

**2E002 “Technology” according to the General Technology Note for the “production” of equipment controlled by 2A (except 2A983, 2A991, or 2A994), or 2B (except 2B991, 2B993, 2B996, 2B997, or 2B998).**

\* \* \* \* \*

■ 19. In Supplement No. 1 to part 774, the Commerce Control List, Category 2 (Materials Processing, Chemicals, Micro-organisms, and Toxins), is amended by adding new Export Control Classification Number (ECCN) 2E983 reading as follows:

**2E983 “Technology” specially designed or modified for the “development”, “production” or “use” of equipment controlled by 2A983, or the “development” of software controlled by 2D983.**

**License Requirements**

*Reason for Control:* RS, AT

Control(s)	Country chart
RS applies to entire entry	RS Column 2
AT applies to entire entry	AT Column 1

**License Exceptions**

CIV: N/A

TSR: N/A

**List of Items Controlled**

*Unit:* N/A

*Related Controls:* N/A

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in the ECCN heading.

Dated: March 24, 2003.

**James J. Jochum,**

*Assistant Secretary for Export Administration.*

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**DEPARTMENT OF THE INTERIOR**

**Bureau of Reclamation**

**43 CFR Part 423**

**RIN 1006-AA46**

**Public Conduct on Bureau of Reclamation Lands and Projects; Extension of Expiration Date**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule extends the expiration date for the rule governing public conduct on Reclamation lands and projects to April 17, 2005. The rule is currently set to expire on April 17,

2003. The additional time will allow the Bureau of Reclamation to prepare and publish a more comprehensive rule.

**EFFECTIVE DATE:** Effective April 3, 2003, the expiration date of 43 CFR part 423, Public Conduct on Bureau of Reclamation Lands and Projects, is extended from April 17, 2003, to April 17, 2005.

**ADDRESSES:** Address any questions concerning this rule to Larry Todd, Director, Security, Safety, and Law Enforcement, Bureau of Reclamation, 6th and Kipling, Building 67, Denver, CO 80225.

**FOR FURTHER INFORMATION CONTACT:** Gary Anderson, Safety, and Law Enforcement, Bureau of Reclamation, 6th and Kipling, Building 67, Denver, CO 80225. Telephone (303) 445-2891

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On September 11, 2001, terrorists launched attacks on targets within the United States. Following the terrorist attacks, on November 12, 2001, Congress enacted Public Law 107-69 (now codified at 43 U.S.C. 373b and 373c), for the purpose of providing law enforcement authority within Reclamation projects and on Reclamation lands. Section 1(a) of Public Law 107-69 law requires Reclamation to “issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands.” Pursuant to that statutory requirement, Reclamation issued a final rule, 43 CFR part 423, Public Conduct on Bureau of Reclamation Lands and Projects, on April 17, 2002 (now codified at 43 CFR 423.1-423.10). That rule’s preamble set the rule to expire on April 17, 2003, based on Reclamation’s intent to develop a more comprehensive public conduct rule by that date.

A more comprehensive rule is currently under development, but additional time is needed to complete that rulemaking. In order to avoid a period during which no rule is in place addressing public conduct on our lands and facilities, Reclamation has decided to extend the expiration date of the existing rule from April 17, 2003, to April 17, 2005.

**II. Procedural Requirements**

*A. Determination To Issue Final Rule Without Notice and Comment, and Effective in Less Than 30 Days*

The Administrative Procedure Act (APA) generally requires agencies to provide advance notice and an opportunity to comment on agency

rulemakings. However, the APA allows an agency to promulgate rules without notice and comment when an agency, for good cause, finds that notice and public comment are “impracticable, unnecessary, or contrary to the public interest.” (5 U.S.C. 553(b)(3)(B)). To the extent that 5 U.S.C. section 553 applies to the rule, good cause exists to exempt this rulemaking from advance notice and comment.

Allowing a period for advance notice could result in the expiration of the existing rule before this rule, which extends the expiration date, goes into effect. A period without a rule in place addressing public conduct on Reclamation lands and projects would result in a serious disruption in the protection of Reclamation facilities and property, with accompanying confusion to employees and the public. Such disruption and confusion would be contrary to public and national security interests.

We expect to issue a comprehensive rule that would supersede the existing rule in the near future. Establishing a public comment period for the extension of the existing rule’s expiration date is likely to create significant public confusion in that such a comment period might closely coincide with the comment period on the proposed comprehensive rule.

Finally, the existing rule which was issued on April 17, 2002, generated virtually no public reaction. Despite our request for comments on the rule, we received only one nonsubstantive comment. Therefore, it is not reasonable to expect that mere extension of the rule’s expiration date would result in substantive comments from the public.

For the foregoing reasons, we conclude it is impracticable, unnecessary, and contrary to the public interest to request public comment on this rule.

We have also determined that good cause exists to waive the requirement of publication 30 days in advance of the rule’s effective date under 5 U.S.C. 553(d)(3). As discussed above, it is essential that the existing rule’s expiration date be extended before the rule expires. If the rule expired without any additional action, Reclamation would face a situation in which no rule exists governing public conduct on Reclamation facilities and property. Such a situation would be harmful to the security of Reclamation facilities and property and therefore not in the public interest, as well as national security interests. Also, a period during which no rule was in effect would create both legal and public confusion. Finally, even if the 30-day period were

to end prior to the existing rule's expiration date, the effective result would be identical to having the expiration date removed immediately. Because an immediate effective date will sustain security, reduce the opportunity for legal and public confusion, and have no negative consequences, good cause exists for making this rule effective immediately as allowed by 5 U.S.C. 553(d)(3).

#### *B. Review Under Procedural Statutes and Executive Orders*

We have reviewed this final rule under the following statutes and executive orders governing rulemaking procedures: the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*; the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*; the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801 *et seq.*; the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*; the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*; Executive Order 12630 (Takings); Executive Order 12866 (Regulatory Planning and Review); Executive Order 12988 (Civil Justice Reform); Executive Order 13132 (Federalism); Executive Order 13175 (Tribal Consultation); and Executive Order 13211 (Energy Impacts). Since this rule merely extends the expiration date of the existing 43 CFR part 423, the information in the compliance statements that we published on April 17, 2002, with the existing rule continue to apply.

#### **List of Subjects in 43 CFR part 423**

Dams, Security measures, Irrigation.

Dated: March 27, 2003.

**R. Thomas Weimer,**

*Deputy Assistant Secretary, Water and Science.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Office of the Secretary**

#### **49 CFR Part 1**

**RIN 9991-AA35**

**[OST Docket No. OST-1999-6189]**

### **Organization and Delegation of Powers and Duties; Delegation to the Administrator, Maritime Administration**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Secretary of Transportation (Secretary) delegates to the Maritime Administrator the

authority to implement section 109 of the Maritime Transportation Security Act of 2002, which requires the Secretary, not later than 6 months after the date of enactment, to develop standards and curriculum to allow for the training and certification of maritime security professionals. Training opportunities provided under section 109 may be available to any Federal, State, local, and private law enforcement or maritime security personnel in the United States or to personnel employed in foreign ports used by a vessel with United States citizens as passengers or crewmembers. An annual report is to be submitted to the Senate Committee on Commerce, Science and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the training under this section. The Maritime Administrator may further redelegate this authority.

**EFFECTIVE DATE:** This rule is effective on April 3, 2003.

**FOR FURTHER INFORMATION CONTACT:** Christine Gurland, Office of the Chief Counsel, MAR-225, (202) 366-5724, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590. Linda Lasley, Office of the General Counsel, (202) 366-9314, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic Access**

You can view and download this document by going to the webpage of the Department's Docket Management System (<http://dms.dot.gov/>). On that page, click on "search." On the next page, type in the last four digits of the docket number shown on the first page of this document. Then click on "search." You may also download an electronic copy of this document by using a computer, modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

##### **Background**

The Secretary is delegating to the Maritime Administrator the authority under section 109 of the Maritime Transportation Security Act of 2002, Public Law 107-295, 116 Stat. 2064, at 2090 to develop standards and

curriculum to allow for the training and certification of maritime security professionals. The Maritime Administration (MARAD) has the expertise and staff to develop and implement a program for the training and certification of maritime security professionals within its area of responsibility and to make funding decisions in accordance with the statutory requirements. The standards for training and certification established shall include training and certification of maritime security professionals in accordance with accepted law enforcement and security guidelines, policies, and procedures; training of students and instructors in all aspects of prevention, detection, investigation, and reporting of criminal activities in the international maritime environment; and the provision of off-site training and certification courses and certified personnel at United States and foreign ports used by U. S.-flagged vessels, or by foreign-flagged vessels with U.S. citizens as passengers or crew members, to develop and enhance security awareness and practices. MARAD may make the training opportunities provided under this section available to any Federal, State, local, and private law enforcement or maritime security personnel in the United States or to personnel employed in foreign ports used by vessels with United States citizens as passengers or crewmembers.

Since this amendment relates to Departmental organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). Efficient execution of section 109 is instrumental to the timely development and implementation of training for maritime security professionals. Thus, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for this final rule to be effective on the date of publication in the **Federal Register**.

#### **Regulatory Evaluation**

##### *Regulatory Assessment*

This rulemaking is a non-significant regulatory action under section 3(f) of Executive Order 12866 and has not been reviewed by the Office of Management and Budget under that Order. This rule is also not significant under the regulatory policies and procedures of the Department of Transportation, 44 FR 11034.

This rule does not impose unfunded mandates or requirements that will have any impact on the quality of the human environment.