

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]

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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

with minimal or no disruption to vessel traffic or other interests in the port. In addition extensive, advance advisories will be made to the maritime community so mariners can adjust their plans accordingly.

Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard analyzed this rule 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.

Small Entities

The Coast Guard has considered the economic impact of this rule under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). For the reasons discussed in the Regulatory Evaluation section, the Coast Guard finds that there will not be a significant impact on small entities.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under 2.B.2.e.(34)(g) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), this safety zone 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

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 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 section 165.T01–026 is added to read as follows:

§ 165.T01–026 Safety Zone: USS WASP, Fleet Week 1997, Port of New York and New Jersey.

(a) *Location.* This moving safety zone includes all waters 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).

(b) *Effective period.* This regulation is effective on May 28, 1997.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply to this safety zone.

(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. U.S. Coast Guard patrol personnel include 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: May 12, 1997.

Richard C. Vlaun,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NM 22–1–7103a; FRL–5831–3]

Approval and Promulgation of Implementation Plan for New Mexico: General Conformity Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: The EPA published, without prior proposal, a **Federal Register** (FR) action approving a State Implementation Plan (SIP) revision submitted by the State of New Mexico for general conformity in fulfilling the requirements of 40 CFR part 52, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans. The direct final approval action was published on March 26, 1997 (62 FR 14332). The EPA subsequently received an adverse comment on the action. Therefore, EPA is withdrawing its direct final approval action. The public comment received will be addressed in a subsequent final rulemaking action.

EFFECTIVE DATE: This withdrawal is effective on May 27, 1997.

ADDRESSES: Copies of the New Mexico General Conformity SIP and other relevant information are available for inspection during normal business hours at the following locations.

Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 665–7214.

Air Quality Bureau, New Mexico Environment Department, 1190 St. Francis Drive, Santa Fe, New Mexico 87502, Telephone: (505) 827–0042.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P. E.; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665–7247.

SUPPLEMENTARY INFORMATION:

I. Background

On March 26, 1997, EPA published a direct final action for approving the New Mexico general conformity SIP revision without a prior proposal action. Subsequently, EPA received an adverse comment on the direct final action. The commenter cited that a section in the New Mexico general conformity rule is more stringent than the Federal rule.

II. Withdrawal Action

The EPA is withdrawing its direct final approval action on the New Mexico general conformity SIP revision which was submitted by the Governor on July 18, 1996. The direct final approval action was published in the **Federal Register** of March 26, 1997 (62 FR 14332). The EPA is taking this action because an adverse comment was received during the public notice period. A subsequent final action will be published in the **Federal Register** for addressing the public comment. This withdrawal action is effective May 27, 1997.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, General conformity, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Volatile organic compounds.

Dated: May 16, 1997.

Jerry Clifford,

Acting Regional Administrator.

2. Accordingly, the direct final rule published on March 26, 1997 (62 FR 14332) that amended 40 CFR 52.1620 is withdrawn.

[FR Doc. 97–13925 Filed 5–27–97; 8:45 am]

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