

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Costs to the shipping industry from these regulations if any, will be minor and have no significant adverse financial effect on vessel operators. In addition, due to the limited number of vessels affected, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. *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 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 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 action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of these regulations 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.

List of Subjects in 33 CFR Part 165

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

Regulation

For the reasons set out 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 and 160.5; 49 CFR 1.46.

2. Add temporary section 165.T01-002 to read as follows:

§ 165.T01-002 Safety Zone: Sunken Fishing Vessel CAPE FEAR, Buzzards Bay Entrance.

(a) *Location.* The following area has been declared a safety zone: All waters within a five hundred (500) yard radius of the site of the sunken fishing vessel CAPE FEAR (O.N. D655734), in the entrance to Buzzards Bay in approximate position 41-23 North and 71-01 West.

(b) *Effective date:* This section is effective from 12 noon, on Tuesday, January 12, 1999 until 12 midnight, on Friday 12, 1999.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the COTP Providence.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast guard.

(3) The general regulations covering safety zones in section 165.23 of this part apply.

Dated: January 12, 1999.

Peter A. Popko,

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

[FR Doc. 99-1881 Filed 1-26-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-98-184]

RIN 2115-AA97

Safety Zone: Swift Creek Channel, Freeport, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone that includes all waters within 200 yards of the Loop Parkway Bridge which spans Swift Creek channel, Freeport, NY. The safety zone is needed to facilitate the construction of the new loop parkway bridge. Entry into this safety zone is prohibited unless authorized by the Captain of the Port, Long Island Sound, New Haven, CT.

EFFECTIVE DATE: This regulation is effective on January 1, 1999, from 8 a.m. until March 1, 1999.

ADDRESSES: Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group/MSO Long Island Sound, 120 Woodward Ave, New Haven, CT 06512. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander T.J. Walker, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468-4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

A notice of proposed rulemaking (NPRM) was not published for this regulation. In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this regulation effective less than 30 days after publication in the **Federal Register**. Due to construction requirements, this office had insufficient time to publish a proposed rule in advance of the event. Publishing a NPRM and delaying the effective date would effectively suspend work on the new bridge, which would be contrary to the public interest.

Background and Purpose

A safety zone preventing vessels from transiting the Swift Creek channel beneath the Loop Parkway bridge because of construction of a new bridge has been in effect since September 8, 1998 and will expire on December 31, 1998. The safety zone has been needed to facilitate the building of the center of the bridge and to protect construction personnel and the maritime community. Construction of the new bridge has not been completed and therefore an additional safety zone preventing vessels from transiting the Swift Creek channel is needed. Entry into or movement within this zone is prohibited unless authorized by 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Entry into this zone will be prohibited until March 1, 1999. Although this regulation prevents traffic from transiting a portion of Swift Creek Channel, Freeport, NY, the effect of this regulation will not be significant for several reasons: there are alternative routes around the channel; the closure is during the off-season for recreational boating; and extensive, advance maritime advisories have been made of the channel closure and will continue to be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have significant economic impact on a substantial number of small entities. "Small entities" include small businesses that are independently owned and operated and are not dominant in their fields, not-for profit organizations and governmental jurisdictions with populations of less than 50,000. For the reasons addressed under 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 temporary 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 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this action 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.

Environment

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

List of Subjects in 33 CFR Part 165

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

For the reasons set out 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 and 160.5; 49 CFR 1.46.

2. A temporary section, 165.T01-184, is added to read as follows:

§ 165.T01-184 Swift Creek Channel, Freeport, NY.

(a) *Location.* The safety zone includes all waters surrounding the Loop Parkway Bridge where it spans Swift Creek channel, within a 200 yard distance on either side of the bridge.

(b) *Effective date.* This section is effective on January 1, 1999, from 8 a.m. until March 1, 1999.

(c) *Regulations.* The general regulations contained in section 165.23 apply.

P.K. Mitchell,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 99-1882 Filed 1-26-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 21 and 74

[MM Docket No. 97-217; FCC 98-231]

MDS and ITFS Two-Way Transmissions; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission published in the **Federal Register** of November 25, 1998 amendments to its rules to enable Multipoint Distribution Service ("MDS") and Instructional Television

Fixed Service ("ITFS") licensees to engage in fixed two-way transmissions. This document corrects the section numbers of the regulations on individually licensed 125 kHz channel MDS and ITFS response stations. Furthermore, this document corrects the effective dates of the rules.

DATES: Effective January 25, 1999.

FOR FURTHER INFORMATION CONTACT: Michael J. Jacobs, (202) 418-7066 or Dave Roberts, (202) 418-1600, Video Services Division, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: The Commission published a document in the **Federal Register** of June 1, 1998 (63 FR 29667), adding § 21.940. In FR Doc. 98-31334, published in the **Federal Register** of November 25, 1998 (63 FR 65087), the Commission inadvertently gave the same designation to another new rule added in the latter document. This correction correctly designates the second § 21.940 as § 21.949. In addition, for the sake of consistency, this correction redesignates the companion rule to part 74 of our Rules, § 74.940, as § 74.949, and replaces all references to § 21.940 or § 74.940 in the document with references to § 21.949 or § 74.949, as appropriate. Finally, this correction clarifies that all of the rules adopted in FR Doc. 98-31334 are subject to congressional review, and that §§ 1.1307(b)(1), Table 1; 21.27(d); 21.42(c)(8); the amendment to 21.201; 21.304; 21.900(b); 21.901(d); 21.903(d); 21.905(d)(3); 21.906(a); 21.909(c), (d), (f), (g)(6), (h), (i), (k), and (n); 21.913(a), (b), (d), and (e); 21.949(a), (b), and (f); 74.902(f); 74.911(d); 74.931(c)(1), (3), and (6)(ii) and (iii); 74.931(d)(6)(ii) and (iii); 74.936(b)(3) and (g); 74.939(c), (d), (f), (g)(6), (h), (i), (l)(1), (2) and (4), (m), and (p); 74.949(a), (b)(3) and (4), and (f); 74.951(b); 74.965; and 74.985(a), (b), and (d) through (f) of the rules adopted in FR Doc. 98-31334 are subject to approval of the information collection requirements by OMB and cannot become effective until approval is received.

FR Doc. 98-31334, published on November 25, 1998 (63 FR 65087), is corrected as follows:

1. On page 65087, in the third column, correct the "DATES" caption to read:

DATES: These final rules have been classified as a major action subject to congressional review. The effective date is February 8, 1999. If, however, at the conclusion of the congressional review process the effective date has been changed, the FCC will publish a document in the **Federal Register** to establish the actual effective date or to issue notice of termination of the final