

They further contend that until the construction of the cargo building and security system at Orlando-Sanford Airport, which has been delayed, the airport does not fully meet the criteria for a Customs port of entry.

#### Determination

Customs decision to suspend the November 10, 1997, effective date for conversion of Orlando-Sanford Airport to a port of entry was based in large part on claims that imposition of port of entry status on the date set by Customs would subject the Airport Operator to a significant additional cost that it could not, under agreements effective through May 1, 1998 with carriers landing at Orlando-Sanford Airport, pass on to carriers.

After reviewing all the comments, which basically represent two distinct competitive interests, Customs believes that delaying the designation of Orlando-Sanford Airport as a port of entry was appropriate under the circumstances. However, Customs believes Orlando-Sanford Airport was provided with sufficient opportunity to resolve the concerns it proffered to obtain that delayed effective date. Accordingly, Customs believes that the designation should not be further delayed.

Further, Customs believes the comments received did not demonstrate sufficient grounds for making the Orlando-Sanford Airport a port of entry before the May 1, 1998 announced effective date.

Accordingly, Customs is confirming that the effective date for the establishment of the Orlando-Sanford port of entry and the date for the termination of the airport's user fee status is May 1, 1998.

#### Amendment to the Regulations

For the reasons stated above, the effective date of the final rule document FR Doc. 97-18206, published in the **Federal Register** on July 11, 1997, and delayed until May 1, 1998, pursuant to interim rule document FR Doc. 97-29599, published in the **Federal Register** on November 7, 1997, is now finalized as May 1, 1998.

#### Regulatory Flexibility Act and Executive Order 12866

Because this document merely confirms a decision previously made, this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, and is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 603 *et seq.*). This amendment does not meet the criteria for a "significant regulatory

action" as specified in Executive Order 12866.

**Samuel H. Banks,**

*Acting Commissioner of Customs.*

Approved: April 17, 1998.

**John P. Simpson,**

*Deputy Assistant Secretary of the Treasury.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD 05-98-028]

#### Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

**SUMMARY:** This notice implements the special local regulations at 33 CFR 100.511 during the Warfare Capabilities Demonstration, a marine event to be held May 1, 1998, on Spa Creek and the Severn River at Annapolis, Maryland. These special local regulations are necessary to control vessel traffic in the vicinity of the U.S. Naval Academy due to the confined nature of the waterway and expected vessel congestion during the helicopter rappelling demonstration. The effect will be to restrict general navigation in the regulated area for the safety of spectators, event participants, and other vessels transiting the event area.

**DATES:** 33 CFR 100.511 is effective from 1 p.m. to 2 p.m. on May 1, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Chief Warrant Officer R.L. Houck, Marine Events Coordinator, Commander, Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226-1971, (410) 576-2674.

**SUPPLEMENTARY INFORMATION:** The U.S. Naval Academy Sailing Squadron will sponsor the Warfare Capabilities Demonstration on the Severn River, near the U.S. Naval Academy, Annapolis, Maryland. Waterborne activities will consist of Navy SEALs rappelling from a helicopter. In order to ensure the safety of participants and transiting vessels, 33 CFR 100.511 will be in effect for the duration of the event. Under provisions of 33 CFR 100.511, a vessel may not enter the regulated area unless it receives permission from the Coast Guard Patrol Commander. Spectator

vessels may anchor outside the regulated area but may not block a navigable channel. Because these restrictions will be in effect for a limited period, they should not result in a significant disruption of maritime traffic.

Dated: April 15, 1998.

**J.S. Carmichael,**

*Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.*

[FR Doc. 98-11226 Filed 4-27-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD05-98-026]

#### Drawbridge Operation Regulations; Wicomico River (North Prong)

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District has issued a temporary deviation from the regulations governing the operation of the Main Street drawbridge across the Wicomico River, mile 22.4, in Salisbury, Maryland. Beginning April 21, 1998, through May 19, 1998, this deviation requires three-hours advance notice for drawbridge openings from 9 a.m. through 3 p.m. on weekdays and from 7 p.m. on Fridays through 6 a.m. on Mondays. This deviation is necessary to allow the contractor to paint the bridge.

**DATES:** This deviation is effective from April 21, 1998 through May 19, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

**SUPPLEMENTARY INFORMATION:** Textar Painting Corporation, a contractor for the Maryland Department of Transportation, requested the Coast Guard to approve a temporary deviation from the normal operation of the bridge in order to accommodate painting the structure. To paint the bridge, a barge must be used which will block the waterway. Three-hours advance notice will be required to move the barge out of the channel and open the bridge during the requested time periods.

This deviation will not significantly disrupt vessel traffic, since very little exists during this time of the year. The regulations at 33 CFR 117.579 require the draw to open on signal except from 7 a.m. to 9 a.m., from 12 noon to 1 p.m.,

and from 4 p.m. to 6 p.m. During these time periods the draw opens only for tugs with tows if at least three-hours advance notice is given, and the reason for passage through the bridge during a closure period is due to delay caused by inclement weather or other emergency or unforeseen circumstances.

From April 21, 1998, through May 19, 1998, this deviation requires three-hours advance notice for openings of the Wicomico River Main Street Bridge from 9 a.m. through 3 p.m. on weekdays and from 7 p.m. on Fridays through 6 a.m. on Mondays.

Dated: April 17, 1998.

**J. Carmichael,**

*Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.*

[FR Doc. 98-11228 Filed 4-27-98; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-98-026]

RIN 2115-AA97

#### Safety Zone: Fleet Week 1998 Parade of Ships, Port of New York and New Jersey

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary safety zones for the Fleet Week 1998 Parade of Ships. A moving safety zone includes all waters 500 yards ahead and astern, and 200 yards on each side of the designated column of parade vessels as it transits New York Harbor's Upper Bay and the Hudson River, from the Verrazano Bridge to the George Washington Bridge. This action is necessary to prevent vessels from impeding the parade column and keep traffic to the western side of the Hudson River.

**DATES:** This rule is effective from 9 a.m. to 4 p.m. on Wednesday, May 20, 1998, unless terminated sooner by the Captain of the Port, New York.

**ADDRESSES:** You may mail comments to the Commander (wob) (CGD01-98-026), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305-5005; or deliver them to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays. The Waterways Oversight Branch (wob) of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments and documents

as indicated in this preamble will become part of this docket and will be available for inspection or copying at the same location, dates, and times listed above.

#### FOR FURTHER INFORMATION CONTACT:

Lieutenant (Junior Grade) A. Kenneally, Waterways Oversight Branch, Coast Guard Activities New York, at (718) 354-4195.

#### 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 accurate information concerning any pre-parade events and times became available, as well as a change in the personnel handling the event particulars, there was insufficient time to draft and publish an NPRM. Any delay encountered in this rule's effective date would be contrary to public interest, since immediate action is needed to protect the visiting vessels from being hazarded by smaller, privately-owned vessels while the larger vessels are in formation.

##### Background and Purpose

In mid-February, the Intrepid Museum Foundation submitted an Application for Approval of Marine Event to sponsor a parade of U.S. Coast Guard, U. S. Navy, and foreign naval ships through the Port of New York and New Jersey. This regulation establishes a moving safety zone to include all waters 500 yards ahead and astern, and 200 yards on each side of the designated column of parade vessels as it transits the Port of New York and New Jersey from the Verrazano Narrows Bridge through the waters of the Hudson River to Riverbank State Park, between West 137th and West 144th Streets, Manhattan, New York. The zone will expand beyond the parade vessel column east to the Manhattan shoreline between Piers 84 and 88, Manhattan, New York, as the column passes by that area. This expansion will give the public an unobstructed view of the parade from the pierside reviewing stand. Then, as the vessels turn in the waters west of Riverbank State Park and proceed southbound in the Hudson River, the moving safety zone will expand to include all waters within a 200 yard radius of each vessel from its turning point until it is safely berthed. This regulation is in effect from 9:00 a.m. to 4:00 p.m. on May 20, 1998,

unless extended or terminated sooner by the Coast Guard Captain of the Port, New York.

This regulation is needed to protect the maritime public from possible hazards to navigation associated with a parade of naval vessels transiting the waters of New York harbor in close proximity. These vessels have limited maneuverability and require a clear traffic lane to safely navigate.

##### 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 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the following: due to the moving nature of the safety zone, no single location will be affected for a prolonged period of time; commercial and recreational vessels could transit on either side of the moving safety zone except along the Manhattan side between Piers 84 and 88 as the parade passes by that area; and alternate routes are available for commercial and recreational vessels that can safely navigate the Harlem and East Rivers, Kill Van Kull, Arthur Kill, and Buttermilk Channel. Similar safety zones have been established for several past Fleet Week parades of ships with minimal or no disruption to vessel traffic or other interests in the port. In addition, extensive, advance notifications will be made to the maritime community so mariners can adjust their plans accordingly.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

For the reasons set forth in the Regulatory Evaluation section, the Coast Guard expects the impact of this proposal to be minimal. In addition,