

Collection of Information

This proposed 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 proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4, 109 Stat. 48) requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A "Federal mandate" is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This proposed rule would not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, 160.5; 49 CFR 1.46.

2. Add § 165.168 to read as follows:

§ 165.168 Safety Zones: New York Harbor and Hudson River Fireworks.

(a) *Liberty Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°41'16.5" N 074°02'23" W (NAD 1983) located in Federal Anchorage 20-C, about 360 yards east of Liberty Island.

(b) *Ellis Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge located between Federal Anchorages 20-A and 20-B, in approximate position 40°41'15" N 074°02'09" W (NAD 1983), about 365 yards east of Ellis Island.

(c) *South Beach, Staten Island Safety Zone:* All waters of Lower New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°35'11" N 074°03'42" W (NAD 1983), about 350 yards east of South Beach, Staten Island.

(d) *Pier 60, Hudson River Safety Zone:* All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'49" N 074°01'02" W (NAD 1983), about 500 yards west of Pier 60, Manhattan, New York.

(e) *Raritan Bay Safety Zone:* All waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge in approximate position 40°30'04" N 074°15'35" W (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595).

(f) *Notification.* Coast Guard Activities New York will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS BARGE". This sign will consist of 10" high by 1.5" wide red lettering on a white background.

(g) *Effective Period.* This section is effective from 8 p.m. to 1 a.m. each day a barge with a "FIREWORKS BARGE" sign on the port and starboard side is on-scene in a location in paragraphs (a) through (e) of this section. Vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the Captain of the Port New York or designated Coast Guard patrol personnel on scene.

(h) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: September 28, 1999.

R.E. Bennis,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 99-26036 Filed 10-5-99; 8:45 am]

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DEPARTMENT OF EDUCATION

34 CFR Part 75

Office of Elementary and Secondary Education—Safe and Drug-Free Schools and Communities Act Native Hawaiian Program; Direct Grant Program

AGENCY: Department of Education.

ACTION: Notice of Proposed Waiver.

SUMMARY: The Secretary proposes to waive the requirements in EDGAR at 34 CFR 75.261 in order to extend the project period under the Safe and Drug-Free Schools and Communities Act (SDFSCA) Native Hawaiian Program, under title IV of the Elementary and Secondary Education Act of 1965, as amended (ESEA), from 48 months to up to 72 months. This action will allow services under this program to continue uninterrupted and will result in the awarding of up to a 24-month continuation award to the existing grantee, using fiscal year (FY) 1999 and FY 2000 funds.

DATES: Comments must be received by December 6, 1999.

ADDRESSES: Comments should be sent to the Safe and Drug-Free Schools and Communities Native Hawaiian Program, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-6123. FAX: (202) 260-7767.

FOR FURTHER INFORMATION CONTACT: Contact Elayne McCarthy, U.S. Department of Education, 400 Maryland Avenue, SW, Room 3E322, Washington, DC 20202-6123. Telephone: (202) 260-2831; FAX: (202) 260-7767.

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Relay Service (FIRS) at 1-800-877-8339.

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SUPPLEMENTARY INFORMATION: In 1994, title I of the Improving America's Schools Act (IASA), Public Law 103-382, reauthorized the ESEA for a period of 5 years (1995-1999). The Safe and Drug-Free Schools and Communities Native Hawaiian Program is authorized by sections 4111(a)(4) and 4118 of the SDFSCA, which is title IV of ESEA. Section 4118(a) of the SDFSCA authorizes the Secretary to make grants to or enter into cooperative agreements or contracts with "organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of SDFSCA for the benefit of Native Hawaiians." Section 4118(b) of the SDFSCA defines the term "Native Hawaiian" as any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

In 1995 the Department held a competition under section 4118 of the SDFSCA among the eligible entities for the SDFSCA Native Hawaiian Program. As a result of that competition, the Secretary awarded a grant to one entity with FY 1995 funds for a project period of 48 months, based on the grant application. Since that time, the grantee for the SDFSCA Native Hawaiian Program under the SDFSCA has received continuation awards with funds from three subsequent fiscal years (FY 1996, FY 1997, and FY 1998). The grantee has received approximately \$1 million per year.

As of the date of publication of this notice, the ESEA has not been reauthorized, and the current authorization has been extended into FY 2000. This waiver would allow the period of funding for the SDFSCA Native Hawaiian Program to be directly tied to the time period for reauthorization of the current ESEA, including SDFSCA. This proposed waiver for the SDFSCA Native Hawaiian Program would be in force only as long as the current SDFSCA is in effect and will terminate upon reauthorization of ESEA. The Department is therefore soliciting public comment on the proposed waiver.

If the Department were to hold a new competition under the existing legislation in FY 2000 (using FY 1999 funds), the Department would only fund the project for a limited project period up to 24 months, in anticipation that the program statute would be reauthorized prior to FY 2001. It would take a new grantee time much of this to 'start up', given the scope and complexity of the services provided and the time it takes to hire qualified staff and develop plans and relationships that are responsive to the Native Hawaiian population in the Hawaiian islands. Holding such a competition would impose additional costs at the Federal level without a guarantee that the new grantee would be able to provide the technical assistance and services necessary to schools and communities serving the Native Hawaiian population, as the Department moves towards reauthorization of ESEA.

Therefore, the Assistant Secretary proposes, in the best interest of the Federal Government, to extend the current project for up to two additional years. This action is consistent with the President's mandate to implement cost-effective, cost-saving initiatives. In order to make these cost extensions the Assistant Secretary must waive the regulation at 34 CFR 75.261, which permits extensions of projects only at no cost to the Federal Government. In consideration of the foregoing, the Assistant Secretary proposes to waive 34 CFR 75.261 as applied to the SDFSCA Native Hawaiian Program during FY 1999 and FY 2000.

Regulatory Flexibility Act Certification

The Assistant Secretary certifies that this waiver would not have a significant economic impact on a substantial number of small entities. The limited number of entities affected by this waiver are the current grantee, as well as potential applicants named by the Governor, under a new competition with a limited project period of up to 24 months.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. In accordance with this order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested parties are invited to submit comments and recommendations regarding this waiver of 34 CFR 75.261 under the SDFSCA Native Hawaiian Program. All comments submitted in response to this proposed up to two year waiver will be available for public inspection, during and after the comment period, in Room 3E322, 400 Maryland Avenue, SW, Washington, DC, between the hours of 8:30 AM and 4:00 PM, Monday through Friday except on Federal holidays.

Assessment of Educational Impact

The Secretary particularly requests comments on whether this waiver would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Electronic Access To This Document

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Catalog of Federal Domestic Assistance Number 84.186C

Program Authority: 20 U.S.C. 7111(a)(4); 20 U.S.C. 7118.

Dated: October 1, 1999.

Judith A. Johnson,

Acting Assistant Secretary for Elementary and Secondary Education.

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POSTAL SERVICE

39 CFR Part 111

Barcode Requirements for Special Services Labels

AGENCY: Postal Service.