

**List of Subjects in 33 CFR Part 117**

Bridges.

**Regulations**

For the reasons set out in the preamble, the Coast Guard amends Part 117 as follows:

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. Sec. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Public Law 102–587, 106 Stat. 5039.

2. Effective 12:01 a.m., December 19, 2002, through 7:00 a.m., March 1, 2003, § 117.T408 is added to read as follows:

**§ 117.T408 Upper Mississippi River.**

Illinois Central Railroad Drawbridge Mile 579.9 Upper Mississippi River. From 12:01 a.m., December 19, 2002 through 7 a.m., March 1, 2003, the drawspan requires 24 hours advance notice for bridge operation. Bridge opening requests must be made 24 hours in advance by calling the Canadian National/Illinois Central Dispatcher's office at (800) 711–3477 at any time or Mr. Mike McDermott, office (319) 236–9238 or cell phone (319) 269–2102.

Dated: December 6, 2002.

**Roy J. Casto,**

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

[FR Doc. 02–32724 Filed 12–26–02; 8:45 am]

**BILLING CODE 4910–15–P**

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD08–02–043]

RIN 2115–AE47

**Drawbridge Operation Regulation; Mississippi River, Burlington, IA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Commander, Eighth Coast Guard District is temporarily changing the regulation governing the Burlington Railroad Drawbridge, Mile 403.1, Upper Mississippi River. From 12:01 a.m., December 15, 2002, until 7 a.m., March 15, 2003, the drawbridge shall open on signal if at least 6 hours advance notice is given. This temporary rule is issued to facilitate annual maintenance and repair on the bridge.

**DATES:** This temporary rule is effective 12:01 a.m. on December 15, 2002, to 7 a.m. on March 15, 2003.

**ADDRESSES:** Documents referred to in this rule are available for inspection or copying at room 2.107f in the Robert A. Young Federal Building at Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103–2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (314) 539–3900, extension 2378. Commander, Eighth Coast Guard District (obr) maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger K. Wiebusch, Bridge Administrator, (314) 539–3900, extension 2378.

**SUPPLEMENTARY INFORMATION:****Good Cause for Not Publishing an NPRM**

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. This rule is being promulgated without an NPRM as a matter of public safety. Annual maintenance on the Burlington Railroad Drawbridge in Burlington, Iowa is performed by a roving railroad maintenance crew whose schedule is difficult to forecast. In order to keep up with maintenance of all drawbridges in the area, the maintenance crew must move quickly from one maintenance job to the next. Publishing an NPRM and allowing for the requisite comment period would severely reduce the repair time and prevent the maintenance crew from completing annual maintenance to the drawbridge. Therefore, the Coast Guard finds the public safety is better served by not publishing an NPRM.

**Good Cause for Making Rule Effective in Less Than 30 Days**

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**. For the same reasons that an NPRM was not published, the Coast Guard finds that public safety is better served by making this rule effective less than 30 days after its publication.

**Background and Purpose**

On November 15, 2002, the Burlington Northern Santa Fe Railway Company requested a temporary change to the operation of the Burlington Railroad Drawbridge across the Upper Mississippi River, Mile 403.1 at Burlington, Iowa. Burlington Northern

Santa Fe Railway Company requested that 6 hours advance notice be required to open the bridge during the maintenance period. The maintenance is necessary to ensure the continued safe operation of the drawbridge. Advance notice may be given by calling Mr. Craig D. Krause, Burlington Northern Santa Fe Railway Company, Supervisor of Structures, at (402) 458–7652 during normal working hours, or Mr. Joe Hicks, at (319) 394–9431.

The Burlington Railroad Drawbridge navigation span has a vertical clearance of 21.5 feet above normal pool in the closed to navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. Presently, the draw opens on signal for passage of river traffic. The Burlington Northern Santa Fe Railway Company requested the drawbridge be permitted to remain closed to navigation from 12:01 a.m., December 15, 2002, until 7 a.m., March 15, 2003 unless 6 hours advance notice is given to open the drawbridge to allow time to make repairs. The Burlington Railroad Drawbridge, Mile 403.1, Upper Mississippi River, is located upstream from Lock 19. Winter freezing of the Upper Mississippi River coupled with the closure of Army Corps of Engineer's Lock No. 17 (Mile 437.0 UMR), Lock No. 19 (Mile 364.1 UMR) until 7:30 a.m. March 1, 2003 and Lock No. 24 (Mile 273.4 UMR) until March 15, 2003 will reduce any significant navigation demands for the drawspan opening. Performing maintenance on the bridge during the winter when the number of vessels likely to be impacted is minimal is preferred to restricting vessel traffic during the commercial navigation season. This temporary change to the drawbridge's operation has been coordinated with the commercial waterway operators. No objections to the proposed temporary rule were raised.

**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 vessel traffic in the area of Burlington, Iowa will be greatly reduced by winter icing of the Upper Mississippi River and the closure of Locks 17, 19, and 24 it is expected that this rule will

have minimal economic or budgetary effects on the local community.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have 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 rule will not have a significant economic impact on a substantial number of small entities.

The temporary rule will have a negligible impact on vessel traffic. The primary users of the Upper Mississippi River in Burlington, Iowa are commercial towboat operators. The onset of winter conditions on the Upper Mississippi River coupled with the closure of Army Corps of Engineer’s Lock No. 17 (Mile 437.0 UMR), Lock No. 19 (Mile 364.1 UMR) until March 1, 2003 and Lock No. 24 (Mile 273.4 UMR) until March 15, 2003 will preclude any significant navigation demands for the drawspan opening. In order to obtain a bridge opening, an advance notice of 6 hours is required. This requirement has been coordinated with the local fleeting-harbor owners, the railroad, and navigation interests in the area.

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.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. Any individual that qualifies or, believes he or she qualifies as a small entity and requires assistance with the provisions of this rule, may contact Mr. Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, Bridge Branch, at (314) 539–3900, extension 2378.

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 contains 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 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 an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### 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.

### 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 (32)(e), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. Promulgation of changes to drawbridge regulations has been found not to have significant effect on the human environment. A “Categorical Exclusion Determination” is available in the docket for inspection or copying where indicated under **ADDRESSES**.

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Bridges.

### Regulations

For the reasons set out in the preamble, the Coast Guard amends Part 117 as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

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2. Effective 12:01 a.m., December 15, 2002, through 7 a.m., March 15, 2003, § 117.T408 is temporarily added to read as follows:

#### § 117.T408 Upper Mississippi River.

Burlington Railroad Drawbridge, Mile 403.1, Upper Mississippi River. From 12:01 a.m., December 15, 2002 through

7 a.m., March 15, 2003, the drawspan requires 6 hours advance notice for bridge operation. Bridge opening requests must be made 6 hours in advance by calling Mr. Craig D. Krause, Burlington Northern Santa Fe Railway Company, Supervisor of Structures, at (402) 458-7652 during normal working hours, or Mr. Joe Hicks at (319) 394-9431.

Dated: December 13, 2002.

**Roy J. Casto,**

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

[FR Doc. 02-32723 Filed 12-26-02; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF EDUCATION

### 34 CFR Parts 700, 701, and 702

#### Removal of Regulations

**AGENCY:** Institute of Education Sciences, Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the Code of Federal Regulations to remove obsolete regulations. As a result of enactment of the Education Sciences Reform Act of 2002, these regulations are no longer needed. The Secretary therefore takes this action to remove the regulations.

**DATES:** Parts 700, 701, and 702 are removed effective December 27, 2002.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Payer, U.S. Department of Education, 555 New Jersey Avenue, NW., room 502e, Washington, DC 20208. Telephone: (202) 219-1310.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** As a result of enactment of the Education Sciences Reform Act of 2002, Title I of Public Law 107-279, enacted November 5, 2002, the regulations at 34 CFR parts 700, 701, and 702 are removed because they are no longer necessary. The removal of these regulations does not alter the obligations of current recipients of Federal funds. The regulations in effect when a grant or other agreement is made govern that grant or agreement, unless otherwise specifically provided.

The regulations removed are:

(1) Standards for the Conduct and Evaluation of Activities Carried Out by the Office of Educational Research and Improvement (OERI)—Evaluation of Applications for Grants and Cooperative Agreements and Proposals for Contracts (34 CFR part 700);

(2) Standards for Conduct and Evaluation of Activities Carried Out by the Office of Educational Research and Improvement (OERI)—Designation of Exemplary and Promising Programs (34 CFR part 701); and

(3) Standards for the Conduct and Evaluation of Activities Carried Out by the Office of Educational Research and Improvement (OERI)—Evaluation of the Performance of Recipients of Grants, Cooperative Agreements, and Contracts (34 CFR part 702).

#### Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, this document merely removes obsolete regulations from the Code of Federal Regulations. Removal of the regulations does not establish or affect substantive policy. Therefore, the Secretary has determined pursuant to 5 U.S.C. 553(b)(B), that public comment is unnecessary and contrary to the public interest.

#### Paperwork Reduction Act of 1995

These regulations do not contain any information collection requirements.

#### Electronic Access to This Document

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To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.access.gpo.gov/nara/index.html>

(Catalog of Federal Domestic Assistance number does not apply.)

#### List of Subjects

##### 34 CFR Part 700

Education, Educational research, Elementary and secondary education, Government contracts, Grant programs—education, Libraries, Reporting and recordkeeping requirements.

##### 34 CFR Part 701

Education, Educational research, Reporting and recordkeeping requirements.

##### 34 CFR Part 702

Education, Educational research, Reporting and recordkeeping requirements.

Dated: December 23, 2002.

**Grover J. Whitehurst,**

*Director, Institute of Education Sciences.*

## PARTS 700, 701, AND 702— [REMOVED]

For the reasons stated in the preamble, under the authority at 20 U.S.C. 1221e-3 and 20 U.S.C. 9501 *et seq.*, the Secretary amends Title 34 of the Code of Federal Regulations by removing parts 700, 701, and 702.

[FR Doc. 02-32716 Filed 12-26-02; 8:45 am]

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 3

#### RIN 2900-AK98

#### Extension of the Presumptive Period for Compensation for Gulf War Veterans' Undiagnosed Illnesses

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule.

**SUMMARY:** This document affirms an amendment to the Department of Veterans Affairs (VA) adjudication regulations regarding compensation for disabilities resulting from undiagnosed illnesses suffered by Persian Gulf War veterans. The amendment extends the period within which such disabilities must become manifest to a compensable degree in order for entitlement for compensation to be established. The amendment ensures that veterans with compensable disabilities due to undiagnosed illnesses that may be related to active service in the Southwest Asia theater of operations during the Persian Gulf War may qualify for benefits.

**DATES:** *Effective Date:* December 27, 2002.