

b. Remove the reference to “§ 296.209” and add, in its place, a reference to “§ 46.209.”

**§ 46.196 [Amended]**

**Par. 26.** Amend § 46.196 as follows:

a. In paragraph (a), remove the reference to “§§ 296.205 and 296.206” and add, in its place, a reference to “§§ 46.205 and 46.206”;

b. In paragraph (b), remove the reference to “§ 296.222” and add, in its place, a reference to “46.222”;

c. In paragraph (b), remove the reference to “§ 296.223” and add, in its place, a reference to “46.223”; and

d. In paragraph (d), remove the reference to “§ 296.241” and add, in its place, a reference to “46.241.”

**§ 46.205 [Amended]**

**Par. 27.** Amend § 46.205 as follows:

a. In paragraph (a), remove the reference to “§ 296.222” and add, in its place, a reference to “§ 46.222”;

b. In paragraph (a), remove the reference to “§ 296.203” and add, in its place, a reference to “46.203”; and

c. In paragraph (e), remove the reference to “§ 296.204” and add, in its place, a reference to “46.204.”

**§ 46.206 [Amended]**

**Par. 28.** Amend § 46.206 as follows:

a. In paragraph (b), remove the reference to “§ 296.205(a)” and add, in its place, a reference to “§ 46.205(a)”;

b. In paragraph (f), remove the reference to “§ 296.205(e)” and add, in its place, a reference to “46.205(e).”

**§ 46.213 [Amended]**

**Par. 29.** Amend § 46.213 by removing the reference to “§§ 296.205 and 296.206” and add, in its place, a reference to “§§ 46.205 and 46.206.”

**§ 46.221 [Amended]**

**Par. 30.** Amend § 46.221 by removing the reference to “296.222” and adding, in its place, a reference to “46.222.”

**§ 46.237 [Amended]**

**Par. 31.** Amend § 46.237 by removing the reference to “§ 296.223” and adding, in its place, a reference to “§ 46.223.”

**§ 46.241 [Amended]**

**Par. 32.** Amend paragraph (f) of § 46.241 by removing the reference to “296.263” and adding, in its place, a reference to “46.263.”

**§ 46.242 [Amended]**

**Par. 33.** Amend § 46.242 by removing the reference to “296.234” and adding, in its place, a reference to “46.234.”

February 23, 2001.

**Bradley A. Buckles,**  
*Director.*

*Approved:* April 19, 2001.

**Timothy E. Skud,**

*Acting Deputy Assistant Secretary,*  
*(Regulatory, Tariff and Trade Enforcement).*  
[FR Doc. 01-14745 Filed 6-13-01; 8:45 am]

**BILLING CODE 4810-31-P**

**PENSION BENEFIT GUARANTY CORPORATION**

**29 CFR Part 4902**

**Disclosure and Amendment of Records Pertaining to Individuals Under the Privacy Act**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Pension Benefit Guaranty Corporation is amending its regulations implementing the Privacy Act of 1974, *as amended*, to exempt certain records maintained in a system of records entitled “PBGC-12, Personnel Security Investigation Records—PBGC,” from the access, contest, and certain other provisions of the Privacy Act. The amendment protects the identity of a source who furnishes information in confidence to the PBGC for a background investigation on an individual who works, or who is being considered for work, for the PBGC as a contractor or as an employee of a contractor.

**EFFECTIVE DATE:** July 16, 2001.

**FOR FURTHER INFORMATION CONTACT:** D. Bruce Campbell, Attorney, Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026; 202-326-4020 (extension 3672). (For TTY/TDD users, call the federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4020 (extension 3672).)

**SUPPLEMENTARY INFORMATION:** The PBGC conducts background investigations and reinvestigations to establish that applicants for employment and employees are reliable, trustworthy, of good conduct and character, and loyal to the United States. The PBGC maintains records about these investigations in a system of records subject to the Privacy Act of 1974, *as amended* (5 U.S.C. 552a) (“Privacy Act”), entitled “PBGC-12, Personnel Security Investigation Records—PBGC”. The PBGC’s regulations implementing the Privacy Act exempt under 5 U.S.C.

552a(k)(5) certain records maintained in PBGC-12 from the access, contest, and certain other provisions of the Privacy Act (29 CFR 4902.9).

The PBGC is expanding its use of background investigations and reinvestigations to cover individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors. To reflect the change, on April 2, 2001 (66 FR 17586), the PBGC proposed to alter PBGC-12 by revising it to include records pertaining to individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors. The PBGC received no comments on the proposed changes and they became effective May 17, 2001.

Also on April 2, 2001 (66 FR 17518), the PBGC published a proposed rule to amend § 4902.9 by exempting certain records pertaining to individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors from the access, contest, and certain other provisions of the Privacy Act. The PBGC received no comments on the proposed rule and this final rule amends the regulation as proposed. The amendment protects the identity of a source who furnishes information to PBGC in confidence for a background investigation of such an individual.

*Compliance With Rulemaking Guidelines*

The PBGC has determined that this action is not a “significant regulatory action” under the criteria set forth in Executive Order 12866.

The PBGC certifies under section 605(b) of the Regulatory Flexibility Act that the final rule will not have a significant economic impact on a substantial number of small entities. The rule only affects the maintenance and disclosure of information about individuals by the PBGC under the Privacy Act and therefore would ordinarily be expected to have no economic impact on entities of any size. Accordingly, sections 603 and 604 of the Regulatory Flexibility Act do not apply.

**List of Subjects in 29 CFR Part 4902**

Privacy.

For the reasons set forth above, the PBGC is amending 29 CFR part 4902 as follows:

**PART 4902—DISCLOSURE AND AMENDMENT OF RECORDS PERTAINING TO INDIVIDUALS UNDER THE PRIVACY ACT**

1. The authority citation for Part 4902 continues to read as follows:

**Authority:** 5 U.S.C. 552a.

**§ 4902.9 [Amended]**

2. Paragraph (b) of § 4902.9 is amended by removing the words “for PBGC employment,” and adding in their place the words “for PBGC employment or for work for the PBGC as a contractor or as an employee of a contractor.”

Issued in Washington, DC, this 7th day of June, 2001.

**John Seal,**

*Acting Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 01-14877 Filed 6-13-01; 8:45 am]

**BILLING CODE 7708-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

**[CGD09-01-051]**

**RIN 2115-AA97**

**Safety Zone—Lake Erie, Port Clinton, OH**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on Lake Erie, Port Clinton, Ohio. This safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays. This zone is intended to restrict vessels from a portion of Lake Erie for the City of Port Clinton's July 4, 2001, fireworks display.

**DATES:** This rule is effective from 2 p.m. until 11 p.m. on July 4, 2001.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09-01-051] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Toledo, 420 Madison Ave, Suite 700, Toledo, Ohio 43604, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Herb Oertli, Chief of Port Operations, Marine Safety Office, 420 Madison Ave, Suite 700, Toledo, Ohio 43604; (419) 418-6050.

**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), the Coast Guard finds that good cause exists for not publishing an NPRM, and, under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard had insufficient advance notice to publish an NPRM followed by a temporary final rule. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to prevent possible loss of life, injury, or damage to property. The Coast Guard has not received any complaints or negative comments with regard to this event.

**Background and Purpose**

This temporary rule is necessary to ensure the safety of spectators and vessels during the setup, loading and launching of a fireworks display in conjunction with the City of Port Clinton's 4th of July Fireworks. The fireworks display will occur between 2 p.m. and 11 p.m. on July 04th.

This safety zone will encompass all waters and the adjacent shoreline of Lake Erie, Port Clinton, Ohio, bounded by an arc of a circle with a 420-foot radius with its center in approximate position 41°30'52" N, 082°55'46" W. The Captain of the Port Toledo or his designated on scene representative may terminate this event.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Toledo or his designated on scene representative. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16.

**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). This

finding is based on the historical lack of vessel traffic during this time of year.

**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 and operators of vessels intending to transit or anchor in a portion of Lake Erie off Port Clinton, Ohio.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be in effect for less than one day, and vessel traffic can pass safely around the safety zone.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offer to assist small entities in understanding the rule so that they may 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 Marine Safety Office Toledo (see **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).