

FDC date	STATE	CITY	AIRPORT	FDC NUMBER	SUBJECT
03/13/02 .....	GA	METTER .....	METTER MUNI .....	2/2172	NDB OR GPS RWY 10, AMDT 2
03/14/02 .....	OH	ZANESVILLE .....	ZANESVILLE MUNI .....	2/2203	VOR OR GPS RWY 4, AMDT 6
03/14/02 .....	OH	OTTAWA .....	PUTNAM COUNTY .....	2/2209	VOR OR GPS RWY 27, AMDT 1
03/14/02 .....	OH	TIFFIN .....	SENECA COUNTY .....	2/2210	VOR OR GPS RWY 6, AMDT 8
03/14/02 .....	OH	OTTAWA .....	PUTNAM COUNTY .....	2/2211	NDB RWY 27, AMDT 1A
03/14/02 .....	OH	TIFFIN .....	SENECA COUNTY .....	2/2212	NDB RWY 24, AMDT 7A
03/14/02 .....	OH	TIFFIN .....	SENECA COUNTY .....	2/2213	GPS RWY 24, ORIG
03/14/02 .....	OH	BLUFFTON .....	BLUFFTON .....	2/2214	VOR OR GPS RWY 23, AMDT 6
03/14/02 .....	OH	FOSTORIA .....	FOSTORIA METROPOLITAN.	2/2215	VOR OR GPS-A, AMDT 3A
03/14/02 .....	OH	FOSTORIA .....	FOSTORIA METROPOLITAN.	2/2216	NDB OR GPS RWY 27, AMDT 4B
03/14/02 .....	OH	KENTON .....	HARDIN COUNTY .....	2/2217	VOR/DME RNAV OR GPS RWY 22, AMDT 1
03/14/02 .....	OH	KENTON .....	HARDIN COUNTY .....	2/2218	VOR OR GPS-A, AMDT 3
03/14/02 .....	OH	UPPER SANDUSKY .....	WYANDOT COUNTY .....	2/2219	VOR OR GPS-A, AMDT 3
03/15/02 .....	GA	BRUNSWICK .....	GLYNCO JETPORT .....	2/2240	ILS RWY 7, AMDT 8
03/15/02 .....	GA	BRUNSWICK .....	GLYNCO JETPORT .....	2/2241	VOR/DME OR GPS-B, AMDT 7
03/15/02 .....	GA	BRUNSWICK .....	GLYNCO JETPORT .....	2/2242	NDB RWY 7, AMDT 10
03/19/02 .....	MN	RED WING .....	RED WING REGIONAL ..	2/2276	RNAV (GPS) RWY 9, ORIG
03/19/02 .....	MN	RED WING .....	RED WING REGIONAL ..	2/2277	RNAV (GPS) RWY 27, ORIG
03/20/02 .....	NC	BEAUFORT .....	MICHAEL J. SMITH FIELD.	2/2325	RNAV (GPS) RWY 14, ORIG
03/20/02 .....	IN	GRIFFITH .....	GRIFFITH-MERRILLVILLE.	2/2333	VOR OR GPS RWY 8, AMDT 7
03/20/02 .....	IN	LOGANSPORT .....	LOGANSPORT MUNI .....	2/2335	NDB RWY 9, AMDT 2
03/21/02 .....	IA	PELLA .....	PELLA MUNI .....	2/2347	NDB RWY 34, AMDT 7A
03/25/02 .....	IN	EVANSVILLE .....	EVANSVILLE REGIONAL	2/2453	NDB OR GPS RWY 22, AMDT 12A
03/25/02 .....	IN	EVANSVILLE .....	EVANSVILLE REGIONAL	2/2454	ILS RWY 22, AMDT 20A
03/25/02 .....	IN	EVANSVILLE .....	EVANSVILLE REGIONAL	2/2455	RADAR-1, AMDT 5A
03/25/02 .....	IN	EVANSVILLE .....	EVANSVILLE REGIONAL	2/2458	VOR OR GPS RWY 4, AMDT 5B

[FR Doc. 02-8147 Filed 4-03-02; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-02-037]

#### Drawbridge Operation Regulations: Hutchinson River, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Pelham Bay railroad bridge, mile 0.5, across the Hutchinson River at New York. This temporary deviation will allow the bridge to remain closed to navigation from 10 a.m. on April 18, 2002 through 5 a.m. on April 19, 2002, and from 10 a.m. on April 22, 2002 through 5 a.m. on April 23, 2002, to facilitate repairs at the bridge.

**DATES:** This deviation is effective from April 18, 2002 through April 23, 2002.

**FOR FURTHER INFORMATION CONTACT:** Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The bridge owner, the National Railroad Passenger Corporation (Amtrak), requested a temporary deviation from the drawbridge operating regulations to facilitate necessary maintenance, replacement of pinion gears and the rack, at the bridge. The performance of these repairs require the bridge to remain in the closed position.

The Coast Guard and the owner of the bridge coordinated this closure with the mariners that normally use this waterway to help facilitate this necessary bridge repair and to minimize any disruption to the marine transportation system. Therefore, as a result of that coordination effort, a temporary deviation from the drawbridge operation regulations has been approved. Under this temporary deviation the Pelham Bay railroad bridge will not open for vessel traffic from 10 a.m. on April 18, 2002 through 5 a.m. on April 19, 2002, and from 10 a.m. on April 22, 2002 through 5 a.m. on April 23, 2002.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: March 21, 2002.

**G.N. Naccara,**

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

[FR Doc. 02-8182 Filed 4-3-02; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-01-181]

**RIN 2115-AE84 and 2115-AA97**

#### Regulated Navigation Area and Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is extending the effective period of the regulated navigation area (RNA) and safety and security zones published October 10, 2001. This change will extend the effective date of the temporary final rule until August 15, 2002, allowing adequate time for informal rulemaking to develop a permanent rule. This rule will continue to prohibit vessels from entering certain areas of the port and

impose restrictions on vessel operations in other areas.

**DATES:** Sections 165.T01–165 and 165.T01–166 added at 66 FR 15161 effective September 28, 2001 through April 8, 2002 are extended in effect through August 15, 2002. Sections 165.T01–165(c) and 165.T01–166(b) are revised effective April 4, 2002 and will remain effective until August 15, 2002.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection and copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 204, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

On October 10, 2001, we published a temporary final rule (TFR) entitled “Regulated Navigation Area and Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone” in the **Federal Register** (66 FR 51558–51562). The effective period for this rule was from September 28, 2001, through April 8, 2002. Although the rule was published without advance notice of proposed rulemaking, an opportunity for public comment was provided. The comment period closed on December 10, 2001. The Coast Guard received no letters commenting on the temporary rule. No public hearing was requested, and none was held.

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(3), the Coast Guard finds that good cause exists for not publishing an NPRM. The original TFR was urgently required to facilitate emergency services responding to terrorist attacks upon the World Trade Center in Manhattan, NY, and to prevent future terrorist strikes within and adjacent to the Port of New York/ New Jersey.

It was anticipated that we would assess the security environment at the end of the effective period to determine whether continuing security precautions were required and, if so, to propose regulations responsive to existing conditions. We have determined the need for continued security regulations exists. The Coast Guard will utilize the extended effective period of this TFR to engage in notice and comment rulemaking to develop permanent regulations tailored to the present and

foreseeable security environment within the Port of New York.

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**. The measures contemplated by the rule were intended to facilitate ongoing response efforts and prevent future terrorist attack. The Coast Guard will be publishing a NPRM to establish permanent safety and security zones that are temporarily effective under this rule. This revision preserves the status quo within the Port while permanent rules are developed. There is no indication that the present TFR has been burdensome on the maritime public. The public was invited to comment upon or suggest modifications to the scope of the existing TFR by submitting written comments within 60 days of its publication in the **Federal Register**. None were received.

**Background and Purpose**

Terrorist attacks against the World Trade Center in Manhattan, New York on September 11, 2001 inflicted catastrophic human casualties and property damage. Federal, state and local personnel are engaged in ongoing efforts to secure other potential terrorist targets from attack. The Coast Guard established regulated navigation areas (RNAs) and safety and security zones within defined areas of water in order to facilitate emergency response and rescue activities, protect human life, and safeguard vessels and waterfront facilities from sabotage or terrorist attacks.

As we mentioned in the original TFR, these regulations were designed to provide the Captain of the Port of New York with maximum flexibility to respond to emergent threats and dangerous conditions. When less stringent security measures are required, the Captain of the Port communicates relaxed enforcement policies to the public. As a result, the full scope of these regulations is rarely imposed. Nevertheless, the flexibility to utilize those measures permitted by the TFR and required by the circumstances is vital to ensure port security in the present environment.

The temporary rule is only effective until April 8, 2002. The Coast Guard is extending the effective date of this rule until August 15, 2002, to allow the establishment of permanent safety and security zones by notice and comment rulemaking.

**Regulatory Evaluation**

This rule is not a “significant regulatory action” under section 3(f) of

Executive Order 12886, 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).

The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the sizes of the zones are the minimum necessary to provide adequate protection for the public, vessels, and vessel crews. Any vessels seeking entry into or movement within the safety and security zones must request permission from the Captain of the Port or his authorized patrol representative. Any hardships experienced by persons or vessels are considered minimal compared to the national interest protecting the public, vessels, and vessel crews from the further devastating consequences of the aforementioned acts of terrorism, and from potential future sabotage or other subversive acts, accidents, or other causes of a similar nature.

The Coast Guard will be publishing a NPRM to establish permanent safety and security zones that are temporarily effective under this rule.

**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.

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601–612) that this final rule will not have a significant economic impact on a substantial number of small entities. Maritime advisories will be initiated by normal methods and means and will be widely available to users of the area.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121),

we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4012.

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 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

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 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 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 M16475.1D, 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.

#### 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.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security Measures, Waterways.

#### Regulation

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. In temporary § 165.T01-165, revise paragraph (c) to read as follows:

#### § 165.T01-165 Regulated Navigation Area: New York Marine Inspection Zone and Captain of the Port Zone.

\* \* \* \* \*

(c) *Effective dates.* This section is effective from September 28, 2001 through August 15, 2002.

\* \* \* \* \*

3. In temporary § 165.T01-166, revise paragraph (b) to read as follows:

#### § 165.T01-166 Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone.

\* \* \* \* \*

(b) *Effective dates.* This section is effective from September 28, 2001 through August 15, 2002.

\* \* \* \* \*

Dated: March 27, 2002.

G.N. Naccara,

Rear Admiral, Coast Guard, District Commander, First Coast Guard District.

[FR Doc. 02-8079 Filed 4-3-02; 8:45 am]

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#### LIBRARY OF CONGRESS

#### 36 CFR Part 703

[Docket No. LOC 02-1]

#### Disclosure or Production of Records or Information

**AGENCY:** Library of Congress.

**ACTION:** Final regulation.

**SUMMARY:** The Library of Congress issues this final regulation to include, in addition to information about public availability of Library of Congress records, the information contained in new Library of Congress Regulation 1917-4, Testimony by Employees and Production of Documents in Certain Legal Proceedings Where the Library is Not a Party (see 36 CFR 703.10 *et seq.*). This new regulation centralizes the Library's determinations, to the greatest extent possible, concerning responses to subpoenas in matters where the Library