

Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

The Coast Guard has 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.

### Environment

We have considered the environmental impact of this rule and concluded that under figure 2-1, paragraph (34)(g), of Commandant Instruction M16475.LC, 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.

### Energy Effects

We have analyzed this temporary 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

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 discussed 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).

#### [§ 110.83 Suspended]

2. From 9 p.m. (local time) on May 25, 2002 until 10 p.m. (local time) on May 26, 2002, § 110.83(a) and § 110.83(d) are suspended and new temporary paragraphs (e) and (f) are added to read as follows:

#### § 110.83 Chicago Harbor, Ill.

\* \* \* \* \*

(e) *Grant Park North.* Starting at 41°52'32" N, 087°36'57.4" W; then north to 41°52'49" N, 087°36'57.4" W; then east to 41°52'49" N, 087°36'55.2" W; then north to 41°52'53.2" N, 087°36'55.2" W; then northeast to 41°52'57" N, 087°36'45.1" W; then southeast to 41°52'52.8" N, 087°36'38.5" W; then south to 41°52'43" N, 087°36'38" W; then west to 41°52'43" N, 087°36'43" W; then south to 41°52'32" N, 087°36'41" W; then west back to the starting point.

(f) *Grant Park South.* Starting at 41°52'31.1" N, 087°36'57.1" W; then east to 41°52'31.5" N, 087°36'43" W; then south to 41°52'28", 087°36'43" W; then east to 41°52'28" N, 087°36'39" W; then southwest to 41°52'7.8" N, 087°36'55.2" W; then northwest to 41°52'8.6" N, 087°36'57.4" W; then north back to the starting point.

### 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.

4. From 9 p.m. (local time) on May 25, 2002 until 10 p.m. May 26, 2002, a new temporary § 165.T09-005 is added to read as follows:

#### § 165.T09-005 Safety Zone; Chicago Harbor, Chicago, Illinois.

(a) *Location.* The following is a safety zone: all waters of Lake Michigan encompassed by a line starting at 41°52'43" N, 087°36'43" W; then east to 41°52'43" N, 087°36'16" W; then south to 41°52'28" N, 087°36'16" W; then west to 41°52'28" N, 087°36'43" W; then north back to the beginning (NAD 83).

This area includes a portion of the Monroe Street Harbor and the Grant Park anchorage areas (33 CFR 110.83(a) and (d)), the entrance to the Monroe Street Harbor, as well as a portion outside the breakwall for Monroe Street Harbor.

(b) *Effective time and date.* This section is effective from 9 p.m. (local time) until 10 p.m. (local time) on May 25, 2002. In the event the fireworks display is cancelled due to inclement weather, this section is effective during these same times on May 26, 2002.

(c) *Regulations.* In accordance with § 165.23, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Chicago, or his designated on scene representative. Section 165.23 also contains other general requirements.

Dated: April 30, 2002.

James D. Hull,

Rear Admiral, U.S. Coast Guard, District Commander, Ninth Coast Guard District.

[FR Doc. 02-12314 Filed 5-15-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP San Diego 02-010]

RIN 2115-AA97

#### Safety Zone; Oceanside Harbor, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone within the navigable waters of the Pacific Ocean in Oceanside Harbor, California for Ralph's Half Ironman California. This temporary safety zone is necessary to provide for the safety of the participants and spectators of the race, to protect the participating vessels, and to protect other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

**DATES:** This rule is effective from 6:30 a.m. (PST) on May 19, 2002 until 9:30 a.m. (PST) on May 19, 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 San Diego 02-010] and are available for inspection or copying

at Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego, CA 92101-1064, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Petty Officer Austin Murai at (619) 683-6495.

**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. In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this regulation effective less than 30 days after publication in the **Federal Register**. The precise location of the event necessitating promulgation of this safety zone and other logistical details surrounding the event were not finalized until a date fewer than 30 days prior to the event. Delaying the effective date of this rule would be contrary to the public interest because doing such would prevent the Coast Guard from maintaining the safety of the participants of the event and users of the waterway.

**Background and Purpose**

This safety zone is necessary for Ralph's Half Ironman California, which will take place on May 19, 2002 starting at 6:30 a.m. (PST) and ending at 9:30 a.m. (PST). The event involves participant swimmers and the staff members of the race. This safety zone is defined as the waters of Oceanside Harbor, CA, including the entrance channel. This temporary safety zone is necessary to provide for the safety of the participants (swimmers), spectators, and sponsor vessels of the Ralph's Half Ironman California and to protect other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

**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).

Due to the temporary safety zone's short duration of three hours for just one day, the Coast Guard expects the economic impact of this rule to be so minimal that 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.

For the same reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule is not expected to have a significant economic impact on any substantial number of entities, regardless of size.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), the Coast Guard wants 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 your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Ensign Adam Birst, U.S. Coast Guard Marine Safety Office San Diego at (619) 683-6495.

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 and have determined that this rule 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.

**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 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 considered the environmental impact of this rule and concluded that under figure 2-1, paragraph (34)(g) of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation because we are establishing a safety zone. A "Categorical Exclusion Determination" is available in the docket 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. From 6:30 a.m. May 19, 2002 through 9:30 a.m. May 19, 2002 add new § 165.T11-042 to read as follows:

##### § 165.T11-042 Safety Zone; Oceanside Harbor, CA.

(a) *Location.* The following area is a safety zone: all waters of Oceanside Harbor, CA encompassed by an area starting at 33°12'21" N, 117°23'27" W; east to 33°12'18" N, 117°23'31" W; northeast to 33°12'26" N, 117°23'38" W; northeast to 33°12'27" N, 117°23'44" W; east to 33°12'24" N, 117°23'55" W; north to 33°12'33" N, 117°24'00" W; west to 33°12'36" N, 117°23'51" W; south to 33°12'31" N, 117°23'47" W; southwest to 33°12'31" N, 117°23'41" W; southwest to 33°12'30" N, 117°23'36" W; south to the original point.

(b) *Effective Dates.* This safety zone will be enforced from 6:30 a.m. (PST) to 9:30 a.m. (PST) on May 19, 2002. If the event concludes prior to the scheduled

termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by all vessels is prohibited, unless authorized by the Captain of the Port, or his designated representative. Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander, who will be Don Hadley of the Oceanside Harbor Police. He may be contacted by telephone at (760) 435-4007 or by VHF-FM Channel 16.

Dated: April 29, 2002.

**S.P. Metruck,**

*Commander, U.S. Coast Guard, Captain of the Port, San Diego.*

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#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

##### 33 CFR Part 165

[CGD13-02-002]

RIN 2115-AA97

##### Security Zone; Portland Rose Festival on Willamette River

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone surrounding the City of Portland's Waterfront Park to include all waters of the Willamette River, from surface to bottom, between the Hawthorne and Steel bridges and underneath these bridges. Recent terrorist attacks against the United States necessitate this action to properly safeguard all vessels participating in the 2002 Portland Rose Festival from terrorism, sabotage, or other subversive acts. We anticipate the security zone will have limited effects on commercial traffic and significant effects on recreational boaters; ensuring timely escorts through this security zone is a high priority of the Captain of the Port.

**DATES:** This rule is effective from Wednesday, June 5, 2002, through Monday, June 10, 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 CGD13-02-002 and are available for inspection or copying at U.S. Coast

Guard Marine Safety Office / Group Portland, 6767 N. Basin Ave, Portland, Oregon 97217 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Lieutenant Junior Grade Jeff Pile, c/o Captain of the Port, Portland Oregon at (503) 240-2585.

#### SUPPLEMENTARY INFORMATION:

##### Background and Purpose

On March 18, 2002, we published a notice of proposed rulemaking (NPRM) entitled Security Zone; Portland Rose Festival on Willamette River in the **Federal Register** (67 FR 11961). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

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**. The comment period for this rule ended just 2 business days before May 6, 2002—the date 30 days before the effective date of the rule. While this miscalculation prevented us from having the rule published by May 6, we are still able to provide several weeks notice of the effective date of the rule. The dates of the Rose Festival are fixed, and cannot be modified, therefore it would be contrary to public interest for us not to make the rule effective starting June 5, 2002. This security zone is necessary to provide for the safety and security of vessels participating in the 2002 Portland Rose Festival in the navigable waters of the United States.

##### Discussion of Comments and Rule

The Coast Guard did not receive any comments on the NPRM for this rule. This rule, for safety and security concerns, will control vessel movements in a regulated area surrounding vessels participating in the 2002 Portland Rose Festival. U.S. Naval Vessels are covered under 33 CFR 165 Subpart G—Protection of Naval Vessels; however, the Portland Rose Festival is a major maritime event that draws many different vessels including Navy, Coast Guard, Army Corps of Engineers, and Canadian Maritime Forces. It is crucial that the same level of security be provided to all participating vessels. Entry into this zone is prohibited unless authorized by the Captain of the Port, Portland or his designated representatives.

Commercial vessels that typically transit this section of the Willamette River are pre-designated and will suffer only minor inconveniences. Recreational vessels may suffer from extended delays and can anticipate a