

Washington, DC 20001, and the other at 1244 Speer Boulevard, Suite 280, Denver, Colorado 80204-3582.

#### § 2702.3 [Amended]

10. In § 2702.3(a), the address for the Executive Director, Federal Mine Safety and Health Review Commission, is revised from "6th Floor, 1730 K Street NW., Washington, DC 20006-3867" to read "601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001".

#### PART 2704—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN COMMISSION PROCEEDINGS

11. The authority citation for part 2704 continues to read as follows:

**Authority:** (5 U.S.C. 504(c)(1); Pub. L. 99-80, 99 Stat. 183; Pub. L. 104-121, 110 Stat. 862.

#### § 2704.201 [Amended]

12. In § 2704.201(a), the address for the Chief Administrative Law Judge of the Commission is revised from "1730 K Street NW, 6th Floor, Washington, DC 20006" to read "601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001".

#### § 2704.308 [Amended]

13. In § 2704.308(b), the address for the Commission is revised from "1730 K Street NW., Washington, DC 20006" to read "601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001".

#### PART 2705—PRIVACY ACT IMPLEMENTATION

14. The authority citation for part 2705 continues to read as follows:

**Authority:** 5 U.S.C. 552a; Pub. L. 93-579.

#### § 2705.4 [Amended]

15. In § 2705.4, the address for the Executive Director of the Commission is revised from "1730 K Street NW., Room 612, Washington, DC 20006" to read "601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001".

#### § 2705.8 [Amended]

16. In § 2705.8, the address for the Chairman, Federal Mine Safety and Health Review Commission, is revised from "1730 K Street NW., Room 610, Washington, DC 20006" to read "601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001".

#### PART 2706—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

17. The authority citation for part 2706 continues to read as follows:

**Authority:** 29 U.S.C. 794.

#### § 2706.170 [Amended]

18. In § 2706.170(c), the address for the General Counsel, Federal Mine Safety and Health Review Commission, is revised from "1730 K Street NW., Suite 600, Washington, DC 20001" to read "601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001".

Dated: September 20, 2002.

**Richard L. Baker,**

*Executive Director, Federal Mine Safety and Health Review Commission.*

[FR Doc. 02-24546 Filed 9-26-02; 8:45 am]

**BILLING CODE 6735-01-P**

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

##### 33 CFR Part 100

[CGD05-02-075]

RIN 2115-AE46

#### Special Local Regulations for Marine Events; Cape Fear River, Wilmington, NC

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations for the "Head of the Cape Fear Regatta", a marine event to be held over the waters of the Cape Fear River, Wilmington, North Carolina. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Cape Fear River during the event.

**DATE:** This rule is effective from 7:30 a.m. to 5:30 p.m. on October 5, 2002.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket CGD05-02-075 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** S. L. Phillips, Project Manager, Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, at (757) 398-6204.

#### 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) and 553(d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. The event will be held on Saturday, October 5, 2002. There is not sufficient time to allow for a notice and comment period, prior to the event. Because of the danger posed by other vessels operating near rowing shells competing within a confined area, special local regulations are necessary to provide for the safety of event participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. In addition, advance notifications will be made via the Local Notice to Mariners, marine information broadcasts, and area newspapers.

##### Background and Purpose

On October 5, 2002, Riverfest Celebrations, Inc. will sponsor the "Head of the Cape Fear Regatta" on the waters of the Cape Fear River, Wilmington, North Carolina. The event will consist of rowing shells racing in heats of 30 against the clock along a 3-mile section of the Cape Fear River. To provide for the safety of spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the event.

##### Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the Cape Fear River. The regulated area includes all waters of the Cape Fear River from the Cape Fear Memorial Bridge upriver to the Seaboard Coast Line Railroad Bridge at Navassa Turning Basin. The temporary special local regulations will be in effect from 7:30 a.m. to 5:30 p.m. on October 5, 2002. The effect will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. The Patrol Commander will allow non-participating vessels to transit the regulated area at slow speed between heats when safe to do so. These

regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

#### 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).

Although this rule prevents traffic from transiting a portion of the Cape Fear River during the event, the effect of this rule will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers so mariners can adjust their plans accordingly.

#### 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.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the effected portions of the Cape Fear River during the event.

Although this rule prevents traffic from transiting a portion of the Cape Fear River during the event, the effect of this rule will not be significant because of the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers so mariners can adjust their plans accordingly.

#### 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 the address listed under **ADDRESSES**.

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 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 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 and 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

We have considered the environmental impact of this rule and concluded that, under figure 2–1, paragraphs (34)(h) and (35)(a) of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections. A “Categorical Exclusion Determination” is available in the docket where indicated under **ADDRESSES**.

**List of Subjects in 33 CFR Part 100**

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

**PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for Part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46.

2. From 7:30 a.m. to 5:30 p.m. on October 5, 2002, add a temporary § 100.35–T05–075 to read as follows:

**§ 100.35–T05–075 Cape Fear River, Wilmington, North Carolina.**

(a) *Definitions.*

(1) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Fort Macon.

(2) *Official Patrol.* The Official Patrol is any commissioned, warrant, or petty officer of the Coast Guard on board a vessel displaying a Coast Guard ensign.

(b) *Regulated area.* All waters of the Cape Fear River from shoreline to shoreline, bounded to the north by the Seaboard Coast Line Railroad Bridge at Navassa Turning Basin and bounded to the south by the Cape Fear Memorial Bridge.

(c) *Special local regulations:*

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol.

(ii) Proceed as directed by any official patrol.

(d) *Enforcement period.* This section will be enforced from 7:30 a.m. to 5:30 p.m. on October 5, 2002.

Dated: September 19, 2002.

**A.E. Brooks,**

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

[FR Doc. 02–24635 Filed 9–26–02; 8:45 am]

**BILLING CODE 4910–15–P**

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

[CGD11–02–005]

**Drawbridge Operation Regulations; Sacramento River, Walnut Grove, CA**

**AGENCY:** Coast Guard, DOT.

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

**SUMMARY:** The Commander, Eleventh Coast Guard District has issued a temporary deviation to the regulation governing the opening of the Walnut Grove Highway drawbridge, mile 26.7, over the Sacramento River at Walnut Grove, CA. This deviation allows the drawbridge to require 1 hour advance notice before opening, and allows the drawbridge to perform single leaf operation of the drawspan for vessel traffic. This deviation is necessary to allow Sacramento County to perform essential repairs to the bridge operating machinery.

**DATES:** This deviation is effective from 8 a.m. on Monday, October 28, until 5 p.m. on Friday, November 1, 2002.

**ADDRESSES:** Materials referred to in this rule are available for inspection or copying at the Eleventh Coast Guard District, Bridge Administration Section, Building 50–6 Coast Guard Island, Alameda, CA 94501–5100, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The phone number is (510) 437–3516. The Bridge Administration Section maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, phone (510) 437–3516.

**SUPPLEMENTARY INFORMATION:** The Walnut Grove Highway drawbridge, mile 26.7, over the Sacramento River at Walnut Grove, CA, is owned and operated by Sacramento County. It is a double leaf bascule drawbridge providing 21 feet vertical clearance above mean high water in the closed-to-navigation position. Vessels that can pass under the bridge without an opening may do so at all times. Presently, as set out in 33 CFR 117.189, the draw is required to open on signal from 9 a.m. to 5 p.m., November 1 through April 30; and 6 a.m. to 10 p.m., May 1 through October 31; and all other times if at least 4 hours advance notice is given. At the bridge location, the Sacramento River is navigated by commercial and recreational vessels

requiring several daily openings of the drawspan.

During the repair period, 1 hour advance notice will be required before opening and the bridge will perform single leaf operation of the drawspan for vessel traffic from 8 a.m. to 5 p.m. daily, October 28 through November 1, 2002. Single leaf openings will be provided for emergency operation upon 15 minute advance notice. Sacramento County requested a temporary deviation from the normal operation of the drawbridge in order to allow for repairs. This deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the normal operating regulations in 33 CFR 117.5 is authorized in accordance with the provisions of 33 CFR 117.35.

Dated: September 13, 2002.

**T.S. Sullivan,**

*U.S. Coast Guard, Acting Commander, Eleventh Coast Guard District.*

[FR Doc. 02–24663 Filed 9–26–02; 8:45 am]

**BILLING CODE 4910–15–P**

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

[CGD01–02–105]

**Drawbridge Operation Regulations; Harlem 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 103 Street (Wards Island) Bridge, mile 0.0, across the Harlem River at New York. This temporary deviation will allow the bridge to remain closed to navigation from 8 a.m. on September 23, 2002 through 5 p.m. on November 20, 2002. This temporary deviation is necessary to facilitate painting operations at the bridge.

**DATES:** This deviation is effective from September 23, 2002 through November 20, 2002.

**FOR FURTHER INFORMATION CONTACT:** Joe Arca, Project Officer, First Coast Guard District, at (212) 668–7165.

**SUPPLEMENTARY INFORMATION:** The bridge owner, New York City Department of