

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.

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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,

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. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on it, please submit a comment explaining why you think it qualifies, and in what way and to what degree this rule will adversely affect it.

Collection of Information

This final rule does not provide for a collection-of-information under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criterion contained in Executive Order 12612 and has determined that this regulation does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

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 rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

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: Fleet Week 1998 Parade of Ships, Port of New York and New Jersey.

(a) *Location.* The following are safety zones:

(1) A moving safety zone including all waters 500 yards ahead and astern, and 200 yards on each side of the designated column of parade vessels as it transits 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.

(2) A safety zone including all waters of the Hudson River between Piers 84 and 88, Manhattan, New York, from the parade column east to the Manhattan shoreline as the column passes by that area.

(3) A moving safety zone including all waters within a 200 yard radius of each parade vessels from its turning point near Riverbank State Park until the vessel is safely berthed.

(b) *Effective period.* This section is effective from 9 a.m. to 4 p.m. on May 20, 1998.

(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: April 13, 1998.

L.M. Brooks,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 05–98–008]

RIN 2115–AA97

Safety Zone; Atlanta Ocean, Vicinity of Cape Henlopen State Park, DE

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a safety zone in the Atlantic Ocean near Cape Henlopen State Park,

Delaware. The safety zone is necessary to protect spectators and other vessels from the potential hazards associated with the Super Loki Rocket Launch from Cape Henlopen State Park.

DATES: This rule is effective May 9 and May 10, 1998.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer Ward, Project Manager, Waterways and Waterfront Facilities Branch, at (215) 271–4888.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public's interest because immediate action is needed to protect vessel traffic from the potential hazards associated with the splashdown of the motor from a Super Loki Meteorological Rocket.

Drafting Information: The principal persons involved in drafting this document are S. L. Phillips, Project Manager, Operations Division, Auxiliary Section, Fifth Coast Guard District and LTJG P. Markland, Project Counsel, Maintenance and Logistics Command Atlantic, Legal Division.

Background and Purpose

The Delaware Aerospace Education Foundation is launching a Super Loki Meteorological Rocket from Cape Henlopen State Park for the purpose of collecting meteorological data. The rocket payload will splash down in the Atlantic Ocean approximately 22 nautical miles southeast of the launch point. The rocket motor is expected to splash down within 2 nautical miles of the launch point. This safety zone is necessary to protect spectators and transiting vessels from the potential hazards associated with the launch of the Super Loki Meteorological Rocket and the subsequent splashdown of the rocket motor.

Discussion of the Regulation

This safety zone includes an 8 square mile section of the Atlantic Ocean adjacent to the launch site at Cape Henlopen State Park in Delaware. Specifically, the safety zone includes the waters of the Atlantic Ocean that are within the area bounded by a line drawn north from the tip of Cape Henlopen located at latitude 38°48.2' North, longitude 75°05.5' West, to a point located at latitude 38°49.4' North, longitude 75°05.5' West; then east to a point located at latitude 38°49.4' North, longitude 75°01.0' West; then south to a