

energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); Section 117.255 also issued under authority of Pub. L. 102–587, 106 Stat. 5039.

2. In section § 117.319, revise paragraph (a) and add paragraph (c) to read as follows:

##### § 117.319 Oklawaha River.

(a) The draw of the Sharpes Ferry (SR 40) bridge, mile 55.1 shall open on signal if at least three hours notice is given.

\* \* \* \* \*

(c) The draw of the Muclan Farms bridge, mile 63.9, need not open for the passage of vessels.

Dated: July 19, 2002.

**J.S. Carmichael,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.*

[FR Doc. 02–19562 Filed 8–1–02; 8:45 am]

**BILLING CODE 4910–15–P**

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

#### 33 CFR Part 165

[CGD05–01–046]

RIN 2115–AE84

#### Regulated Navigation Area; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters

**AGENCY:** Coast Guard, DOT.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** On January 28, 2002, we published a direct final rule. The rule notified the public of our excluding

warships or other vessels owned, leased, or operated by the U.S. Government from certain carriage requirements for navigational charts and publications by allowing the use of approved electronic systems for charting and navigation while operating in the Chesapeake Bay Regulated Navigation Area. We received no comments on the rule; therefore, this rule will go into effect as scheduled.

**DATES:** The effective date of this direct final rule was April 29, 2002.

**FOR FURTHER INFORMATION CONTACT:** LTjg Anne Grabins, Fifth Coast Guard District Aids to Navigation and Waterways Management Branch, at (757) 398–6559.

#### SUPPLEMENTARY INFORMATION:

On May 2, 2001, the Coast Guard published in the **Federal Register** a direct final rule that amended 33 CFR part 164, specifically § 164.01 paragraphs (a) and (c) (66 FR 21864). The amendment exempts public vessels equipped with electronic charting and navigation systems from paper chart carriage requirements. This geographically broad rule, which became effective July 31, 2001 (66 FR 42753, August 15, 2001), applies to public vessels operating in the navigable waters of the United States. A separate section of the CFR, however, still requires public vessels operating in the Chesapeake Bay Regulated Navigation Area (RNA) to carry paper charts (33 CFR 165.501(d)(7)). We amended the Chesapeake Bay RNA regulation to bring its navigation requirements for public vessels operating in this area in alignment with the requirements for all other U.S. waters.

The direct final rule (67 FR 3812, January 28, 2002) excludes public vessels from the corrected paper chart requirements contained in 33 CFR 165.501(d)(7), when operating in the Chesapeake Bay RNA. This exclusion only applies to public vessels equipped with an electronic charting and navigation systems that meet the standards approved by the Federal agency exercising operational control of the vessel.

Dated: July 19, 2002.

**Arthur E. Brooks,**

*Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.*

[FR Doc. 02–19549 Filed 8–1–02; 8:45 am]

**BILLING CODE 4910–15–P**

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

#### 33 CFR Part 165

[CGD1–02–094]

RIN 2115–AA97

#### Safety Zone; Salem Heritage Days Fireworks, Salem, MA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Salem Heritage Days Fireworks, to be held on August 17, 2002, in Salem Harbor, Salem, MA. The safety zone will temporarily close all waters of Salem Harbor within a four hundred (400) yard radius of the fireworks barge. The possibility of firework debris entering the waterway necessitates the need for a safety zone to prevent any potential marine casualties. This rule prohibits entry into or movement within this portion of Salem Harbor and is needed to protect the maritime public from the hazards posed by a fireworks display.

**DATES:** This rule is effective from 9 p.m. until 10 p.m. on August 17, 2002.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket (CGD01–02–094) and 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:

Chief Petty Officer Daniel Dugery, 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. Information about this event was not provided to the Coast Guard until July 17, 2002, making it impossible to draft or publish a NPRM or a final rule 30 days in advance of its effective date. Any delay in implementing this rule would be contrary to the public interest, since immediate action is needed to prevent traffic from transiting a portion of Salem Harbor, Salem, Massachusetts, and provide for the safety of life on

navigable waters. Additionally, vessels will only be limited from the area of the safety zone for 1 hour, the zone will have negligible impact on vessel transits due to the fact that vessels can safely transit outside the zone in the majority of Salem Harbor, and vessels are not precluded from using any portion of the waterway except the safety zone area itself.

#### **Background and Purpose**

The Town of Salem is holding a fireworks display for its Salem Heritage Days celebration. This rule establishes a safety zone on all waters in Salem Harbor within a four hundred (400) yard radius around the fireworks barge located at 42°32'27" N, 070°05'74" W (NAD 83). The safety zone is in effect from 9 p.m. until 10 p.m. August 17, 2002. This rule prohibits entry into or movement within this portion of Salem Harbor and is needed to protect the maritime public from the dangers posed by this event. Marine traffic may transit safely outside of the safety zone during the event. The Captain of the Port anticipates negligible impact on vessel traffic due to this event. Public notifications will be made prior to the effective period via local notice to mariners and marine information broadcasts.

#### **Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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 minimal enough that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Although this rule prevents traffic from transiting into a portion of Salem Harbor during this event, the effect of this rule will be negligible for several reasons: Vessels will only be restricted from the safety zone for 1 hour, vessels may safely transit outside of the safety zone without restriction, and advance notifications will be made to the local maritime community by marine information broadcasts.

#### **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 Salem Harbor from 9 p.m. until 10 p.m. August 17, 2002. For reasons enumerated under the *Regulatory Evaluation* section above this rule will have a negligible economic impact on small entities.

#### **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 Executive Order 13132, Federalism, 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 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**

The Coast Guard 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 pose an environmental risk to health or risk to safety that may disproportionately affect children.

#### **Indian Tribal Governments**

This proposed 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 tribes, 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 this rule and concluded that, under figure 2–1, (34)(g), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

#### **Energy Effects**

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that Order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

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

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping 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 1.46.

2. From 9 p.m. until 10 p.m. on August 17, 2002, add temporary § 165.T01–094 to read as follows:

**§ 165.T01–094 Safety Zone; Salem Heritage Days Fireworks, Salem, Massachusetts.**

(a) *Location.* The following area is a safety zone:

All waters of Salem Harbor within a four hundred (400) yard radius of the fireworks barge located in Salem Harbor, Salem, MA, at 42°32'27" N, 070°051'74" W. All coordinates are North American Datum 1983.

(b) *Effective date.* This section is effective from 9 p.m. until 10 p.m. on August 17, 2002.

(c) *Regulations.* (1) In accordance with the general regulations in § 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 including commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

Dated: July 19, 2002.

**B.M. Salerno,**

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

[FR Doc. 02–19548 Filed 8–1–02; 8:45 am]

**BILLING CODE 4910–15–P**

**POSTAL SERVICE****39 CFR Part 927****Regulations Dealing With Penalties or Fines, Deductions, and Damages Related to Transportation of Mail**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This rule revises postal regulations dealing with civil penalties, fines, deductions and damages assessed in the administration of the mail transportation statutes. The rule provides detailed procedures for the imposition of penalties and other assessments and conforms the

regulations to the current organization of the Postal Service.

**EFFECTIVE DATE:** August 2, 2002.

**FOR FURTHER INFORMATION CONTACT:** Frank Panico, Manager, International Transportation and Network Support, International Network Operations at (202) 268–8058.

**SUPPLEMENTARY INFORMATION:** This change is being made to reflect:

1. United States Postal Service's organizational realignment.
2. Technological enhancements which have affected the methodology of recording and adjudicating air carrier irregularities.

This has contributed to the elimination of the mid level review and adjudication process. These changes are detailed in section 927.3. This new process is expected to improve service performance and expedite the irregularity process for international and military mail.

**List of Subjects in 39 CFR Part 927**

Administrative practice and procedure, Air carriers, Government contracts, Maritime carriers, Penalties.

For the reasons set forth in the preamble, 39 CFR part 927 is revised to read as follows:

**PART 927—RULES OF PROCEDURE RELATING TO FINES, DEDUCTIONS, AND DAMAGES**

Sec

927.1 Noncontractual carriage of international mail by vessel.

927.2 Noncontractual air service for international and military mail.

927.3 Other remedies.

**Authority:** 39 U.S.C. 401, 2601 Chap. 56 Section 5604; 49 U.S.C. 1357, 1471.

**§ 927.1 Noncontractual carriage of international mail by vessel.**

(a) *Report of infraction.* Where evidence is found or reported that a carrier of mail by vessel which has transported mail pursuant to the provisions of Chapter 4, USPS Purchasing Manual, has unreasonably or unnecessarily delayed the mails, or committed other delinquencies in the transportation of mail, has failed to carry the mail in a safe and secure manner, or has caused loss or damage to the mail, the facts will be reported to International Network Operations, Headquarters.

(b) *Review, investigation, recommendation.* International Network Operations will investigate the matter, record findings of fact, make a recommendation concerning the need for imposition of fine or penalty with reasons for the recommendation, and

will advise the carrier of the recommendation.

(c) *Penalty action.* International Network Operations, upon review of the record, may impose a fine or penalty against a carrier for any irregularity properly documented, whether or not penalty action has been recommended. A tentative decision of International Network Operations to take penalty action will be set forth in detail the facts and reasons upon which the determination is based. International Network Operations will send the tentative decision, including notice of the irregularities found and the amount of fine or penalty proposed, to the carrier. The carrier may present a written defense to the proposed action within 21 days after receipt of the tentative decision. International Network Operations will advise the carrier of the final decision.

(d) *Appeal.* If the final decision includes a penalty International Network Operations will advise the carrier that it may, within 30 days, appeal the action in writing to the Vice President, Network Operations Management, U.S. Postal Service Headquarters and that its written appeal should include all facts and arguments upon which the carrier relies in support of the appeal. If an appeal is not received, International Network Operations will close the record. When an appeal is taken, the Vice President, Network Operations Management will review the complete record the decide the appeal. He will advise the carrier of the decision in writing and will take actions consistent with that decision. The Vice President, Network Operations Management, may sustain, rescind, or compromise a fine or penalty. The decision of the Vice President, Network Operations Management on appeal shall be the final decision of the Postal Service. The Postal Service may, in its discretion, deduct from payment otherwise due the carrier an amount necessary to satisfy the penalty action taken under this section.

(e) *Details of administration.* For further administrative details, see USPS Purchasing Manual, chapter 4.

**§ 927.2 Noncontractual air service for international and military mail.**

(a) *Report of infraction.* Each mail handling irregularity will be reported in the prescribed format by the cognizant postal official or designated representative. As soon as possible the reporting authority will ask the local representative of the air carrier to provide an explanation of the irregularity. A summary of the explanation, if any, will be entered in