

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 create 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 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, paragraph (34) (g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation because we are establishing a security zone. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 0170.

■ 2. Add § 165.505 to read as follows:

§ 165.505 Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, Maryland.

(a) *Location.* The following area is a security zone: All waters of the Chesapeake Bay, from surface to bottom, encompassed by lines connecting the following points, beginning at 38°26'06" N, 076°26'18" W, thence to 38°26'10" N, 076°26'12" W, thence to 38°26'21" N, 076°26'28" W, thence to 38°26'14" N, 076°26'33" W, thence to beginning at 38°26'06" N, 076°26'18" W. These coordinates are based upon North American Datum (NAD) 1983.

(b) *Regulations.* (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Baltimore, Maryland.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 410-576-2693 or on VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority:* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

Dated: March 4, 2003.

Evan Q. Kahler,

Commander, U.S. Coast Guard, Acting Captain of the Port, Baltimore, Maryland.

[FR Doc. 03-7385 Filed 3-27-03; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD13-03-004]

RIN 1625 AA00

Safety Zones; Fireworks Displays in the Captain of the Port Portland Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing safety zones on the Willamette River during fireworks displays. The Captain of the Port, Portland, Oregon, is taking this action to safeguard watercraft and their occupants from safety hazards associated with these displays. Entry into these safety zones is prohibited unless authorized by the Captain of the Port.

DATES: This rule is effective from 9:30 p.m. (PDT) on May 2, 2003 to 10:20 p.m. (PDT) on May 30, 2003.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [CGD13-03-004] and are available for inspection or copying at the U.S. Coast Guard MSO/Group Portland, 6767 N. Basin Ave, Portland, Oregon 97217 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Tad Drozdowski, c/o Captain of the Port, Portland 6767 N. Basin Avenue, Portland, Oregon 97217, at (503) 240-2584.

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 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing a NPRM would be contrary to public interest since immediate action is necessary to ensure the safety of vessels and spectators gathering in the vicinity of the various fireworks launching barges and displays. If normal notice and comment procedures were followed, this rule would not become effective until after the dates of the events. For this reason, following normal rulemaking procedures in this case would be impracticable and contrary to the public interest. Permanent safety zones for these events are being submitted through the normal rulemaking process for 2004.

Background and Purpose

The Coast Guard is adopting temporary safety zone regulations for safe fireworks displays. One display is scheduled to start at 9:30 p.m. on May 2 and last for thirty minutes. The other event is scheduled to start at 9:50 p.m. on May 30 and also last for thirty minutes. Both events occur on the Willamette River in Portland, Oregon.

These events may result in a number of vessels congregating near fireworks launching barges. The safety zones are needed to protect watercraft and their occupants from safety hazards associated with fireworks displays. This safety zone will be enforced by representatives of the Captain of the Port, Portland, Oregon. The Captain of the Port may be assisted by other federal and local agencies.

Regulatory Evaluation

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866 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 Homeland Security. The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures act of DHS is unnecessary. This expectation is based on the fact that the regulated areas established by the proposed regulation will encompass less than one-half of a mile of the Willamette River for a period of only 30 minutes in the late evening on two separate dates.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this temporary rule would have a significant economic impact on a substantial number of small entities. The term “small entities” include 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) of the Regulatory Flexibility Act (5 U.S.C. 601–612) that this final 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 a portion of the Willamette River during the times mentioned under *Background and Purpose*. These safety zones will not have significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only thirty minutes during two evenings when vessel traffic is low. Traffic will be allowed to pass through the zone with the permission of the Captain of the Port or his designated representatives on scene, if safe to do so.

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 will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 this final rule 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 an expenditure, we do discuss the effects of this rule elsewhere in the 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 create 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 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. The Administrator of the Office of Information and Regulatory Affairs has not designated it 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, paragraph (34)(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is provided for temporary safety zones of less than one week in duration. This rule establishes safety zones with a duration of thirty minutes. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

■ 2. A temporary § 165.T13–003 is added to read as follows:

§ 165.T13–003 Safety Zones; Fireworks displays in the Captain of the Port Portland Zone.

(a) *Safety Zones.* The following areas are designated safety zones:

(1) *Cinco de Mayo Fireworks Display, Portland, OR.*

(i) *Location.* All waters of the Willamette River bounded by the Morrison Bridge to the north, Hawthorne Bridge to the south, and shoreline both to the east and the west.

(ii) *Enforcement period.* From 9:30 p.m. to 10 p.m. (PDT) on May 2, 2003.

(2) *Portland Rose Festival Fireworks Display, Portland, OR.*

(i) *Location.* All waters of the Willamette River bounded by the Morrison Bridge to the north, Hawthorne Bridge to the south, and shoreline both to the east and the west.

(ii) *Enforcement period.* From 9:50 p.m. to 10:20 p.m. (PDT) on May 30, 2003.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, no person or vessel may enter or remain in this zone unless authorized by the Captain of the Port or his designated representatives.

Dated: March 13, 2003.

Paul D. Jewell,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 03–7386 Filed 3–27–03; 8:45 am]

BILLING CODE 4910–15–U

Effective April 3, 2003, mailers may begin using the co-packaging standards for BPM flats. Although co-packaging is optional, if a mailer chooses to co-package, then the co-packaged pieces must also be co-sacked. The required use of the co-sacking preparation standards for pieces that are not co-packaged becomes mandatory on September 1, 2003. Regardless of the date presented, all mailings that are co-packaged must also be co-sacked.

EFFECTIVE DATE: April 3, 2003.

FOR FURTHER INFORMATION CONTACT: Jane Stefaniak at (703) 292–3548, Mailing Standards, United States Postal Service.

SUPPLEMENTARY INFORMATION: In a proposed rule published in the **Federal Register** on November 19, 2002 (67 FR 69698–69702), the Postal Service proposed to extend the mail preparation standards for co-packaging and co-sacking in DMM M900 to include flat-size BPM mailpieces that are compatible with processing on the automated flat sorting machine (AFSM) 100. Also included as part of the November 19, 2002, proposed rule was a proposal to change the minimum weight for Presorted rate BPM flats claimed at the destination delivery unit (DDU) rates from “more than 1 pound” to “more than 20 ounces.” In the November 19, 2002, proposed rule, the Postal Service solicited written comments from interested parties. However, no written comments were received. The Postal Service is therefore adopting the content of the proposed rule with the following two changes:

1. The mandatory effective date for the use of the new co-sacking standards for flat-size BPM pieces is September 1, 2003, rather than June 1, 2003, as stated in the proposed rule.

2. The proposal to increase the minimum weight for Presorted rate BPM flats claimed at the DDU rates will not be adopted at this time.

Background

Through several previous rulemakings published in the **Federal Register** (65 FR 52479–52528, 66 FR 28659–28666, and 66 FR 58944–58952), the Postal Service has established mail preparation standards in DMM M900 for co-packaging and co-traying flat-size First-Class Mail, and for co-packaging and co-sacking nonletter-size Periodicals and flat-size Standard Mail. Extending these requirements to allow the co-packaging and co-sacking of flat-size BPM mailpieces that are compatible with processing on the AFSM 100 is reasonable and in the best interests of both mailers and the Postal Service.

Presorted rate BPM flats (no barcode required) and Presorted rate BPM flats that bear a ZIP+4 or delivery point barcode and claim the barcoded discount are usually both processed by the Postal Service within the same operation. For this reason, allowing packages of flat-size barcoded and nonbarcoded pieces to be combined within the same sack (*i.e.*, co-sacking) can provide operational efficiencies that could reduce costs. Additionally, the need for the Postal Service to receive flat-size barcoded and nonbarcoded pieces in segregated packages no longer exists due to technological advances, such as the optical character reader (OCR) and image lift capabilities of the AFSM 100. Therefore, it would not be operationally beneficial to continue to require the separate preparation of Presorted rate BPM flats that qualify for and claim the barcoded discount and those that do not qualify for the barcoded discount. Continuing to segregate barcoded and nonbarcoded flats would result in more packages and sacks, reduce the average depth of sort, and cause additional workhours for the Postal Service associated with sorting, opening, and preparing flats for processing.

Under the new co-packaging standards for flat-size BPM mailpieces, mailers will have the option to co-package (*i.e.*, sort into the same package) Presorted rate BPM flat-size pieces qualifying for the barcoded discount and Presorted rate BPM flat-size pieces not qualifying for the barcoded discount. Regardless of the date presented for mailing, co-packaged pieces must be co-sacked under DMM M910. Effective September 1, 2003, the new co-sacking standards for flat-size BPM mailpieces will require that mailers co-sack (*i.e.*, sort into the same sack) packages of Presorted rate pieces qualifying for and claiming the barcoded discount with packages of Presorted rate pieces not qualifying for the barcoded discount. The containerization methods permitted for First-Class Mail, Periodicals, and Standard Mail in current DMM M920, M930, and M940 will not be available for BPM.

Co-Packaging Standards (Optional)

The new standards for the optional co-packaging of BPM flats include the following:

- All pieces must weigh 20 ounces or less and meet the AFSM 100 criteria for automation-compatible flat-size mail in DMM C820.
- A separate minimum of 300 Presorted rate pieces qualifying for and claiming the barcoded discount and a

POSTAL SERVICE

39 CFR Part 111

Bound Printed Matter: Flat-Size Mail Co-Packaging and Co-Sacking

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: In this final rule, the Postal Service adopts revisions to the *Domestic Mail Manual* (DMM) that will provide new mail preparation standards for the co-packaging and co-sacking of flat-size Bound Printed Matter (BPM) mailpieces.

Co-packaging is an alternate preparation option that allows the combining of Presorted pieces and barcoded pieces within the same package. Co-sacking is a preparation method that allows under specific circumstances the combining of packages of Presorted rate pieces, packages of barcoded pieces, and co-packaged pieces, within the same sack.