

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

[COTP Tampa 01-097]

RIN 2115-AA97

**Security Zones; Port of Tampa, Tampa, Florida****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary security zones of 100 yards around cruise ships moored in the Port of Tampa, Florida. The purpose of these security zones is to safeguard the public and ports from destruction, loss, or injury from sabotage or other subversive acts. No person or vessel may enter security zones without permission from the Captain of the Port, Tampa, Florida or his designated representative.

**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 COTP Tampa 01-097 and are available for inspection or copying at Marine Safety Office Tampa, 155 Columbia Drive, Tampa, Florida 33606-3598 between 7:30 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

**DATES:** This regulation is effective from 6 p.m. on September 26, 2001 until 6 p.m. on June 15, 2002.

**FOR FURTHER INFORMATION CONTACT:** LT David McClellan, Coast Guard Marine Safety Office Tampa, at (813) 228-2189.

**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 its effective date would be contrary to the public interest since immediate action is needed to protect the public, ports and waterways of the United States. The Coast Guard will issue a broadcast notice to mariners and place Coast Guard vessels in the vicinity of these zones to advise mariners of the restriction.

For the same reasons, 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**.

**Background and Purpose**

Based on the September 11, 2001, terrorist attacks on the World Trade

Center buildings in New York and the Pentagon in Arlington, Virginia, there is an increased risk that sabotage or other subversive activity could be launched by vessels or persons in close proximity to the Port of Tampa, Florida, moored cruise vessels or cruise ship terminals. The purpose of these security zones is to safeguard the public and ports from sabotage or other subversive acts.

Coast Guard and local police department patrol vessels will be on scene to monitor traffic through these areas. Entry into these security zones is prohibited, unless specifically authorized by the Captain of the Port, Tampa, Florida. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channels 13 and 16 (157.1 MHz) of all active security zones in port by identifying the names of the vessels around which they are centered.

**Regulatory Evaluation**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, 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) because the zones only extends 100 yards around moored cruise ships and vessels may be allowed to enter the zones with the permission of the Captain of the Port of Tampa.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard considered whether this rule would have a significant economic effect upon a substantial number of small entities. "Small entities" include 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 because small entities may be allowed to enter on a case by case basis with the authorization of the Captain of the Port.

**Assistance for Small Entities**

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

better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding this rule.

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 (44 U.S.C. 3501-3520).

**Federalism**

A rule has implication 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 expenditure, we do discuss the effects of this rule elsewhere in this preamble.

**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.

#### Environmental

The Coast Guard considered the environmental impact of this rule and concluded 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 for inspection or copying where indicated under **ADDRESSES**.

#### 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.

#### 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 relationships 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 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), Reports 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.T07-170 is added to read as follows:

#### § 165.T07-170 Security Zones; Port of Tampa, Tampa Florida.

(a) *Regulated area.* Temporary security zones are established 100 yards around moored cruise ships in Tampa, Florida. No vessel shall be allowed within 100 yards of the moored cruise ship without permission from the Coast Guard.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into these zones is prohibited except as authorized by the Captain of the Port, or a Coast Guard commissioned, warrant, or petty officer designated by him. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channels 13 and 16 (157.1 MHz) of all active security zones in port by identifying the names of the vessels around which they are centered.

(c) *Dates.* This section is effective from 6 p.m. on September 26, 2001 until 6 p.m. on June 15, 2002.

Dated: September 26, 2001.

**A.L. Thompson, Jr.,**

*Captain, U.S. Coast Guard, Captain of the Port Tampa, Florida.*

[FR Doc. 02-5465 Filed 3-7-02; 8:45 am]

**BILLING CODE 4910-15-P**

#### DEPARTMENT OF VETERANS AFFAIRS

#### 38 CFR Part 36

**RIN 2900-AJ86**

#### Loan Guaranty: Advertising and Solicitation Requirements; Correction

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule; correction.

**SUMMARY:** In a document published in the **Federal Register** on March 1, 2002 (67 FR 9402), we amended VA's loan guaranty regulations by prohibiting advertisements or solicitations from lenders that falsely state or imply that they were issued by or at the direction of VA or any other entity of the United States Government. The document contains a typographical error in the "Approved" date section. This document corrects that typographical error.

**EFFECTIVE DATE:** This correction is effective March 1, 2002.

**FOR FURTHER INFORMATION CONTACT:** R.D. Finneran, Assistant Director for Loan

Policy and Valuation (262), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-7368.

**SUPPLEMENTARY INFORMATION:** In rule FR Doc. 02-4866, published on March 1, 2002 (67 FR 9402), on page 9402, in column 3, the date "December 3, 2002" is corrected to read "December 3, 2001".

Approved: March 1, 2002.

**Thomas O. Gessel,**

*Director, Office of Regulatory Law.*

[FR Doc. 02-5661 Filed 3-7-02; 8:45 am]

**BILLING CODE 8320-01-M**

#### POSTAL SERVICE

#### 39 CFR Part 111

#### Domestic Mail Manual Changes for Bedloaded Bundles of Periodicals

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is eliminating the option in the Domestic Mail Manual that allows mailers to bedload bundles (more than one package strapped together) of Periodicals flat-size mail.

**EFFECTIVE DATE:** March 31, 2002.

**FOR FURTHER INFORMATION CONTACT:** Anne Emmerth at (703) 292-3641.

**SUPPLEMENTARY INFORMATION:** On December 20, 2001, the Postal Service published a proposed rule in the **Federal Register** (66 FR 65668) soliciting comments on a proposal to delete the standards in the *Domestic Mail Manual* (DMM) that allow bundles (more than one package strapped together) of Periodicals flat-size mail to be bedloaded instead of placed in sacks or on pallets.

Current DMM M210.5.0 and M220.5.0 allow authorized mailers to place packages of Presorted rate and carrier route rate Periodicals flats directly into a truck or trailer if the packages are secured together into bundles containing a minimum of 20 pounds of mail (instead of sacking or palletizing those packages). Such preparation is optional and requires Postal Service authorization from Business Mailer Support at Headquarters.

Postal Service records indicate that there are no mailers who are preparing mail in this manner.

We received no comments opposing the proposal and one comment in support of eliminating this mail preparation option. The commenter, a large commercial printer, supports the Postal Service's efforts to streamline