 83).

(3) *Moses-Saunders Power Dam.* The waters of the St. Lawrence River bounded by the following area, starting at 45°00.73' N, 074°47.85' W; southeast following the international border to 45°00.25' N, 074°47.56' W; then southwest to 45°00.16' N, 074°47.76' W; then east to the shoreline at 45°00.16' N, 074°47.93' W; then northwest to 45°00.36' N, 074°48.16' W; then northeast back to the starting point (NAD 83).

(4) *Long Sault Spillway Dam.* The waters of the St. Lawrence River bounded by the following area, starting at 44°59.5' N, 074°52.0' W; north to 45°00.0' N, 074°52.0' W; east to 45°00.0' N, 074°51.6' W, then south to 44°59.5' N, 074°51.6' W; then west back to the starting point (NAD 83).

(b) *Regulations.* (1) In accordance with § 165.33, entry into this zone is

prohibited unless authorized by the Coast Guard Captain of the Port Buffalo.

(2) Persons or vessels desiring to transit the area of the Nine Mile Point and Fitzpatrick Nuclear Power Plants or Ginna Nuclear Power Plant security zones must contact the Captain of the Port Buffalo at telephone number (716) 843-9570, or on VHF/FM channel 16 to seek permission to transit the area. Persons desiring to transit the area of Moses-Saunders Power Dam or Long Sault Spillway Dam security zones must contact the Supervisor, Marine Safety Detachment Massena at telephone number (315) 764-3284, or on VHF/FM channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

Dated: July 19, 2002.

**P.M. Gugg,**

*Commander, Coast Guard, Captain of the Port Buffalo.*

[FR Doc. 02-20756 Filed 8-15-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD09-02-001]

RIN 2115-AA97

#### Security Zones; Captain of the Port Chicago Zone, Lake Michigan

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing permanent security zones on the navigable waters of the Des Plaines River, the Kankakee River, the Rock River, and Lake Michigan in the Captain of the Port Zone Chicago. These security zones are necessary to protect the nuclear power plants, and water intake cribs, from possible sabotage or other subversive acts, accidents, or possible acts of terrorism. These zones are intended to restrict vessel traffic from portions of the Des Plaines River, the Kankakee River, the Rock River, and Lake Michigan.

**DATES:** This rule is effective on August 16, 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 CGD09-02-001 and are available for inspection or copying at Coast Guard Marine Safety Office Chicago, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

MST3 Kathryn Varela, U.S. Coast Guard Marine Safety Office Chicago, at (630) 986-2175.

**SUPPLEMENTARY INFORMATION:**

#### Regulatory Information

On May 22, 2002, we published a notice of proposed rulemaking (NPRM) entitled Security Zones; Captain of the Port Chicago Zone, Lake Michigan, in the **Federal Register** (67 FR 35939). We received six letters commenting on the proposed rule. No public hearing was requested, and none was held.

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**. In response to the terrorist attacks on September 11, 2001, the Coast Guard implemented temporary security zones around critical facilities throughout the U.S. Some of those facilities included nuclear power plants, water intake cribs, and Navy Pier. Security zones around these facilities helps protect against the subversive type of activity that resulted in the World Trade Center and Pentagon attacks. Since the temporary security zone will expire on August 1, 2002, in order to continue ensuring security at these nuclear power plants, water intake cribs, and Navy Pier, this final rule must be implemented prior to the August 1, 2002 expiration. As such, it is necessary to make this rule effective less than 30 days after publication.

#### Background and Purpose

On September 11, 2001, the United States was the target of coordinated attacks by international terrorists resulting in catastrophic loss of life, the destruction of the World Trade Center, and significant damage to the Pentagon. National security and intelligence officials warn that future terrorist attacks are likely. To protect from such, this regulation will establish permanent security zones on the navigable waters of the Des Plaines River, the Kankakee River, the Rock River, and Lake Michigan.

These security zones are necessary to protect the public, facilities, and the surrounding area from possible sabotage or other subversive acts. All persons other than those approved by the Captain of the Port Chicago, or his authorized representative, are prohibited from entering or moving

within the zones. The Captain of the Port Chicago may be contacted via VHF Channel 16 for further instructions before transiting through the restricted area. The Captain of the Port Chicago's on-scene representative will be the patrol commander. In addition to publication in the **Federal Register**, the public will be made aware of the existence of these security zones, exact locations and the restrictions involved via Local Notice to Mariners and the Broadcast Notice to Mariners.

#### Discussion of Comments and Changes

During the public comment period, the Coast Guard received 6 comments on the proposed rulemaking. Three comments were concerned that the Donald C. Cook Nuclear Power Plants security zone would exclude fishermen from a good fishing area. Nuclear power plants are critical infrastructures throughout the country, providing electricity to millions of homes and cities. In addition, the plants pose a significant radiological hazard should their structural integrity be compromised. The Captain of the Port Chicago has determined that the best practice to ensure the safety of these facilities is to provide a clear area in which no vessels or persons are allowed access without specific permission from the Captain of the Port Chicago.

One comment stated concern that the security zones around Navy Pier and the Jardine Water Filtration Plant did not include the northside of the plant. Commenter concerned for the Commonwealth Edison vault that supplies electrical power to the Jardine Water Filtration Plant being directly above the waters edge. The Captain of the Port Chicago has taken under advisement and after review has determined that the present security zone boundaries are adequate for the current threat condition.

One comment received from the Palisades Nuclear Power Plant requesting changes to the security zone coordinates to match their northern and southern shoreline boundaries. The commenter noted that the current security zone for the Palisades Nuclear Power Plant did not match where their security barriers are placed, and for enforcement purposes recommended the change. The Coast Guard concurs with this comment and has identified the new northern and southern coordinates as 42°19'31" N, 086°18'50" W (northern shoreline), 42°19'07" N, 086°19'05" W (southern shoreline).

One comment recommended that the Navy Pier Southside Security zone be changed to only 150 feet from the Southern side to allow recreational