

**List of Subjects in 33 CFR Part 165**

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

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

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.

2. A new temporary section § 165.T17–008 is added to read as follows:

**§ 165.T17–008 Tongass Narrows, Ketchikan, Alaska—Safety Zone.**

(a) *Location.* The following area is a temporary Safety Zone: the waters in Ketchikan Harbor within a 300 yd radius of the vessel engaged in fireworks display activities, situated at approximately 55°20'32" N, 131°39'40" W.

(b) *Effective dates.* This regulation becomes effective at 10 p.m. July 4, 2000 and terminates 1 a.m. July 5, 2000.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone is prohibited except as authorized by the Captain of the Port, Southeast Alaska or the Coast Guard vessel on scene via VHF–FM Channel 16.

Dated: June 21, 2000.

**B.J. Peter,**

*Lieutenant Commander, U.S. Coast Guard, Acting Captain of the Port, Southeast Alaska.*

[FR Doc. 00–16883 Filed 6–29–00; 1:19 pm]

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

[CGD1–00–157]

RIN 2115–AA97

**Safety Zone: Manchester Fourth of July Fireworks, Manchester, MA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Manchester Fourth of July Fireworks, Manchester, MA. The safety zone will be in effect from 8 p.m. until 11 p.m. on Monday, July 3, 2000. The safety zone will temporarily close all waters of Massachusetts Bay within a four hundred (400) yard radius of the fireworks barge located at position

42°34.05'N, 070°45.52'W. The safety zone prohibits entry into or movement within this portion of Massachusetts Bay and is needed to protect the maritime public from the hazards posed by a fireworks display.

**DATES:** This rule is effective from 8 p.m. until 11 p.m. on Monday, July 3, 2000.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Brian J. Downey, Marine Safety Office Boston, Waterways Management Division, at (617) 223–3000.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Conclusive information about this event was not provided to the Coast Guard until June 2, 2000, making it impossible to draft or publish a NPRM or a final rule 30 days in advance of its effective date. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display.

**Background and Purpose**

This regulation establishes a safety zone on the waters of Massachusetts Bay in a four hundred (400) yard radius around the fireworks barge located at position 42°34.05'N, 070°45.52'W. The safety zone is in effect from 8 p.m. until 11 p.m. on Monday, July 3, 2000. This safety zone prohibits entry into or movement within this portion of Massachusetts Bay and is needed to protect the maritime public from the dangers posed by a fireworks display.

**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 Transportation (DOT) (44 FR 11040, February 26, 1979).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Due to the limited duration of the safety zone, the fact that the safety zone will not restrict the entire Bay, allowing marines to freely navigate around the safety zone, and the advance maritime advisories that will be made, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard 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 a portion of Massachusetts Bay from 8 p.m. until 11 p.m. on July 3, 2000. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The safety zone is only 3 hours in duration; mariners may freely navigate around the safety zone, and the Coast Guard will issue marine radio advisories before the effective period.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard offers to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

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 would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

The Coast Guard analyzed this rule under E.O. 13132 and has determined that this rule does not have implications for federalism under that Order.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate.

#### Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under E.O. 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 E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

The Coast Guard analyzed this rule under E.O. 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.

#### Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2-1, (34)(g), of Commandant Instruction M16475.IC, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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.

2. Add temporary § 165.T01-157 to read as follows:

##### **§ 165.T01-157 Safety Zone: Manchester Fourth of July Fireworks, Massachusetts Bay, Massachusetts**

(a) *Location.* The following area is a safety zone: All waters of Massachusetts Bay within a four hundred (400) yard radius of the fireworks barge located at position 42°34.05'N, 070°45.52'W.

(b) *Effective Date.* This section is effective from 8 p.m. until 11 p.m. on Monday, July 3, 2000.

(c) *Regulations.*

(1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

Dated: June 19, 2000.

**J.R. Whitehead,**

*Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.*

[FR Doc. 00-16880 Filed 6-29-00; 1:19 pm]

**BILLING CODE 4910-15-P**

#### POSTAL SERVICE

##### **39 CFR Part 775**

##### **National Environmental Policy Act Implementing Procedures**

**AGENCY:** Postal Service (USPS).

**ACTION:** Final rule.

**SUMMARY:** This rule corrects an oversight in wording in the Postal Service's National Environmental Policy Act (NEPA) regulations concerning procedures and categorical exclusions.

**EFFECTIVE DATE:** This regulation is effective June 30, 2000.

#### **FOR FURTHER INFORMATION CONTACT:**

Susan L. Koetting, Attorney, U.S. Postal Service, 475 L'Enfant Plaza, SW, Washington, DC 20260-1135, phone (202) 268-4818.

**SUPPLEMENTARY INFORMATION:** On August 27, 1998, the Postal Service published in the **Federal Register**, final regulations on procedures and categorical exclusions regarding NEPA (63 FR 45719). After the publication of the regulations, it was discovered that an error had been made in language in section 775.9(a)(1). Specifically, it was not intended that a written determination not to prepare an environmental assessment be required for all actions. When these regulations were proposed on August 11, 1997 (62 FR 42958), the Postal Service expanded the list of postal activities that were subject to NEPA review and also expanded the list of categorical exclusions. Previous and current internal guidance for facilities programs and projects requires a checklist for all facility actions, while previous and current internal guidance for operational activities only requires a checklist for certain actions that exceed certain higher level financial approval requirements. When these regulations were finalized, internal facilities policy was inadvertently carried over to all activities. This was not intended and is inconsistent with internal guidance and the purpose for establishing categorical exclusions. Postal policy, as discussed in the August 1997 notice, requires a checklist to screen for potential environmental concerns, but it was not intended to do one for all activities, even if categorically excluded.

In a further development, it was recently discovered that a sentence in the regulations was inadvertently dropped during the codification process. In § 775.9(b)(1), the original second sentence in the 1997 version of the published regulations in Title 39, Code of Federal Regulations was dropped out of the version of the regulations published in 1999. The old second sentence was to have become the third sentence in § 775.9(b)(1).

In light of the foregoing, the Postal Service adopts the following minor revisions to its NEPA regulations.

#### **List of Subjects in 39 CFR Part 775**

Environmental impact statements.

Accordingly, the Postal Service amends 39 part 775 as follows: