

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 makes technical and minor corrections to a final rule which is already in effect. See 5 U.S.C. 553(d). Therefore, this final rule correction is effective on the same date as the final rule which is being corrected, January 1, 2000.

#### 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 corrections 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 as of the date of the final rule which is being corrected, January 1, 2000, 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.

##### F. Federalism

The Department has reviewed this rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have "federalism implications." The rule does 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."

##### List of Subjects in 29 CFR Part 403

Labor unions, Reporting and recordkeeping requirements.

##### Correction of Publication

Accordingly, the publication on December 21, 1999 of the final rule which was the subject of FR Doc. 99-33044, is corrected as follows:

1. On page 71622, in the second full paragraph that begins in the second column, the phrase "eight pages instead of four for Form LM-3" is corrected to read "four pages instead of two for Form LM-3."

2. On page 71623, in the first paragraph of the first column, the phrase "labor organizations will file the new reporting forms and format for

fiscal years beginning on and after January 1, 2000" is corrected to read "labor organizations will file the new reporting forms and format for fiscal years ending on and after January 1, 2000."

#### § 403.4 [Corrected]

3. On page 71624, in the second column, in the third line of the paragraph which begins "Each document attached \* \* \*", the reference to "29 CFR 403.4(b)(3) (i)-(vi)" is corrected to read "29 CFR 403.4(b)(3) (i)-(v)".

4. On page 71624, in the second column, in the ninth line of the paragraph which begins "Each document attached \* \* \*", the word "and" is inserted after "period;" and before "(v)".

Signed in Washington, DC this 14th day of April, 2000.

**Bernard E. Anderson,**

*Assistant Secretary for Employment Standards.*

[FR Doc. 00-9911 Filed 4-19-00; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD-00-119]

RIN 2115-AE46

#### Special Local Regulation: Harvard-Yale Regatta, Thames River, New London, CT

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of implementation.

**SUMMARY:** This notice puts into effect the permanent regulations for the annual Harvard-Yale Regatta, a rowing competition held on the Thames River in New London, CT. The regulation is necessary to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and anticipated congestion at the time of the event, thus providing for the safety of life and property on the affected navigable waters.

**DATE:** The regulations in 33 CFR 100.101 are effective on June 10, 2000, from 2:30 p.m. to 8 p.m. If the regatta is cancelled due to weather, this section will be in effect on the following day, Sunday June 11, 2000, from 2:30 p.m. to 8 p.m.

**FOR FURTHER INFORMATION CONTACT:** Petty Officer William M. Anderson, Office of Search and Rescue, First Coast Guard District, (617) 223-8460.

**SUPPLEMENTARY INFORMATION:** This notice implements the permanent special local regulation governing the 2000 Harvard-Yale Regatta. A portion of the Thames River in New London, Connecticut will be closed during the effective period to all vessel traffic except participants, official regatta vessels, and patrol craft. The regulated area is that area of the river between the Penn Central drawbridge and Bartlett's Cove. Additional public notification will be made via the First Coast Guard District Local Notice to Mariners and marine safety broadcasts. The full text of this regulation is found in 33 CFR 100.101.

Dated: March 28, 2000.

**G.N. Naccara,**

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

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-00-120]

RIN 2115-AA97

#### **Safety Zone: Sunken Vessel JESSICA ANN, Cape Elizabeth, ME**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone encompassing those waters of the Atlantic Ocean within 1,000 yards of the position 43°31'9" N, 070°11'8" W and from the water's surface to the seabed floor. This rule is necessary to protect the environment from a diesel fuel spill which may occur from the disturbance of the sunken vessel F/V Jessica Ann, the commercial fishery, and the general public for the hazards associated with the recovery of diesel fuel from a sunken vessel.

**EFFECTIVE DATE:** This section is effective on April 4, 2000 until July 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant R. V. Timme, Chief of Response and Planning, Captain of the Port, Portland at (207) 780-3251.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory History**

As authorized by 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Under 5 U.S.C 553(b)(B), the Coast Guard finds that good cause exists for

not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Due to inclement weather conditions, recovery of the diesel fuel on board the F/V Jessica Ann must be postponed. Any delay in implementing this rule would be contrary to the public interest since immediate action is necessary to protect the environment from an oil spill which may occur from inadvertent or intentional disturbance of the wreckage prior to the time that the oil spill recovery operations are possible, and to protect the maritime public from the hazards associated with recovery operations.

On February 20, 2000, The F/V Jessica Ann sunk in 136 feet of water in the Atlantic Ocean. It is estimated that approximately 10,000 gallons of diesel fuel is on board the vessel. Clean Harbors, Inc. was hired for the clean up and recovery of fuel on board the F/V Jessica Ann. The fuel vents on the vessel were sealed to secure the leak. However, due to inclement weather, fuel recovery has been postponed until favorable weather conditions prevail. The safety zone will be effective on April 4, 2000 until July 1, 2000, Cape Elizabeth, Maine. This regulation establishes a safety zone encompassing those waters of the Atlantic Ocean within 1,000 yards of the position 43°31'9" N, 070°11'8" and from the water's surface to the seabed floor. The safety zone will be cancelled following the recovery of the oil remaining on board. This rule is necessary to protect the environment, the commercial fishery, and the general public. Innocent transit through the area within the safety zone is not affected by this regulation and does not require the authorization of the Captain of the Port.

##### **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; February 26, 1979). The Coast Guard expects the economic impact of this proposal 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 proposal has no significant effect on shipping, and its impact on fishing is minimal as it removes a small portion (less than one square mile) of the

available fishing grounds from active fishing.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and 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 substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The commercial fishing community intending to fish portions of Cape Elizabeth restricted by the safety zone.

##### **Collection of Information**

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

##### **Federalism**

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 113132 and have determined that this rule does not have sufficient federalism 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 costs without the Federal government's having first provided the funds to pay those costs. This rule will not impose an Unfunded Mandate.

##### **Taking of Private Property**

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.