

and collaboration with Indian and Alaskan Native tribes, we published a notice in the **Federal Register** (66 FR 36361, July 11, 2001) requesting comments on how to best carry out the Order. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a "tribal implication" under the Order.

### Energy Effects

We have analyzed this proposed 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

We have considered the environmental impact of this proposed rule and concluded that, under figure 2-1, paragraph (32)(e), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation. The proposed rule only involves the operation of an existing drawbridge and will not have any impact on the environment.

### List of Subjects 33 CFR Part 117

Bridges.

For reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR 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. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.243 is revised to read as follows:

#### § 117.243 Nanticoke River.

(a) The draw of the Norfolk Southern Railway bridge across the Nanticoke River, at mile 39.4, at Seaford, Delaware will operate as follows:

(1) From March 15 through November 15 the draw shall open on signal for all vessels except that, from 11 p.m. to 5 a.m. at least 2½ hours notice shall be required.

(2) At all times from November 16 through March 14 the draw will open on signal if at least 2½ hours notice is given.

(b) When notice is required, the owner operator of the vessel must provide the bridge tender with an estimated time of passage by calling 717-541-2151/2140.

Dated: July 25, 2002.

**Arthur E. Brooks,**

*Captain, U.S. Coast Guard Acting Commander, Fifth Coast Guard District.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-00-007]

RIN 2115-AA97

#### Regulated Navigation Area, Boston, MA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking, withdrawal.

**SUMMARY:** The Coast Guard is withdrawing the Notice of Proposed Rulemaking (NPRM) which proposed to decrease the safety zone ahead of loaded Liquefied Natural Gas Carrier (LNGC) vessels found at 33 CFR 165.110. In light of the terrorist attacks in New York City and Washington, DC on September 11, 2001, safety and security zones are being established to safeguard the LNGC vessels and LNG facilities in the Captain of the Port Boston, MA zone that conflict with this NPRM and thus necessitate its withdrawal.

**DATES:** The NPRM proposing to amend 33 CFR 165.110 that was published on May 2, 2000 (65 FR 25458) is withdrawn as of August 6, 2002.

**ADDRESSES:** Comments and related material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket CGD01-00-007 and are available for copying or inspection at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between the hours of 8 a.m. and 3

p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Dave Sherry, Marine Safety Office Boston, Maritime Security Operations Division, at (617) 223-3030.

### SUPPLEMENTARY INFORMATION:

#### Regulatory History

On May 2, 2000 we published a notice of proposed rulemaking (NPRM) entitled "Regulated Navigation Area, Boston, MA" in the **Federal Register** (65 FR 25458). We received no comments on the proposed rule. No public hearing was requested and none was held. No final rule was published.

The NPRM proposed to change 33 CFR 165.110(a)(1) by removing the words "two miles" and replace them with the words "one mile", effectively reducing the size of the safety zone described therein. At this time this reduction was intended to reduce burdens imposed on commercial and recreational mariners by the safety zone.

#### Withdrawal

In light of the terrorist attacks in New York City and Washington, DC on September 11, 2001, the Captain of the Port Boston, MA has had to reconsider this NPRM. In a post-September 11, 2001 security assessment it was determined that LNGC vessels represent a potential terrorist target. As a result, safety and security zones are being established to increase protective measures around LNGC vessels while in transit, at anchor, and moored at a transfer facility in the COTP Boston, MA zone. These proposed increased measures are intended to protect LNGC vessels, the public, and the surrounding area from sabotage or other subversive acts, accidents, or other events of a similar nature. These safety and security zones have been proposed in an NPRM [Docket # CGD01-02-023] published July 26, 2002 (67 FR 48834). Since the proposal to reduce the size of the safety zone around LNGC vessels in transit published May 2, 2000, at 65 FR 25458, is in conflict with the July 26, 2002 NPRM, which increases protective measures in response to new potential threats, the May 2, 2000 NPRM must be withdrawn.

Dated: July 26, 2002.

**B.M. Salerno,**

*Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.*

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