

on any governmental entity or the private sector.

**List of Subjects in 30 CFR Part 917**

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 25, 2001.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal

Regulations is amended as set forth below:

**PART 917—KENTUCKY**

1. The authority citation for Part 917 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 917.12 is amended by adding paragraph (b) to read as follows:

**§ 917.12 State regulatory program and proposed program amendment provisions not approved.**

\* \* \* \* \*

(b) Subsections (2) through (6) of the amendment submitted as House Bill 599 on May 9, 2000, are hereby not approved, effective June 20, 2001.

3. Section 917.15 is amended in the table in paragraph (a) by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

**§ 917.15 Approval of Kentucky regulatory program amendments.**

(a) \* \* \*

Original amendment submission date	Date of final publication	Citation/description
* * * * *	* * * * *	* * * * *
May 9, 2000 .....	6/20/01	House Bill 599, subsection (1).

\* \* \* \* \*  
[FR Doc. 01-15498 Filed 6-19-01; 8:45 am]  
BILLING CODE 4310-05-P

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 100**

**[CGD07-01-049]**

**RIN 2115-AE46**

**Special Local Regulations: San Juan Harbor, Puerto Rico**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Temporary Special Local Regulations are being established for the Swimming Cross San Juan Harbor, San Juan, Puerto Rico. These regulations are needed to provide for the safety of life on navigable waters by excluding vessels from the swimming area.

**DATES:** This rule is effective from 10 a.m. to noon on July 22, 2001.

**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 [CGD07-01-049] and are available for inspection or copying at Coast Guard Greater Antilles Section, La Puntilla, Old San Juan, PR 00902 between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Reyes, Greater Antilles Section at (787) 729-5381.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for these regulations. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be contrary to national safety interests since immediate action is needed to minimize potential danger to the public.

**Background and Purpose**

These regulations are required to provide for the safety of life on navigable waters because numerous swimmers will cross a navigable channel in a commercial port. This event has taken place several times over the past years, although the date changes from year to year. This rule creates a regulated area that will prohibit vessels from entering an area between the Puerto Rico Ports Authority Pier 1 to La Puntilla Point, then across the Anagada Channel to the Catano Ferry Terminal, then to Punta Catano, and then across the San Antonio Approach to the origin.

**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 (44 FR 11040, February 26, 1979). The regulated area will only be in effect for approximately 2 hours.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant economic effect upon a substantial number of small entities. "Small entities" include small business, 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.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of San Juan Harbor, Puerto Rico from 10 a.m., to noon, July 22, 2001. 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 because the rule will only be in effect for 2 hours.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-221), we offer 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 entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. 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 requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

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

#### Unfunded Mandates Reform Act

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's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

#### 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.

#### 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.

#### 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 concern an environmental risk to health or safety that may disproportionately affect children.

#### Environment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation.

#### Energy Effects

We have analyzed this proposed 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 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

#### PART 100—MARINE EVENTS

1. The authority citation for Part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233 through 1236, 49 CFR 1.46, 33 CFR 100.35.

2. Add temporary § 100.35T-07-049 to read as follows:

#### § 100.35T-07-049 Swimming Cross San Juan Harbor, San Juan, Puerto Rico.

(a) *Regulated area.* The regulated area encompasses the Puerto Rico Ports Authority Pier 1, at position 18°27'39" N 066°06'48" W; West to La Puntilla Point at position 18°27'32" N 066°07'00" W; South crossing the San Antonio Channel and Anegado Channel to the Catano Ferry Terminal at position 18°26'38" N 066°07'02" W, then North East to Punta Catano at position 18°26'42" N 066°06'45" W, then North back to origin, entry into which is prohibited for 2 hours on the day of the event. All coordinates referenced use Datum NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Greater Antilles Section, San Juan, Puerto Rico.

(c) *Special local regulations.* Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Patrol Commander. Spectator craft may remain in a spectator area to be established by the event sponsor, Commonwealth of Puerto Rico, Municipality of Catano, San Juan, Puerto Rico.

(d) *Dates.* This rule is effective from 10 a.m. to noon on July 22, 2001.

Dated: June 12, 2001.

**James S. Carmichael,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.*

[FR Doc. 01-15552 Filed 6-19-01; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD13-99-005]

#### Drawbridge Operations Regulations; Duwamish Waterway and Lake Washington Ship Canal, WA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending the operating regulations for the City of Seattle drawbridges across the Lake Washington Ship Canal and the Washington state drawbridge across the Duwamish Waterway in Seattle, Washington. The normal drawspan closed periods for Monday through Friday will now also be applied to Columbus Day to accommodate commuter traffic that remains heavy on this Federal holiday. Other Federal holidays remain exempted from the weekday closed periods.

**DATES:** This rule is effective July 20, 2001.

**ADDRESSES:** The public docket and all documents referred to in this notice are available for inspection and copying at the Thirteenth Coast Guard District, Aids to Navigation and Waterways Management Office, 915 Second Avenue, room 3510, Seattle, Washington 98174-1067, between 7:45 a.m. to 4:15 p.m., Monday through Friday, except Federal holidays.