

requirements, Security measures, Waterways.

■ For the reasons set out in the preamble, the Coast Guard amends 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. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. From April 29, 2004, through June 30, 2004, add temporary section, 165.T01–040 to read as follows:

### **§ 165.T01–040 Safety Zone; Portland, Maine, Tow of Rig Pride Portland.**

(a) *Location.* The following areas are safety zones: (1) All navigable waters of Portland Harbor, extending from the surface to the sea floor, within 100-yards of the rig Pride Portland and any assisting tugs while the rig Pride Portland is in the process of mooring, unmooring or connecting to the tugs in the vicinity of the Portland Ocean Terminal in Portland Harbor.

(2) All navigable waters of Portland Harbor and Casco Bay extending from the surface to the sea floor, extending 200-yards ahead, and 100-yards aside and astern of the rig Pride Portland and any assisting tugs while the rig is underway.

(b) *Effective date.* This rule is effective from April 29, 2004, through June 30, 2004.

(c) *Regulations.* (1) The general regulations contained in § 165.23 of this part apply.

(2) All persons and vessels shall comply with the instructions of the COTP, or the designated on-scene U.S. Coast Guard representative. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels. The COTP or his designated representative will notify the maritime community of periods during which these zones will be enforced. Emergency response vessels are authorized to move within the zone, but must abide by restrictions imposed by the COTP or his designated representative. Upon being hailed by U.S. Coast Guard personnel or a U.S. Coast Guard vessel, via siren, radio, flashing light, or other means, those hailed shall proceed as directed.

(3) Entry or movement within this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine.

Dated: April 28, 2004.

**Gregory D. Case,**

*Lieutenant Commander, U.S. Coast Guard, Acting Captain of the Port, Portland, Maine.*

[FR Doc. 04–10354 Filed 5–5–04; 8:45 am]

BILLING CODE 4910–15–P

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 165**

[COTP Memphis–04–002]

RIN 1625–AA00

### **Safety Zone; McCellan-Kerr Arkansas River, Mile 307 to 309.5, Fort Smith, AR**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for all waters of the McCellan-Kerr Arkansas River from mile 307 to mile 309.5 in Fort Smith, AR. This safety zone is needed to protect persons and vessels from the potential safety hazards associated with a fireworks display. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port Memphis or a designated representative.

**DATES:** This rule is effective from 9 p.m. until 10:15 p.m. on July 4, 2004.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket [COTP Memphis–04–002] and are available for inspection or copying at Marine Safety Office Memphis, 200 Jefferson Avenue, Suite 1301, Memphis, TN 38103 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

#### **FOR FURTHER INFORMATION CONTACT:**

Chief Petty Officer (CPO) James Dixon at Marine Safety Office Memphis, (901) 544–3941, extension 2116.

#### **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 a NPRM in the **Federal Register**. Publishing a NPRM and delaying its effective date would be contrary to public interest because immediate action is needed to protect vessels and mariners from the hazards associated with a fireworks display.

## **Background and Purpose**

The Mayor's 4th of July celebration fireworks display will be launched from a barge between mile 307 and 309.5 on the McCellan-Kerr Arkansas River. A hazardous situation could exist for vessels, mariners and spectators in the vicinity of the fireworks display. A safety zone is needed to protect those vessels, mariners and spectators from the hazards associated with this fireworks display.

## **Discussion of Rule**

The Captain of the Port Memphis is establishing a safety zone for all waters of the McCellan-Kerr Arkansas River from mile 307 to mile 309.5 for the Mayor's 4th of July celebration fireworks display in Fort Smith, AR. Entry into this zone by persons or vessels is prohibited unless specifically authorized by the Captain of the Port Memphis or a designated representative. They may be contacted on VHF–FM Channel 13 or 16, or by telephone at (901) 544–3912, extension 2124. This rule is effective from 9 p.m. until 10:15 p.m. on July 4, 2004.

## **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 Homeland Security (DHS).

This rule will only be in effect for approximately one hour and fifteen minutes. Notifications to the marine community will be made through broadcast notice to mariners. The impacts on routine navigation are expected to be minimal.

## **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have 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 the McCellan-Kerr Arkansas River from mile 307 to 309.5 between 9 p.m. on July 4, 2004 until 10:15 p.m. on July 4, 2004. This safety zone will not have a significant economic impact on a substantial number of small entities because this rule will only be in effect for approximately one hour and fifteen minutes.

If you are a small business entity and are significantly affected by this regulation please contact CPO James Dixon, Marine Safety Office Memphis, TN at (901) 544-3941, extension 2116.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offered to assist small entities in understanding the rule so 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

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a state, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year.

Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### 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 create 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, because it does not have 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.

#### 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. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Environment

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors

in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction, from further environmental documentation because this rule is not expected to result in any significant adverse environmental impact as described in NEPA.

Under figure 2-1, paragraph (34)(g), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

#### 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 amends 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. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T08-025 to read as follows:

**§ 165.T08-025 Safety Zone; McCellan-Kerr Arkansas River Mile 307.0 to Mile 309.5, Fort Smith, AR.**

(a) *Location.* The following area is a safety zone: all waters of the McCellan-Kerr Arkansas River from mile 307 to mile 309.5, extending the entire width of the waterway.

(b) *Effective date.* This rule is effective from 9 p.m. until 10:15 p.m. on July 4, 2004.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Memphis.

(2) Persons or vessels requiring entry into or passage through must request permission from the Captain of the Port Memphis or a designated representative. They may be contacted on VHF-FM Channel 13 or 16, or by telephone at (901) 544-3912, extension 2124.

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

Dated: April 27, 2004.

**David C. Stalfort,**

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

[FR Doc. 04-10353 Filed 5-5-04; 8:45 am]

BILLING CODE 4910-15-P

## POSTAL SERVICE

### 39 CFR Part 111

#### Permissible Barcode Symbology for Parcels Eligible for the Barcode Discount

**AGENCY:** Postal Service.

**ACTION:** Final rule with request for comments.

**SUMMARY:** We are amending the information published in the **Federal Register** on July 14, 1998 [63 FR 37946], that announced new requirements for Package Services parcels eligible for the barcode discount. The barcode discount was extended to Standard Mail® machinable parcels in the **Federal Register** on December 15, 2000 [65 FR 78537] that announced the R2000-1 rate case. The standards implementing the new requirements were subsequently published in *Postal Bulletin* 22122 (2-19-04, pages 6-8). The *Postal Bulletin* notice allowed for the optional use of the human-readable presentation of the ZIP Code™. This final rule modifies the standards to now require mailers to include the human-readable equivalent of the ZIP Code with all barcodes.

**DATES:** Effective May 6, 2004. Submit comments on or before May 20, 2004.

**ADDRESSES:** Mail or deliver comments to the Manager, Mailing Standards, Attn: Obataiye B. Akinwale, U.S. Postal Service, 1735 N Lynn Street, Room 3025, Arlington, VA 22209-6038. Written comments may be submitted also by facsimile transmission to (703) 292-4058. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at Postal Service Headquarters Library, 11th Floor North, 475 L'Enfant Plaza SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Obataiye B. Akinwale at (703) 292-3643.

**SUPPLEMENTARY INFORMATION:** On July 14, 1998, the Postal Service published in the **Federal Register** [63 FR 37946] a final rule setting forth Domestic Mail Manual (DMM) standards for Package Services barcodes. The DMM standards were subsequently published in *Postal Bulletin* 22122 (2-19-04, pages 6-8). Under the previous rule, the human-

readable equivalent of the ZIP Code information was optional. Under the new rule, mailers are required to include the human-readable equivalent of the ZIP Code information to be eligible for the barcode discount. No other changes are made to the standards in DMM C850.

Using the UCC/EAN Code 128 barcode symbology will benefit mailers in a number of ways:

- Increased accuracy and improved service—reduces manual processing of parcels.
- Variable length—compact, accurate, and reliable.
- Easy data capture capabilities—international availability.

In order to reduce the looping of mail in processing, this rule requires the printing of the applicable AI and ZIP Code or ZIP+4® code whenever a barcode is printed.

#### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

■ For the reasons noted above, the Postal Service adopts the following changes to the *Domestic Mail Manual*, which is incorporated by reference in the *Code of Federal Regulations* (CFR). See 39 CFR part 111.

#### PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR Part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 3626, 5001.

■ 2. Revise the *Domestic Mail Manual* (DMM) as follows:

#### Domestic Mail Manual (DMM)

\* \* \* \* \*

#### C Characteristics and Content

\* \* \* \* \*

#### C800 Automation-Compatible Mail

\* \* \* \* \*

#### C850 Barcoding Standards for Parcels

\* \* \* \* \*

#### 2.0 Barcode Characteristics

\* \* \* \* \*

#### 2.5 Human-Readable Information

The human-readable information on the barcode must conform to one of the following options:

*[Revise item a to read as follows:]*

a. If the barcode is printed on the delivery address label and in close proximity to the address, the human-readable equivalent of the ZIP Code or ZIP+4 code (omitting the AI “420”)

encoded in the barcode preceded by the word “ZIP” must be printed between 1/8 inch and 1/2 inch below the barcode in 10-point or larger bold, sans serif type. This standard applies to barcodes printed under 1.1 or 1.2a, 1.2b, and 1.3.

\* \* \* \* \*

*[Revise item c to read as follows:]*

c. For barcodes printed under 1.2 or 1.3, the human-readable presentation of the concatenated barcode must include the AI “91” and the full tracking identification number as text, the AI “420,” and the ZIP Code or ZIP+4 code. The AI “420” and ZIP Code information must be parsed separately from the main body of the barcode text (e.g., 420 99999 9101 2345 6789 1234 5678).

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

**Neva R. Watson,**

*Attorney, Legislative.*

[FR Doc. 04-10154 Filed 5-5-04; 8:45 am]

BILLING CODE 7710-12-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[OAR-2002-0045, FRL-7657-2]

RIN 2060-AK53

#### National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical corrections.

**SUMMARY:** On February 18, 2003, the EPA promulgated amendments to the national emission standards for hazardous air pollutants (NESHAP) for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills. The technical corrections in the final rule correct several cross-references in order to be consistent with the text shifts made in the February 18, 2003 amendments.

**DATES:** *Effective Date:* The technical corrections are effective May 6, 2004.

**ADDRESSES:** Docket ID No. OAR-2002-0045 and Docket ID No. A-94-67, containing supporting information used in the development of the final rule, are available for public viewing at the EPA Docket Center (Air Docket), EPA West, Room B-102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading