

type of crude oil feed stock needed to sustain their mix of refined products.

#### 4. *Small Business Regulatory Enforcement Act (SBREFA)*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- a. Does not have an annual effect on the economy of \$100 million or more.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions.
- c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

#### 5. *Unfunded Mandates Reform Act*

This rule does not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

#### 6. *Takings (Executive Order 12630)*

In accordance with Executive Order 12630, this rule does not have significant takings implications. This rule does not impose conditions or limitations on the use of any private property; consequently, a takings implication assessment is not required.

#### 7. *Federalism (Executive Order 13132)*

In accordance with Executive Order 13132, this rule does not have Federalism implications. This rule does not substantially or directly affect the relationship between the Federal and state governments or impose costs on States or localities.

#### 8. *Civil Justice Reform (Executive Order 12988)*

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

#### 9. *Paperwork Reduction Act of 1995*

This rule does not contain an information collection, as defined by the Paperwork Reduction Act, and the submission of Office of Management and Budget Form 83-I is not required.

#### 10. *National Environmental Policy Act*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

#### 11. *Consultation and Coordination with Indian Tribal Governments*

In accordance with Executive Order 13175, this rule does not have tribal implications that impose substantial direct compliance costs on Indian tribal governments.

#### List of Subjects in 30 CFR Part 208

Continental shelf, Government contracts, Mineral royalties, Natural gas, Petroleum, Public lands-mineral resources.

Dated: May 17, 2001.

Piet deWitt,

*Acting Assistant Secretary, Land and Minerals Management.*

For the reasons set forth in the preamble, 30 CFR part 208 is amended as follows:

#### PART 208—SALE OF FEDERAL ROYALTY OIL

1. The authority citation for part 208 continues to read as follows:

**Authority:** 5 U.S.C. 301 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1701 *et seq.*; 31 U.S.C. 9701; 41 U.S.C. 601 *et seq.*; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, and 1801 *et seq.*

#### § 208.4 [Amended]

2. In § 208.4, remove paragraph (b)(4).

[FR Doc. 01-13118 Filed 5-23-01; 8:45 am]

BILLING CODE 4310-MR-P

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

#### 33 CFR Part 165

[CGD01-01-064]

RIN 2115-AA97

#### Safety and Security Zones: USS Hawes Port Visit, Newport, RI.

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary safety and security zones off the coast of Newport Naval Station, Newport, Rhode Island, during the port visit of the USS HAWES to the Newport Naval Station, Newport, Rhode Island. The safety and security zone are needed to safeguard the public,

the area encompassing Coddington Cove and the USS HAWES and her crew from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry into these zones is prohibited unless authorized by the Captain of the Port, Providence, Rhode Island or his authorized patrol representative.

**DATES:** This rule is effective from 6 a.m., Thursday, May 31, 2001, to 12 midnight on Sunday, June 3, 2001.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection and copying at Marine Safety Office Providence, 20 Risho Avenue, East Providence, Rhode Island between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Casey L. Chmielewski at Marine Safety Office Providence, (401) 435-2335.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for making it effective less than 30 days after **Federal Register** publication. Good cause exists for not publishing a NPRM for this regulation. Due to the sensitive and unpredictable nature of the USS HAWES's schedule, the Coast Guard received insufficient notice to publish proposed rules in advance of the event. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to protect the USS HAWES, her crew, the public and the area adjoining Coddington Cove.

##### Background and Purpose

From May 31, 2001, to June 3, 2001, the USS HAWES will be berthed at Pier 2 on the Newport Naval Station, Newport, RI. Pier 2 is located within Coddington Cove, along the East Passage of Narragansett Bay. The safety and security zones are needed to protect the USS HAWES, her crew and the public from harmful or subversive acts, accidents or other causes of a similar nature in the vicinity of Coddington Cove. The safety and security zones have identical boundaries. All persons, other than those approved by the Captain of the Port or his authorized patrol representative will be prohibited from the zones. The zones encompass the area within a line drawn from the western most edge of the chartered breakwater to the western most edge of Pier 1. The public will be made aware of the safety and security zones through a Broadcast Notice to Mariners made

from U.S. Coast Guard Group Woods Hole. U.S. Navy personnel will assist in the enforcement of these zones.

### 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 sizes of the zones are the minimum necessary to provide adequate protection for the USS HAWES, her crew, adjoining areas, and the public. The entities most likely to be affected are lobstermen engaged in setting and retrieving pots and pleasure craft engaged in recreational activities and sightseeing. These individuals and vessels have ample space outside of the safety and security zones to engage in these activities and therefore they will not be subject to undue hardship. Commercial vessels, excluding lobstermen, do not normally transit the area of the safety and security zones. Any lobstermen who have gear deployed within the safety and security zones, may request permission from the COTP or his authorized patrol representative to enter the zones to retrieve their gear. Any hardships experienced by persons or vessels are considered minimal compared to the national interest in protecting the USS HAWES and the public.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we considered whether this rule will have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses and 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 section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) 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 into Coddington Cove from May 31, 2001 to June 3, 2001. The safety and security zones will not have a significant economic impact on a

substantial number of small entities for the following reasons. Vessel traffic can pass safely around the area and only a small number of commercial fishing vessels operate in the area. Vessels engaged in recreational activities, sightseeing and commercial fishing have ample space outside of the safety and security zones to engage in these activities. Before the effective period, we will issue maritime advisories widely available to users of the area.

### Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104-121], the Coast Guard wants to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this final rule and you have questions concerning its provisions or options for compliance, please call LT Casey Chmielewski, telephone (401) 435-2335. 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 collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism

We have analyzed this action under Executive Order 13132, and have determined that this rule does not have federalism implications under that order.

### Unfunded Mandates

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 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 concern 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. A rule with tribal implications has a substantial direct effect on one or more Indian tribe, 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.

### Environment

The Coast Guard considered the environmental impact of these regulations 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.

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. Add temporary § 165.T01-064 to read as follows:

**§ 165.T01-064 Safety and security zones: USS HAWES port visit; Newport, RI.**

(a) Location. The following area has been declared both a safety zone and a security zone: From a point beginning on land at Latitude 41 degrees 32' 13" N, Longitude 071 degrees 18' 43" W; thence westward along the breakwater to a point on the breakwater at Latitude 41 degrees 31' 58" N, Longitude 071 degrees 19' 28" W; thence southeasterly 1100 yards to a point on the end of Pier 1 at Latitude 41 degrees 31' 38" N, Longitude 071 degrees 19' 06" W; thence east to a point on land at Latitude 41 degrees 31' 43" N, Longitude 071 degrees 18' 47" W; thence north along the shoreline to the beginning point.

(b) Effective date. This rule is effective from 6 a.m. on Thursday, May 31, 2001, until 12 midnight on Sunday, June 3, 2001.

**(c) Regulations.**

(1) In accordance with the general regulations in 165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the COTP Providence or his authorized patrol representative.

(2) No person may swim upon or below the surface of the water within the boundaries of the safety and security zones.

(3) All persons and vessels shall comply with the instructions of the COTP, the designated on-scene U.S. Coast Guard or Navy patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Navy patrol personnel include commissioned, warrant, and petty officers of the U.S. Navy.

(4) The general regulations covering safety and security zones in section 165.23 and 165.33, respectively, of this part apply.

Dated: May 10, 2001.

**Mark G. VanHaverbeke,**

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

[FR Doc. 01-12979 Filed 5-23-01; 8:45 am]

BILLING CODE 4910-15-U

preparation standards: For First-Class Mail, packages of Presorted rate flats and packages of automation rate flats that are part of the same mailing job and reported on the same postage statement must be co-trayed according to the standards in DMM M910; For Standard Mail, packages of Presorted rate flats and packages of automation rate flats that are part of the same mailing job and reported on the same postage statement must be co-sacked according to the standards in DMM M910; For Standard Mail, packages of Enhanced Carrier Route flats and 5-digit packages of Presorted flats must be sacked or palletized using the labeling list L001 scheme sort. This includes the scheme sorts included in the optional preparation methods in DMM M920, M930, and M940; and For Bound Printed Matter, packages of Carrier Route flats and 5-digit packages of Presorted flats must be sacked or palletized using the labeling list L001 scheme sort.

**EFFECTIVE DATE:** September 1, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Anne Emmerth, 703-292-3641, aemmerth@email.usps.gov.

**SUPPLEMENTARY INFORMATION:** On March 16, 2001 (66 FR 15206), the Postal Service published in the **Federal Register** a proposed rule seeking comments on proposed changes to the Domestic Mail Manual (DMM) that would revise mail preparation standards for flats. The original comment period ended on April 13, 2001; as of that date, no comments were received. On April 17, 2001 (65 FR 19740), the Postal Service re-opened the comment period through May 4 to allow customers more time to comment on the proposed changes. The Postal Service received one comment.

Generally, the changes are intended to align mail preparation more closely with the way that the Postal Service transports and processes flat-size mail. The co-traying requirements for First-Class Mail flats and the co-sacking requirements for Standard Mail flats will result in fewer less-than-full trays and sacks and an overall reduction in the number of trays and sacks prepared by mailers and processed by the Postal Service. For Presorted rate Standard Mail, with sack-based rates, this requirement also will result in lower postage rates for some mail that will move to a finer sack presort level. Requiring the use of labeling list L001 for sacked carrier route Standard Mail and Bound Printed Matter flats also will result in fewer sacks prepared by mailers. For mail on pallets, use of L001 will create more 5-digit level pallets,

resulting in fewer package handlings for the Postal Service and better service for mailers.

The changes are outlined below by class of mail; the DMM language follows at the end of this final rule.

In response to the proposed rule, the Postal Service received one comment from a large commercial printer. The commenter expressed support for the mail preparation changes in the proposed rule and believes that these changes will improve service and handling of 5-digit containers and reduce the number of sacks. The commenter suggested that the proposed September 1 implementation date be moved to January 2002. The commenter explained that in September the mailing industry will be in the midst of preparing its heaviest volumes for the fall mailing season, which is not a convenient time to implement new and complex preparation standards.

The Postal Service appreciates receiving supportive comments and thanks the commenter for responding to the proposed rule. The Postal Service recognizes that mail preparation changes can be disruptive to mailers who must adjust presort software systems and internal operations. The standards in this final rule will result in more efficient and cost-effective mail handling for the Postal Service and better service and postage savings for mailers. Therefore, implementing these changes on September 1 will allow the Postal Service and its customers to capture savings and efficiencies during the time of heaviest mail volume.

Based on the comment received and discussions with other mailers and presort software vendors regarding these changes, the Postal Service will implement the standards in this final rule on September 1, 2001. This will allow time for programming, testing, and installation of new presort software, and time for mailers to adjust their internal processes in advance of the fall mailing season.

The changes implemented in this final rule are as follows:

**1. First-Class Mail****Required Co-Traying**

Since January 7, 2001, mailers have had the option to use M910 to co-tray packages of Presorted rate flats and automation rate flats that are part of the same mailing job (see M130.1.6 and M820.1.9). This final rule changes that option into a requirement. Therefore, effective September 1, 2001, any First-Class Mail mailing job that contains packages of Presorted rate flats and packages of automation rate flats and is

**POSTAL SERVICE****39 CFR Part 111****Domestic Mail Manual Changes for First-Class Mail, Standard Mail, and Bound Printed Matter Flats**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Domestic Mail Manual (DMM) to implement the following mail