

bounded on the south by a line drawn across the entrance to the Delaware Bay between Cape May Light and Harbor of Refuge Light and then continuing to the northernmost extremity of Cape Henlopen, and bounded on the north by a line drawn across the Delaware River between Trenton, NJ and Morrisville, PA along the southern side of the U.S. Route 1 Bridge.

(b) *Definitions.* As used in this section:

COTP means the Captain of the Port, Philadelphia, PA and any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his or her behalf.

Dangerous Cargo means those cargoes listed in § 160.203 of this chapter when carried in bulk, but does not include cargoes listed in Table 1 of 46 CFR part 153.

Underway means that a vessel is not at anchor, made fast to the shore, or aground.

(c) *Applicability.* This section applies to any vessel operating within the Regulated Navigation Area, including a naval or public vessel, except a vessel engaged in:

(1) Law enforcement;
(2) Servicing aids to navigation; or
(3) Surveying, maintaining, or improving waters within the Regulated Navigation Area.

(d) *Draft limitation.* Unless otherwise authorized by the COTP, no vessel with a draft greater than 55 feet may enter this regulated navigation area.

Note: The project depth in many areas of the Regulated Navigation Area is less than 55 feet.

(e) *Oil transfer operations.* Unless otherwise authorized by the COTP, no vessel to vessel oil transfer operations, excluding bunkering, may be conducted within the area between the southern boundary of this regulated navigation area and the southern span of the Delaware Memorial Bridge except within the anchorage ground designated in 110.157(a)(1) of this chapter.

(f) *Requirements for vessels carrying dangerous cargoes.* The master, owner, or operator of a vessel carrying a dangerous cargo shall:

(1) Notify the COTP at least 72 hours before the vessel enters or departs the regulated navigation area and at least 12 hours before the vessel moves within the regulated navigation area. The notice must include a report of the vessel's propulsion and machinery status and, for foreign flag vessels, the notice must include any outstanding deficiencies identified by the vessel's flag state or classification society;

(2) Not enter, get or remain underway within the regulated navigation area if

visibility is or is expected to be less than two (2) miles. If during the transit visibility becomes less than two (2) miles, the vessel must seek safe anchorage and notify the COTP immediately;

(3) Not anchor in any area within the regulated navigation area unless in times of emergency or with COTP permission;

(4) Not transfer dangerous cargo while the vessel is at anchor or bunkering;

(5) Maintain a manned watch in the steering compartment whenever the vessel is underway within the regulated navigation area unless the vessel has two separate and independent steering control systems with duplicate pilothouse steering gear control systems which meet the requirements of 46 CFR 85.25-55;

(6) When anchored within the regulated navigation area and:

(i) Sustained winds are greater than 25 knots but less than 40 knots, ensure the main engines are ready to provide full power in five minutes or less; and

(ii) Sustained winds are 40 knots or over, ensure that the main engines are on line to immediately provide propulsion;

(7) While moored within the regulated navigation area, ensure that at least two wire cable mooring lines (firewarps) are rigged and ready for use as emergency towing hookups fore and aft on the outboard side of the vessel;

(8) While underway or anchored within the regulated navigation area, ensure that at least two wire cable mooring lines (firewarps) are rigged and ready for use as emergency towing hookups fore and aft on the vessel; and,

(9) Proceed as directed by the COTP.

(g) *Requirements for vessels operating in the vicinity of a vessel carrying dangerous cargoes.* (1) Except for a vessel that is attending a vessel carrying dangerous cargo with permission from the master of the vessel carrying dangerous cargo or a vessel that is anchored or moored at a marina, wharf, or pier, and which remains moored or at anchor, no vessel may, without the permission of the COTP:

(i) Come or remain within 500 yards of the port or starboard side or within 1,000 yards of the bow or stern of an underway vessel that is carrying dangerous cargo; or

(ii) Come or remain within 100 yards of a moored or anchored vessel carrying dangerous cargo.

(2) The master, owner, or operator of any vessel receiving permission under paragraph (g)(1) of this section shall:

(i) Maintain a continuous radio guard on VHF-FM channels 13 and 16;

(ii) Operate at "no wake" speed or the minimum speed needed to maintain steerage; and

(iii) Proceed as directed by the COTP.

(3) No vessel may overtake a vessel carrying dangerous cargoes unless the overtaking can be completed before reaching any bend in the channel. Before any overtaking, the pilots, masters or operators of both the overtaking vessel and the vessel being overtaken must clearly agree on the circumstances of the overtaking, including vessel speeds, time and location of overtaking.

(h) *Additional restrictions above the C&D Canal.* When operating on the Delaware River above the C&D Canal:

(1) A vessel carrying dangerous cargo must be escorted by at least one commercial tug; and

(2) Meeting situations shall be avoided on river bends to the maximum extent possible.

(i) The COTP will issue a Broadcast Notice to Mariners to inform the marine community of scheduled vessel movements during which the restrictions imposed by paragraphs (g) and (h) of this section will be in effect.

Dated: July 8, 1997.

Roger T. Rupe, Jr.,
Vice Admiral, U.S. Coast Guard Commander,
Fifth Coast Guard District.

[FR Doc. 97-19780 Filed 7-25-97; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD13-97-019]

RIN 2115-AA97

Safety Zone Regulation; Naval Air Station Whidbey Island Air Show, Puget Sound, Washington

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Puget Sound from 11 a.m. (PDT) to 5 p.m. (PDT) July 26 and 27, 1997. The Captain of the Port Puget Sound, Seattle, Washington is taking the following action to safeguard watercraft and their occupants from the safety hazards associated with high performance aircraft conducting complex maneuvers at high speeds and low altitudes. The safety zone will encompass the area beginning at the shoreline at position latitude 48°20'20" N, longitude 122°41'20" W; thence to

position latitude 48°20'14" N, longitude 122°44'23" W; thence to position latitude 48°19'41" N, longitude 122°44'20" W; thence to the shoreline at position latitude 48°19'47" N, longitude 122°41'27" W; thence along the shoreline of Whidbey Island to the point of origin. It is effective July 26 and 27, 1997 from 11 a.m. (PDT) to 5 p.m. (PDT). Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation is effective on July 26 and 27, 1997, from 11 a.m. (PDT) to 5 p.m. (PDT) on each day.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection and copying at U.S. Coast Guard Marine Safety Office Puget Sound, 1519 Alaskan Way South, Building 1, Seattle, Washington 98134. Normal office hours are between 7 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT J.B. Roberts, c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, Washington 98134, (206) 217-6232.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective less than 30 days from the date of publication in the **Federal Register**. Publishing a NPRM would be contrary to the public interest since immediate action is necessary to ensure the safety vessels and spectators operating in the area of the air show. Notice of the event was not provided to the Coast Guard until two weeks prior to the event. Therefore, sufficient time was not available to publish the proposed rules in advance of the event or to provide a delayed effective date. If normal notice and comment procedures were followed, this rule would not become effective until after the date of the event. For this reason, following normal rulemaking procedures in this case would be impracticable and contrary to the public interest.

Background and Purpose

The Coast Guard is adopting a temporary safety zone regulation for the U.S. Naval Air Station Whidbey Island SEA 'N SKY FEST which features a number of air show performances including the USAF THUNDERBIRDS. The safety zone encompasses the area beginning at the shoreline at position latitude 48°20'20" N, longitude 122°41'20" W; thence to position latitude 48°20'14" N, longitude 122°44'23" W; thence to position

latitude 48°19'41" N, longitude 122°44'20" W; thence to the shoreline at position latitude 48°19'47" N, longitude 122°41'27" W; thence along the shoreline of Whidbey Island to the point of origin. The zone is needed to protect watercraft and their occupants, who may wish to view the air shows in close quarters, from safety hazards associated with high performance aircraft conduction complex maneuvers at high speeds. This safety zone will be enforced by representatives of the Captain of the Port Puget Sound, Seattle, Washington. The Captain of the Port may be assisted by other Federal, state, and local agencies.

Regulatory Evaluation

This proposal 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 (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the regulated area established by the proposed regulation is outside the Puget Sound traffic separation scheme and will have minimal impact on vessel transiting this area. The safety zone is centered on a line extending from the NAS runway on a heading of 247° Magnetic. The regulated area resembles a rectangle 2 nautical miles in length and 1000 yards in width, encompassing an area of approximately 3.2 square miles.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because the impacts of this proposal are expected to be minimal, 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 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 final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final 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 rule and has concluded that under Section 2.B.2.e. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

Final Regulation

For the reasons set out in the preamble, the Coast Guard amends part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for 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 temporary § 165.T13-016 is added to read as follows:

§ 165.T13-016 Safety Zone; Naval Air Station Whidbey Island Air Show, Puget Sound, WA.

(a) *Location.* The following area is a safety zone: All waters of Puget Sound bounded by a line commencing at position latitude 48°20'20" N, longitude 122°41'20" W; thence to position latitude 48°20'14" N, longitude 122°44'23" W; thence to position latitude 48°19'41" N, longitude 122°44'20" W; thence to the shoreline at position latitude 48°19'47" N, longitude 122°41'27" W; thence along the shoreline of Whidbey Island to the point of origin. All coordinates reference datum 1983. The area represents a 2 nautical mile long by 1000 yard wide rectangle that extends from the west end of the NAS Whidbey Island runway on a heading of 247°M.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of

this part, no person or vessel may enter or remain in this zone, except for participants in the event, supporting personnel, vessels registered with the event organizer, or other vessels authorized by the Captain of the Port or his designated representatives.

Effective dates. This regulation becomes effective on July 26 and 27, 1997, from 11 a.m. (PDT) to 5 p.m. (PDT) each day, unless sooner terminated by the Captain of the Port.

Dated: July 18, 1997.

Myles S. Boothe,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

[FR Doc. 97-19783 Filed 7-25-97; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

33 CFR Part 334

Danger Zone, Pacific Ocean, Naval Air Weapons Station, Point Mugu, Ventura County, California

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Interim final rule.

SUMMARY: This interim final rule invites comments on the Corps proposal to establish a danger zone in the waters of the Pacific Ocean extending 5,000 meters offshore from the small arms range at the Naval Air Weapons Station, Point Mugu, Ventura County, California. The danger zone would provide an appropriate and enforceable zone in which the Navy may conduct small arms test firing to qualify military and civilian security personnel.

DATES: Interim final rule effective July 28, 1997. Written comments must be submitted on or before August 27, 1997.

ADDRESSES: HQUSACE, CECW-OR, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Ms. Tiffany Welch at (805) 641-2935 or Mr. Ralph Eppard at (202) 761-1783.

SUPPLEMENTARY INFORMATION: The Commander, Naval Air Weapons Station, Point Mugu, has requested that the Corps establish a danger zone in the waters of the Pacific Ocean north of Point Mugu. The area will be open to public use at all times except when the Navy is using the firing range on shore. The Navy will give advance notice of closure of the area by local newspapers, VHF radio, contact with individual vessels and contact with certain fishing organizations. There are no anticipated navigational hazards or interference with existing traffic. General public use

of the area is restricted due to ongoing naval activities. Therefore, no loss of resources or use of resources would be borne by the public. On February 28, 1997, the Corps Los Angeles District Engineer issued a public notice soliciting comments on this proposed danger zone to all known interested parties. The District did not receive any objections to the establishment of the danger zone. In view of the existing threat to public safety within this area, this interim final rule is effective upon publication in the **Federal Register**. The Corps will consider all comments received in response to this interim final rule and in the event substantive comments are received, the Corps will take appropriate action which may include further revision or suspension of the rules.

Economic Assessment and Certification

This interim final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12291 do not apply. This interim final rule has been reviewed under the Regulatory Flexibility Act (P.L. 96-354), which requires the preparation of a regulatory flexibility and analysis for any regulation that will have significant economic impact on a substantial number of small businesses (i.e., small businesses and small Government jurisdictions). It has been determined that establishment of this danger zone would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, the Corps certifies that this proposal if adopted, will have no significant economic impact on small entities and preparation of a regulatory flexibility analysis is not warranted.

Review Under the National Environmental Policy Act

An environmental assessment has been prepared for this action. We have concluded that the establishment of the danger zone off Point Mugu will not have a significant impact to the human environment and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the Los Angeles District Office. Please contact Ms. Tiffany Welch at (805) 641-2935 for further information.

Unfunded Mandates Act

This interim final rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded

Mandates Act. We have also found under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

Submission to Congress and the General Accounting Office

Pursuant to Section 801(a)(1)(A) of the Administrative Procedure Act as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this interim final rule to the U.S. Senate, House of Representatives, and the Comptroller General of the General Accounting Office. This interim final rule is not a major rule within the meaning of Section 804(2) of the Administrative Procedure Act, as amended.

List of Subjects in 33 CFR Part 334

Danger Zones, Navigation (water), Transportation.

In consideration of the above, the Corps of Engineers is amending part 334 of title 33 to read as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 226; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

2. Add § 334.1125 to read as follows:

§ 334.1125 Pacific Ocean Naval Air Weapons Station, Point Mugu, Small Arms Range, Ventura County, California; danger zone

(a) *The area.* A triangular area extending southerly into the waters of the Pacific Ocean from a point on the beach north of Point Mugu, California, as follows:

Station	Latitude	Longitude
1	34°05'48" N	119°07'03" W.
2	34°03'20" N	119°08'16" W.
3	34°03'11" N	119°07'39" W.
4	34°05'42" N	119°06'59" W.
5	34°05'41" N	119°06'51" W.
6	34°05'45" N	119°06'52" W.

(b) *The regulations.* (1) Range firing will normally take place between 7 a.m. and 5 p.m. Monday through Friday.

(2) The danger zone may be used at all times for navigation and fishing, except when advance notice of intention to use this area has been given by the enforcing agency by one or more of the following means:

(i) Notice published in Ventura County daily newspaper, at least two