

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

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 call 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 are 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 annual 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 cost of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Reform Act.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this temporary fund rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This rule will not effect a taking a private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

E.O. 12988, Civil Justice Reform. This rule meets applicable standards in section 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subject in 33 CFR Part 165

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

In consideration of the foregoing, amend Subpart F of Part 165 of Title 33, Code of Federal Regulations, 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. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105-383.

2. From 12 p.m. (PST) on March 31, 1999, through 12 p.m. (PDT) on August 31, 1999, a new § 165.T11-062 is added to read as follows:

§ 165.T11-062 Safety Zone: Santa Barbara Channel, CA

(a) *Location.* The following area is established as safety zone: all navigable waters falling within a rectangular box extending 100 feet from the outer limits of all sides and the seaward end 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) *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.

(c) *Effective dates.* This section is effective from 12 p.m. (PST) March 31,

1999, through 12 p.m. (PDT) 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.

Dated March 30, 1999.

G.F. Wright,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE036-1018a; FRL-6325-2]

Approval and Promulgation of Air Quality Implementation Plans; State of Delaware; Withdrawal of Final Rule for Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of notice of final rulemaking.

SUMMARY: EPA is hereby withdrawing a direct final rule approving Delaware's transportation conformity regulation as a revision to its State Implementation Plan (SIP). EPA published the direct final rule on February 23, 1999 (64 FR 8723). However, on March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in *Environmental Defense Fund v. Environmental Protection Agency*, No. 97-1637. In that opinion, the Court vacated portions of the federal transportation conformity rule which had been incorporated into Delaware's transportation conformity regulation and which had served as the basis for EPA's evaluation and approval of that regulation. A revised federal transportation conformity rule must be promulgated, and Delaware's regulation amended, to reflect that revised federal rule.

DATES: This withdrawal is made on April 16, 1999.

FOR FURTHER INFORMATION CONTACT: Larry Budney (215) 814-2184, or by e-mail at: budney.larry@epa.gov.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Nitrogen oxides, Ozone.