

of Greenwood Lake during the races, the effect of this regulation will not be significant for several reasons: the limited duration that the regulated area is in effect, marine traffic is able to transit through the regulated area at various times between races at the direction of the Coast Guard Patrol Commander, the event takes place on an inland lake that has no commercial traffic, it is an annual event with local support, and advance notifications will be made to the local maritime community via facsimile. Vessels, swimmers, and personal watercraft of any nature not participating in this event will be unable to transit through or around the regulated area during this event unless authorized by the Coast Guard Patrol Commander.

#### 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 the reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) 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 12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

#### 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 effected 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.

#### 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 100

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

#### Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

#### PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Add § 100.120 to read as follows:

#### § 100.120 Special Local Regulations: Greenwood Lake Powerboat Classic, Greenwood Lake, New Jersey.

(a) *Regulated area.* All waters of Greenwood Lake, New Jersey north of 41°08' N and south of 41°09' N (NAD 1983). The shoreline comprises the eastern and western boundaries.

(b) *Special local regulations.*

(1) Vessels not participating in this event, swimmers, and personal watercraft of any nature are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(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. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(c) *Effective period.* This section is in effect annually on Saturday and Sunday

from 10 a.m. until 7 p.m. on the first weekend before Memorial Day weekend.

Dated: February 5, 1999.

**R.M. Larrabee,**

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD13-99-001]

#### Drawbridge Operations Regulations; Columbia River, Oregon, Washington

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Thirteenth Coast Guard District has issued a temporary deviation from the regulations governing the operation of the Burlington Northern Santa Fe Railroad Bridge across the Columbia River, mile 105.6, between Vancouver, Washington, and Portland, Oregon. This deviation allows the owner to close the swing span from 6 a.m. February 28, to 6 a.m. March 4, 1999. The closure will accommodate major repair to the center bearing and other mechanical components. The approved temporary deviation is contingent upon coincidence with Columbia River navigation lock maintenance closure.

**DATES:** This deviation is effective from 6 a.m. February 28, 1999, to 6 a.m. March 4, 1999.

#### FOR FURTHER INFORMATION CONTACT:

John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, Telephone (206) 220-7272.

**SUPPLEMENTARY INFORMATION:** The Burlington Northern Santa Fe Railroad Bridge has a deteriorating center bearing which eventually could cause failure of alignment and operation of the swing span. This closure will enable the owner to repair this essential component as well as some others of lesser importance. While the Columbia River bears substantial commercial navigation in this reach, the Coast Guard anticipates that the impact will be less during the upstream lock maintenance closure currently scheduled for the same period. Recreational boating traffic is minimal at this season.

The bridge normally opens on signal at all times for the passage of vessels. This temporary deviation would permit

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.*

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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.