

For reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

#### Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

#### Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A "Federal mandate" is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This proposed rule would not impose Federal mandates on any State, local, or tribal governments, or the private sector.

#### Environment

The Coast Guard has considered the environmental impact of this proposed 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 written 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.

#### Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—[AMENDED]

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, 160.5; 59 CFR 1.46.

2. Add temporary § 165.T01-179 to read as follows:

**§ 165.T01-179 Safety Zone: Christmas Party Fireworks, Hudson River, Manhattan, New York.**

(a) *Location.* The following area is a safety zone: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'49"N 074°01'02"W (NAD 1983), about 500 yards west of Pier 60, Manhattan, New York.

(b) *Effective Period.* This section is effective from 8:30 p.m. to 10 p.m. on December 14, 1999. If the event is cancelled due to inclement weather, then this section is effective from 8:30 p.m. until 10 p.m. on December 15, 1999.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: October 18, 1999.

**R.E. Bennis,**

*Captain, U.S. Coast Guard, Captain of the Port, New York.*

[FR Doc. 99-27736 Filed 10-22-99; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### 33 CFR part 165

[CGD01-99-130]

RIN 2115-AA97

#### Safety Zone: New York Harbor and Hudson River Fireworks

AGENCY: Coast Guard, DOT.

ACTION: Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains corrections to the NPRM (CGD01-99-130) which was published in the **Federal Register** on October 6, 1999. The corrections change an inaccurate latitude position for the Ellis Island Safety Zone.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4193.

#### Correction

On October 6, 1999, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone: New York Harbor and Hudson River Fireworks in the **Federal Register** (64 FR 54252). As published, the NPRM contains an inaccurate Latitude position. Accordingly, the NPRM published on October 6, 1999 (CGD01-99-130), is corrected as follows:

On page 54252, in the third column line 38, and on page 54254 in the second column, line 16, the Latitude position "40°41'15"N" should read "40°41'45"N".

Dated: October 18, 1999.

**R.E. Bennis,**

*Captain, U.S. Coast Guard, Captain of the Port, New York.*

[FR Doc. 99-27737 Filed 10-22-99; 8:45 am]

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#### POSTAL SERVICE

#### 39 CFR Part 111

#### Processing Instructions for Nonautomation Mail and Revisions to Letter Tray Labels

AGENCY: Postal Service.

ACTION: Proposed rule.

**SUMMARY:** The Postal Service proposes revisions to the Domestic Mail Manual that will allow mailers to choose to exclude their letter-size mail from any automated processing involved with initial distribution of mail, including

tabbing and labeling machines, barcode sorters, and optical character readers. The proposal also revises Line 2 of tray labels, replacing "NON OCR" with "NON BC" for Presorted First-Class Mail letters and Presorted Standard Mail (A) letters. Line 2 of tray labels for Periodicals letters already reflect "NON BC."

**DATES:** Comments must be received on or before December 9, 1999.

**ADDRESSES:** Mail or deliver written comments to the Manager, Processing Operations, USPS Headquarters, 475 L'Enfant Plaza SW, Room 7631, Washington DC 20260-2814. Copies of all written comments will be available for inspection and photocopying at USPS Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor N, Washington DC, between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Jamie Gallagher, (202) 268-4031.

**SUPPLEMENTARY INFORMATION:** Processing letter-size mail has been revolutionized during the last decade as the Postal Service deployed a network of automated equipment. With the installation of more than 11,500 optical readers and delivery barcode sorters, the Postal Service now processes nearly 95% of letter mail through automated operations. Leading-edge tabbing machines and labeling systems are among the newest additions to the array of automated postal equipment. Today's automation infrastructure increases mail processing efficiency, which holds down postage rates.

There are a growing number of mailers who lower their costs by forgoing envelopes and folding or binding their mailpieces. Typically, these are smaller firms that do not want to invest the time and capital necessary to meet requirements for higher postage discounts. During postal processing, mailpieces with unsealed edges frequently get torn or damaged.

Mailpieces with open edges also can jam postal equipment, which reduces processing efficiency. As a result, some postal facilities affix tabs to the open edges of letter-size mail (e.g., self-mailers, booklets, double postcards).

Postal tabbing machines use one or two translucent seals to secure the leading edge of a mailpiece. Typically, the leading edge is the right side of the mailpiece as the address is read. Postal tabbing stabilizes the mailpiece and minimizes damage that occurs with the quick acceleration and high-speed transport of optical character readers and barcode sorters.

The Mailers Technical Advisory Committee (MTAC) and the Postal Service recently discussed mailer concerns about postal tabbing. While the Postal Service will continue to maximize the amount of letter mail processed through automation, alternatives for mailers who do not want mail tabbed or processed through other automated equipment were considered. The final recommendation was for mailers to have the option to use new tray labels to designate the trays of mail that should be excluded from all automated processing. To identify these trays further, the Postal Service is adding four unique content identifier numbers (CINs) for mailers to use with barcoded tray labels. At this time, barcoded tray labels are optional for non-automation rate mailings.

While the new tray label should provide adequate identification of 5-digit letters that fill a 5-digit tray, facing slips printed with "DO NOT AUTOMATE" must be applied to required 3-digit, ADC, and mixed ADC packages. Mailer's use of facing slips will ensure proper identification of bundles for manual processing in downstream operations.

The introduction of nonautomation CINs provides the opportunity to restructure and simplify an existing,

related series of mailer CIN codes, the "NON OCR" series. Initially used to identify nonautomation rate mail, "NON OCR" CINs also served as a means for mailers to indicate a preference for nonautomated processing for First-Class Mail letters and Standard Mail (A) letters. Replacing "NON OCR" CINs with the more widely used "NON BC" CINs will standardize human-readable content lines of tray labels.

The Postal Service proposes to implement these new mailing standards on April 1, 2000.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410 (a), the Postal Service invites comments on the following proposed revisions to the Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

**List of Subjects in 39 CFR Part 111**

Postal Service.

**PART 111—[AMENDED]**

1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001-3011, 3201-3219, 3403-3406, 3621, 3626, 5001.

2. Revise the following sections of the Domestic Mail Manual as set forth below:

**M Mail Preparation and Sortation**

\* \* \* \* \*

**M032 Barcoded Labels**

\* \* \* \* \*

**Exhibit 1.3a 3-Digit Content Identifier Numbers**

\* \* \* \* \*

[Amend Exhibit 1.3a as follows:]

Class and mailing	CIN	Human-readable content line
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\* \* \* \* \*

**FIRST-CLASS MAIL**

FCM Letters—Presorted (Basic Preparation)

[Revise the following CIN and human-readable content lines:]

5-digit trays .....	250	FCM LTRS 5D NON BC
3-digit trays .....	253	FCM LTRS 3D NON BC
ADC trays .....	256	FCM LTRS ADC NON BC
mixed ADC trays .....	259	FCM LTRS NON BC WKG

**[Add a new category:]**

FCM Letters—Presorted (Nonautomation Processing)

5-digit trays .....	267	FCM LTRS 5D MANUAL
all other required trays .....	268	FCM LTRS MANUAL ONLY

Class and mailing	CIN	Human-readable content line
<b>STANDARD MAIL (A)</b>		
STD Letters—Presorted (Basic Preparation)		
[Revise the following CIN and human-readable content lines:]		
5-digit trays .....	550	STD LTRS 5D NON BC
3-digit trays .....	553	STD LTRS 3D NON BC
ADC trays .....	556	STD LTRS ADC NON BC
mixed ADC trays .....	559	STD LTRS NON BC WKG
<b>[Add a new category:]</b>		
STD Letters—Presorted (Nonautomation Processing)		
5-digit trays .....	604	STD LTRS 5D MANUAL
all other required trays .....	605	STD LTRS MANUAL ONLY

\* \* \* \* \*

**M130 Presorted First-Class Mail**

1.0 BASIC STANDARDS

\* \* \* \* \*

1.5 Processing Instructions

[Revise 1.5 to read as follows:]

If a mailer prefers that the USPS not automate letter-size pieces presented at Presorted rates, then the mailer must use the Line 2 tray label information in 2.4. The mailer must prepare all required trays in 2.2.

\* \* \* \* \*

2.0 REQUIRED PREPARATION—LETTER-AND CARD-SIZED PIECES

\* \* \* \* \*

[Revise 2.3 to read as follows:]

**2.3 Tray Line 2**

Line 2:

- a. 5-digit: "FCM LTRS 5D NON BC."
- b. 3-digit: "FCM LTRS NON BC."
- c. ADC: "FCM LTRS ADC NON BC."
- d. Mixed ADC: "FCM LTRS NON BC WKG."

[Add new 2.4 to read as follows:]

**2.4 Optional Tray Line 2**

For trays that mailers do not want automated under 1.5:

- a. 5-digit: "FCM LTRS 5D MANUAL."
- b. All other required trays: "FCM LTRS MANUAL ONLY."

\* \* \* \* \*

**M610 PRESORTED STANDARD MAIL (A)**

1.0 BASIC STANDARDS

\* \* \* \* \*

**1.4 Processing Instructions**

[Revise 1.4 to read as follows:]

If a mailer prefers that the USPS not automate letter-size pieces presented at Presorted rates, then the mailer must use the Line 2 tray label information in 2.4. The mailer must prepare all required trays in 2.2.

\* \* \* \* \*

[Revise 2.3 to read as follows:]

**2.3 Tray Line 2**

Line 2:

- a. 5-digit: "STD LTRS 5D NON BC."
- b. 3-digit: "STD LTRS NON BC."
- c. ADC: "STD LTRS ADC NON BC."
- d. Mixed ADC: "STD LTRS NON BC WKG."

[Add new 2.4 to read as follows:]

**2.4 Optional Tray Line 2**

For trays that mailers do not want automated under 1.5:

- a. 5-digit: "STD LTRS 5D MANUAL."
- b. All other required trays: "STD LTRS MANUAL ONLY."

\* \* \* \* \*

An amendment to 39 CFR 111.3 will be published to reflect these changes if the proposal is adopted.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 2**

[FRL-6463-1]

**Elimination of Special Treatment for Category of Confidential Business Information**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to amend its regulations to eliminate the special treatment given to a category of confidential business information (CBI) received by EPA. This category of information includes comments received from businesses to substantiate their claims of confidentiality for previously submitted information ("a substantiation"). Under EPA's existing regulations, EPA automatically regards a substantiation as entitled to confidential treatment if it is not otherwise

possessed by EPA and is properly marked as confidential when received by EPA. EPA proposes to eliminate this provision because special treatment of substantiations is no longer necessary to support the original purpose of the regulation, and elimination of this provision will bring EPA into conformity with how substantiations are treated by other federal agencies.

**DATES:** Comments on this proposed rule must be submitted by December 27, 1999. EPA does not intend to hold a public hearing on this proposed rule, unless it receives a request for such a hearing. If a request is submitted by November 24, 1999, EPA will hold a public hearing. If EPA holds such a hearing, comments must be submitted within 30 days of the date of the hearing.

**ADDRESSES:** Written comments on this proposed rule should be addressed to Oscar Morales, Environmental Protection Agency, Office of Environmental Information (2151), 401 M Street, SW., Washington, DC 20460. Documents related to this proposed rule will be available for public inspection and viewing by appointment. If you wish to request a public hearing on this proposed rule, please notify Mr. Morales at the address shown above.

**FOR FURTHER INFORMATION CONTACT:** Oscar Morales, (202) 260-3759.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Currently, when EPA receives a Freedom of Information Act (FOIA) request for information in EPA's control that was originally claimed as confidential by the submitter of the information, EPA follows the procedures in 40 CFR 2.204(e). EPA provides the submitter with notice of the FOIA request and an opportunity to comment and provide a substantiation. Once EPA receives the submitter's substantiation, it evaluates the information and makes a determination as to the confidentiality of the requested information. If EPA determines that the