

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

point located at latitude 38°43.0' North, longitude 75°01.0' West; then west to a point on the shoreline located at latitude 38°43.0' North, longitude 75°04.5' West.

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 subsequent splashdown of the rocket motor. The safety zone is effective on May 9 and May 10, 1998 and will be enforced on those days until the Coast Guard is satisfied that the spent rocket no longer poses a hazard to mariners. The Coast Guard will announce via Broadcast Notice to Mariners the anticipated time of the launch. Vessels are prohibited from transiting through the safety zone without first obtaining permission from the Captain of the Port, Philadelphia.

#### Regulatory Evaluation

This temporary 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 temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Because the regulated area is limited to 8 square miles and will only be enforced while the rocket's spent motor poses a hazard, the impact on routine navigation is expected to be minimal.

#### Collection of Information

This temporary rule contains no Collection of Information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

#### Federalism

The Coast Guard has analyzed this temporary rule under the principles and criteria contained in Executive Order 12612 and has determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this temporary rule and concluded that, under section 2.b.2.b and item (34)(g) of Figure 2–1 of Commandant Instruction M16475.1C

dated 14 November 1997, this rule 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.

For the reasons set out in the preamble, 33 CFR part 165 is amended 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. Section 165.T05.008 is added to read as follows:

#### § 165.T05.008 Safety Zone: Atlantic Ocean, Vicinity of Cape Henlopen State Park, Delaware.

(a) *Location.* The following area is a safety zone: All 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; thence east to a point located at latitude 38°49.4' North, longitude 75°01.0' West; thence south to a point located at latitude 38°43.0' North, longitude 75°01.0' West; thence west to a point on the shoreline located at latitude 38°43.0' North, longitude 75°04.5' West. All coordinates reference Datum: NAD 1983.

(b) *Effective Dates.* This section is effective May 9 and May 10, 1998.

(c) *General Information.*

(1) The Captain of the Port and the Duty Officer at the Marine Safety Office, Philadelphia, Pennsylvania, can be contacted at telephone number (215) 271–4940 and on VHF channels 13 and 16.

(2) The Captain of the Port may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing this safety zone.

(d) *Regulation.* The general regulations governing safety zones contained in § 165.23 apply. Vessels may not transit the safety zone without first obtaining permission from the Captain of the Port.

Dated: April 3, 1998.

**John E. Veenjer,**

*Captain, U.S. Coast Guard, Captain of the Port, Philadelphia, PA.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP Los Angeles-Long Beach, 97–007]

RIN 2115–AA97

#### Safety Zone: Los Angeles Harbor; San Pedro Bay, CA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is adopting as final with changes an interim rule that modified the locations of two safety zones and created an additional moving safety zone surrounding the Dredge FLORIDA while engaged in dredging operations associated with Stage II of the Pier 400 project, in Los Angeles Harbor and San Pedro Bay, CA.

**DATES:** This regulation is effective from 6 a.m. PDT on May 28, 1998 until 11:59 PST on December 31, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the U.S. Coast Guard Marine Safety Office Los Angeles-Long Beach, 165 N. Pico Avenue, Long Beach, CA 90802.

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

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On November 19, 1997, the Coast Guard published an interim rule with request for comments for this regulation in the **Federal Register** (62 FR 61630). The public was given until January 20, 1998, to comment on the regulation. No public comments were received with respect to the interim rule.

##### Background and Purpose

In the interim rule, the Coast Guard revised the safety zone boundaries codified in 33 CFR Part 165.1110 to better conform with the location of dredging and landfill activities associated with stage II of the Pier 400 project. The Coast Guard also added a third safety zone encompassing all navigable waters within 50 yards on all sides of the Dredge FLORIDA while it is engaged in dredging operations relating to the Pier 400 project, provided the FLORIDA is located within 3 nautical miles of the baseline from which the United States' territorial sea is measured. The new safety zones will remain in effect for the duration of the Pier 400 project.