not establish any new standard and in fact, is consistent with the statute's mandate. As such, it qualifies as an interpretive rule not subject to the Administrative Procedure Act's notice-and-comment provisions. 5 U.S.C. 553, 553(b)(3)(A).

Interpretation of 42 U.S.C. 13704(a)(2)

Eligibility Criteria

In this interpretive rule, OJP explains its construction of section 13704(a)(2) of the Truth-in-Sentencing Incentive Grants provision for determining ''eligibility'' for federal funding assistance where the State has enacted, but not yet implemented, a truth-in-sentencing law. 42 U.S.C. 13704(a)(2).

It is OJP's position that a State is eligible for truth-in-sentencing grant funds if it has a truth-in-sentencing law that has been enacted, but not yet implemented, which requires the State, not later than three years after submitting its grant application, to provide that persons convicted of ''Part 1 violent crimes'' serve not less than 85 percent of the sentence imposed. Additionally, as expressed in the Truth-in-Sentencing grant application packets, each State that applies for funding under section 13704(a)(2) must include a detailed time line which culminates in the actual implementation of a qualifying Truth-in-Sentencing law within three years of the submission of the grant application.

While a State does have latitude to modify the exact sequence of events within this time line, a State cannot ignore the requirement that a qualifying Truth-in-Sentencing law must actually be implemented within the three-year period.

Enforcement Policy

If a State receives funding by asserting eligibility under section 13704(a)(2) but then fails to actually implement a qualifying truth-in-sentencing law within three years of submitting its initial application, OJP treats this event as a failure to substantially comply with the statutorily-mandated grant conditions and as a violation of the terms of the grant agreement.

As the agency charged with administering and enforcing the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants Act, OJP can suspend or terminate a State's truth-in-sentencing funding for substantial noncompliance with the statute and the grant terms. Specifically, OJP may, in the exercise of its discretion, initiate federal enforcement actions, under the part 18 termination procedures, against those recipient States that fail to adhere to the grant requirements after receiving grant funds. 28 CFR part 18. Ultimately, where OJP determines it necessary to terminate a Truth-in-Sentencing grant, OJP can require the noncomplying State to repay the grant funds awarded in excess of the amount actually due. 28 CFR 66.52. This excess amount may include the grant funds awarded during the period in which the State had promised to implement a truth-in-sentencing law.

In sum, OJP shall continue to administer and enforce section 13704(a)(2) in accordance with this interpretation.

Publication

Because this interpretive rule aims to serve as a reminder to recipients under the Truth-in-Sentencing Incentive Grants program and thus, merely reiterates the statutorily-mandated conditions for the award and retention of grant funding, OJP has chosen not to publish this interpretive rule in the Code of Federal Regulations (but reserves the right to do so in the future). However, to ensure that the States recognize the importance of the Truth-in-Sentencing Grants Program and are fully aware of their preexisting duties under section 13704(a)(2) for continued funding, OJP will distribute copies of this interpretive rule with the Truth-in-Sentencing Incentive Grants Program Application Packets in early 2000. Additionally, OJP intends to post this interpretive rule, as published in the **Federal Register**, on the Internet at the Corrections Program Office's website at http://www.ojp.usdoj.gov/cpo.htm.

Regulatory Evaluation Summary

OJP has reviewed this interpretive rule in accordance with Executive Order 12866 and the Regulatory Flexibility Act of 1980. It is not a ''significant regulatory action'' as defined in the Executive Order. Additionally, this interpretive rule does not impose a significant economic impact on a substantial number of small entities and will not constitute a barrier to international trade. Because no further economic evaluation is warranted, this interpretive rule is not subject to review by the Office of Management and Budget.

In accordance with Executive Order 13132, this interpretive rule will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it lacks sufficient federalism implications to warrant the preparation of a federalism assessment.

Because this interpretive rule does not compel the expenditure by State, local and tribal governments, or by the private sector, in the aggregate of $100 million or more in any one year, and will not uniquely affect small governments, OJP is not required to take any actions under the provisions of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538).

This interpretive rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 because it will not result in an annual effect on the economy of $100 million or more; or a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete in domestic and export markets.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), OJP has determined that there are no requirements for information collection associated with this rule.

Finally, this interpretive rule has no direct or indirect effect on the environment, and no extraordinary circumstances exist which would require OJP to prepare an environmental assessment or environmental impact statement.

Dated: December 14, 1999.

Laurie Robinson,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 99–32807 Filed 12–17–99; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 01–99–184]

RIN 2115–AA97

Safety Zone: New Years Eve '99 Fireworks Display, Southampton, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the New Years Eve '99 Fireworks Display to be held off of Fairlee St., Southampton, NY, on December 31, 1999. This action is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this fireworks display.

Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This rule is effective from 11:30 p.m. EDT on December 31, 1999 to 12:30 a.m. EDT on January 1, 2000.

ADDRESSES: Documents relating to this Temporary Final Rule are available for inspection or copying at U.S. Coast Guard Group Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512 between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T. J. Walker, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4444.

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. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

Background and Purpose

Mr. and Mrs. William Michaelcheck, of New York, NY, are sponsoring a 12 minute fireworks display off Fairlee St., Southampton, NY. The safety zone will be in effect from 11:30 p.m. EDT, December 31, 1999 until 12:30 a.m. EDT, January 1, 2000. The safety zone covers all waters of the Atlantic Ocean within a 1200 foot radius of the fireworks launching barge which will be located off Fairlee St., Southampton, NY, in approximate position; 40°–51′36″, 072°–23′00″W, (NAD 1983). This zone is required to protect the maritime community form the safety dangers associated with this fireworks display. Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on-scene representative.

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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of the Atlantic Ocean and entry into this zone will be restricted for only 1 hour. Although this Regulation prevents traffic from translating this section of the Atlantic Ocean, the effect of this regulation will not be significant for several reasons: the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we 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.

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. 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).

Federalism

We have analyzed this rule under Executive Order 13132 and have 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 unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will 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

We have 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, paragraph (34)(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this final rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally

Protected Property Rights. This final rule will not effect a taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This final rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13405, Protection of Children from Environmental Health Risks and Safety Risks. This final rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports 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—[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 and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Add temporary § 165.T01–CGD1–184 to read as follows:

§ 165.T01–CGD1–184 New Years Eve '99 Fireworks Display, Southampton, NY.

(a) Location. The safety zone includes all waters of the Atlantic Ocean within a 1200 foot radius of the launch site located off Fairlee St., Southampton, NY. In approximate position 40°–51′36″N, 072°–23′00″W (NAD 1983).

(b) *Effective date.* This section is effective on December 31, 1999 from 11:30 p.m. until 12:30 a.m., January 1, 2000.

(c)(1) *Regulations.* The general regulations covering safety zones contained in section 165.23 of this part 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. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard Vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: November 30, 1999.

David P. Pekoske,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 99–32884 Filed 12–17–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 102–AC76

National Capital Region, Special Regulations

AGENCY: National Park Service, Interior.

ACTION: Temporary final rule.

SUMMARY: The National Park Service is temporarily amending the current regulation for the National Capital Region. This amendment will allow use of the area immediately surrounding the Washington Monument for fireworks for the official America's Millennium celebration marking the beginning of the year 2000. The temporary amendment will expire at the conclusion of the celebration and the fireworks' removal but no later than January 8, 2000.

DATES: This rule becomes effective on December 20, 1999 and terminates on January 8, 2000.

FOR FURTHER INFORMATION CONTACT: Superintendent Arnold Goldstein, National Capital Parks—Central, 900 Ohio Drive SW, Washington, DC 20240, telephone (202) 585–9880.

SUPPLEMENTARY INFORMATION: The Washington Monument is located on the National Mall and honors our Nation's first President. Begun on July 4, 1848 and dedicated on February 21, 1885, the Washington Monument has undergone three restorations. The current phase of the restoration has required the construction of scaffolding surrounding the memorial, which includes strips of architectural fabric attached to the exterior of the scaffolding. The work of architect Michael Graves, this scaffolding and architectural fabric has allowed the National Park Service to have an aesthetic way to camouflage the construction zone necessary for the Washington Monument's exterior stonework inspection and repair, while retaining a sense of architecture of this great obelisk.

Work on the exterior surfaces of the Washington Monument, including use of the scaffolding, in this phase of restoration has been completed. The conclusion of the restoration also coincides with the official America's Millennium celebration that will be occurring on parts of the National Mall. Given the presence of the scaffolding and architectural fabric surrounding the Washington Monument, we believe that there is a unique opportunity to have fireworks at this great memorial marking the beginning of the year 2000, in coordination with the official America's Millennium celebration. The Lincoln Reflecting Pool will also be used as an integral part of the official America's Millennium celebration fireworks display at the Washington Monument. Finally, these fireworks, done by the nationally recognized fireworks company of Grucci, have been designed to avoid damaging the Washington Monument.

Under the existing regulation at 36 CFR 7.96, the Washington Monument is surrounded by a restricted zone which consists of the area enclosed within the inner circle that surrounds the obelisk. The restricted zone is similar to three other designated memorials' restricted zones where permits for demonstrations and special events are prohibited by NPS regulation. This restricted zone is intended to maintain the memorials in an atmosphere of calm, tranquility, and reverence as well as protect legitimate security and park value interests. 41 FR 12880 (1976) (Final Rule). The restricted zone currently includes the scaffolding and its architectural fabric, on which the fireworks would be placed.

There has always been a regulatory exception for the Washington Monument's restricted zone that allows the official annual commemorative Washington birthday celebration. With the Washington Monument's exterior surfaces complete and prior to dismantling the scaffolding, we believe it appropriate to temporarily revise the NPS regulations to allow for this special, one-time use. This rule makes that temporary revision. The temporary revision applies only for the period needed to set up, conduct, and remove the fireworks for the official America's Millennium celebration which will occur at midnight December 31, 1999, in coordination with the official America's Millennium celebration. Immediately after the celebration and the fireworks' removal, NPS's regulation will revert to its former wording.

Procedural Matters

Administrative Procedure Act

Because this revision is necessary to enable the official America's Millennium celebration to have fireworks at the Washington Monument at midnight December 31, 1999, and because of the limited time remaining