

before the scheduled start of the event until thirty minutes after the last firework is exploded for each event listed in the table below in

**SUPPLEMENTARY INFORMATION.** The events are listed chronologically by month with their corresponding number listed in the special local regulation, 33 CFR 100.114.

**ADDRESSES:** Comments should be mailed to Commander (osr), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, MA 02110-3350, or may be hand delivered to Room 734 at the same address, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Guy A. McArdle, Office of Search and Rescue branch, First Coast Guard District at (617) 223-8460.

**SUPPLEMENTARY INFORMATION:** This document implements the special local regulations in 33 CFR 100.114 (62 FR 30988; June 6, 1997). All vessels are prohibited from entering a 500 yard radius of navigable water surrounding the launch platform used in each fireworks display listed below.

#### Table 1—Fireworks Displays

##### December

##### 1. First Night Fireworks

Date: December 31, 1997.

Time: 12:00 a.m. (midnight) to 12:15 a.m.

Location: Off Waterfront Park, between Commercial and Long Wharf's.  
Lat: 42°21.7N, Long: 071°02.8"W (NAD 1983).

##### 2. First Night Martha's Vineyard

Date: December 31, 1997.

Time: 9:30 p.m. to 11:00 p.m.

Location: Vineyard Haven Harbor.  
Lat: 41-27N, Long: 070-35W (NAD 1983).

##### 4. City of New Bedford First Night

Date: December 31, 1997.

Time: 12:00 a.m. (midnight) to 12:30 a.m.

Location: New Bedford Harbor, vicinity of state pier.  
Lat: 41-38N, Long: 070-55W (NAD 1983).

Dated: December 2, 1997.

**R.M. Larrabee,**

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

[FR Doc. 97-33464 Filed 12-22-97; 8:45 am]

BILLING CODE 4910-14-M

## POSTAL SERVICE

### 39 CFR Part 255

#### Access of Handicapped Persons to Postal Services, Programs, Facilities, and Employment

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The purpose of these changes is to clarify Postal Service regulations concerning the filing and processing of complaints of discrimination by handicapped persons in obtaining access to postal programs and services. References to Postal Service offices and publications have also been updated. **EFFECTIVE DATE:** December 23, 1997.

**FOR FURTHER INFORMATION CONTACT:** Rodger Carter, Coordinator, ABC Program, Facilities HQ, 4301 Wilson Blvd., Suite 300, Arlington VA 22203-1861; telephone (703) 526-2867.

**SUPPLEMENTARY INFORMATION:** The Postal Service is amending its regulations in order to clarify procedures to ensure, in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 701 *et seq.*, that its programs and services are provided in a non-discriminatory fashion to handicapped persons. All changes are designed to make the regulations easier for both postal customers and employees to understand and follow.

The Postal Service has not previously amended its Part 255 regulations. References to particular postal offices and publications, many of which were no longer in existence or had been restructured, have been revised. Certain other provisions were revised or deleted because they were redundant, such as repetitive provisions concerning responding to a complaint, or were duplicative of other postal regulations. For instance, Part 255 had contained postal regulations implementing the Rehabilitation Act in Sections 255.1 and 255.2, and also a few provisions concerning the Architectural Barriers Act (ABA) of 1968, 42 U.S.C. 4151 *et seq.*, in Section 255.3. Since ABA requirements and compliance are set forth comprehensively in other regulations, see e.g. 49 FR 31528 (August 7, 1984) and Postal Service handbook RE-4, Standards for Facility Accessibility by the Physically Handicapped, they have been removed from Part 255. Similarly, provisions have been deleted that relate to actions taken for employees in accordance with procedures under Section 501 of the Rehabilitation Act.

Accordingly, part 255 now contains postal regulations that implement

Section 504 of the Rehabilitation Act only, which regulations are set forth in a clearer and more comprehensive fashion. Part 255.1 sets forth procedural provisions, including how to file a complaint and time-frames for responses by postal officials. Corrective actions that may be appropriate are described in Parts 255.2 and 255.3, which concern special service arrangements and discretionary retrofits to facilities, respectively. Part 255.4, which relates to internal agency procedures and levels of authority, remains unchanged.

The Postal Service expects that these amendments will make its Rehabilitation Act procedures easier to use, so that the agency can provide timely and appropriate responses to requests and complaints thereunder.

#### List of Subjects in 39 CFR Part 255

Administrative practice and procedure, Individuals with disabilities.

Accordingly, for the reasons set forth in the preamble, 39 CFR Part 255 is amended as follows;

#### PART 225—[AMENDED]

1. The authority citation for Part 255 continues to read as follows:

**Authority:** 39 U.S.C. 101, 401, 403, 1001, 1003, 3403, 3404; 29 U.S.C. 791, 794.

2. Section 255.1(c)(1) is amended by revising the first sentence to read as follows: "Handicapped customers who believe that they have been discriminated against in the provision of postal services or programs should file a written complaint with their local postmasters or other local postal official responsible for such services or programs."

3. Section 255.1(c)(2) is removed, and paragraphs (c)(3) through (6) are redesignated as paragraphs (c)(2) through (5), respectively.

4. In § 255.1, newly redesignated paragraph (c)(2) is revised to read as follows:

#### § 255.1 Discrimination against handicapped person prohibited.

\* \* \* \* \*

(c) \* \* \*

(2) *Resolution.* A local official receiving a complaint by a handicapped customer about access to postal programs and services must process it in accordance with this part. The official should review the complaint, and consult with the district office as needed, to determine if corrective action is necessary. Corrective action can include a special arrangement for postal services under § 255.2, or a discretionary retrofit to the facility

under § 255.3. The decision about which corrective action to take, if any, should be made within the time limits set forth in paragraph (c)(3), or sooner if possible.

\* \* \* \* \*

5. In § 255.1, newly redesignated paragraph (c)(3) is amended by revising the third sentence to read as follows: "Whenever it appears that a complaint cannot be resolved within 60 days of its receipt, a written report and explanation must be submitted to the appropriate district manager."

6. In § 255.1, newly redesignated paragraph (c)(4) is revised to read as follows:

\* \* \* \* \*

(c) \* \* \*

(4) *Automatic review.* If the local official proposes to deny a request or complaint by a handicapped customer for a special arrangement or the alteration of a facility, the proposed decision shall be submitted to the appropriate district manager. The customer must be notified in writing of the approved decision.

\* \* \* \* \*

7. In § 255.1, newly redesignated paragraph (c)(5) is revised to read as follows:

\* \* \* \* \*

(c) \* \* \*

(5) *Exhaustion of administrative remedies.* If a customer service complaint filed under this paragraph (c) is not resolved within 60 days of its receipt, the customer may seek relief in any other appropriate forum, including the right to appeal to the Customer Advocate in accordance with Postal Operations Manual 166. The Postal Service may continue to consider the complaint after the expiration of the 60 day period.

\* \* \* \* \*

8. Section 255.2(a)(1) is amended by revising "Domestic Mail Manual 155.262" to read "Postal Operations Manual 631.42".

9. Section 255.2(a)(2)(i) is revised to read as follows:

#### **§ 255.2 Special arrangements for postal services.**

(a) \* \* \*

(2) \* \* \*

(i) *Stamps by mail, phone, or on consignment.* See Postal Operations Manual 151-153.

\* \* \* \* \*

10. Section 255.2(a)(2)(ii) is amended by revising "Domestic Mail Manual 156.41" to read "Postal Operations Manual 652-653".

11. Section 255.2(a)(2)(iii) is amended by revising "Postal Operations Manual

154" to read "Postal Operations Manual 145.6".

12. Section 255.2(a)(2)(iv) is revised to read as follows:

(a) \* \* \*

(2) \* \* \*

(iv) *Postage-free mailing for certain mailings.* See Domestic Mail Manual E040, Administrative Support Manual 274.24, and International Mail Manual 250.

\* \* \* \* \*

13. Section 255.2(b)(2) is revised to read as follows:

\* \* \* \* \*

(b) \* \* \*

(2) *Response to Customer Request or Complaint for a Special Arrangement.* A local official receiving a request or complaint seeking a special arrangement must provide the customers with any such arrangement as may be required by postal regulations. If no special arrangements are required, the postal official, in consultation with the district office as needed, may provide a special arrangement or take any action that will accommodate the customer, including, among others, performing a discretionary retrofit, providing curb or home delivery, or directing the customer to a nearby accessible facility, if he or she determines the arrangement or action would be reasonable, practical, and consistent with the economical and proper operation of the particular program or activity.

\* \* \* \* \*

14. Section 255.2(c) is removed.

15. Section 255.3(a)(1) is to read as follows:

#### **§ 255.3 Access to postal facilities.**

(a) \* \* \*

(1) *Legal and policy requirements.* Where the design standards of the Architectural Barriers Act (ABA) of 1968 do not apply, the Postal Service may perform a retrofit to the facility for a handicapped customer in accordance with this part.

\* \* \* \* \*

16. Section 255.3(a)(2) introductory text is amended by removing "also" and revising the phrase "the Barrier Act's" to read "ABA" in the first sentence, and by removing the second sentence.

17. Sections 255.3(a), (a)(4), and (a)(5) are removed.

18. Section 255.3(b)(2) is revised to read:

\* \* \* \* \*

(b) \* \* \*

(2) *Response to customer request or complaint for an alteration to a facility.* If a local official determines, in consultation with the district office as needed, that modification to meet ABA

standards is not required, discretionary alteration may be made on a case-by-case basis in accordance with the criteria listed in paragraph (a)(2) of this section. If a discretionary alteration is not made, the local official should determine if the customer can be provided a special arrangement under § 255.2.

\* \* \*

19. Section 255.3(c) is removed.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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BILLING CODE 7710-12-M

## **POSTAL SERVICE**

### **39 CFR Part 954**

#### **Rules of Practice in Proceedings Relative to the Denial, Suspension, or Revocation of Second-Class Mail Privileges**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is making several technical amendments to reflect new terminology adopted in connection with Periodicals, formerly second-class mail, and to update titles and make other technical and grammatical changes.

**EFFECTIVE DATE:** December 23, 1998.

**FOR FURTHER INFORMATION CONTACT:**

Diane M. Mego, (202) 268-5438.

**SUPPLEMENTARY INFORMATION:** As a part of Classification Reform proceedings, second-class mail was renamed Periodicals. As of July 1, 1996, second-class mail privileges have been referred to as Periodicals mailing privileges (Domestic Mail Manual § E211.1.1). Administrative decisions determined under that section now refer to Periodicals mail privileges. Procedural rules for the denial, suspension, and revocation of these privileges are found at 39 CFR 954.

Amendment to part 954 is needed to substitute references to Periodicals mail privileges for second-class mail privileges. Additional amendment is needed to reflect the revision and renumbering of the Domestic Mail Manual on July 1, 1993 (54 Fed. Reg. 34887 (1993)), and to update and correct the titles of the Docket Clerk, Director, Law Librarian, and Law Library to the Recorder, authorized official, Librarian, and Library, respectively. Also, several grammatical amendments reflecting gender neutrality are being made.

These revisions are changes in agency rules of procedure before the Judicial Officer and do not substantially affect