

**EFFECTIVE DATE:** 0901 UTC, February 21, 2002.

**FOR FURTHER INFORMATION CONTACT:** Debra Trindle, Airspace Specialist, Airspace Branch, AWP-520.10, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6613.

**SUPPLEMENTARY INFORMATION:**

**History**

In 1999, the United States Navy vacated NAS Barbers Point under the mandates of the Base Realignment and Closure Act. The airport was renamed Kalaeloa, John Rogers Field on September 9, 1999. The existing legal description for the Honolulu International Airport Class E5 airspace area still refers to NAS Barbers Point. This rule amends that description to reflect the correct name of Kalaeloa, John Rogers Field. It does not change the dimensions, configuration, or operating requirements of the affected airspace.

Class E5 airspace is published in Paragraph 6005 of FAA Order 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001 and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E5 airspace designation listed in this document would be published subsequently in this Order.

**The Rule**

This amendment to 14 CFR part 71 of the Federal Aviation Regulations amend the Class E5 airspace for Honolulu.

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. Therefore, this regulation—(1) is no 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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AWP HI E5 Honolulu International Airport, HI [Revised]**

Honolulu International Airport, HI  
(Lat. 21°19'08" N., long. 157°55'21" W.)  
Kalaeloa John Rogers Field  
(Lat. 21°18'21" N., long. 158°04'20" W.)  
Honolulu VORTAC  
(Lat. 21°18'30" N., long. 157°55'50" W.)

That airspace extending upward from 700 feet above the surface south and southeast of Honolulu International Airport beginning at lat. 21°20'19" N., long. 157°51'05" W., thence south to lat. 21°15'19" N., long. 157°49'05" W., thence east along the shoreline to where the shoreline intercepts the Honolulu VORTAC 15-mile radius, then clockwise along the 15-mile radius of the Honolulu VORTAC to intercept the Honolulu VORTAC 241° radial, then northeast bound along the Honolulu VORTAC 241° radial to intercept the 4.3-mile radius south of Kalaeloa John Rogers Field, then counterclockwise along the arc of the 4.3-mile radius of Kalaeloa John Rogers Field to and counterclockwise along the arc of a 5-mile radius of the Honolulu VORTAC to the Honolulu VORTAC 106° radial, then westbound along the Honolulu 106° radial to the 4-mile radius of the Honolulu VORTAC, then counterclockwise along the 4-mile radius to intercept the Honolulu VORTAC 071° radial, thence to the point of beginning and that airspace beginning at lat. 21°10'25" N., long. 158°11'22" W., to lat. 21°16'05" N., long. 158°14'35" W.; to lat. 21°16'30" N., long. 158°13'46" W.; to lat. 21°16'50" N., long. 158°00'00" W., to the point of beginning.

\* \* \* \* \*

Issued in Los Angeles, California, on November 14, 2001.

**Dawna J. Vicars,**

*Acting Manager, Air Traffic Division, Western-Pacific Region.*

[FR Doc. 02-862 Filed 1-30-02; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Parts 100 and 165**

**[COTP Honolulu 01-008]**

**RIN 2115-AA97 and 2115-AA98**

**Security Zones; Oahu, Maui, HI, and Kauai, HI**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing security zones in designated waters adjacent to the islands of Oahu, Maui, Hawaii, and Kauai, HI for a period of six months. These security zones are necessary to protect personnel, vessels, and facilities from acts of sabotage or other subversive acts, accidents, or other causes of a similar nature during operations and will extend from the surface of the water to the ocean floor. When the zones are activated, entry into these zones is prohibited unless authorized by the Coast Guard Captain of the Port Honolulu, HI. This rule also terminates a previous rule published October 17, 2001 creating security zones in these areas until March 22, 2002.

**DATES:** This rule is effective from 6 a.m. HST October 19, 2001, to 4 p.m. HST April 19, 2002. 33 CFR 165.T14-058 published October 17, 2001 (66 FR 52693), is terminated.

**ADDRESSES:** The docket for this rulemaking is maintained by the Commanding Officer, U.S. Coast Guard Marine Safety Office Honolulu, 433 Ala Moana Blvd., Honolulu, Hawaii 96813. Docket material is available for inspection or copying at this location between 7 a.m. and 4:30 p.m. on weekdays, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LCDR M. A. Willis, Coast Guard Marine Safety Office Honolulu, Hawaii at (808) 522-8260.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

Recent terrorist incidents in New York and Washington, DC have called for the implementation of additional measures to protect the national

security. These temporary rules are intended to provide for the safety and security of the public, maritime commerce, and transportation, by creating security zones in designated harbors, anchorages, facilities, and adjacent navigable waters of the United States. As authorized by 5 U.S.C. 553, we did not publish a notice of proposed rulemaking (NPRM) for this regulation and there is good cause for us to make the rule effective in less than 30 days after publication in the **Federal Register**. Publishing an NPRM and delaying this rule from becoming effective would be contrary to the public interest since immediate action is needed to protect persons, vessels, and facilities in various areas on the islands of Oahu, Maui, Hawaii, and Kauai, HI. There was insufficient time to publish a proposed rule in advance of the event or to provide a delayed effective date. Under these circumstances, following normal rulemaking procedures would be impracticable.

#### **Background and Purpose**

The Coast Guard is establishing designated security zones in the waters adjacent to the islands of Oahu, Maui, Hawaii, and Kauai, HI for a period of six-months. These security zones are necessary to protect personnel, vessels, and facilities from acts of sabotage or other subversive acts, accidents, or other causes of a similar nature during operations. These security zones extend from the surface of the water to the ocean floor. Entry into these zones is prohibited unless authorized by the Coast Guard Captain of the Port Honolulu, HI. Representatives of the Captain of the Port Honolulu will enforce these security zones. The Captain of the Port may be assisted by other federal or state agencies. Periodically, by Broadcast Notice to Mariners, the Coast Guard will announce the existence or status of the temporary security zones in this rule.

#### **Regulatory Evaluation**

This temporary final 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 U.S. Coast Guard expects the economic impact of this action to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and

procedures of DOT is unnecessary. This expectation is based on the temporary duration of the zone and the limited geographic area affected by it.

#### **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 regulation will not have a significant economic impact on a substantial number of small entities. No small business impacts are anticipated due to the small size of the zone and the short duration of the security zone in any one area.

#### **Assistance for Small Entities**

Because we did not anticipate any small business impacts, we did not offer assistance to small entities in understanding the rule.

#### **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 *et seq.*).

#### **Federalism**

The Coast Guard has analyzed this rule under Executive Order 13132, and has determined 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 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 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 concern an environmental risk to health or risk to safety that may disproportionately affect children.

#### **Environment**

The Coast Guard considered the environmental impact of this action and concluded that, under figure 2–1, paragraph (34)(g) of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. As an emergency action, the environmental analysis requisite regulatory consultations, and categorical exclusion determination, will be prepared and submitted after establishment of this temporary security zone, and will be available for inspection or copying where indicated under addresses.

#### **List of Subjects**

*33 CFR Part 110*

Anchorage grounds.

*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 parts 110 and 165 as follows:

#### **PART 110—ANCHORAGE REGULATIONS**

1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. From 6 a.m. October 19, 2001, until 4 p.m. April 19, 2002, in § 110.235, add a new paragraph (c) to read as follows:

**§ 110.235 Pacific Ocean (Mamala Bay), Honolulu Harbor, Hawaii (Datus: NAD 83)**

\* \* \* \* \*

(c) Before entering in the anchorage grounds in this section, you must first obtain permission from the Captain of the Port Honolulu.

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

3. 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.

**§ 165.T14–058 [Removed]**

4. Remove § 165.T14–058.

5. From 6 a.m. October 19, 2001, until 4 p.m. April 19, 2002, a new § 165.T14–061 is temporarily added to read as follows:

**§ 165.T14–061 Security Zones: Oahu, Maui, Hawaii, and Kauai, HI.**

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

(1) All waters of Honolulu Harbor and entrance channel, Keehi Lagoon, and General Anchorages A, B, C, and D as defined in 33 CFR 110.235 that are shoreward of the following coordinates: The shoreline of a line connecting 21°17.68' N, 157°52.0' W; thence due south to 21°16.0' N, 157°52.0' W; thence due west to 21°16.0' N, 157°55.58' W; thence due north to Honolulu International Airport Reef Runway at 21°18.25' N, 157°55.58' W.

(2) The waters around the Tesoro Single Point Mooring extending 1,000 yards in all directions from position 21°16.2' N, 158°05.3' W.

(3) The Kahului Harbor and Entrance Channel, Maui, HI consisting of all waters shoreward of the COLREGS DEMARCATION line. (See 33 CFR 80.1460).

(4) All waters within the Nawiliwili Harbor, Kauai, HI shoreward of the COLREGS DEMARCATION line (See 33 CFR 80.1450).

(5) All waters of Port Allen Harbor, Kauai, HI shoreward of the COLREGS DEMARCATION line (See 33 CFR 80.1440).

(6) Hilo Harbor and Entrance Channel, Hawaii, HI consisting of all waters shoreward of the COLREGS DEMARCATION line (See 33 CFR 80.1480).

(7) The waters extending out 500 yards in all directions from cruise ship vessels anchored within 3 miles of

(i) Lahaina Small Boat Harbor, Maui, between Makila Point and Puunoa Point.

(ii) Kailua-Kona Small Boat Harbor, Hawaii, between Keahulolu Point and Puapuaa Point.

(b) *Designated representative.* A designated representative of the Captain of the Port is any Coast Guard commissioned officer, warrant or petty officer that has been authorized by the Captain of the Port Honolulu to act on his behalf. The following officers have or will be designated by the Captain of the Port Honolulu: The senior Coast Guard boarding officer on each vessel enforcing the security zone.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.33 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port or his designated representatives.

(2) The existence or status of the temporary security zones in this section will be announced periodically by Broadcast Notice to Mariners.

(d) *Authority.* The authority for this section is 33 U.S.C. 1226; 49 CFR 1.46.

(e) *Effective dates:* This section is effective from 6 a.m. HST October 19, 2001, until 4 p.m. HST April 19, 2002.

Dated: October 19, 2001.

**R. D. Utley,**

*Rear Admiral, Coast Guard Commander, Fourteenth Coast Guard District.*

[FR Doc. 02–2356 Filed 1–30–02; 8:45 am]

**BILLING CODE 4910–15–P**

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

**[CGD11–01–008]**

**RIN 2115–AA97**

**Security Zone; Naval Supply Center Pier, San Diego Bay, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is creating a permanent security zone around the Fleet Industrial Supply Center (formerly the Naval Supply Center) Pier at Naval Base, San Diego, at the request of the U.S. Navy. The establishment of this security zone is needed to ensure the physical protection of naval vessels moored at the Fleet Industrial Supply Center pier.

**DATES:** This rule becomes effective December 17, 2001.

**ADDRESSES:** Documents as indicated in this preamble are available for

inspection or copying at the Coast Guard Marine Safety Office, 2716 North Harbor Drive, San Diego, CA 92101–1064 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Christopher Hochschild, Vessel Traffic Management Section, 11th Coast Guard District, telephone (510) 437–2940; e-mail: *chochschild@d11.uscg.mil*.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

On June 13, 2001, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Security Zone; Naval Supply Center Pier, San Diego Bay, CA in the **Federal Register** (66 FR 31870). The Coast Guard did not receive any letters commenting on the proposed rule. No public hearing was requested, and none was held. Since publication of the NPRM, the Navy has notified the Coast Guard that it has changed the name of the pier from the Naval Supply Center Pier to the Fleet Industrial Supply Center Pier.

In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this regulation effective immediately. The Coast Guard balanced the necessity for immediate implementation against the principles of fundamental fairness which require that all effected persons be afforded a reasonable time to prepare for the effective date of the rule. In light of the events of September 11, 2001, the Coast Guard believes it is in the national interest to immediately implement the rule to provide for security zone coverage around the pier. The Coast Guard further believes that it has provided the public adequate notice and time to adapt to the security zone's implementation through the NPRM. In addition, the California Coastal Commission, in its Coast Zone Management Act Determination of October 16, 2001 discussed the minimal impact the zone will have on the public: "These areas [including the subject security zone] are not typically used for recreational or commercial boating, and the restrictions will not adversely affect navigation or boating in San Diego Bay." The Coast Guard was delayed slightly in implementing this final rule because the attacks on the World Trade Center in New York and the Pentagon in Washington, DC caused the Coast Guard and the Navy to re-examine the whole scheme of security zones contemplated for San Diego to ensure they adequately met force protection and national defense needs.