

Issued in Burlington, Massachusetts, on February 5, 2002.

Jay J. Pardee,

Manager, Engine and Propeller Directorate,
Aircraft Certification Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 909

[Docket No. 011219305-1305-01]

RIN 0648-AP77

Regulations Relating to Disclosure of Information and Employee Testimony in Litigation; Removal of Obsolete Regulations

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) issues this final rule to remove and reserve regulations concerning the policies and procedures relating to the disclosure of information and employee testimony in litigation not involving the United States. These regulations are removed because they have been superseded by other regulations. The intended effect is to ensure that NOAA policies and procedures are consistent and not redundant with other regulations of the Department of Commerce.

DATES: Effective February 20, 2002.

FOR FURTHER INFORMATION CONTACT: Glenn E. Tallia, NOAA Senior Counselor for Atmospheric and Space Services and Research (GCW), SSMC 3, Mail Stop 15861, 1315 East-West Highway, Silver Spring, MD 20910; (301) 713-1337.

SUPPLEMENTARY INFORMATION:

Background

NOAA issues this final rule to remove provisions from its internal conduct regulations, codified at 15 CFR part 909. This part contains policies and procedures regarding disclosure of information and employee testimony in litigation not involving the United States. This part is removed and reserved because it has been superseded by regulations on the same topic promulgated by the Department of Commerce, and codified at 15 CFR part 15, subpart B.

Classification

Executive Order 12866

This final rule has been determined to be not significant for purposes of E.O. 12866.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b)(A), prior notice and an opportunity for public comment and not required for this rule of agency organization, management and procedures. Further, this rule of agency organization, management and procedures is not a substantive rule, and is therefore not subject to the 30-day delay in effective date requirement of 5 U.S.C. 553(d).

Regulatory Flexibility Act

As this rule is not subject to the requirement to provide prior notice and an opportunity for public comment pursuant to 5 U.S.C. 553, or any other law, it is not subject to the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Paperwork Reduction Act

This rule does not contain or involve any information collection requirements that require the approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. chapter 35.

List of Subjects in 15 CFR Part 909

Courts, Government employees.

Accordingly, for the reasons set forth in the preamble and under the authority contained in 5 U.S.C. 301; 15 U.S.C. 1501, 1512, 1513, 1515 and 1518; Reorganization Plan No. 5 of 1950; 3 CFR, 1949-1953 Comp., p. 1004; and 44 U.S.C. 3101; remove and reserve 15 CFR part 909.

Dated: February 14, 2002.

Craig R. O'Connor,

Acting General Counsel, NOAA.

[FR Doc. 02-4058 Filed 2-19-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay 01-012]

RIN 2115-AA97

Security Zones; San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing moving and fixed security

zones extending 100 yards around all cruise ships and tank ships that enter, are moored in, or depart from the San Francisco Bay and Delta ports, California. This security zone is needed for national security reasons to protect the public and ports from potential subversive acts. Entry into these security zones is prohibited, unless specifically authorized by the Captain of the Port San Francisco Bay, or his designated representative.

DATES: The regulation is effective from 11:59 p.m. PST on December 21, 2001 to 11:59 p.m. PDT on June 21, 2002.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket COTP San Francisco Bay 01-012 and are available for inspection or copying at Coast Guard Marine Safety Office San Francisco Bay, Coast Guard Island, Alameda, California, 94501, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Ross Sargent, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437-3073.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing an NPRM. On September 11, 2001, two commercial aircraft were hijacked and flown into the World Trade Center in New York, New York, inflicting catastrophic human casualties and property damage. A similar attack was inflicted upon the Pentagon in Arlington, Virginia, while a fourth commercial aircraft was hijacked and crashed in rural western Pennsylvania on the same day. National security and intelligence officials warn that future terrorist attacks against civilian targets may be anticipated. Due to the potential catastrophic impact of an attack on cruise ships and tank ships, this rulemaking is urgently required to prevent possible terrorist strikes against these vessels within San Francisco Bay and Delta ports. The delay inherent in the NPRM process is contrary to the public interest insofar as it would render cruise ships and tank ships in San Francisco and Delta ports vulnerable to subversive activity, sabotage and terrorist attack.

For the same reasons, 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**.