

compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business 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 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.

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 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), 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, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T07-116 is added to read as follows:

§ 165.T07-116 Security Zones; Ports Everglades and the Port of Miami, Florida.

(a) *Port of Miami regulated area.* A temporary fixed security zone is established encompassing all waters between Watson Park and Star Island on the MacArthur Causeway south to the Port of Miami on Dodge Island. The western boundary is formed by an

imaginary line from points 25°46.76' N, 080°10.87' W, to 25°46.77' N, 080°10.92' W to 25°46.88' N, 080°10.84' W and ending on Watson Park at 25°47.00' N, 080°10.67' W. The eastern boundary is formed by an imaginary line from the traffic light located at Bridge road, which leads to Star Island on MacArthur Causeway directly extending across the Government Cut channel to Lummus Island, at 25°46.32' N, 080°09.23' W.

(b) *Port Everglades regulated area.* A temporary fixed security zone is established encompassing all waters west of an imaginary line starting at the northern most point 26°05.98' N, 080°07.15' W, near the west side of the 17th Street Bridge, to the southern most point 26°05.41' N, 080°06.97' W on the tip of the pier near Burt and Jacks Restaurant, Port Everglades, Florida.

(c) *Regulations.* These temporary fixed security zones are activated when cruise ships and vessels carrying cargoes of particular hazard are moored within these zones. 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, a Coast Guard commissioned, warrant, or petty officer, or other law enforcement officer designated by him. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(d) *Dates.* This section becomes effective at 11:59 p.m. on October 7, 2001 and will terminate at 11:59 p.m. on June 15, 2002.

Dated: October 7, 2001.

J.A. Watson, IV,

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

[FR Doc. 02-3513 Filed 2-12-02; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

United States Navy Restricted Area, Elizabeth River, Virginia

AGENCY: United States Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers is amending its regulations, which establish a restricted area on the Elizabeth River in the vicinity of the Craney Island Refueling Station at Portsmouth, Virginia. The regulations are necessary to safeguard Navy vessels and United States Government facilities

from sabotage and other subversive acts, accidents, or incidents of similar nature. These regulations are also necessary to protect the public from potentially hazardous conditions which may exist as a result of Navy use of the area.

EFFECTIVE DATE: March 15, 2002.

ADDRESSES: U.S. Army Corps of Engineers, Attn: CECW-OR, 441 G Street, NW., Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Torbett, Headquarters Regulatory Branch, Washington, DC at (202) 761-4618, or Mr. Rick Henderson, Corps of Engineers, Norfolk District, Regulatory Branch, at (757) 441-7653.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3) the Corps is amending the restricted area regulations in 33 CFR part 334 by adding Section 334.440 which establishes a restricted area on the Elizabeth River in the vicinity of the Craney Island Refueling Station at Portsmouth, Virginia.

Procedural Requirements

(a) Review Under Executive Order 12866

This rule is issued with respect to a military function of the Defense Department and the provisions of Executive order 12866 do not apply.

(b) Review Under the Regulatory Flexibility Act

This rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps expects that the economic impact of the establishment of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal will have no significant economic impact on small entities.

(c) Review Under the National Environmental Policy Act

The Norfolk District has prepared an environmental assessment (EA) for this action. We have concluded, based on the minor nature of the proposed restricted area regulations, that this action will not have a significant impact to the quality of the human environment, and preparation of an

Environmental Impact Statement (EIS) is not required. The EA may be reviewed at the Norfolk District office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

(d) Unfunded Mandates Act

This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of section 202 or 205 of the Unfunded Mandates Act. We have also found under section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

(e) Submission to Congress and the Government Accounting Office

Pursuant to section 801(a)(1)(A) of the Administrative Procedure Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this Rule to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office. This Rule is not a major Rule within the meaning of section 804(2) of the Administrative Procedure Act, as amended.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Restricted areas, Navigation (water), Waterways.

For the reasons set out in the preamble, the Corps is amending 33 CFR Part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for Part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Section 334.293 is added to read as follows:

§ 334.293 Elizabeth River, Craney Island Refueling Pier Restricted Area, Portsmouth VA; Naval Restricted Area.

(a) *The area.* (1) The waters within an area beginning at a point on the shore at latitude 36°53'17.4" N, longitude 76°20'21" W; thence easterly to latitude 36°53'16.8" N, longitude 76°20'14.4" W; thence southwesterly to latitude 36°53'00" N, longitude 76°20'18" W; thence southeasterly to latitude 36°52'55.2" N, longitude 76°20'16.5" W; thence southwesterly to latitude 36°52'52.2" N, longitude 76°20'18" W; thence southwesterly to latitude 36°52'49.8" N, longitude 76°20'25.8" W; thence northwesterly to latitude 36°52'58.2" N, longitude 76°20'33.6" W;

thence northeasterly to a point on the shore at latitude 36°53'00" N, longitude 76°20'30" W; thence northerly along the shoreline to the point of beginning.

(b) *The regulation.* No vessel or persons may enter the restricted area unless specific authorization is granted by the Commander, Navy Region, Mid-Atlantic and/or other persons or agencies as he/she may designate.

(c) *Enforcement.* The regulation in this section, promulgated by the Corps of Engineers, shall be enforced by the Commander, Navy Region, Mid-Atlantic, and such agencies or persons as he/she may designate.

Dated: January 14, 2002.

Charles M. Hess,

Chief, Operations Division, Directorate of Civil Works.

[FR Doc. 02-3556 Filed 2-12-02; 8:45 am]

BILLING CODE 3710-92-P

DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AK99

Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve

AGENCIES: Department of Defense, Department of Transportation (Coast Guard), and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: By statute, the monthly rates of basic educational assistance payable to reservists under the Montgomery GI Bill—Selected Reserve must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic educational assistance payable under the Montgomery GI Bill—Selected Reserve for fiscal year 2002 (October 1, 2001, through September 30, 2002) are changed to show a 3.4% increase in these rates.

DATES: *Effective Date:* This final rule is effective February 13, 2002.

Applicability Date: The changes in rates are applied retroactively to conform to statutory requirements. For more information concerning the dates of application, see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education