

the swing span to remain closed from 6 a.m. February 28 to 6 a.m. March 4, 1999.

Dated: February 3, 1999.

**Paul M. Blayney,**

*Rear Admiral, U.S. Coast Guard, Commander,  
13th Coast Guard District.*

[FR Doc. 99-3943 Filed 2-17-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP Los Angeles-Long Beach, CA; 98-012]

RIN 2115-AA97

#### Safety Zone; Santa Barbara Channel, CA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule; request for comments.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the navigable waters of the United States around the Stearns Wharf pier complex located in Santa Barbara, California. The safety zone is necessary to ensure the safety of the public during the demolition and reconstruction of the pier. The Coast Guard is establishing a safety zone in all navigable waters falling within a rectangular box extending 100 feet from the outer limits of all sides of Stearns Wharf, beginning at the seaward end of the wharf and extending back along the wharf 600 feet towards shore. For reference purposes, the seaward end of the wharf is located at 34°-23'-30"N, longitude: 119°-41'-10"W. This safety zone will be in effect from December 9, 1998, 12:00 p.m. (PDT), until March 31, 1999, 12:00 p.m. (PDT). Entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port or a designated representative thereof.

**DATES:** This regulation will be in effect from December 9, 1998, 12:00 p.m. (PDT) until March 31, 1999, 12:00 p.m. (PDT). If the need for this safety zone terminates before March 31, 1999, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

Comments must be received on or before April 19, 1999.

**ADDRESSES:** Comments should be mailed to Commanding Officer, Coast Guard Marine Safety Office Los Angeles-Long Beach, 165 N. Pico

Avenue, Long Beach, CA 90802.

Comments received will be available for inspection and copying in the Port Safety Division of Coast Guard Marine Safety Office of Los Angeles-Long Beach from 9 a.m. to 4 p.m. (PDT), Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Lieutenant Rich Sorrell, Marine Safety Detachment Santa Barbara, 111 Harbor Way, Santa Barbara, CA 93109; (805) 962-7430.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

In accordance with 5 U.S.C. 553, a notice of proposed rule making (NPRM) was not published for this regulation and good cause exists for making it effective prior to or less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying the effective date would be contrary to the public interest since the need for the pier construction arose from an unanticipated fire and the demolition and reconstruction of the pier has already begun.

Although this rule being published as a temporary final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure the rule is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed in **ADDRESSES** in this preamble. Comments must be received on or before April 19, 1999. Those providing comments should identify the docket number for the regulation (COTP Los Angeles-Long Beach, CA; 98-012) and also include their name, address, and reason(s) for each comment presented. Based upon the comments received, the regulation may be changed.

The Coast Guard plans no public meeting. Persons may request a public meeting by writing the Marine Safety Office Los Angeles-Long Beach at the address listed in **ADDRESSES** in this preamble.

##### Discussion of Regulation

This safety zone is necessary to safeguard all personnel and property during the extensive repairs and reconstruction of Stearns Wharf. The activities surrounding the demolition and construction pose a direct threat to the safety of surrounding vessels, persons, and property, and create an imminent navigational hazard. This safety zone is necessary to prevent spectators, recreational and commercial craft from the hazards associated with the reconstruction. Persons and vessels are prohibited from entering into,

transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port Los Angeles-Long Beach or a designated representative thereof.

##### Regulatory Evaluation

This temporary regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has been exempted from review 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 (44 FR 11040; February 26, 1997). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under Paragraph 10(e) of the regulatory policies and procedures of the Department of Transportation is unnecessary.

##### Collection of Information

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

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include small businesses and not-for-profit organizations that are dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule is not expected to have a significant economic impact on any substantial number of entities, regardless of their size.

##### Assistance for Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Rick Sorrell, Coast Guard Marine Safety Detachment, Santa Barbara, CA, at (805) 962-7430.

## Federalism

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

## Environmental Assessment

The Coast Guard has considered the environmental impact of this temporary regulation and concluded that under Chapter 2.B.2. of Commandant Instruction M16475.1C, Figure 2-1, paragraph (34)(g), it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis checklist is available for inspection and copying and the docket is to be maintained at the address listed in ADDRESSES in the preamble.

## Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of \$100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local, or tribal government entities will be affected by this rule, so this rule will not result in annual or aggregate costs of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

## List of Subjects in 33 CFR Part 165

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

## Regulation

In consideration of the foregoing, subpart F of part 165 of title 33, Code of Federal Regulations, is amended as follows:

### PART 165—[AMENDED]

1. The authority citation for 33 CFR 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 and 160.5; 49 CFR 1.46.

2. A new section 165.T11-061 is added to read as follows:

#### § 165.T11-061 Safety Zone: Santa Barbara Channel, CA

(a) *Location.* The following area is established as a safety zone: all navigable waters falling within a rectangular box extending 100 feet from the outer limits of all sides of Stearns Wharf, beginning at the seaward end of the wharf and extending back along the wharf 600 feet towards shore. For reference purposes, the seaward end of the wharf is located at 34°24'30"N, longitude: 119°41'10"W.

(b) *Effective Dates.* This safety zone will be in effect from December 9, 1998, 12:00 p.m. (PDT) until March 31, 1999, 12:00 (PDT). If the need for this safety zone terminates before March 31, 1999, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port or a designated representative thereof.

Dated: December 9, 1998.

**G.F. Wright,**

*Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD09-97-002]

RIN 2115-AE84

#### Regulated Navigation Area; Air Clearance Restrictions at the Entrance to Lakeside Yacht Club and the Northeast Approach to Burke Lakefront Airport in the Cleveland Harbor, OH

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard has established a regulated navigation area at the entrance to the Lakeside Yacht Club in Cleveland Harbor, Ohio, underneath the northeast approach to the Burke Lakefront Airport, to avoid conflict with the safety parameters for an instrument-guided aircraft approach slope. This regulation creates a set of restricted areas, some of which prohibit

docking of vessels of certain heights, others require vessels of certain heights to obtain clearance from the airport before entering or leaving the entrance to the yacht club during times when the instrument system is in use. Vessels with masts less than 41 feet above the waterline are not affected by this rule. Vessels with masts between 41 and 45 feet above the waterline are restricted from one location. Vessels with masts between 45 and 95 feet above the waterline are required to obtain a routine clearance by radio or telephone before navigating through the area. Vessels with masts between 53 and 95 feet above the waterline are limited to certain specified areas for docking. Vessels with masts 95 feet or more above the waterline, none of which currently uses the area, are prohibited from any entry into the area.

**DATES:** This final rule is effective March 22, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the Ninth Coast Guard District, Room 2069, 1240 E. Ninth Street, Cleveland, Ohio, 441992060, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is 216-902-6050.

#### FOR FURTHER INFORMATION CONTACT:

Lieutenant Lynn Goldhammer, Assistant Chief, Marine Safety Analysis and Policy Branch, Ninth Coast Guard District, Room 2069, 1240 E. Ninth Street, Cleveland, Ohio, 44199-2060, (216) 902-6050.

#### SUPPLEMENTARY INFORMATION:

#### Regulatory History

On August 7, 1998, the Coast Guard published a notice of proposed rulemaking entitled Regulated Navigation Area—Air Clearance Restrictions at the Northeast Entrance to Lakeside Yacht Club and Approach to Burke Lakefront Airport in Cleveland Harbor, OH in the **Federal Register** (63 FR 152). The Coast Guard received no letters commenting on the proposed rulemaking. No public hearing was requested and none was held.

#### Background and Purpose

Burke Lakefront Airport, located next to Cleveland Harbor in Cleveland, Ohio, has installed an instrument-guided approach system for the northeast approach to the Airport. The new system is important to maintaining safe and commercially viable airport operations. Under Federal Aviation Administration flight standards, this instrument-guided approach, during times when available for use, requires a