

does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this temporary final rule and concluded that under figure 2-1, paragraph (34)(a), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation. This rule amends the rates charged for Great Lakes pilotage, restoring them to the rates previously in effect. It is procedural in nature and therefore is categorically excluded. A Determination of Categorical Exclusion is available in

the docket where indicated under **ADDRESSES**.

List of Subjects in 46 CFR Part 401

Administrative practice and procedure; Great Lakes; Navigation (water); Penalties; Reporting and recordkeeping requirements; Seamen.

For reasons discussed in the preamble, the Coast Guard temporarily amends 46 CFR part 401 as follows:

PART 401—GREAT LAKES PILOTAGE REGULATIONS

1. The authority citation for part 401 continues to read as follows:

| Any point on or in: | Southeast Shoal | Toledo or any point on Lake Erie west of Southeast Shoal | Detroit river | Detroit pilot boat | St. Clair river |
|---|-----------------|--|---------------|--------------------|-----------------|
| Toledo or any port on Lake Erie west of Southeast Shoal | \$988 | \$583 | \$1,282 | \$988 | N/A |
| Port Huron Change Point | 11,720 | 1,993 | 1,293 | 1,005 | \$715 |
| St. Clair River | 11,720 | N/A | 1,293 | 1,293 | 583 |
| Detroit or Windsor Or the Detroit River | 988 | 1,282 | 583 | N/A | 1,293 |
| Detroit Pilot Boat | 715 | 988 | N/A | N/A | 1,293 |

¹ When pilots are not changed at the Detroit pilot boat.

Dated: July 12, 2002.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety, Security and Environmental Protection.

[FR Doc. 02-18345 Filed 7-17-02; 10:29 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-857, MM Docket No. 01-2, RM-10036]

Television Broadcast Service; New Iberia, LA; Correction

AGENCY: Federal Communications Commission.

ACTION: Correcting amendment.

SUMMARY: The Federal Communications Commission published in the **Federal Register** of April 11, 2001 (66 FR 18734), a document changing the TV Table of Allotments to reflect the substitution of TV channel 53 for TV channel 36-at New Iberia, Louisiana. However, TV channel 53 was inadvertently published as 56-. This document corrects that error.

DATES: Effective July 19, 2002.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418-1600.

SUPPLEMENTARY INFORMATION:

Background

The FCC published a document in the **Federal Register** of April 11, 2001, (66 FR 18734) removing TV channel 36- and adding TV channel 53 at New Iberia, Louisiana. TV channel 56 was inadvertently published in lieu of TV channel 53 at New Iberia, Louisiana. This correction removes TV channel 56- and correctly adds TV channel 53-in § 73.606(b) of the Commission's Rules.

Need for Correction

As published, the final regulations contain an error which may prove to be misleading and need to be clarified.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.606 [Corrected]

2. Section 73.606(b), the Table of Television Allotments under Louisiana, is amended by removing TV channel 56- and adding TV channel 53-at New Iberia.

Authority: 46 U.S.C. 2104(a), 6101, 7701, 8105, 9303, 9304; 49 CFR 1.45, 1.46 (mm); 46 CFR 401.105 also issued under the authority of 44 U.S.C. 3507.

2. In § 401.407, suspend paragraph (b) and temporarily add paragraph (c) to read as follows:

§ 401.407 Basic rates and charges on Lake Erie and the navigable waters from Southeast Shoal to Port Huron, MI.

* * * * *

(c) *Area 5 (Designated Waters):*

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 02-18179 Filed 7-18-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

49 CFR Part 1

[Docket No. OST-1999-6189]

RIN 9991-AA27

Organization and Delegation of Powers and Duties; Secretarial Succession

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to alter the order of Secretarial succession for the Department in order to be consistent with the Vacancies Act.

EFFECTIVE DATE: July 19, 2002.

FOR FURTHER INFORMATION CONTACT: Laura Aguilar, Office of the Assistant General Counsel for Environmental, Civil Rights, and General Law, Department of Transportation, 400 Seventh Street SW., Room 10102, Washington, DC 20590; Telephone: (202) 366-0365.

SUPPLEMENTARY INFORMATION: In 49 CFR 1.26, the order of succession to act as Secretary of Transportation is set forth as follows: The Deputy Secretary,

General Counsel, Assistant Secretary for Transportation Policy, Assistant Secretary for Aviation and International Affairs, Assistant Secretary for Governmental Affairs, Assistant Secretary for Budget and Programs, Associate Deputy Secretary, Federal Aviation Administrator, and Assistant Secretary for Administration, in that order.

The Federal Vacancies Reform Act of 1998 (Vacancies Act) specifies who may serve in an acting capacity for a vacant position that is subject to a nomination by the President by and with the consent of the Senate (a “PAS” position). The Vacancies Act is the exclusive means for temporarily authorizing an acting official to perform the functions and duties of a PAS position unless otherwise authorized by statute. The Administration interprets the Vacancies Act to mean that if there is no statutory provision that enables the head of an agency to establish an order of succession, only the President of the United States may do so.

Section 102 of title 49, United States Code, authorizes the Secretary to prescribe the order of succession for the Assistant Secretaries and the General Counsel. The Department’s order of Secretarial succession is not consistent with the Vacancies Act since it also includes the Associate Deputy Secretary and the Federal Aviation Administrator. Therefore, we are amending the Secretarial Order of Succession to make it consistent with 49 U.S.C. 102 and the Vacancies Act.

Section 102 of title 49, United States Code, authorizes the Secretary to prescribe the order of succession for the Assistant Secretaries and the General Counsel. Under the Vacancies Act, only the President is authorized to designate officers in the line of Secretarial succession that are not specified in the enabling statute. In other words, only the President may designate officers beyond the General Counsel and the Assistant Secretaries. In a Memorandum for the Secretary of Transportation entitled “Designation of Officers of the Department of Transportation,” dated March 19, 2002, the President supplemented the Secretarial succession to include: the Associate Deputy Secretary of Transportation; the Under Secretary of Transportation for Security; the Federal Aviation Administrator; the Federal Aviation Administration Regional Administrator, Southwest Region; and the Federal Aviation Administration Regional Administrator, Great Lakes Region, in that order. This final rule codifies the President’s Memorandum.

Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b)(3)(A), and it may be made effective in less than 30 days after publication in the **Federal Register** under 5 U.S.C. 553(d)(2) as a change in internal policy.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

Issued this 10th day of July, 2002, at Washington, DC.

Norman Y. Mineta,

Secretary of Transportation.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

PART 1—[AMENDED]

1. The authority citation for part 1 is revised to read as follows:

Authority: 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101-552, 104 Stat. 2736; Pub. L. 106-159, 113 Stat. 1748; Pub. L. 107-71, 115 Stat. 597.

2. In § 1.26, paragraphs (a)(3) through (a)(12) are revised to read as follows:

§ 1.26 Secretarial succession.

(a) * * *

(3) Assistant Secretary for Budget and Programs.

(4) Assistant Secretary for Governmental Affairs.

(5) Assistant Secretary for Transportation Policy.

(6) Assistant Secretary for Aviation and International Affairs.

(7) Assistant Secretary for Administration.

(8) Associate Deputy Secretary.

(9) Under Secretary of Transportation for Security.

(10) Federal Aviation Administrator.

(11) Federal Aviation Administration Regional Administrator, Southwest Region.

(12) Federal Aviation Administration Regional Administrator, Great Lakes Region.

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[FR Doc. 02-18053 Filed 7-18-02; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 622, 635, 640, and 654

[Docket No. 010410086-2165-02; I.D. 020801A]

RIN 0648-AN83

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment to the Fishery Management Plans of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement the Generic Amendment Addressing the Establishment of the Tortugas Marine Reserves in the Fishery Management Plans of the Gulf of Mexico (Tortugas Amendment), as prepared by the Gulf of Mexico Fishery Management Council (Gulf of Mexico Council). This action will provide enhanced protections for existing marine reserves in the vicinity of the Dry Tortugas, Florida, and is taken under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This final rule complements regulations previously issued by NOAA under the authority of the National Marine Sanctuary Act by better informing the public of applicable restrictions and providing enhanced enforcement authority and stricter penalties for violations. Consistent with NOAA’s existing regulations, these regulations prohibit fishing for any species and anchoring by fishing vessels within the reserves. The intended effect is to inform the public of these restrictions and to further protect and conserve important marine resources.

DATES: This final rule is effective August 19, 2002.

FOR FURTHER INFORMATION CONTACT:

Peter Eldridge, phone: 727-570-5305; fax: 727-570-5583; e-mail: Peter.Eldridge@noaa.gov.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico fisheries for coastal migratory pelagics, coral and coral reefs, red drum, reef fish, shrimp, spiny lobster, and stone crab are managed under fishery management plans (FMPs) prepared by the Gulf of Mexico Council and approved and implemented by NMFS. These FMPs were prepared solely by the Gulf of Mexico Council, with the exception of the FMPs for coastal