

SUPPLEMENTARY INFORMATION: in accordance with 5 U.S.C. 553, a notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days after Federal Regulation publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent destruction/loss/injury to military activities at Naval Station Long Beach.

Drafting Information

The drafters of this regulation are Lt R. F. Shields project officer for the Captain of the Port, and LCDR A. Lotz, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

The incident requiring this regulation will begin at 12 noon, on January 25, 1991. This Security Zone is necessary to ensure the security of military activities at Naval Station Long Beach during Operation Desert Storm.

List of Subjects in 33 CFR Part 165

Harbors marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Subpart D of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new § 165.T1105 is added to read as follows:

§ 165.T1105 Security Zone: Port of Long Beach, CA

(a) *Location.* The following area is a Security Zone: The navigable waters of Los Angeles/Long Beach harbors seaward of the Long Beach Naval Station Mole beginning at latitude 33-45'-06.5" N, longitude 118-14'-54.0" W; thence southerly to latitude 33-44'-38.5" N, longitude 118-14'-43.0" W; thence southeasterly to latitude 33-44'-30.0" N, longitude 118-14'-31.5" W; thence easterly to latitude 33-44'-24.0" N, longitude 118-13'-53.5" W; thence easterly to latitude 33-44'-39.5" N, longitude 118-13'-01.0" W; thence northwesterly to latitude 33-44'-42.0" N, longitude 118-13'-03.5" W; thence northwesterly to latitude 33-44'-47.0" N, longitude 118-13'-13.0" W. This

describes an area of the navigable waters of Los Angeles/Long Beach extending a minimum of 50 yards out along the entire outer face, and at the eastern end, of the Long Beach Naval Station Mole.

(b) *Effective Date.* This regulation becomes effective at 12 noon, January 25, 1991. It terminates at 12 midnight June 31, 1991.

(c) Regulations. In accordance with the general regulations in § 165.33 of this part, no person may swim, skin dive or scuba dive in the waters within the Security zone, and no vessel may enter, remain in, or transit the Security Zone without the permission of the Captain of the Port or the Commanding Officer, Naval Station Long Beach.

Section 165.33 also contains other general requirements.

Dated: January 25, 1991.

J. B. Morris,
Captain, U.S. Coast Guard. Captain of the Port, Los Angeles/Long Beach.

[FR Doc. 91-2672 Filed 2-4-91; 8:45 am]

BILLING CODE 4910-14-M

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt I-2361]

Organization and Delegation of Powers and Duties; Implementation of Aviation Safety and Capacity Expansion Act of 1990, Airport Noise and Capacity Act of 1990, and the Aviation Security Improvement Act of 1990

AGENCY: Department of Transportation (DOT) Office of the Secretary.

ACTION: Final rule.

SUMMARY: This amendment delegates authority to the Federal Aviation Administrator to the necessary actions to implement certain provisions of the Aviation Safety and Capacity Expansion Act of 1990 (including provisions that amend the Federal Aviation Act of 1958 and the Airport and Airway Improvement Act of 1982) and of the Airport Noise and Capacity Act of 1990, Title IX, subtitles B and D, respectively, of the Omnibus Budget Reconciliation Act of 1990. This amendment also delegates to the Federal Aviation Administrator authority to implement certain provisions of the Aviation Security Improvement Act of 1990.

EFFECTIVE DATE: January 31, 1991.

FOR FURTHER INFORMATION CONTACT: Barry L. Molar, General Legal Service Division, Airports and Environmental Law Branch, AGC-130, Federal Aviation

Administration, AGC-130, U.S. Department of Transportation, 800 Independence Ave. SW., 20591; telephone number (202) 267-3199, or Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C-50, U.S. Department of Transportation, 400 Seventh St. SW., Washington, DC 20590, telephone number (202) 366-9307.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental organization, notice and comment on it are unnecessary. For the same reason, good cause exists for not publishing the rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). The Secretary has determined that the authority to take certain actions under Title IX, subtitles B and D of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) (hereafter the Aviation Safety and Capacity Expansion Act of 1990 and Airport Noise and Capacity Act of 1990, respectively) should be delegated to the Federal Aviation Administrator. The Secretary has made the same determination with respect to certain provisions of the Aviation Security Improvement Act of 1990 (Pub. L. 101-604). These delegations are effective as of January 31, 1991.

Under 49 U.S.C. 322, the Secretary has the authority to delegate responsibilities to other Departmental officials and offices. The Secretary has determined that the Federal Aviation Administrator (hereafter, Administrator) should carry out most of the statutory responsibilities of the Aviation Safety and Capacity Expansion Act of 1990 and the responsibilities of the Airport Noise and Capacity Act of 1990. The responsibilities being delegated relate to elements of subtitles B and D that amend statutory provisions that the Administrator already implements, e.g. the Airport and Airway Improvement Act of 1982, as amended, 49 U.S.C. App. 2201 *et seq.*, or are closely related to issues over which the Administrator has traditionally had direct responsibility (e.g., aircraft noise and airport access restrictions). The Secretary has retained authority to implement the following selected provisions of subtitles B:

a. Subtitle B, Section 9113, Small Community Air Service Program;

(b) Subtitle B, Section 9125, Flight Takeoff or Landing Requirement for State Taxation;

c. Subtitle B, Section 9127, Certificate Transfers; and

d. Subtitle B, Section 9130, Prohibition Against Fraudulent Use of "Made in America" Labels;

These provisions do not pertain to matters within the scope of the Administrator's traditional responsibilities or involve matters that the Secretary as determined should otherwise remain the direct responsibility of the Secretary.

The Secretary has also determined that the Federal Aviation Administrator should carry out the Secretary's statutory responsibilities under amendments to sections 321 and 410 of the Federal Aviation Act included as provisions of the Aviation Security Improvement Act of 1990 (Pub. L. 101-604).

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organizations and functions (government agencies), Transportation Department.

In consideration of the foregoing, part 1 of title 49, Code of Federal Regulations 49 CFR part 1 is amended as follows:

PART 1—[AMENDED]

1. -The authority of part 1 continues to read as follows:

Authority: 49 U.S.C. 322.

2. Section 1.47 of 49 CFR part 1 is amended by adding paragraphs (r) (s) and (t) to read as follows:

§ 1.47 Delegations to Federal Aviation Administrator.

. . . . *

(r) Carry out the functions vested in the Secretary by the Airport Safety and Capacity Expansion Act of 1990, title IX, subtitle B of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508 [except those functions vested

in the Secretary by sections 9113, 9125, 9127 and 9130).

(s) Carry out functions vested in the Secretary by Airport Noise and Capacity Act of 1990, title IX, subtitle D of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508.

(t) Carry out the functions vested in the Secretary by sections 321 and 410 of the Federal Aviation Act, as amended by the Aviation Security Improvement Act of 1990, Public Law 101-604, November 16, 1990.

Issued in Washington, DC, on January 31, 1991.

Samuel K. Skinner,
Secretary.

[FR Doc. 91-2671 Filed 2-4-91; 8:45 am]

BILLING CODE 4910-62-M