

from 8 a.m. to 6 p.m., Monday through Friday, the draw need open only on the hour, quarter-hour, half-hour, and three-quarter-hour, and from 8 a.m. to 6 p.m. on Saturdays, Sundays, and federal holidays, the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

The City of Fort Lauderdale requested on January 3, 2002, that the Coast Guard review the existing regulation of the Commercial Boulevard bridge as they believe the existing regulations are not meeting the needs of vehicle and vessel traffic. This test deviation will allow the draw to open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. We will utilize the data collected from this test deviation to determine if new operating regulations need to be created for this bridge to facilitate vehicle and vessel traffic movement.

The District Commander has granted a test deviation from the operating requirements listed in 33 CFR 117.261(ee) to evaluate the effect of this new schedule on vehicle and vessel traffic. Under this deviation, the Commercial Boulevard Bridge need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour from April 17, 2002, until July 16, 2002.

Dated: March 7, 2002.

Greg Shapley,

Chief, Bridge Administration, Seventh Coast Guard District.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08-02-005]

Drawbridge Operating Regulation; Pascagoula River, Mississippi

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the CSX Transportation railroad bascule span drawbridge across the Pascagoula River, mile 1.5 at Pascagoula, Mississippi. This deviation allows the draw of the railroad bascule span bridge to remain closed to navigation from 8 a.m. until 5 p.m. on March 18, 2002. This temporary deviation will allow for rewiring the electrical components of the operating mechanism.

DATES: This deviation is effective from 8 a.m. until 5 p.m. on Monday, March 18, 2002.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obc), 501 Magazine Street, New Orleans, Louisiana, 70130-3396. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: The CSX Transportation railroad bascule span drawbridge across the Pascagoula River, mile 1.5 at Pascagoula, Mississippi has a vertical clearance in the closed-to-navigation position of 0.8 feet above mean high water and 2.4 feet above mean low water. The bridge provides unlimited vertical clearance in the open-to-navigation position. Navigation on the waterway consists of small cargo ships, tugs with tows, fishing vessels and recreational craft including sailboats and power boats. Presently, the draw opens on signal.

CSX Transportation requested a temporary deviation for the operation of the drawbridge to accommodate maintenance work. The work involves replacement of the deficient wiring in the electrical system of the operating mechanism. This work is essential for continued operation of the draw span of the bridge and is expected to eliminate frequent breakdowns resulting in emergency bridge closures.

This deviation allows the draw of the CSX Transportation railroad bascule span drawbridge to remain closed to navigation from 8 a.m. until 5 p.m. on March 18, 2002.

Dated: March 8, 2002.

J.R. Whitehead,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist., Acting.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Corpus Christi 02-001]

RIN 2115-AA97

Security Zone; Corpus Christi Inner Harbor, Corpus Christi, TX

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone to ensure the security within the Corpus Christi Inner Harbor, Corpus Christi, TX, from the Inner Harbor Bridge to the Viola Turning Basin and all waters in between. The security zone is needed to protect personnel, vessels, waterfront facilities, and national security interests in this harbor from any and all subversive actions by any groups or individuals whose objective it is to destroy or disrupt maritime activities. Entry of recreational vessels, passenger vessels, or commercial fishing vessels into this zone is prohibited unless specifically authorized by the Captain of the Port Corpus Christi.

DATES: This rule is effective from 8 a.m. on February 20, 2002 through 8 a.m. on June 15, 2002.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket [COTP Corpus Christi 02-001] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Corpus Christi, 555 N. Carancahua Street, Suite 500, Corpus Christi, Texas, 78478 between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LTJG C. J. Bright, Chief, Waterways Section, Coast Guard Captain of the Port Corpus Christi, 555 N. Carancahua St. Suite 500, Corpus Christi, Texas, 78478, (361) 888-3162.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553 (b) (B), the Coast Guard finds that good cause exists for not publishing an NPRM, and under 5 U.S.C. 553 (d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing a NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to respond to the security risks associated with recreational, passenger, or commercial fishing vessels entering the Corpus Christi Inner Harbor.

Background and Purpose

On September 11, 2001, both towers of the World Trade Center and the Pentagon were attacked by terrorists. In response to these terrorist acts, heightened awareness and security of our ports and harbors is necessary therefore, the Captain of the Port, Corpus Christi is establishing a

temporary security zone within the Corpus Christi Inner Harbor.

The Port of Corpus Christi is the fourth largest petro-chemical port within the United States. A large number of these petro-chemical waterfront facilities are located within the Inner Harbor that serves as a major industrial channel. These petro-chemical waterfront facilities conduct business with both United States and foreign deep draft vessels. The Port of Corpus Christi is also designated as an alternate military strategic load-out port with docks and facilities located within the Inner Harbor. These docks and facilities are vital to the national security interest of the United States.

The Inner Harbor channel is approximately 8 miles long and 300-to-800 feet wide, and has a controlling depth of 45 feet. Restricting the access of recreational, passenger and commercial fishing vessels reduces potential methods of attack on a vessel or waterfront facility within the zone. This security zone is designed to limit the access of vessels that do not have business to conduct with facilities or structures within the Corpus Christi Inner Harbor. Entry of recreational vessels, passenger vessels, or commercial fishing vessels into this zone is prohibited unless specifically authorized by the Captain of the Port Corpus Christi.

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 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 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. Recreational vessels, passenger vessels, and commercial fishing vessels do not frequent the Corpus Christi Inner Harbor. The Inner Harbor is an industrial area primarily used for bulk material transfers. Should a recreational vessel, passenger vessel, or commercial fishing vessel need to enter the Inner Harbor to conduct business with a small entity, such as a ship yard facility, there is no cost and little burden associated with obtaining permission from the Captain of the Port prior to entry.

If you are a small business entity and are significantly affected by this regulation please contact LTJG C. J. Bright, Chief Waterways Section, Coast Guard Captain of the Port Corpus Christi at (361) 888-3162.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 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.

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 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 relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effect

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 M16475.1D, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available 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, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T08-016 is added to read as follows:

§ 165.T08-016 Security Zone; Corpus Christi Inner Harbor, Corpus Christi, Texas.

(a) *Location.* The following area is a security zone: Corpus Christi Inner Harbor from the Inner Harbor Bridge to the Viola Turning Basin and all waters in between.

(b) *Effective dates.* This section is effective from 8 a.m. on February 20, 2002 through 8 a.m. on June 15, 2002.

(c) *Authority.* The authority for this section is 33 U.S.C. 1226, 33 U.S.C. 1231, 33 CFR 1.05-1(g), and 49 CFR 1.46.

(d) *Regulations.* (1) No recreational vessels, passenger vessels, or commercial fishing vessels may enter this security zone unless specifically authorized by the Captain of the Port Corpus Christi, or his designated representative.

(2) Recreational vessels, passenger vessels and commercial fishing vessels requiring entry into this security zone must request permission from the Captain of the Port Corpus Christi, or his designated representative. They may be contacted via VHF Channel 16 or via telephone at (361) 888-3162.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port, Corpus Christi and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: February 20, 2002.

William J. Wagner III,

Captain, U.S. Coast Guard, Captain of the Port Corpus Christi.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Western Alaska 02-003]

RIN 2115-AA97

Safety Zone; Ouzinkie Harbor, Ouzinkie, AK

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones in Ouzinkie Harbor, Ouzinkie, Alaska. One safety zone will surround the barge SWINOMOSH which will be conducting dredging and blasting operations in the navigable waters of Ouzinkie Harbor. The second safety zone will close all of Ouzinkie Harbor when the barge SWINOMOSH conducts blasting operations. The safety zones are necessary to protect vessels transiting the area from the potential hazards associated with the dredging and blasting operations conducted by the barge SWINOMOSH.

DATES: This rule is effective from 12:01 a.m. Alaska Standard Time (AST) March 13, 2002, until 9 p.m. AST April 30, 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 (COTP Western Alaska 02-003) and are available for inspection or copying at Coast Guard Marine Safety Office Anchorage, Alaska between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Matt Jones, USCG Marine Safety Detachment Kodiak, at (907) 486-5918 or Lieutenant Commander Chris Woodley, USCG Marine Safety Office Anchorage, at (907) 271-6700.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On January 31, 2002 we published a notice of proposed rulemaking (NPRM) entitled "Safety Zone; Ouzinkie Harbor, Ouzinkie, Alaska" in the **Federal Register** (67 FR 4692). We did not receive any comments from the public.

No public hearing was requested, and none was held.

Because we received the request late, we find that good cause exists, under 5 U.S.C. 553(d)(3), for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

The U.S. Army Corps of Engineers, through its contractor Western Marine Construction, Inc., will be conducting dredging and blasting operations on portions of Ouzinkie Harbor (Army Corps Of Engineers project number DACW85-01-C-0010). This dredging project will help maintain safe navigation within Ouzinkie Harbor. A 500-yard safety zone around the barge SWINOMOSH and a safety zone closing the harbor and evacuating all vessels from the harbor during blasting operations, is necessary to ensure the safety of the maritime community from the potential hazards associated with dredging and blasting operations.

Discussion of Comments and Changes

We did not receive any comments but we made a few technical and clarification changes to the rule. In paragraph (a) of section 165.T17-002, we changed the phrase "dredging and blasting operations" to "dredging or blasting operations," to clarify that the barge zone will be enforced when the barge SWINOMOSH was engaged in dredging alone. We changed the start date for the effective period in paragraph (b) to reflect a delay in the start of the dredging operations, and clarified that blasting and dredging operations will only occur in daylight hours. We also added the time zone in which this safety zone will occur. In paragraph(c) we added wording to clarify how the tug WALDO will notify vessels of blasting operations about to occur.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12886, 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).

We expect 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. This finding is based on the fact that the