

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

heightened security concerns, safety and security zones are prudent for vessels which may be likely targets of terrorist acts. From October 6, 2001 to June 15, 2002, various high interest vessels will be transiting Narragansett Bay en route commercial facilities in the upper Providence River and Taunton River. For purposes of this rulemaking, high interest vessels operating in the Captain of the Port Providence zone include barges or ships carrying liquefied petroleum gas (LPG), liquefied natural gas, chlorine, anhydrous ammonia, or any other cargo deemed to be high interest by the Captain of the Port. Title 33 CFR 165.121 currently provides for safety zones for LPG vessels while at anchor in Rhode Island Sound, while transiting Narragansett Bay and the Providence River, and while LPG vessels are either moored at the Port of Providence LPG facility or at the manifolds connected at the Port of Providence LPG facility. However, in light of the current terrorist threats to national security, this zone is insufficient to protect LPG vessels while anchored in Rhode Island Sound, or while a vessel is transiting or moored in the Port of Providence. Moreover, this rulemaking is necessary to protect other high interest vessels not currently covered by 33 CFR 165.121. This rulemaking will temporarily suspend 33 CFR 165.121 and temporarily add the safety and security zones provided for hereunder as 33 CFR 165.T01-188. These safety and security zones are needed to protect high interest vessels, their crews, and the public, from harmful or subversive acts, accidents or other causes of a similar nature. The safety and security zones have identical boundaries, as follows: (1) All waters of Rhode Island Sound within a one-half mile radius of any high interest vessel while the vessel is anchored within one-half mile of the position Latitude 41°25' N, Longitude 71°23' W; (2) all waters of Rhode Island Sound, Narragansett Bay, the Providence and Taunton Rivers two (2) miles ahead and one (1) mile astern and extending 1000 yards on either side of any high interest vessel transiting Narragansett Bay, or the Providence and Taunton Rivers; (3) all waters and land within a 1000-yard radius of any high interest vessel moored at a waterfront facility in the Providence Captain of the Port zone. All persons, other than those approved by the Captain of the Port or authorized representative will be prohibited from entering into the safety and security zones during times in which the zones are enforced. The public will be made aware of dates and times during which the safety and

security zones will be enforced through a Broadcast Notice to Mariners made from U.S. Coast Guard Group Woods Hole. These regulations are issued under authority contained in 50 U.S.C. 191, 33 U.S.C. 1223, 1225 and 1226.

#### 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 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). The sizes of the zones are the minimum necessary to provide adequate protection for high interest vessels and their crews, other vessels operating in the vicinity of high interest vessels and their crews, adjoining areas, and the public. The entities most likely to be affected are commercial vessels transiting the main ship channel en route the upper Providence River and Taunton River and pleasure craft engaged in recreational activities and sightseeing. The safety and security zones will prohibit any commercial vessels from meeting or overtaking a high interest vessel in the main ship channel, effectively prohibiting use of the channel. However, the zones will only be effective during the vessel transits, which will last for approximately 3 hours. In addition, vessels are able to safely transit around the zones while a vessel is moored or at anchor in Rhode Island Sound. Any hardships experienced by persons or vessels are considered minimal compared to the national interest in protecting high interest vessels, their crews, and the public.

#### 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. The term "small entities" comprises small businesses and 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 rule will affect the following entities, some of which may be small entities: the owners or operators of

vessels intending to transit the main ship channel in Narragansett Bay, Providence River, and the Taunton River at the same time as high interest vessels. The safety and security zones will not have a significant economic impact on a substantial number of small entities for several reasons: Small vessel traffic can pass safely around the area and vessels engaged in recreational activities, sightseeing and commercial fishing have ample space outside of the safety and security zones to engage in these activities. When a high interest vessel is at anchor, vessel traffic will have ample room to maneuver around the safety and security zones. The outbound or inbound transit of a high interest vessel will last a maximum of three hours. Although this regulation prohibits simultaneous use of the channel, this prohibition is of short duration and marine advisories will be issued prior to transit of a high interest vessel. While a high interest vessel is moored, commercial traffic and small recreational traffic will have an opportunity to coordinate movement through the safety and security zones with the patrol commander. Before the effective period, we will issue maritime advisories widely available to users of the area.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization would be affected by this rule and you have questions concerning its provisions or options for compliance, please call LT David C. Barata, telephone (401) 435-2335. 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 collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501-3520.).

## Federalism

We have analyzed this action under Executive Order 13132, and have determined that this rule does not have implications for federalism under that Order.

## Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government having first provided the funds to pay those costs. This rule will not impose an unfunded mandate.

## Taking of Private Property

This temporary 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 temporary 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 temporary 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. A rule with tribal implications has a substantial direct effect on one or more Indian tribe, 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.

## Environment

The Coast Guard has considered the environmental impact of implementing this temporary rule and concluded that 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 in the docket.

## 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 165

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

For the reasons set out 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 and 160.5; 49 CFR 1.46.

2. From October 6, 2001 through June 15, 2002, § 165.121 is temporarily suspended and § 165.T01–188 is temporarily added as follows:

#### § 165.T01–188 Safety and Security Zones: High Interest Vessels, Narragansett Bay, Rhode Island.

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

(1) All waters of Rhode Island Sound within a one half mile radius of any high interest vessel while the vessel is anchored within one half mile of the point Latitude 41°25′ N, Longitude 71°23′ W; (2) all waters of Rhode Island Sound, Narragansett Bay, the Providence and Taunton Rivers two (2) miles ahead and one (1) mile astern, and extending 1000 yards on either side of any high interest vessel transiting Narragansett Bay, or the Providence and Taunton Rivers; (3) all waters and land within a 1000-yard radius of any high interest vessel moored at a waterfront facility in the Providence Captain of the Port zone.

(b) *Effective date.* This rule is effective from October 6, 2001, through June 15, 2002.

## (c) Regulations.

(1) In accordance with the general regulations in §§ 165.23 and 165.33 of this part, entry into or movement within these zones, including below the surface of the water, during times in which high interest vessels are present and the zones are enforced is prohibited unless authorized by the COTP Providence or authorized representative.

For the purposes of this rule, high interest vessels operating in the Captain of the Port Providence zone include barges or ships carrying liquefied petroleum gas (LPG), liquefied natural gas, chlorine, anhydrous ammonia, or any other cargo deemed to be high interest by the Captain of the Port.

(2) All persons and vessels shall comply with the instructions of the COTP, and the designated on-scene U.S. Coast Guard personnel and any personnel from Federal, state, county, municipal or private agencies designated by the Captain of the Port to assist with the enforcement of these safety and security zones.

(3) The general regulations covering safety and security zones in §§ 165.23 and 165.33, respectively, of this part apply.

Dated: October 6, 2001.

**J.D. Stieb,**

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

[FR Doc. 01–30750 Filed 12–11–01; 8:45 am]

**BILLING CODE 4910–15–U**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IL212–1a; FRL–7098–8]

### Approval and Promulgation of Implementation Plans; Illinois

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving revisions to volatile organic compound (VOC) rules for Formel Industries, Incorporated (Formel). This flexographic printing facility is located in Cook County, Illinois. The Illinois Environmental Protection Agency (IEPA) submitted the revised rules on March 21, 2001 as amendments to its State Implementation Plan (SIP). The revisions consist of an adjusted standard from the Flexographic Printing Rule, 35 IAC 218.401(a), (b), and (c). The Illinois Pollution Control Board (Board) approved this adjusted standard because the Board considers this to be the