

Commonwealth) of _____, under 23 U.S.C. 163 will be used for projects eligible for assistance under Title 23 of the United States Code, which include highway construction as well as highway safety projects and programs.

(3) An original and four copies of the certification shall be submitted to the appropriate NHTSA Regional Administrator. Each Regional Administrator will forward the certifications it receives to appropriate NHTSA and FHWA offices.

(4) Each State that submits a certification will be informed by the agencies whether or not it qualifies for funds.

(5) To qualify for FY 1998 grant funds, certifications must be received by the agencies not later than September 4, 1998.

(6) To qualify for grant funds in a subsequent fiscal year, certifications must be received by the agencies not later than July 1 of that fiscal year.

(b) Limitation on grants. A State may receive grant funds, subject to the following limitations:

(1) The amount of a grant apportioned to a State under § 1225.5 of this part shall be determined by multiplying:

(i) The amount authorized to carry out section 163 of 23 U.S.C. for the fiscal year; by

(ii) The ratio that the amount of funds apportioned to each such State under section 402 for such fiscal year bears to the total amount of funds apportioned to all such States under section 402 for such fiscal year.

(2) A State may obligate grant funds apportioned under this part for any project eligible for assistance under Title 23 of the United States Code.

(3) The Federal share of the cost of a project funded with grant funds awarded under this part shall be 100 percent.

§ 1225.5 Adoption of 0.08 BAC per se law.

To qualify for an incentive grant under this part, a State must demonstrate that it has enacted and is enforcing a law that provides that any person with a blood alcohol concentration (BAC) of 0.08 percent or greater while operating a motor vehicle in the State shall be deemed to have committed a *per se* offense of driving while intoxicated or an equivalent *per se* offense. The law must:

- (a) Apply to all persons;
- (b) Set a blood alcohol concentration of not higher than 0.08 percent as the legal limit;
- (c) Make operating a motor vehicle by an individual at or above the legal limit a *per se* offense;
- (d) Provide for primary enforcement;

(e) Apply the 0.08 BAC legal limit to the State's criminal code and, if the State has an administrative license suspension or revocation (ALR) law, to its ALR law; and

(f) Be deemed to be or be equivalent to the standard driving while intoxicated offense in the State.

§ 1225.6 Award procedures.

In each Federal fiscal year, grant funds will be apportioned to eligible States upon submission and approval of the documentation required by § 1225.4(a) and subject to the limitations in § 1225.4(b). The obligation authority associated with these funds are subject to the limitation on obligation pursuant to section 1102 of TEA 21.

Issued on: August 31, 1998.

Gloria J. Jeff,

Deputy Administrator, Federal Highway Administration.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

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BILLING CODE 4910-59-P

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Parts 406, 408

RIN 1215-AB22

Technical Amendments of Rules Relating to Labor-Management Standards and Standards of Conduct for Federal Sector Labor Organizations; Correction

AGENCY: Office of Labor-Management Standards, Employment Standards Administration, Labor.

ACTION: Final Rule; correction.

SUMMARY: This document contains corrections to the final rule published on June 19, 1998 (63 FR 33778). That rule, which made a number of technical amendments to the Department of Labor's regulations at Chapter IV of title 29 of the Code of Federal Regulations, inadvertently omitted two necessary amendments.

EFFECTIVE DATE: September 3, 1998.

FOR FURTHER INFORMATION CONTACT: Kay H. Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Employment Standards Administration, U.S. Department of Labor, Room N-5605, Washington, D.C. 20210, (202) 219-7373 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final rule that is the subject of this correction made a number of technical corrections and amendments to the regulations implementing the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA) and the standards of conduct for federal sector labor organizations. Several of these amendments relate to new control numbers assigned by the Office of Management and Budget (OMB) approving the reporting forms required by the LMRDA and the standards of conduct regulations. New numbers were assigned because of a reorganization in the Department of Labor pursuant to Secretary's Order No. 5-96, (February 10, 1997, 62 FR 107). However, the final rule inadvertently omitted amendments to two provisions in which the old control numbers appear.

Need for Correction

As published, the final rule contains errors which are in need of correction.

Publication in Final

The undersigned has determined that this rulemaking need not be published as a proposed rule, as generally required by the Administrative Procedure Act (APA), 5 U.S.C. 553. The portion of this rulemaking that reflects agency organization, procedure, and practice is exempt under section 553(b)(A) of the APA. For the portion of this rulemaking that makes technical amendments and corrections, there is good cause for finding that notice and public procedure is unnecessary and contrary to the public interest, pursuant to section 553(b)(B) of the APA.

Effective Date

The undersigned has determined that good cause exists for waiving the customary requirement for delay in the effective date of a final rule for 30 days following its publication since this rule is technical and nonsubstantive, merely reflects agency organization, practice, and procedure, and makes amendments required by statute and technical amendments and corrections. Therefore, these amendments shall be effective upon publication. See 5 U.S.C. 553(d).

Administrative Requirements

A. Executive Order 12866

The Department of Labor has determined that this rule is not a significant regulatory action as defined in section 3(f) of Executive Order 12866 in that it will not (1) have an annual effect on the economy of \$100 million

or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities, (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

B. Regulatory Flexibility Act

Because a notice of proposed rulemaking is not required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, pertaining to regulatory flexibility analysis do not apply. See 5 U.S.C. 601(2). Therefore, a regulatory flexibility analysis is not required.

C. Paperwork Reduction Act

This rule contains no additional information collection requirements. The information collection requirements in the regulations to which this rule makes technical amendments have been approved by the Office of Management and Budget (OMB control number 1215-0188).

D. Small Business Regulatory Enforcement Fairness Act

The Department has determined that this final rule is not a "major rule" requiring prior approval by the Congress and the President pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 804), because it is not likely to result in (1) an annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Further, since the Department has determined, for good cause, that publication of a proposed rule and solicitation of comments on this rule is not necessary, under 5 U.S.C. 808(2), this final rule is effective immediately upon publication as stated previously in this notice.

E. Unfunded Mandates Reform Act

For purposes of Section 2 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, as well as Executive Order 12875 (58 FR 58093, October 28, 1993), this rule does not include any federal mandate that may result in increased expenditures by State, local and tribal governments, or increased expenditures by the private sector of more than \$100 million.

List of Subjects

29 CFR Part 406

Labor management relations, Reporting and recordkeeping requirements.

29 CFR Part 408

Labor unions, Reporting and recordkeeping requirements.

Adoption of Amendments of Regulations

In consideration of the foregoing, the Office of Labor-Management Standards, Employment Standards Administration, Department of Labor hereby amends Parts 406 and 408 of title 29 of the Code of Federal Regulations as set forth below.

PART 406—REPORTING BY LABOR RELATIONS CONSULTANTS AND OTHER PERSONS, CERTAIN AGREEMENTS WITH EMPLOYERS

1. The authority citation for part 406 continues to read as follows:

Authority: Secs. 203, 207, 208, 73 Stat. 526, 529 (29 U.S.C. 433, 437, 438); Secretary's Order No. 5-96 (62 FR 107, January 2, 1997).

§ 406.10 [Corrected]

2. Section 406.10 is corrected by changing the OMB control number at the end of the section to "1215-0188."

PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

3. The authority citation for part 408 continues to read as follows:

Authority: Secs. 201, 207, 208, 301, 73 Stat. 524, 529, 530 (29 U.S.C. 431, 437, 438, 461); Secretary's Order No. 5-96 (62 FR 107, January 2, 1997).

§ 408.13 [Corrected]

4. Section 408.13 is amended by changing the OMB control number at the end of the section to "1215-0188."

Signed in Washington, D.C. this 24th day of August, 1998.

Bernard E. Anderson,

Assistant Secretary for Employment Standards.

[FR Doc. 98-23826 Filed 9-2-98; 8:45 am]

BILLING CODE 4510-86-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-98-130]

RIN 2115-AA97

Safety Zone: Gloucester Schooner Festival Fireworks Display, Gloucester Harbor, Gloucester, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Gloucester Schooner Festival Fireworks Display around Stage Fort Park in Gloucester Harbor, Gloucester, MA. The safety zone is in effect from 8 p.m. until 10:30 p.m. on September 5, 1998. The safety zone temporarily closes all waters within four hundred (400) yards of the easternmost tip of Stage Head at Stage Head Fort Park in Gloucester Harbor, Gloucester, MA. The safety zone is needed to protect vessels from the hazards posed by a fireworks display.

EFFECTIVE DATE: This rule is effective from 8 p.m. until 10:30 p.m. on Saturday, September 5, 1998.

FOR FURTHER INFORMATION CONTACT: LT Dennis O'Mara, Waterways Management Division, Coast Guard Marine Safety Office Boston, (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, and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display, which is intended for public entertainment.

Background and Purpose

On August 11, 1998 the Gloucester Fireworks Fund filed a marine event