

identification and the amendment number.

### The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

### Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on December 7, 2001.

**James J. Ballough,**

*Director, Flight Standards Service.*

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the

Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

#### §§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

\* \* \* *Effective December 27, 2001*

Marina, CA, Marina Muni, VOR RWY 11, Orig  
Marina, CA, Marina Muni, VOR RWY 29, Orig  
Marina, CA, Marina Muni, RNAV (GPS) RWY 11, Orig  
Marina, CA, Marina Muni, RNAV (GPS) RWY 29, Orig  
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 10L, Orig  
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 28R, Orig  
Blackfoot, ID, McCarley Field, VOR/DME RWY 1, Orig  
Blackfoot, ID, McCarley Field, RNAV (GPS) RWY 1, Orig  
Blackfoot, ID, McCarley Field, RNAV (GPS) RWY 19, Orig  
Blackfoot, ID, McCarley Field, VOR/DME RWY 19, Orig  
Memphis, TN, Memphis Intl, LOC RWY 18, Orig  
Memphis, TN, Memphis Intl, ILS RWY 35, Orig  
Kemmerer, WY, Kemmerer Muni, RNAV (GPS) RWY 34, Orig  
Kemmerer, WY, Kemmerer Muni, RNAV (GPS) RWY 16, Orig

\* \* \* *Effective February 21, 2002*

Fort Lauderdale, FL, Fort Lauderdale-Hollywood Intl, ILS RWY 9L, Amdt 19  
Fort Lauderdale, FL, Fort Lauderdale-Hollywood Intl, RNAV (GPS) RWY 13, Orig  
Fort Lauderdale, FL, Fort Lauderdale-Hollywood Intl, RNAV (GPS) RWY 31, Orig  
Fort Lauderdale, FL, Fort Lauderdale-Hollywood Intl, RNAV (GPS) RWY 9L, Orig  
Fort Lauderdale, FL, Fort Lauderdale-Hollywood Intl, RNAV (GPS) RWY 9R, Orig  
Waterloo, IA, Waterloo Muni, RNAV (GPS) RWY 6, Orig

Waterloo, IA, Waterloo Muni, RNAV (GPS) RWY 18, Orig  
Waterloo, IA, Waterloo Muni, RNAV (GPS) RWY 24, Orig  
Waterloo, IA, Waterloo Muni, RNAV (GPS) RWY 36, Orig  
Waterloo, IA, Waterloo Muni, VOR RWY 6, Amdt 3  
Waterloo, IA, Waterloo Muni, GPS RWY 6, Orig CANCELLED  
Fergus Fall, MN, Fergus Falls Muni-Einar Mickelson Field, VOR OR GPS RWY 13, Orig-A  
Fergus Fall, MN, Fergus Falls Muni-Einar Mickelson Field, NDB OR GPS RWY 31, Amdt 1A  
Marshall, MN, Marshall Muni-Ryan Field, VOR/DME RWY 30, Amdt 2A  
Marshall, MN, Marshall Muni-Ryan Field, GPS RWY 30, Orig-A  
Newark, NJ, Newark Intl, NDB RWY 4R, Amdt 7  
Newark, NJ, Newark Intl, NDB RWY 4L, Amdt 11  
Newark, NJ, Newark Intl, ILS RWY 4R, Amdt 12  
Newark, NJ, Newark Intl, ILS RWY 4L, Amdt 13  
Newark, NJ, Newark Intl, ILS RWY 22L, Amdt 11  
Newark, NJ, Newark Intl, RNAV (GPS) RWY 4R, Orig  
Newark, NJ, Newark Intl, RNAV (GPS) RWY 4L, Orig  
Newark, NJ, Newark Intl, RNAV (GPS) RWY 22R, Orig  
Angel Fire, NM, Angel Fire, RNAV (GPS) RWY 17, Orig  
Medford, OR, Rogue Valley International-Medford, VOR/DME RWY 14, Amdt 5  
**Note:** The FAA published the following procedure in Docket No. 30279; Amdt No. 2078 to Part 97 of the Federal Aviation Regulations (Vol. 66, FR No. 223, Page 57862; dated Monday, November 19, 2001) under section 97.23 effective December 27, 2001 which is hereby rescinded:  
Angel Fire, NM, Angel Fire, RNAV (GPS) RWY 17, Orig  
[FR Doc. 01-30752 Filed 12-11-01; 8:45 am]  
**BILLING CODE 4910-13-M**

## FEDERAL TRADE COMMISSION

### 16 CFR Parts 3 and 4

#### Rules of Practice

**AGENCY:** Federal Trade Commission (FTC).

**ACTION:** Final rules.

**SUMMARY:** The Commission is updating and making other technical corrections and changes to Parts 3 and 4 of its regulations on Organization, Procedures and Rules of Practice.

**EFFECTIVE DATE:** These rule amendments will be effective on December 12, 2001.

**FOR FURTHER INFORMATION CONTACT:** Marianne Watts, Office of General Counsel, FTC, 600 Pennsylvania

Avenue, NW., Washington, DC 20580, (202) 326-3074, mwatts@ftc.gov.

**SUPPLEMENTARY INFORMATION:** The Commission is amending Parts 3 and 4 of its Rules, 16 CFR Parts 3 and 4, to update and make other technical clarifications, corrections, and changes to the Rules, as follows.

**Consent Agreement Settlements**

Matters in administrative litigation may be withdrawn from adjudication pursuant to a motion to consider a proposed consent agreement. If the proposed consent agreement is executed by complaint counsel, the Bureau Director responsible for supervising complaint counsel typically reviews and approves the terms of the proposed consent agreement. The Bureau Director then indicates his or her approval on an approval line. Rule 3.25(c) is being amended to eliminate the suggestion that the Bureau Director is one of complaint "counsel."

**Orders Requiring Witnesses to Testify or Provide Other Information and Granting Immunity**

Rule 3.39 (a) is being amended to clarify the actual roles of Directors and Assistant Directors of the Bureaus and Regional Directors and Assistant Regional Directors for the Commission's Regional Offices with respect to the issuance of orders requiring a witness to testify or provide information and granting immunity under Title 18, section 6002 of the United States Code. As currently written, Rule 3.39 (a) may suggest that such Directors and Assistant Directors themselves typically present evidence in support of an administrative complaint. To remove the potentially erroneous suggestion, Rule 3.39(a) is being revised to state that such Directors and Assistant Directors have supervisory authority over complaint counsel, who, as attorneys, are typically responsible for performing this function.

**Appearances**

Rule 4.1 (a)(2)(ii) is being amended to correct certain typographical errors. As originally promulgated in 1983, Rule 4.1 (a)(2)(ii) read as follows: "At the request of counsel representing any party in an adjudicative proceeding, the Administrative Law Judge may permit an expert in the same discipline as an expert witness to conduct all or a portion of the cross-examination of a witness." 48 FR 44,765 (1983). During subsequent rule changes, certain language was inadvertently deleted; those deletions are hereby restored.

Costs for Obtaining Commission Records, The Public Record, Disclosure Requests, and Privacy Act Rules

Pertinent subsections of Rules 4.8, 4.9, 4.11, and 4.13 are being amended to change the title of the official designated by the General Counsel to receive and process initial Freedom of Information Act (FOIA) and Privacy Act requests. Currently, these rules contain numerous references to the title "the Assistant General Counsel for Legal Counsel (Management & Access)." This title no longer exists. Therefore, the references to this title in Rules 4.8, 4.9, 4.11, and 4.13 are being removed and replaced in most instances by the descriptive phrase: "the deciding official (as designated by the General Counsel)." This formulation is being adopted because titles within the Office of the General Counsel may change, and this amendment will reduce the need for future rule changes.

The Administrative Procedure Act does not require prior public notice and comment on these amendments because they relate solely to rules of agency organization, procedure or practice. 5 U.S.C. 553(b)(A). For this reason, the Regulatory Flexibility Act also does not require an initial or final regulatory flexibility analysis. See 5 U.S.C. 603, 604. To the extent these amendments may relate to agency information collection activities, they are exempt from review under the Paperwork Reduction Act. See 44 U.S.C. 3518(c); 5 CFR 1320.4 (collections during the conduct of civil or administrative proceedings or investigations).

**List of Subjects**

*16 CFR Part 3*

Administrative practice and procedure, Claims, Equal Access to Justice, Lawyers.

*16 CFR Part 4*

Administrative practice and procedure, Freedom of Information Act, Privacy Act, Sunshine Act.

For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, Chapter I, Subchapter A, of the Code of Federal Regulations, as follows:

**PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS**

1. The authority citation for Part 3 continues to read as follows:

**Authority:** 15 U.S.C. 46, unless otherwise noted.

2. Revise § 3.25(c) to read as follows:

**§ 3.25 Consent agreement settlements.**

\* \* \* \* \*

(c) If the proposed consent agreement accompanying the motion has also been

executed by complaint counsel and approved by the appropriate Bureau Director, the Secretary shall issue an order withdrawing from adjudication those portions of the matter that the proposal would resolve and all proceedings before the Administrative Law Judge shall be stayed with respect to such portions, pending a determination by the Commission pursuant to paragraph (f) of this section.

\* \* \* \* \*

3. In § 3.39, paragraphs (a) introductory text, (a)(1) and the first sentence of paragraph (a)(2) are revised to read as follows:

**§ 3.39 Orders requiring witnesses to testify or provide other information and granting immunity.**

(a) Where Commission complaint counsel desire the issuance of an order requiring a witness or deponent to testify or provide other information and granting immunity under title 18, section 6002, United States Code, Directors and Assistant Directors of Bureaus and Regional Directors and Assistant Regional Directors of Commission Regional Offices who supervise complaint counsel responsible for presenting evidence in support of the complaint are authorized to determine:

(1) That the testimony or other information sought from a witness or deponent, or prospective witness or deponent, may be necessary to the public interest, and

(2) That such individual has refused or is likely to refuse to testify or provide such information on the basis of his privilege against self-incrimination; and to request, through the Commission's liaison officer, approval by the Attorney General for the issuance of such order.

\* \* \* \* \*

**PART 4—MISCELLANEOUS RULES**

4. The authority citation for Part 4 continues to read as follows:

**Authority:** 15 U.S.C. 46, unless otherwise noted.

5. Revise § 4.1 (a)(2)(ii) to read as follows:

**§ 4.1 Appearances.**

(a) \* \* \*

(2) \* \* \*

(ii) At the request of counsel representing any party in an adjudicative proceeding, the Administrative Law Judge may permit an expert in the same discipline as an expert witness to conduct all or a

portion of the cross-examination of such witness.

\* \* \* \* \*

**§§ 4.8, 4.11, 4.13 [Amended]**

6. Section 4.11(a)(2) is corrected as follows:

A. By correctly designating paragraphs (a)(2)(i)(A)(1) through (3) as paragraphs (a)(2)(i)(A)(1) through (3);

B. By correctly designating paragraphs (a)(2)(ii)(A)(1) and (2) as paragraphs (a)(2)(ii)(A)(1 and (2);

C. By correcting the reference in redesignated paragraph (a)(2)(i)(A)(1) that currently reads “(a)(2)(i)(A)(2)” to read “(a)(2)(i)(A)(2)’.

7. §§ 4.8, 4.11, and 4.13 are amended by removing the words “Assistant General Counsel for Legal Counsel (Management & Access) or his or her designee” and adding, in their place, the words “deciding official (as designated by the General Counsel)” in the following places:

- a. Section 4.8 (c), (e), (g), and (h);
- b. Section 4.11(a) (1) (i) (E); 4.11 (a) (1) (iii) (A)-(D); 4.11(a) (1) (iv) (A)-(C); 4.11 (a) (2) (i) (A) (1); and

**§§ 4.9 and 4.13 [Amended]**

8. §§ 4.9 and 4.13 are amended by removing the words “Assistant General Counsel for Legal Counsel (Management & Access)” and adding, in their place, the words “the deciding official (as designated by the General Counsel)” in the following places:

- a. Section 4.9 (a) (4) (i); and
- b. Section 4.13 (i) (2) (i).

**§§ 4.11 and 4.13 [Amended]**

9. §§ 4.11 and 4.13 are amended by removing the words “Assistant General Counsel for Legal Counsel (Management & Access)” in the following places:

- a. Section 4.11(a) (1) (i) (A); and
- d. Section 4.13 (c).

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 01-30441 Filed 12-11-01; 8:45 am]

**BILLING CODE 6750-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

[CGD01-01-188]

RIN 2115-AA97

**Safety and Security Zones: High Interest Vessel Transits, Narragansett Bay, Providence River, and Taunton River, RI**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary safety and security zones around high interest vessels operating in the Providence, Rhode Island Captain of the Port Zone. The safety and security zones are needed to safeguard the public, high interest vessels and their crews, and other vessels and their crews, and the Port of Providence, Rhode Island from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry into these zones is prohibited unless authorized by the Captain of the Port, Providence, Rhode Island, or authorized representative. The Coast Guard will announce via broadcast notice to mariners the times and dates during which the zones will be enforced.

**DATES:** This rule is effective from October 6, 2001, until June 15, 2002.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection and copying at Marine Safety Office Providence, 20 Risho Avenue, East Providence, Rhode Island between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT David C. Barata at Marine Safety Office Providence, (401) 435-2335.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing an NPRM. On September 11, 2001, two commercial aircraft were hijacked from Logan Airport in Boston, Massachusetts and flown into the World Trade Center in New York, New York inflicting catastrophic human casualties and property damage. A similar attack was conducted on the Pentagon on the same day. National security and intelligence officials warn that future terrorist attacks against civilian targets may be anticipated. Due to the highly volatile

nature of the high interest vessels covered by this rule and the potential catastrophic impact of an attack on a high interest vessel, this rulemaking is urgently required to prevent possible terrorist strikes against high interest vessels within and adjacent to Rhode Island Sound, Narragansett Bay, and the Providence and Taunton Rivers. The delay inherent in the NPRM process is contrary to the public interest insofar as it would render high interest vessels in Narragansett Bay and the Port of Providence vulnerable to subversive activity, sabotage or terrorist attack.

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 measures contemplated by the rule are intended to prevent possible terrorist attack against high interest vessels, and to protect other vessels, waterfront facilities, the public and the Port of Providence from potential sabotage or other subversive acts, accidents or other causes of a similar nature. Immediate action is required to accomplish these objectives. Any delay in the effective date of this rule is impracticable and contrary to the public interest.

This zone should have minimal impact on the users of Narragansett Bay and the Providence and Taunton Rivers due to the following reasons: High interest vessel transits are infrequent. While a high interest vessel is at anchor, mariners have ample room to transit around the zones. During transits, most mariners can safely maneuver outside the main shipping channels. Mariners requiring use of the channels will only be restricted from entering the safety and security zones for a maximum of three hours during the transit of a high interest vessel. While moored at a facility, commercial traffic and small recreational traffic will have an opportunity to coordinate movement through the safety and security zones with the Captain of the Port’s representative. Notifications will be made prior to the effective period via local notice to mariners and marine information broadcasts.

**Background and Purpose**

On September 11, 2001, two commercial aircraft were hijacked from Logan Airport in Boston, Massachusetts and flown into the World Trade Center in New York, New York inflicting catastrophic human casualties and property damage. A similar attack was conducted on the Pentagon on the same day. National security and intelligence officials warn that future terrorist attacks are likely. Due to these