

submitting during the pendency of this request, another request to any United States Government department or agency or any State Department of Public Health, or equivalent, other than _____ (insert name of United States Government Agency requesting waiver) to act on my behalf in any matter relating to a waiver of my two-year home-country physical presence requirement.

(iv) Evidence that unsuccessful efforts have been made to recruit an American physician for the position to be filled.

(5) Except as set forth in § 514.44(f)(4), *infra*, the recommendation of the Waiver Review Branch shall constitute the recommendation of the Agency and such recommendation shall be forwarded to the Commissioner.

* * * * *

[FR Doc. 97-13918 Filed 5-27-97; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach, CA; 97-002]

RIN 2115-AA97

Safety Zone; San Pedro Bay, CA, Cerritos Channel

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of the United States in San Pedro Bay within the Cerritos Channel near the Henry Ford (Badger Avenue) Railroad Bridge, from 6 a.m. PDT on Monday, May 5, 1997 to 12 p.m. PDT on Thursday, October 2, 1997.

This regulation is needed to restrict vessel traffic in the regulated area due to construction operations on the Henry Ford Bridge involving the addition of new bridge towers and replacement of its movable spans. For construction purposes, the bridge will need to be in the closed (down) position, effectively closing the Cerritos Channel in the vicinity of the bridge to navigation and leaving only nine (9) feet of vertical clearance available over Mean High Water. This regulation prohibits general navigation in the regulated area until the bridge renovation is completed; upon completion, it will become a lift bridge, allowing for general vessel navigation, except to allow a train to cross or for maintenance purposes.

EFFECTIVE DATES: This regulation is effective from 6:00 a.m. PDT on Monday, May 5, 1997 to 12:00 p.m. PDT on Thursday, October 21, 1997 unless cancelled earlier by the Captain of the Port.

ADDRESSES: Marine Safety Office/Group Los Angeles-Long Beach, 165 N. Pico Ave., Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Lieutenant Keith T. Whiteman, Chief, Port Safety and Security Division, Marine Safety Office/Group Los Angeles-Long Beach at (562) 980-4454.

SUPPLEMENTARY INFORMATION:

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of its effective date would be contrary to the public interest since the details of the Henry Ford (Badger Avenue) Railroad Bridge construction were not finalized until a date fewer than 30 days prior to the event date.

Drafting Information: The drafters of this regulation are Lieutenant (junior grade) Kevin M. Nagata, Project Officer, Marine Safety Office/Group Los Angeles-Long Beach, CA and Lieutenant Kevin Bruen, Project Attorney, Maintenance and Logistics Command Pacific Legal Division.

Discussion of Regulation

The renovation of the existing Henry Ford (Badger Avenue) Railroad Bridge located in the San Pedro Bay Cerritos Channel from a drawbridge into a lift-type bridge similar to the adjacent Commodore Heim Bridge has an estimated timetable of 150 calendar days. During this time period, the Henry Ford Bridge will need to be in the closed (or down) position in order to install new bridge towers and replace movable spans, effectively closing down the channel to vessel navigation. The period of channel closure will last from May 5, 1997 to October 2, 1997 unless cancelled earlier by the Captain of the Port. The bridge, which is the only rail connection to Terminal Island, is currently under construction and several short-term modifications of the drawbridge regulation have already been authorized to facilitate piledriving and cofferdam installation among other operations. The bridge replacement requires significant channel adjacent to the bridge. In most cases it would be unsafe or impractical to have vessels

transiting this area during the construction period.

Vessels desiring to transit through the Cerritos Channel in the vicinity of the Henry Ford Bridge during the period of the safety zone will need to use an alternate route via the outer harbor or outside the Federal Breakwater. These alternate routes, although longer, should accommodate the reasonable needs of navigation.

Regulatory Evaluation

This 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 (DOT) (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.

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" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Due to the short duration of the safety zone and the availability of alternate routes, the Coast Guard expects the impact of this regulation to be minimal and certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation 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 rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this regulation and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

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, is amended as follows:

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

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

2. A temporary § 165.T11–057 is added to read as follows:

§ 165.T11–057 Safety Zone: San Pedro Bay, CA, Cerritos Channel

(a) *Location.* The following area is a safety zone: in the navigable waters in the Cerritos Channel of the Port of Long Beach, CA near the Henry Ford (Badger Avenue) Railroad Bridge, in an area more particularly described in follows: beginning at point 33°–46′01″ N, 118°–14′25.5″ W; thence east-northeast along the northern boundary of the Cerritos Channel to point 33°–46′02″ N, 118°14′22.5″ W; thence south to point 33°45′54″ N, 118°–14′22″ W; thence west-northwest along the southern boundary of the Cerritos Channel to point 33°–45′55″ N, 118°–14′25″ W; thence north to the point of beginning.

(b) *Effective Dates.* This regulation is effective from 6:00 A.M. PDT on Monday, May 5, 1997 to 12:00 P.M. PDT on Thursday, October 2, 1997 unless cancelled earlier by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port.

Dated: May 5, 1997.

E.E. Page,

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

[FR Doc. 97–13837 Filed 5–27–97; 8:45 am]

BILLING CODE 4910–14–M

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

[CGD01–97–026]

RIN 2115–AA97

Safety Zone: USS WASP, Fleet Week 1997, Port of New York and New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary moving safety zone on May 28, 1997, for the departure of the USS WASP following Fleet Week 1997. This moving safety zone includes all waters 500 yards fore and aft, and 200 yards on each side of the USS WASP as the vessel departs the Port of New York and New Jersey.

EFFECTIVE DATE: This regulation is effective on May 28, 1997.

ADDRESSES: Waterways Oversight Branch, Waterways Management Division, Coast Guard Activities New York, Bldg 108, Governors Island, New York 10004–5096.

FOR FURTHER INFORMATION CONTACT: Lieutenant John W. Green, Chief, Waterways Oversight Branch, Waterways Management Division, Coast Guard Activities New York, (212) 668–7906.

SUPPLEMENTARY INFORMATION:**Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM, and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date that specific, detailed information on the departure plans following the USS WASP's visit to New York City was made available to the Coast Guard, there was insufficient time to draft and publish an NPRM. Immediate action is needed to protect the maritime public from the hazards associated with a large vessel with limited maneuverability transiting the Port of New York and New Jersey.

Background and Purpose

The Intrepid Museum Foundation is sponsoring the Fleet Week 1997 Parade of Ships. The USS WASP has been designated as the Fleet Week Flagship and will enter the Port of New York and New Jersey on May 21, 1997, as a participant in the parade of ships. USS WASP intends to depart the Port of New York and New Jersey following the

completion of Fleet Week 1997 on May 28, 1997. This regulation will be effective during the departure of the USS WASP on May 28, 1997. This regulation establishes a moving safety zone within 500 yards fore and aft and 200 yards on each side of the USS WASP as it transits the Port of New York and New Jersey between Pier 88, Manhattan, New York, and Ambrose Channel Lighted Buoys "1" and "2", at or near 40°29.6' N latitude, 73°55.9' W longitude (NAD 1983). No vessels will be permitted to enter or move within this moving safety zone unless authorized by the Captain of Port, New York.

This regulation is needed to protect the maritime public from possible hazards to navigation associated with a large naval vessel transiting the Port of New York and New Jersey with limited maneuverability in restricted waters. It provides a clear traffic lane in order for the USS WASP to safely navigate to and from its berth.

Regulatory Evaluation

This rule 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 not been reviewed 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 10(e) of the regulatory policies and procedures of DOT is unnecessary. This moving safety zone will prevent vessels from transiting portions of Upper New York Bay and the Hudson River in the Port of New York and New Jersey on Wednesday, May 28, 1997. Although there is a regular flow of traffic through this area, there is not likely to be a significant impact on recreational or commercial traffic for several reasons: due to the moving nature of the safety zone, no single location will be affected for a prolonged period of time; the safety zone distances are less than the typical safe passage distances appropriate for transit near large vessels and aircraft carriers; vessels can transit on either side of the safety zone; and alternate routes are available to commercial and recreational vessels that can safely transit the Harlem and East Rivers, Kill Van Kull, Arthur Kill, and Buttermilk Channel. Similar safety zones have been established in the past for the arrival and departure of large naval vessels