[FR Doc. 99–29311 Filed 11–8–99; 8:45 am]

BILLING CODE 4910–13–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1616

Final Rule; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14; Correction

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule; correction.

SUMMARY: This document makes minor technical corrections to the final rule published in the **Federal Register** of June 28, 1999 (64 FR 34533) regarding labeling of children's sleepwear. These are changes to the instructions to the Federal Register and do not affect the substantive labeling requirement. The instructions stated to revise the authority citations for parts 1615 and 1616. However, the authority citations are under subpart A rather than the entire part in each of those parts. Amendatory Instruction 3, on page 34538, amending § 1616.5 directed the Federal Register to redesignate footnotes 2–6 as 3–7. However, previously there was no footnote 2. Therefore, there is no need to redesignate any footnotes.

DATES: Effective on June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Patricia M. Pollitzer, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0980, extension 2219.

Correction

In final rule FR Doc. 99–16320, beginning on page 34533 in the issue of June 28, 1999, make the following corrections.

1. On page 34535, in the third column, correct amendatory instruction 1 under part 1615 to read ''The authority citation for subpart A of part 1615 is revised to read as follows:''

2. On page 34536, in the first column, correct amendatory instruction 1 under part 1616 to read ''The authority citation for subpart A of part 1616 is revised to read as follows:''

3. On page 34538, in the first column, remove instruction 3.

Dated: November 2, 1999.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 99–29226 Filed 11–8–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–181]

RIN 2115–AA97

Safety Zone: Sciame Construction Fireworks, East River, Manhattan, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Sciame Construction Fireworks Display located in the East River, New York. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the East River.

DATES: This rule is effective from 6:30 p.m. until 8 p.m. on Thursday, December 9, 1999. There is no rain date for this event.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354–4193.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4193.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM due to the date the Application for Approval of Marine Event was received, there was insufficient time to draft and publish an NPRM and still publish the final rule with more than 30 days before its effective date. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close the waterway and protect the maritime public from the hazards associated with this fireworks display. This event is only one and a half hours long and will have negligible impact on vessel traffic in the area due to the fact that vessels can travel to the east and west of the safety zone.

Background and Purpose

Bay Fireworks has submitted an application to hold a fireworks program on the waters of the East River, New York. The fireworks program is being sponsored by Sciame Construction. This regulation establishes a safety zone in all waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°42′08″ N 074°00′06″ W (NAD 1983), approximately 250 yards east of Pier 14, Manhattan, New York. The safety zone is in effect from 6:30 p.m. until 8 p.m. on Thursday, December 9, 1999. There is no rain date for this event. The safety zone prevents vessels from transiting a portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Recreational and commercial vessel traffic will be able to transit through the eastern 100 yards and the western 100 yards of the 500-yard wide East River during the event. This safety zone precludes the waterway users from entering only the safety zone itself. Public notifications will be made prior to the event via the Local Notice to Mariners and marine information broadcast.

Regulatory Evaluation

This 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 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 finding is based on the minimal time that vessels will be restricted from the zone, that vessels may still transit through the East River during the event, and extensive advance notifications which will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this 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 of less than 50,000.

For reasons discussed in the Regulatory Evaluation 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 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 final rule under the principles and criteria contained in Executive Order 13132 and has determined that this final rule does not have implications for federalism under that Order.

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 final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A ''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.

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 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 temporary § 165.T01–181 to read as follows:

§ 165.T01–181 Safety Zone: Sciame Construction Fireworks, East River, Manhattan, New York.

(a) Location. The following area is a safety zone: All waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°42′08″ N 074°00′06″ W (NAD 1983), approximately 250 yards east of Pier 14, Manhattan, New York.

(b) *Effective period.* This section is effective from 6:30 p.m. until 8 p.m. on Thursday, December 9, 1999. There is no rain date for this event.

(c) *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: November 2, 1999.

R.E. Bennis,

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

[FR Doc. 99–29309 Filed 11–8–99; 8:45 am]

BILLING CODE 4910–15–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[CC Docket No. 94–54, WT Docket No. 98–100, GN Docket No. 94–33; FCC 99–250]

Interconnection and Resale Obligations in the Commercial Mobile Radio Services and Forbearance Issues

AGENCY: Federal Communications Commission.

ACTION: Final rule; reconsideration.

SUMMARY: This document generally affirms the Commission's earlier decision in this proceeding to extend the cellular resale rule to include certain broadband personal communications service (PCS) and specialized mobile radio providers and to sunset the rule as of November 24, 2002. However, this document modifies the previous decision by removing customer premises equipment (CPE) and CPE in bundled packages from the scope of the resale rule, by revising the scope of the resale rule to exclude all C, D, E, and F block PCS licensees that do not own and control and are not owned and controlled by cellular or A or B block licensees, and by exempting from the rule all SMR and other Commercial Mobile Radio Services (CMRS) providers that do not utilize in-network switching facilities. This document also clarifies certain aspects of the resale rule, and denies a Petition for Reconsideration of the Commission's denial of a request for forbearance from the resale rule. The action is intended to resolve issues raised in several Petitions regarding the CMRS resale rule and forbearance.

DATES: Effective January 10, 2000.

FOR FURTHER INFORMATION CONTACT: Jane Phillips, 202–418–1310.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order on Reconsideration (MO&O) in CC Docket No. 94–54, WT Docket No. 98–100, and GN Docket No. 94–33; FCC 99–250, adopted September 15, 1999, and released September 27, 1999. The complete text of this MO&O is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, S.W., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY–B400, 445 12th Street, S.W., Washington, DC.

Synopsis of the MO&O

1. The First Report and Order in this proceeding (61 FR 38399, July 24, 1996) promulgated a rule prohibiting certain CMRS providers from restricting the resale of their services during a transitional period. This resale rule, which previously had applied only to cellular providers, was extended to PCS and certain specialized mobile radio (covered SMR) services. The First Report and Order (First R&O) sunset this resale rule five years after the date of the award of the last group of initial licenses for broadband PCS, which the Commission subsequently determined to be November 25, 1997. (*See* Public Notice of July 2, 1998, in CC Docket No. 94–54, 13 FCC Rcd 17427, 1998.) Accordingly, the resale rule is currently set to expire at the close of November 24, 2002.

2. This Memorandum Opinion and Order on Reconsideration (MO&O) generally affirms the Commission's decisions in the First R&O to extend the cellular resale rule to include certain