

new definition of "Appropriate ATF officer" to read as follows:

§ 7.10 Meaning of terms.

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Appropriate ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any functions relating to the administration or enforcement of this part by ATF Order 1130.2A, Delegation Order—Delegation of the Director's Authorities in 27 CFR part 4, 5 and 7, Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages.

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Par. 23. The second sentence of paragraph (c)(1) of § 7.20 is amended by removing the words "regional director (compliance)" and adding, in substitution, the words "appropriate ATF officer".

Par. 24. The first sentence of paragraph (f) of § 7.24 is amended by removing the phrase "by the Director".

Par. 25. Paragraph (a) of § 7.41 is revised to read as follows:

§ 7.41 Certificates of label approval.

(a) *Requirement.* No person may bottle or pack malt beverages, or remove malt beverages from the plant where bottled or packed unless an approved certificate of label approval, ATF Form 5100.31, is issued.

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PART 16—ALCOHOLIC BEVERAGE HEALTH WARNING STATEMENT

Par. 26. The authority citation for Part 16 continues to read as follows:

Authority: 27 U.S.C. 205, 215, 218; 28 U.S.C. 2461 note.

Par. 27. Section 16.10 is amended by removing the definition of "Director."

Par. 28. Section 16.30 is amended by removing the phrase "by the Director".

Signed: August 12, 1999.

John W. Magaw,
Director.

Approved: January 3, 2000.

Dennis M. O'Connell,
Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD09 99-081]

RIN 2115-AA98

Special Anchorage Area; Henderson Harbor, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is enlarging the existing special anchorage area in Henderson Harbor, NY. Henderson Harbor is used as a temporary anchorage area for recreational vessels to anchor without the requirement of showing anchorage lights as required by navigation rules. Enlarging this special anchorage area will replace anchorage space lost as a result of declining water levels in Lake Ontario and improve safety to vessels anchoring within this highly trafficked area.

DATES: This regulation becomes effective on April 28, 2000.

ADDRESSES: Comments and materials received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09 99-081] and are available for inspection or copying at the Ninth Coast Guard District, Room 2069, 1240 E. Ninth Street, Cleveland, OH, between 8 a.m. and 4 p.m. Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Lynn Goldhammer, Ninth Coast Guard District, Marine Safety Division, at (216) 902-6050.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We published a notice of proposed rulemaking concerning this regulation in the **Federal Register** on November 5, 1999 (64 FR 60399). Five comments were received during the comment period.

Background and Purpose

This rule is in response to a request from the City of Henderson, New York to enlarge the existing special anchorage area in Henderson Harbor. The intended effect of the regulation is to reduce the risk of vessel collisions by providing notice to mariners of the establishment of a special anchorage area in which vessels not more than 65 feet in length are not required to exhibit anchor lights as required by the Navigation Rules.

Discussion of Comments and Changes

Five letters were received in support of enlarging the special anchorage in Henderson Harbor. No objections were received. Two letters recommended extending the position of Buoy "C" in anchorage area A to create a more rectangular shape to anchorage area A. The Coast Guard considered these comments and has decided to make this change to the proposed rule.

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 this rule 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 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic effect upon a substantial number of small entities. "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. Therefore, 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 because using the anchorage area is voluntary.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-221), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or who 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 businesses. If you wish to comment on actions by employees of the Coast Guard, please call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

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 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 safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this proposed rule and determined under Figure 2-1, paragraph 34(f) of Commandant Instruction M16475.1C, that this rule is

categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 110

Special anchorage areas.

Final Regulation

In consideration of the foregoing, the Coast Guard amends Part 110 of Title 33, Code of Federal Regulations, as follows:

PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236; 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05—1(g).

2. Section 110.87 is revised to read as follows:

§ 110.87 Henderson Harbor, N.Y.

(a) *Area A.* The area in the southern portion of Henderson Harbor west of the Henderson Harbor Yacht Club bounded by a line beginning at latitude 43°51'08.8" N, longitude 76°12'08.9" W, thence to latitude 43°51'09.0" N, longitude 76°12'19.0" W, thence to latitude 43°51'33.4" N, longitude 76°12'19.0" W, thence to latitude 43°51'33.4" N, longitude 76°12'09.6" W, thence to the point of beginning. All nautical positions are based on North American Datum of 1983.

(b) *Area B.* The area in the southern portion of Henderson Harbor north of Graham Creek Entrance Light bounded by a line beginning at latitude 43°51'21.8" N, longitude 76°11'58.2" W, thence to latitude 43°51'21.7" N, longitude 76°12'05.5" W, thence to latitude 43°51'33.4" N, longitude 76°12'06.2" W, thence to latitude 43°51'33.6" N, longitude 76°12'00.8" W, thence to the point of beginning. All nautical positions are based on North American Datum of 1983.

Note: Permission must be obtained from the Town of Henderson Harbormaster before any vessel is moored or anchored in this special anchorage area.

Dated: February 28, 2000.

James D. Hull,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07-00-008]

RIN 2115-AE47

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the regulations governing the operation of the State Road 706, Indiantown Road drawbridge, mile 1006.2, at Jupiter, Palm Beach County, Florida. This drawbridge has been removed and the regulations governing the operation of the drawbridge are no longer necessary. **DATES:** This rule is effective March 7, 2000.

ADDRESSES: The Commander(oan), Seventh Coast Guard District, maintains the public docket for this rulemaking. The docket will be available for inspection or copying at 909 SE 1st Avenue, room 406, Miami, FL 33131 between 8 a.m. and 4 p.m. Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Evelyn Smart, Project Manager, Bridge Section, at (305) 536-6546.

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. This final rule removes a bridge regulation for a drawbridge that was removed in September 1997.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. This final rule removes a bridge regulation for a drawbridge that was removed in 1997. Therefore, publishing a notice of proposed rulemaking or delaying the effective date of the final rule is unnecessary and the Coast Guard is proceeding to final rule, effective upon publication in the **Federal Register**.

Background and Purpose

The bridge regulations for the old State Road 706 drawbridge, locally known as the Indiantown Road Bridge, were published in the **Federal Register** on July 27, 1990 [55 FR 30689]. The regulation established draw times for