

§ 165.T01-167 Security Zones; Presidential Visit and United Nations General Assembly, East River, New York.

(a) *Security Zones.* The following areas are designated security zones:

(1) *Security Zone A:*

(i) *Location:* All waters of the East River bound by the following points: 40°44'37"N, 073°58'16.5"W (the base of East 35th Street Manhattan), then east to 40°44'34.5"N, 073°58'10.5"W (approximately 175 yards offshore of Manhattan), then northeasterly to 40°45'29"N, 073°57'26.5"W (approximately 125 yards offshore of Manhattan at the Queensboro Bridge), then northwesterly to 40°45'31"N, 073°57'30.5"W (Manhattan shoreline at the Queensboro Bridge), then southerly to the starting point at 40°44'37"N, 073°58'16.5"W. All nautical positions are based on North American Datum of 1983.

(ii) *Effective period.* Paragraph (a)(1) applies from 9 a.m. until 7 p.m., each day from Monday, September 20, 1999, through Saturday, September 25, 1999, and from Monday, September 27, 1999, through Friday, October 1, 1999.

(2) *Security Zone B:*

(i) *Location.* All waters of the East River north of a line drawn from approximate position 40°44'37"N, 073°58'16.5"W, at the base of East 35th Street in Manhattan to approximate position 40°44'23"N, 073°57'44.5"W at Hunters Point in Long Island City, and south of the Queensboro Bridge. All nautical positions are based on North American Datum of 1983.

(ii) *Effective period.* Paragraph (a)(2) applies from 9 a.m. until 11:30 a.m., and from 12:30 p.m. until 3:30 p.m. on Tuesday, September 21, 1999.

(b) *Effective period.* This section is effective from 9 a.m. on September 20, 1999, until 7 p.m. on October 1, 1999.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.33 apply to this section.

(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. These personnel comprise 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.

Dated: September 17, 1999.

R.E. Bennis,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach, CA; 99-005]

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 August 31, 1999 to 12 p.m. on October 31, 1999. Entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This rule is effective from 12 p.m. (PST) on August 31, 1999, until 12 p.m. on October 31, 1999. If the need for this safety zone terminates before October 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 should be received by October 15, 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 Los Angeles-Long Beach from 9 a.m. to 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Yuri V. Graves, 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 a 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 a date fewer than 30 days prior to the continuation of the construction.

Although this rule is published as a temporary final rule without prior notice, an opportunity for public comment is 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 by October 15, 1999. Those providing comments should identify the docket number for the regulation (COTP Los Angeles-Long Beach 99-005) 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

A prior temporary final rule was promulgated imposing an identical safety zone for the period December 9, 1998 through March 31, 1999 (64 FR 8001), and then was extended for the period March 31, 1999 through August 31, 1999 (64 FR 18814). The Coast Guard has recently been notified that the pier demolition and reconstruction project will not be completed as originally scheduled. It is thus necessary to extend the effective period of the safety zone through October 31, 1999. Due to the continuing need for the safety zone, a new safety zone and public comment period has been established.

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.

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 contact Lieutenant Yuri V. Graves, 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 is 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 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 affected 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.

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 Interim 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 of 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 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:

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.

2. From 12 p.m. (PST) on August 31, 1999, through 12 p.m. (PDT) on October 31, 1999, a new § 165.T11-066 is added to read as follows:

§ 165.T11-066 Safety Zone: Santa Barbara Channel, CA.

(a) *Location.* The following area is established as a safety zone: 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°24'30" N, longitude: 119°41'10" W.

(b) *Regulations.* In accordance with the general regulations in § 165.23, 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) on August 31, 1999 through 12 p.m. on October 31, 1999. If the need for this safety zone terminates before October 31, 1999, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

Dated: August 30, 1999.

G.F. Wright,

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

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