

period, the Department received only two comments. Both commenters felt that the Department should clarify further the photograph requirement for dependent children. The Department's interim regulation requires that the entry must include photographs of ALL children who are unmarried and under age of 21 years. The word "all" implies any child of the alien, regardless of nationality, and regardless of whether the child resides with the applicant and whether or not the child intends to immigrate to the United States.

In past years, the Diversity Visa Program has been plagued by a high incidence of fraudulent derivatives applying with the principal DV applicant. This causes delays in DV issuances at many posts as much time is spent by consular staff investigating alleged family relationships. For this reason, it was determined that for DV-2003, photos of all unmarried children under age 21 would be required on the DV entry. With this rule, the Department hopes to avoid a complicated range of exceptions to the photo requirement, and the regulations regarding photographs for dependents shall remain as published in the interim rule.

One of the commenters also expressed concern about the size of the photograph, indicating that it may be difficult in some countries to obtain a photograph of the required size. While the Department does not have any reason to believe that applicants will have difficulty obtaining photographs of the required size, for DV 2003, photographs ranging in size from 37 mm x 37 mm to 50 mm x 50 mm will be accepted on the DV entries. Any DV 2003 entry submitted with photos that do not conform to the sizes in this range will be disqualified at the Kentucky Consular Center. The commenter also feels that some of the specifications are redundant. The Department believes that the specifications for acceptable photographs are sufficiently detailed, and although perhaps redundant, are specific as to what meets the Department's needs, and are probably, as the commenter points out, the most common requirements for producing a photograph for any type of official documents. The Department has, therefore, determined that the photograph specifications indicated in the interim rule shall remain as published.

#### How Will This Final Rule Affect the Regulations in the Interim Rule?

The Department has reviewed the comments submitted during the comment period and has made some

modification to the interim rule regarding the photograph size requirements.

#### List of Subjects in 22 CFR Part 42

Aliens, Documentation, Immigrants, Passports and visas.

In light of the foregoing the Department is amending the interim regulations at 22 CFR 42.33 as follows:

#### PART 42—[AMENDED]

1. The authority citation for Part 42 continues to read as follows:

**Authority:** 8 U.S.C. 1104.

2. Amend § 42.33 by revising paragraph (b)(3) introductory text and paragraph (b)(3)(i) to read as follows:

#### § 42.33 Diversity immigrants.

\* \* \* \* \*

(b) \* \* \*

(3) *Photographs.* The alien shall also affix to the entry a photograph of himself or herself and photographs of his or her spouse and all unmarried children under the age of 21 years. The photographs shall meet the following specifications:

(i) The photograph shall range in size from 37 mm x 37 mm to 50mm x 50mm.

\* \* \* \* \*

Dated: October 9, 2001.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs, U.S. Department of State.*

[FR Doc. 01-27013 Filed 10-25-01; 8:45 am]

BILLING CODE 4710-06-P

#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

#### 32 CFR Part 231

RIN 0790-AG74

#### Procedures Governing Banks, Credit Unions and Other Financial Institutions on DoD Installations; Correction

**AGENCY:** Department of Defense.

**ACTION:** Final rule; correction.

**SUMMARY:** On September 7, 2001 (66 FR 46707), the Department of Defense published a final rule on Procedures Governing Banks, Credit Unions and Other Financial Institutions on DoD Installations. This rule makes administrative corrections to the rule. **DATES:** This rule is effective June 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** T. Summers, 703-602-0299.

Accordingly, 32 CFR part 231 is corrected as follows:

In rule FR Doc 01-22173 published on September 7, 2001 (66 FR 46709), make the following corrections:

1. Page 46715, §§ 231.5(g)(5) (i) through (ix), add a period at the end of each paragraph.

2. Page 46720, § 231.8, correct the heading "Overseas credit unions" to read "Procedures—overseas credit unions"

3. On page 46722, first column, § 231.8(f) is corrected to read § 231.9—Definitions.

4. Newly corrected § 231.9 (1) through (16)(i) and (ii) are redesignated as § 231.9 (a) through (p)(1) and (2) and § 231.9 (17) through (29) are redesignated as § 231.9 (q) through (cc)

Dated: October 16, 2001.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 01-26527 Filed 10-25-01; 8:45 am]

BILLING CODE 5001-08-M

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

#### 33 CFR Part 100

[CGD07-01-119]

RIN 2115-AE46

#### Special Local Regulations; Charleston Christmas Boat Parade and Fireworks Display, Charleston Harbor, Charleston, SC

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Temporary special local regulations are being established for the Charleston Christmas Boat Parade and Fireworks Display in Charleston Harbor, Charleston SC. These regulations restrict the movement of non-participating vessels in the regulated areas established around the parade route and fireworks barge in Charleston Harbor. These regulations are needed to provide for the safety of life on navigable waters during the event and to reduce the impact on commercial traffic in Charleston Harbor.

**DATES:** This rule is effective from 5 p.m. to 8 p.m. on December 1, 2001.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of [CGD07-01-119] and are available for inspection or copying at Coast Guard Group Charleston, 196 Tradd St, Charleston SC 29401 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** ENS William C. Walsh, Coast Guard Group Charleston at 843 724 7600 x203.

**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. Publishing an NPRM would be contrary to public safety interests since immediate action is needed to minimize potential danger to the public. There will be numerous spectator and participant vessels in close proximity to each other. Moreover, publishing an NPRM is unnecessary since this regulation will only be in effect for 3 hours.

**Background and Purpose**

Each year a Christmas boat parade is held in Charleston Harbor, South Carolina. We previously issued a permanent special local regulation for this event, at 33 CFR 100.721. Under that regulation the parade was permitted for a specific series of dates. Those dates only covered the years 1996 through 2000. The event remains the same this year with the exception of the addition of a fireworks display. These temporary regulations will help control vessel traffic for the boat parade and fireworks display.

**Discussion of Rule**

The special local regulations for this event prohibit non-participant vessels from entering the regulated areas along the parade route and near the fireworks barge in Folly Island Channel. During the Christmas Boat Parade, non-participant vessels are required to stay 500 yards away from the lead parade vessel and 100 yards away from the last parade vessel. Non-participant vessels are also required to keep 50 yards away from the outermost parade vessel as the flotilla proceeds along the parade route.

The parade route begins in the Middle Ground, North of Charleston South Channel. The parade will proceed northeasterly along the west edge of Commercial Anchorage A, entering Rebellion Reach in the vicinity of Charleston Harbor Channel Lighted Buoy 2 (Light List Number 2520), thence proceeding northwesterly up Shutes Folly and Horse Reach to approximately two-tenths of a nautical mile north of USS Yorktown at position 32°47.7'N, 079°47.6'W, thence westerly across Hog Island Reach near Charleston Harbor North Channel Lighted Buoy 11 (Light List Number 2529) at approximate position 32°47.6'N, 079°55.1'W, entering Town Creek Lower reach near

Town Creek Channel Lighted Buoy 2 (Light List Number 2715) at approximate position 32°47.7'N, 079°55.5'W thence south to 32°45.7'N, 079°55.3'W (approximately one half nautical mile southeast of Battery Point), thence northwesterly up the Ashley River, and continuing to the finishing point at City Marina at approximate position 32°46.6'N, 079°57.2'W.

Vessels are also prohibited from entering the regulated area encompassing the fireworks barge in Folly Island Channel. The regulated area encompasses a 300 yard radius around a fireworks barge in approximate position 32°46.192N, 079°54.327W. All coordinates referenced use datum: NAD 1983. This rule is effective from 5 p.m. to 8 p.m. on December 1, 2001.

**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) because this rule is only in effect for 3 hours.

**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.

This rule may 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 Charleston Harbor from 5 p.m. to 8 p.m. on December 1, 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 this regulation is only in effect for 3 hours.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pubic Law 104-121), we offer to assist small entities in understanding the rule so that they may

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 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 Mandate 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. This rule will not result in such an expenditure.

**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.

### 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 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.

### 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 M16475.1D, that this action is categorically excluded from further environmental documentation.

### List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast guard amends 33 CFR Part 100 as follows:

### PART 100—[SAFETY OF LIFE ON NAVIGABLE WATERS]

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

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

2. Add § 100.35T-07-119 to read as follows:

### § 100.35T-07-119 Charleston Christmas Boat Parade and Fireworks Display, Charleston Harbor, Charleston SC.

(a) *Regulated areas.* (1) *Charleston Christmas Boat Parade.* A regulated area is established to include the waters 500 yards ahead of the lead parade vessel, 100 yards astern of the last parade vessel, and 50 yards to either side of all parade vessels along the parade route described in paragraph (b) of this section.

(2) *Fireworks display.* A regulated area is established for all waters in Folly Island Channel, Charleston Harbor, Charleston SC encompassing a 300 yard radius around a fireworks barge in approximate position 32°46.192N, 079°54.327W. All coordinates referenced use datum: NAD 1983.

(b) *Parade route.* The parade will organize in the Middle Ground, North of Charleston South Channel. The parade will proceed northeasterly along the west edge of Commercial Anchorage A, entering Rebellion Reach in the vicinity of Charleston Harbor Channel Lighted Buoy 2 (Light List Number 2520), thence proceeding northwesterly up Shutes Folly and Horse Reach to approximately two-tenths of a nautical mile north of USS Yorktown at position 32°47.7'N, 079°47.6'W, thence westerly across Hog Island Reach near Charleston Harbor North Channel Lighted Buoy 11 (Light List Number 2529) at approximate position 32°47.6'N, 079°55.1'W, entering Town Creek Lower reach near Town Creek Channel Lighted Buoy 2 (Light List Number 2715) at approximate position 32°47.7'N, 079°55.5'W thence south to 32°45.7'N, 079°55.3'W (approximately one half nautical mile southeast of Battery Point), thence northwesterly up the Ashley River, and continuing to the finishing point at City Marina at approximate position 32°46.6'N, 079°57.2'W.

(c) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated in writing by the Commander, Coast Guard Group Charleston, South Carolina.

(d) *Special local regulations.* Non-participating vessels are prohibited from entering the regulated areas unless authorized by the Coast Guard Patrol Commander. Spectator craft may remain in the designated spectator area to be established by the event sponsor, The Charleston Cultural Affairs Office.

(e) *Dates:* This section is effective from 5 p.m. to 8 p.m. on December 1, 2001.

Dated: October 18, 2001.

**D.B. Peterman,**

*Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.*

[FR Doc. 01-26992 Filed 10-25-01; 8:45 am]

BILLING CODE 4910-15-U

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 100

[CGD07-01-121]

RIN 2115-AE46

### Special Local Regulations; Waverly Hotel Fireworks Display, Biscayne Bay, Miami, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Temporary special local regulations are being established for a fireworks display for the Waverly Hotel Opening in Biscayne Bay, Miami, FL. These regulations prohibit unauthorized vessels from entering the regulated area. These regulations are needed to provide for the safety of life on navigable waters during the event.

**DATES:** This rule is effective from 7 p.m. to 10 p.m. on November 16, 2001.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket CGD07-01-121 and are available for inspection or copying at Coast Guard Group Miami, 100 MacArthur Causeway, Miami Beach, Florida, 33139 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** BM1 Daniel C. Vaughn, Coast Guard Group Miami, at 305-535-4317.

### 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 a NPRM. Publishing a NPRM and delaying the effective date of this regulation would be contrary to public safety interests since immediate action is needed to minimize potential danger to the public because there will be numerous spectator craft in the area where fireworks will be launched. Moreover, a NPRM is unnecessary because the regulation will have a minimal impact on the public because the regulated area is outside of the shipping channel and the regulation is only in effect for 3 hours.