

statement is made: "Comments to Docket No. 99-ACE-45." The postcard will be date stamped and returned to the commenter.

### Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 10, 1999, and effective September 16, 1999, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

### ACE NE E5 Norfolk, NE [Revised]

Norfolk, Karl Stephan Memorial Airport, NE (Lat. 41°59'08" N., long. 97°26'06" W.)

Norfolk VOR/DME

(Lat. 41°59'17" N., long. 97°26'04" W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Karl Stephan Memorial Airport and within 4 miles southeast and 6 miles northwest of the 020° radial of the Norfolk VOR/DME extending from the 6.6-mile radius to 13 miles northeast of the airport and within 4 miles southwest and 6 miles northeast of the 148° radial of the Norfolk VOR/DME extending from the 6.6-mile radius to 13 miles southeast of the airport and within 4 miles northwest and 6 miles southeast of the 195° radial of the Norfolk VOR/DME extending from the 6.6-mile radius to 13 miles southwest of the airport and within 4 miles northeast and 6 miles southwest of the 314° radial of the Norfolk VOR/DME extending from the 6.6-mile radius to 13 miles northwest of the airport.

\* \* \* \* \*

Issued in Kansas City, MO, on October 1, 1999.

**Richard L. Day,**

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 99-27289 Filed 10-18-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-99-175]

RIN 2115-AE47

### Drawbridge Operation Regulations: Harlem River, Newtown Creek, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary final rule governing the operation of the Willis Avenue Bridge, mile 1.5, and the Madison Avenue Bridge, mile 2.3, both across the Harlem River, and the Pulaski Bridge, mile 0.6, across Newtown Creek in New York City, New York. This temporary final rule allows the bridge owner to close the above three bridges on November 7, 1999, as follows: Willis Avenue and Madison Avenue bridges from 11 a.m. to 5 p.m.; Pulaski Bridge from 10:30 a.m. to 3 p.m. This action is necessary for public safety and to facilitate a public function, the New York City Marathon.

**DATES:** This temporary final rule is effective on November 7, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the First Coast

Guard District Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joe Arca, Supervisory Bridge Management Specialist, at (212) 668-7165.

### SUPPLEMENTARY INFORMATION:

#### Regulatory History

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) to forego notice and comment for this rulemaking because notice and comment are impracticable. The Coast Guard believes notice and comment are impracticable because the requested closures are of such short duration. In the last two years, there have been few requests to open these bridges on Sunday during the hours they will be closed. Vessel traffic on the Harlem River and Newtown Creek is mostly commercial vessels that normally pass under the draws without openings. The commercial vessels that do require openings are work barges that do not operate on Sundays. The Coast Guard, for the reasons just stated, has also determined that good cause exists for this rule to be effective less than 30 days after it is published in the **Federal Register**.

#### Background and Purpose

The Willis Avenue Bridge, mile 1.5, across the Harlem River has a vertical clearance of 24 feet at mean high water (MHW) and 30 feet at mean low water (MLW) in the closed position. The Madison Avenue Bridge, mile 2.3, across the Harlem River has a vertical clearance of 25 feet at MHW and 29 feet at MLW in the closed position. The Pulaski Bridge across Newtown Creek, mile 0.6, has a vertical clearance of 39 feet at MHW and 43 feet at MLW in the closed position.

The current operating regulations for the Willis Avenue and Madison Avenue bridges, listed at 33 CFR 117.789(c), require the bridges to open on signal from 10 a.m. to 5 p.m., if at least four-hours notice is given to the New York City Highway Radio (hotline) Room. The current operating regulations for the Pulaski Bridge require it to open on signal at all times.

The bridge owner, New York City Department of Transportation (NYCDOT), requested a temporary change to the operating regulations governing the Willis Avenue Bridge, the Madison Avenue Bridge, and the Pulaski Bridge, to allow the bridges to

remain in the closed position at different times on November 7, 1999, to facilitate the running of the New York City Marathon. Vessels that can pass under the bridges without bridge openings may do so at all times during these bridge closures.

### Regulatory Evaluation

This temporary final 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. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; Feb. 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that the requested closures are of short duration and on Sunday when there have been few requests to open these bridges.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this temporary final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, 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.

### Collection of Information

This temporary final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this temporary final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this temporary final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this temporary final rule and concluded that, under Section 2.B.2., Figure 2-1, paragraph (32)(e), of Commandant Instruction M16475.1C, this temporary final rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this temporary final rule.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

For the reasons set out 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 the authority of Pub. L. 102-587, 106 Stat. 5039.

2. From 10 a.m. through 5 p.m. on November 7, 1999, § 117.789 is temporarily amended by suspending paragraph (c) and adding a new paragraph (g) to read as follows:

#### § 117.789 Harlem River.

\* \* \* \* \*

(g) The draws of the bridges at 103rd Street, mile 0.0, 3rd Avenue, mile 1.9, 145th Street, mile 2.8, Macombs Dam, mile 3.2, 207th Street, mile 6.0, and the two Broadway Bridges, mile 6.8, shall open on signal if at least four hours notice is given to the New York City Highway Radio (Hotline) Room. The Willis Avenue Bridge, mile 1.5, and Madison Avenue Bridge, mile 2.3, may remain in the closed position.

3. From 10:30 a.m. through 3 p.m. on November 7, 1999, § 117.801 is temporarily amended by suspending paragraph (a)(4) and adding a new paragraph (a)(5) and a new paragraph (f) to read as follows:

#### § 117.801 Newtown Creek, Dutch Kills, English Kills, and their tributaries.

(a) \* \* \* \* \*

(5) Except as provided in paragraphs (b) through (f) of this section, each draw shall open on signal.

\* \* \* \* \*

(f) The draw of the Pulaski Bridge, mile 0.6, across Newtown Creek, may remain closed.

Dated: October 8, 1999.

**Robert F. Duncan,**

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

[FR Doc. 99-27282 Filed 10-18-99; 8:45 am]

BILLING CODE 4910-15-P

### POSTAL SERVICE

### 39 CFR Part 776

### Floodplain and Wetland Procedures

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is changing its procedures regarding the acquisition and management of real property and construction of facilities in floodplains and wetlands. These changes simplify and clarify the responsibilities of the Postal Service with regard to public notification and procedures to be followed when evaluating postal facility actions that may involve construction projects in floodplains or wetlands.

**EFFECTIVE DATE:** November 1, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Technical information: Hank Burmeister, (201) 714-5431. Legal information: Jeff Meadows, (202) 268-3009.

**SUPPLEMENTARY INFORMATION:** In 64 FR 48124, September 2, 1999, the Postal Service published a notice of proposed changes to its floodplain and wetland regulations that clarify and simplify the internal evaluation and decision-making processes for constructing facilities in floodplain and wetland areas, while ensuring public input and notice of these decisions. The Postal Service proposed to separate the requirements regarding floodplains, based upon Executive Order (EO) 11988, from the requirements regarding wetlands, based upon EO 11990. Experience over the years demonstrated that the prior procedures did not adequately balance the needs of local communities with the Postal Service's mandate to provide universal, prompt and efficient mail service while complying with environmental protection policies.

The floodplain procedures apply to construction of new postal facilities in floodplains. They also apply to other construction projects, including the expansion or renovation of existing facilities, that would increase the amount of impervious area in a floodplain, such as paving over a dirt and gravel parking lot. However, the procedural requirement to conduct a no practicable alternatives analysis will not apply to every construction project