

Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC this 13th day of April, 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

Accordingly, 29 CFR part 1926 is amended as set forth below.

PART 1926—[AMENDED]

1. The authority citation for subpart A of part 1926 is revised to read as follows:

Authority: Section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 12-71 (36 FR 8754), 8-76 (41 FR 25059), 1-90 (55 FR 9033), or 6-96 (62 FR 111), as applicable; 29 CFR part 1911.

2. In § 1926.5, the table is amended by adding entries for 1926.550(a)(2), (4), and (16) in numerical order to read as follows:

§ 1926.5 OMB control numbers under the Paperwork Reduction Act.

* * *	
§ 1926.550(a)(2).....	1218-0115
§ 1926.550(a)(4).....	1218-0115
* * *	
§ 1926.550(a)(16).....	1218-0115
* * *	

[FR Doc. 99-9580 Filed 4-15-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CCGD08-97-020]

RIN 2115-AE84

Mississippi River, LA: Regulated Navigation Area

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the Regulated Navigation Area (RNA) for vessels operating in the Mississippi River below Baton Rouge, including South Pass and Southwest Pass, by adding requirements for vessels of 1,600 gross tons or greater operating in the RNA. These requirements entail enhanced safety procedures for vessels of 1,600 gross tons or greater operating on the Mississippi River. The Coast Guard is also requiring moored or anchored passenger vessels with embarked passengers to maintain

manned pilothouse watches for the safety of the vessel, crew and passengers.

DATES: This final rule is effective April 16, 1999, with the exception of § 165.810(f)(1), which is effective June 1, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Eighth Coast Guard District, Marine Safety Division, 501 Magazine Street, Room 1341, New Orleans, LA, during normal office hours between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-4686.

FOR FURTHER INFORMATION CONTACT: Mr. M.M. Ledet, Vessel Traffic Management Specialist, at the Eighth Coast Guard District, Marine Safety Division, New Orleans, LA, or by telephone at (504) 589-4686.

SUPPLEMENTARY INFORMATION:

Regulatory History

On October 30, 1997 (62 FR 58650), the Coast Guard published an interim rule with request for comments entitled "Regulated Navigation Area Regulations; Mississippi River, LA—Regulated Navigation Area" in the **Federal Register**. The Coast Guard received nine letters commenting on the interim rule. One comment requested a public hearing to discuss 33 CFR 165.810(e) "Watch requirements for anchored and moored passenger vessels." Because this section was not open for comment, since there had been several previous opportunities for the public to provide input on this watch requirement, the Coast Guard did not opt to hold a public hearing. However, the Coast Guard took into consideration the information contained in the comment pertaining to 33 CFR 165.810(e) and, after a thorough review of the existing regulations, has changed this section to eliminate any confusion as to the definition of a "small passenger-carrying vessel" by referring to the definition contained in 46 CFR 175.110.

On August 29, 1997 (62 FR 45775), the Coast Guard published a notice of proposed rulemaking entitled "Regulated Navigation Area Regulations; Mississippi River, LA—Regulated Navigation Area" in the **Federal Register**. The Coast Guard received two letters commenting on the proposed rulemaking. No public hearing was requested, and none was held. On December 14, 1996, the 36,000 gross ton M/V BRIGHT FIELD allided with the Riverwalk store complex causing extensive damage and numerous

injuries. This marine casualty prompted the Captain of the Port New Orleans to issue Captain of the Port Orders to moored or anchored passenger vessels operating on the Mississippi River. These orders required those vessels to maintain manned pilothouse watches in order to monitor river activity and to be immediately available to activate emergency procedures to protect the vessel, crew, and passengers in the event of an emergency radio broadcast, danger signal, or other, visual indication of a problem. The initial intent of this order was to establish an interim measure to prevent future allisions and collisions. On March 18, 1997 (62 FR 14637, March 27, 1997), the Coast Guard established a temporary regulated navigation area (RNA) affecting the operation of downbound tows in the Lower Mississippi River from mile 437 at Vicksburg, MS, to mile 88 above Head of Passes. This RNA was subsequently amended on March 31, (62 FR 15398, April 1, 1997), March 29 (62 FR 16081, April 4, 1997), April 4 (62 FR 17704, April 11, 1997) and April 20 (62 FR 23358, April 30, 1997). The amendments added operating requirements for vessels of 1,600 gross tons or greater; increased the operating limitations on tank barges and ships carrying hazardous chemicals and gasses; and extended the RNA to the boundary of the territorial sea at the approaches to Southwest Pass.

This RNA and its subsequent amendments were also prompted by unprecedented high waters on the Mississippi River. Conditions on the Lower Mississippi River became so severe that they necessitated the opening of the Bonnet Carre Spillway by the Army Corps of Engineers in order to ease high water and partially combat very strong river currents. The high water contributed to numerous barge breakaways and a marked increase in vessel accidents. The additional operating requirements were designed to provide a greater margin of safety for vessels of 1,600 gross tons or greater operating on this waterway.

On April 20, 1997 (62 FR 23358, April 30, 1997), the towboat and barge limitations and the chemical and gas ship operating restrictions expired. The regulations affecting self-propelled vessels of 1,600 gross tons or greater were extended until July 1, 1997. On June 24, 1997 (62 FR 35097, June 30, 1997), the regulations affecting self-propelled vessels of 1,600 gross tons or greater were again extended, until

October 31, 1997. The purpose of this extension was to maintain the enhanced margin of safety that had been facilitated by these regulations. Although the Lower Mississippi River was receding, dangerous and unpredictable currents remained.

This final rule makes permanent the requirements of the temporary RNA, 33 CFR 165.T08-001, and adds those requirements to the permanent RNA established in 33 CFR 165.810. There was no adverse feedback from the public on the extensions or the concomitant operating requirements. Moreover, the additional operating requirements imposed increased the level of safety in the RNA.

Background and Purpose

In the interest of navigation safety in the narrow confines of the Lower Mississippi River, the Coast Guard is revising the regulations in 33 CFR 165.810 affecting self-propelled vessels of 1,600 gross tons or greater. The RNA described in this rule is required to protect vessels, bridges, shore-side facilities, commercial businesses, and the public from a safety hazard created by operations of deep-draft vessels along the Lower Mississippi River. During 1995 and 1996 over 300 self-propelled vessels of 1,600 gross tons or greater operating on the Mississippi River experienced casualties involving loss of power, loss of steering, or engine irregularities. The regulations will enhance the safety of navigation on the river and protect shoreside facilities, including commercial businesses, by causing masters and engineers to take measures that will minimize the risk of steering casualties, engine failures, and engine irregularities. They also place the ship in a manning status and operating condition that will allow the vessel to take prompt and appropriate emergency action should a casualty occur, thereby reducing the likelihood of a cascading series of allisions and collisions following a casualty.

To enhance safety for passenger vessels anchored or moored within the RNA, the Coast Guard is requiring certain passenger vessels to maintain manned pilothouse watches to monitor activity on the water and to be immediately available to activate emergency procedures to protect the vessel, crew, and passengers in the event of an emergency radio broadcast, danger signal, or other, visual indication of a problem. This measure will significantly enhance the safety of passenger vessels moored or anchored within the RNA. Each ferryboat, and each small passenger vessel to which 46 CFR 175.110 applies, will be required to

monitor and respond, but may conduct monitoring from a vantage point other than the pilothouse using a portable radio. These vessels were given consideration because of their relatively small size and the distribution of safety and emergency system controls throughout the vessel.

Discussion of Rule

The existing regulation in 33 CFR 165.810 establishes an RNA for the waters of the Mississippi River below Baton Rouge, LA, including South Pass and Southwest Pass. By this rule the Coast Guard adds specific operational requirements to certain vessels when transiting, moored, or anchored in the RNA. These requirements are designed to assist in the prevention of collisions and groundings, ensure port safety, enhance the safety of moored or anchored passenger vessels, and protect the navigable waters of the Mississippi River from environmental harm.

Subsection (e) of this rule addresses additional operating requirements for passenger vessels with embarked passengers. Passenger vessels shall continuously man their pilothouse and remain apprised of river activities in their vicinity by monitoring VHF emergency and working frequencies. This allows an individual operating a passenger vessel to be immediately available to take necessary action to protect the vessel, crew, and passengers in the event that an emergency broadcast, danger signal or other visual indication of a problem is received or detected. An exception to this rule is made for ferryboats, and for small passenger vessels to which 46 CFR 175.110 applies. Continuously manned pilothouses are not required on these vessels since shipboard emergency systems are normally distributed throughout the vessel rather than being centralized on the bridge and in the engineroom. Vessel personnel can adequately monitor VHF frequencies by portable radio from a vantagepoint other than the pilothouse.

Subsection (f) of this rule pertains to all self-propelled vessels of 1,600 or more gross tons covered by 33 CFR Part 164. The rule requires that the master shall ensure that the vessel is in compliance with 33 CFR Part 164 and that the engineroom is manned at all times while the vessel is under way in the RNA. Additionally, this subsection requires the master to ensure the chief engineer has certified that the main propulsion plant is ready in all respects for operations including the main-propulsion air-start systems, fuel systems, lube-oil systems, cooling systems, and automation systems; that

main propulsion machinery is available to immediately respond to the full range of maneuvering commands; that any load-limiting programs or automatic acceleration-limiting programs that would limit the speed of response to engine orders beyond that needed to prevent immediate damage to the propulsion machinery are capable of being overridden immediately; that cooling, lubricating, and fuel-oil systems are within proper temperature parameters; and that standby systems are ready to be placed immediately in service. These additional operating conditions are required so long as the vessel is under way in the RNA.

Discussion of Comments and Changes

The Coast Guard received nine comments regarding the interim rule.

Comment Relating to 33 CFR 165.810(e)

One comment received pertained to paragraph (e) of this rule. Although this subsection was not open for comment, the comment voiced the opinion that the term "small passenger vessel" needed to be defined and that passenger-carrying vessels without provisions for overnight passengers should not be included in the prescriptive provisions of this RNA rule. It was learned during the investigation into the M/V BRIGHT FIELD collision that the US-flagged vessels in the area were the QUEEN OF NEW ORLEANS and the CREOLE QUEEN. The QUEEN OF NEW ORLEANS was moored, and the CREOLE QUEEN had just got underway. Each had a manned bridge, which heard the VHF-FM broadcast and could ascertain the situation and take appropriate action. The two foreign-flagged vessels near the accident were the M/V ENCHANTED ISLE and the M/V NIEUW AMSTERDAM. Each was moored, and neither monitored the VHF-FM radio, but each had an officer on the bridge who quickly ascertained the emergency situation and began implementing emergency measures.

This regulation will require passenger vessels to man the pilothouse and will impose a high standard of care, which the four vessels discussed met without a regulation. This regulation imposes on transient vessels, including foreign-flag passenger vessels, the same standard of care already placed on local passenger vessels in their Certificate of Inspection issued by the OCMI. However, after careful review of the arrangement and configuration of these vessels and the comment's concern that the regulations did not specifically define "small passenger vessel" in the proposed rules, the Coast Guard has revised paragraph (e)(2) to allow all small passenger

vessels to which 46 CFR 175.110 applies to use portable radios to continuously monitor vessel-traffic and river conditions.

Comments Relating to 33 CFR 165.810(f)

The remaining eight comments addressed paragraph (f)(3)(iii) of the interim rule. Seven of the eight comments proposed that the "Manual Mode" provision should be removed. One comment in particular stressed that the proposed rule—as written—would detrimentally affect the safety of a particular company's operation. It stated that the proposed 33 CFR 165.810(f)(3)(iii), which requires "[a]utomatic or load limiting main propulsion plant throttle systems [to be] operated in the manual mode with engines available to immediately answer maneuvering commands," will reduce the level of safety presently maintained by the company's vessels. It explained that the company's vessels now use engine control systems designed to be operated from the bridge. The comment also indicated that the control systems could override any of the automatic-stop or load-limiting functions from the bridge, the engine-control room, or the emergency-maneuvering platform on the engine side. Essentially, this comment contended that the company's vessels have the full range of engine speed from all stations. The comment further noted that requiring operation of the engine-control system in the manual mode from the engine-control room removed one engineer from emergency response and that maneuvering in the manual mode put one more human element into the engine-control system. The comment also stated that the company has safety-management practices in place that address the concerns expressed in proposed 33 CFR 165.810(f)(3)(iii). Lastly, this comment recommended that that rule be replaced with 33 CFR 164.13(b), which would apply to all vessels. This rule requires that "[e]ach tanker must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the main control space and must consist of at least a licensed engineer."

Discussion of Change to "Manual Mode" Provision

The Coast Guard agrees with that portion of the comment that pertains to the concerns that 33 CFR 165.810(f)(3)(iii) could impair the safety of vessels. It is possible that different

engineroom configurations could cause confusion as to what precisely "manual mode" entails. For example, one master could interpret manual mode as requiring operation of the main engine from the engine-side throttle control, while another could interpret it as allowing engineroom-watch personnel to operate the main engine from the control booth. This confusion, and the possibility of automatic control systems being placed in jeopardy if main-propulsion throttle-system computer programs are deactivated or placed in a manual override mode in order to achieve a "manual mode" state, warrants further study by the Coast Guard in conjunction with industry. Therefore, the language contained in 33 CFR 165.810(f)(3)(iii) that required "[a]utomatic or load limiting main propulsion plant throttle systems [to be] operated in the manual mode with engines available to immediately answer maneuvering commands," is changed in this rule. Accordingly, 33 CFR 165.810(f)(3)(iii) will now require that main propulsion machinery be available to immediately respond to the full range of maneuvering commands, and that any load-limiting programs or automatic acceleration-limiting programs that would limit the speed of response to engine orders beyond that needed to prevent immediate damage to the propulsion machinery be capable of being overridden immediately.

Discussion of Change to Engineroom Manning

This final rule, like its predecessors, will require that the engineroom be manned at all times while the vessel is under way in the RNA. This manning requirement significantly increases safety by placing qualified eyes and ears in close proximity to the detailed alarms and indicators, the operating machinery, and the machinery controls. This rule does tie at least one engineering watchstander to the engineroom for watch responsibilities, limiting that engineer's availability for response to casualties elsewhere. However, the Coast Guard believes the presence of a licensed engineer in the engineroom, capable of immediate communications with the bridge, is essential to the safety of the vessel and the port. For clarity, 33 CFR 165.810(f)(1) is changed to read: "* * * each vessel must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual-control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the machinery-

control spaces and must consist of at least a licensed engineer."

The Coast Guard considers this change to § 165.810(f)(1) to be within the scope of the language contained in the interim rule for this same section. The requirement for the physical presence of a licensed engineer in the machinery spaces or machinery control spaces is a logical outgrowth of the interim rule's requirement that the "engineroom shall be manned at all times." Moreover, the existing practice in the RNA for self-propelled vessels of 1,600 gross tons or greater is to "man" the engineroom at all times with a licensed engineer. The use of a licensed engineer also adheres to the requirements established under Standard of Training and Certification of Watchstanding (STCW). However, since this change to § 165.810(f)(1) employs terms different from those contained in the interim rule, the Coast Guard will accept comments limited to this particular section of the final rule. If the Coast Guard receives comments that indicate there is a significant impact due to the difference between what was published in the interim rule and what is established in the final rule, it will open an additional comment period for § 165.810(f)(1) only.

Discussion Limiting Rule to Deep-Draft Vessels

The eighth comment noted that the proposed rule, as written, would force towboats and tugboats to comply with the same operational requirements that apply to deep-draft vessels even though the requirements are ill-suited for towing. It noted that the language in the proposed rule does not take into account a recent change to 33 CFR Part 164. In the past, Part 164 applied only to self-propelled vessels of 1,600 or more gross tons. However, the Final Rule on Navigation Safety Equipment for Towing Vessels, published in the July 3, 1996 (61 FR 35064), amended part 164 to include "towing vessels of 12 meters or more in length." As a result of this change, the proposed rule would have the unintended result of requiring towboats and tugboats to comply with requirements that do not apply to their mode of operation. The Coast Guard agrees with this comment. The intent of the proposed rule was that it applies only to vessels of 1,600 gross tons or greater, not to towboats or tugboats. The final rule has been amended to eliminate this unintended result.

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 cost and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1997). The Coast Guard expects the economic impact of this rule to be so minimal that full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The Coast Guard expects this because it did not receive any comments on the expense of implementing this rule. This rule does not require that additional personnel are required aboard each vessel; rather, it requires existing watchstanding personnel to be immediately available to respond to vessel emergencies. This rule establishes additional requirements in order to enhance vessel safety and better protect property within the RNA. This rule did impose additional costs, the Coast Guard believes they would be far outweighed by the safety benefits accrued from the rule. The prevention of another M/V BRIGHT FIELD-type allision would save shoreside businesses, maritime users, and the public in general tens of millions of dollars in potential property damage and personal injury.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers the economic impact on small entities of each rule for which a general notice of proposed rulemaking is required. "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. Because this final rule affects deep-draft vessels under way and passenger vessels when passengers are onboard, and because a ferryboat or small passenger vessel may monitor river activities using a portable radio from a vantage point other than the pilothouse, the Coast Guard's position is that this rule will not have a significant economic impact on a substantial number of small entities.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or

organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Assistance for Small Entities

In accordance with section 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 final 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 Mr. M.M. Ledet, Vessel Traffic Management Specialist, at the Eighth Coast Guard District, Marine Safety Division, New Orleans, LA, or by telephone at (504) 589-4686, for assistance.

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 12612 and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

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 M16475.1B (as revised by 61 FR 13563; March 27, 1996), this 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 (waters), Reporting and recordkeeping requirements, Safety measures, and Waterways.

In consideration of the foregoing, the Coast Guard amends part 165 of Title 33, Code of Federal Regulations, to read as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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; 46 CFR 1.46.

2. In § 165.810, revise paragraphs (e) and (f) to read as follows:

§ 165.810 Mississippi River, LA—regulated navigation area.

* * * * *

(e) Watch requirements for anchored and moored passenger vessels.

(1) *Passenger vessels.* Except as provided in paragraph (e)(2) of this section, each passenger vessel with one or more passengers on board, must—

(i) Keep a continuously manned pilothouse; and

(ii) Monitor river activities and marine VHF, emergency and working frequencies of the port, so as to be immediately available to take necessary action to protect the vessel, crew, and passengers if an emergency radio broadcast, danger signal, or visual or other indication of a problem is received or detected.

(2) Each ferryboat, and each small passenger vessel to which 46 CFR 175.110 applies, may monitor river activities using a portable radio from a vantage point other than the pilothouse.

(f) Each self-propelled vessel of 1,600 or more gross tons subject to 33 CFR part 164 shall also comply with the following:

(1) While under way in the RNA, each vessel must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual-control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the machinery-control spaces and must consist of at least a licensed engineer.

(2) Before embarking a pilot when entering or getting under way in the RNA, the master of each vessel shall ensure that the vessel is in compliance with 33 CFR part 164.

(3) The master shall ensure that the chief engineer has certified that the following additional operating conditions will be satisfied so long as the vessel is under way within the RNA:

(i) The main propulsion plant is in all respects ready for operations including the main-propulsion air-start systems, fuel systems, lubricating systems, cooling systems, and automation systems;

(ii) Cooling, lubricating, and fuel-oil systems are at proper operating temperatures;

(iii) Main propulsion machinery is available to immediately respond to the full range of maneuvering commands any load-limiting programs or automatic acceleration-limiting programs that

would limit the speed of response to engine orders beyond that needed to prevent immediate damage to the propulsion machinery are capable of being overridden immediately.

(iv) Main-propulsion standby systems are ready to be immediately placed in service.

Dated: March 22, 1999.

Paul J. Pluta,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach, CA, 99-001]

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 extending the effective period of an existing temporary Safety Zone in the navigable waters of the United States around the Stearns Wharf pier complex located in Santa Barbara, California. This safety zone is necessary to ensure the safety of the public during the demolition and reconstruction of the pier and will be in effect from 12 p.m. (PST) on March 31, 1999, to 12 p.m. (PDT) on August 31, 1999. Entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This rule is effective from 12 p.m. (PST) on March 31, 1999, until 12 p.m. on August 31, 1999. If the need for this safety zone terminates before August 31, 1999, the Captain of the Port will cease enforcement of this safety zone and will announce that fact by Broadcast Notice to Mariners.

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 Los Angeles-Long Beach from 9 a.m. to 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Rick 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, there is good cause why a notice of proposed rule-making (NPRM) was not published for this regulation, and good cause exists for making it effective 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 details concerning the construction of the pier and the completion date were not known until fewer than 30 days before the continuation of the construction.

Although this rule is 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 **ADDRESSES** in this preamble. Comments must be received on or before June 15, 1999. Those providing comments should identify the docket number for the regulation (COTP Los Angeles-Long Beach 99-001) and also include their names, addresses, 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

A previous temporary final rule was promulgated imposing an identical safety zone from December 9, 1998, through March 31, 1999 (64 FR 8001, February 18, 1999). The Coast Guard has recently been notified that pier demolition and reconstruction will not be completed as originally scheduled. It is thus necessary to extend the effective period of the safety zone through August 31, 1999. An opportunity for public comment was provided for the original temporary final rule; that comment period was due to close on April 19, 1999. Because of the significant extension of the effective period of the safety zone, a new public comment period has been established, extending 60 days from the date of publication.

This safety zone is necessary to safeguard all personnel and property during the extensive repairs and reconstruction of Stearns Wharf. The

activities surround the demolition and reconstruction 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 and recreational and commercial craft from the hazards associated with the reconstruction. Persons and vessel 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 costs 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, 1979). 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 not 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