

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—[AMENDED]

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g).

§ 110.60 [Amended]

2. In section 110.60 paragraph (p-3) is removed.

Dated: April 13, 1998.

R.M. Larrabee,

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

[FR Doc. 98-11514 Filed 4-29-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[COTP Los Angeles-Long Beach, CA; 98-002]

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 on the navigable waters of the Santa Barbara Channel, California, around the oil and gas facilities commonly known as the Seaciff Pier Complex. These piers are located in Ventura County, immediately south of Punta Gorda (Mussel Shoals) and adjacent to Highway 101. A safety zone is needed for the pier decommissioning project which will use explosive charges to demolish 21 concrete caissons that currently support the pier. The safety zone will encompass a water area extending 500 yards in all directions from the center of the pier complex, which is situated at approximately 34°-21.02' N, 119°-25.46' W. Entry into, transit through, or anchoring within this Safety Zone is prohibited unless authorized by the Captain of the Port Los Angeles/Long Beach.

DATES: This safety zone will be in effect from 7 a.m. PDT on April 14, 1998 until 7 p.m. PST on January 3, 1999. Comments must be received on or before June 29, 1998.

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. Normal office hours are 8 a.m. to 4 p.m., PDT, Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer Clarence Rice, Marine Safety Detachment, Santa Barbara, California; (805) 962-7430.

SUPPLEMENTARY INFORMATION:**Regulatory Information**

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since the scope of activities requiring this safety zone, and other logistical details surrounding the event, were not finalized until a date fewer than 30 days prior to the project date.

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 in **ADDRESSES** in this preamble. Those providing comments should identify the docket number for the regulation (COTP Los Angeles-Long Beach, CA; 98-002) 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.

Background and Purpose

The Seaciff Pier decommissioning project requires a safety zone because explosive charges will be used to demolish 21 concrete structures that currently support the pier. These explosions pose a direct threat to the safety of surrounding vessels, persons, and property, and they create an imminent navigational hazard. This safety zone is necessary to prevent spectators, recreational and commercial

craft from collecting within 500 yards of the Seaciff Pier Complex during the decommissioning project, which is not scheduled to be completed until January 3, 1999. 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.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of the 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 (DOT) (44 FR 11040; February 26, 1979). Due to the short duration and limited scope of the safety zone, the Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

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 contact Chief Petty Officer Clarence Rice, Coast Guard Marine Safety Detachment, Santa Barbara, CA, at (805) 962-7430.

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 regulation under the principles and criteria contained in Executive Order 12612 and has determined that this regulation 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 regulation and concluded that under section 2.B.2. of Commandant Instruction M16475.1C 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 in the docket 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 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.

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:

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 § 165.T11-052 is added to read as follows:

§ 165.T11-052 Safety Zone; Santa Barbara Channel, CA.

(a) *Location.* The safety zone will encompass a water area extending 500 yard in all directions from the center of the Sealiff pier complex in the Santa Barbara Channel, which is situated at approximately 34° - 21.02' N, 119° - 25.46' W. All coordinates in this paragraph use Datum: NAD 83.

(b) *Effective Date.* This section will be in effect from 7 a.m. PDT on April 14, 1998 until 7 p.m. PST on January 3, 1999.

(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.

Dated: April 13, 1998.

G.P. Wright,

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

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 47

RIN 2900-A178

Reporting Health Care Professionals to State Licensing Boards

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: It continues to be the policy of the Department of Veterans Affairs (VA) to report to State Licensing Boards any separated physician, dentist, or other licensed health care professional whose clinical practice so significantly failed to meet generally accepted standards of clinical practice as to raise reasonable concern for the safety of patients. This document provides that, in addition, VA will report to State Licensing Boards any currently employed physician, dentist, or other licensed health care professional (one who is on VA rolls) whose clinical practice so significantly failed to meet generally accepted standards of clinical practice during VA employment as to raise reasonable concern for the safety of patients. Some health care professionals who are VA employees also provide health care outside VA's jurisdiction.

Accordingly, the reporting of currently employed licensed health care professionals who meet the standard for reporting is necessary so that State Licensing Boards can take action as appropriate to protect the public. Examples of actions that meet the criteria for reporting are set forth in the text portion of this rulemaking. Also, nonsubstantive changes are made for purposes of clarity.

DATES: Effective Date: June 1, 1998.

FOR FURTHER INFORMATION CONTACT: Ruth-Ann Phelps, Ph.D., Veterans Health Administration, Patient Care Services (11B), Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, at (202) 273-8473 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on October 8, 1997 (62 FR 52519), we proposed to expand our policy of reporting to State Licensing Boards to include any currently employed physician, dentist, or other licensed health care professional (one who is on VA rolls) whose clinical practice so significantly failed to meet generally accepted standards of clinical practice during VA employment as to raise reasonable concern for the safety of patients. Previously, the regulations only allowed the VA to report separated employees. The comment period ended on December 8, 1997. We received one comment.

The regulations, among other things, provide that VA will report individuals to State Licensing Boards for "substance abuse when it affects the individual's ability to perform appropriately as a health care provider or in the patient care environment." The commenter asserted that individuals should be reported for any substance abuse that is identified, and that any reporting should include a recommendation that the individual be required to obtain assistance at a substance abuse rehabilitation program.

No changes are made based on this comment. The provisions of Section 204 of Public Law 99-166 set forth the basic authority for reporting separated individuals to State Licensing Boards. This Statutory authority to report separated individuals to State Licensing Boards is limited to reporting based on a finding concerning an individual's clinical competence. We believe the policy for reporting should be the same for separated and currently employed individuals. Therefore, the final rule provides for reporting only if the finding of substance abuse reflects a finding that the clinical practice of the individual so significantly failed to meet generally