

Amendment of the records would interfere with ongoing investigations and law enforcement activities and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

(4) From subsection (e)(1) because in the course of criminal or civil investigations, the Immigration and Naturalization Service often obtains information concerning the violation of laws other than those relating to violations over which INS has investigative jurisdiction. In the interests of effective law enforcement, it is necessary that INS retain this information since it can aid in establishing patterns of criminal activity and provide valuable leads for those law enforcement agencies that are charged with enforcing other segments of the criminal law.

(5) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection or apprehension.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to criminal law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life or physical safety of confidential informants.

(7) From subsection (e)(5) because in the collection of information for criminal law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement.

(8) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to criminal law

enforcement as this could interfere with the Immigration and Naturalization Service's ability to issue administrative subpoenas and could reveal investigative techniques and procedures.

(9) From subsection (g) for those portions of this system of records that were compiled for criminal law enforcement purposes and which are subject to exemption from the access provisions of subsection (d) pursuant to subsection (j)(2).

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP MIAMI 96-954]

RIN 2115-AA97

#### Safety Zone; Port Everglades; Fort Lauderdale, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish moving safety zones around naval aircraft carriers transiting the waters of Port Everglades, Fort Lauderdale, Florida. These proposed regulations are needed to protect all vessels and the public from the safety hazards associated with the arrival and departure of naval aircraft carriers making port calls. During arrival and departure, these types of vessels require the use of the center channel in Port Everglades for safe navigation and leave no room for other vessels to safely pass. Therefore, these proposed regulations are necessary for the safety of life on the navigable waters.

**DATES:** Comments must be received on or before May 6, 1997.

**ADDRESSES:** Comments may be mailed to Commanding Officer, U.S. Coast Guard, Marine Safety Office, Claude Pepper Federal Building, 51 SW 1st Ave., 5th Floor, Miami, FL 33130-1608, or may be hand delivered to Room 501 at the same address, between 8 A.M. and 4 P.M., Monday through Friday, except federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** CDR R.M. Miles, Chief, Port Management and Response Department, USCG Marine Safety Office Miami at (305) 535-8743.

## SUPPLEMENTARY INFORMATION:

### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice [COTP MIAMI 96-054], the specific section of this proposal to which their comments apply and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½" × 11" unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelop. The Coast Guard will consider all comments received during the comment period. The regulations may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will add to the rulemaking process.

### Discussion of Proposed Regulations

These proposed regulations are needed to provide for the safety of life on the navigable waters during the arrival and departure of naval aircraft carriers in Port Everglades, Fort Lauderdale, Florida. These moving safety zones are necessary, because of the significant risks associated with naval aircraft carriers transiting the area due to their size, draft, and channel restrictions. Historically, the Coast Guard has established a moving safety zone each time these class of naval vessels has transited the waters of Port Everglades both to and from a port call. Given the recurring nature of these port calls and the safety dangers associated with naval aircraft carriers, the Coast Guard proposes to establish a moving safety zone around these vessels during their arrival and departure from Port Everglades, Fort Lauderdale, Florida.

The proposed moving safety zone would be established in an area 700 yards forward, 500 yards astern and 350 yards on either side of naval aircraft carriers entering or departing Port Everglades. The proposed safety zone regulations would only be established for a period of one and a half hours during the arrival and departure of these

vessels. The Coast Guard would assign a patrol and issue a Broadcast Notice to Mariners to advise mariners of established safety zone in advance of the naval aircraft carrier's arrival and departure. This proposed safety zone would be effective only during the time indicated in the Broadcast Notice to Mariners.

#### Regulatory Evaluation

This proposal 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the limited duration of the moving safety zone, the extensive advisories that would be made to the affected maritime community and the minimal restrictions the safety zone regulations would place on vessel traffic. These regulations would be effective for a total of approximately 1½ hours for each inbound or outbound transit by a total of naval aircraft carrier.

#### 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" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

The Coast Guard certifies under 5 U.S.C. 605 (b) that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities. These proposed regulations would have a limited effect on small entities, because of the limited duration of the proposed regulations, the extensive advisories that would be made to the affected maritime community and the minimal restrictions the safety zone regulations would place on vessel traffic.

#### Collection of Information

These proposed regulations contain no collection-of-information

requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).  
Federalism

This proposal has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that the proposed rulemaking does not have sufficient Federalism implication to warrant the preparation of a Federalism Assessment.

#### Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal and has concluded that under paragraph 2.B.2.e(34)(b) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29 1994), this proposal is categorically excluded from further environmental documentation. Pursuant to 2.B.2.e(34)(g) of Commandant Instruction M16475.1B, a Categorical Exclusion Determination and Environmental Analysis Checklist has been created. Both the Categorical Exclusion Determination and Environmental Analysis Checklist are 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), Reports and recordkeeping requirements, Security measures, Waterways.

#### Proposed Regulations

For the reasons stated in the Preamble, the Coast Guard proposes to amend 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 new section § 165.711 is added to read as follows:

#### **§ 165.711 Safety Zone; Port Everglades, Fort Lauderdale, FL.**

(a) *Regulated Area.* A moving safety zone is established in the following area:

(1) Around naval aircraft carriers entering Port Everglades in an area 700 yards forward, 500 yards astern and 350 yards on either side of the vessel beginning at the Port Everglades Sea Buoy, in approximate position 26°–05.5'N, 80°–04.8'W, and continuing until the vessel is safely moored, in approximate position 26°–04.9'N, 80°–06.9'W. All

coordinates referenced use datum: NAD 83.

(2) Around naval aircraft carriers departing Port Everglades in an area 700 yards forward, 500 yards astern and 350 yards on either side beginning at the pier, in approximate position 26°–04.9'N, 80°–06.9'W, and continuing until the stern passes the Port Everglades Sea Buoy, in approximate position 26°–05.5'N, 80°–04.8'W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* (1) No person or vessel may enter, transit, or remain in the safety zone unless authorized by the Captain of the Port, Miami, Florida, or a Coast Guard commissioned, warrant, or petty officer designated by him.

(2) Vessels encountering emergencies which require transit through the moving safety zone should contact the Coast Guard patrol craft on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(3) All persons and vessels shall comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include Coast Guard commissioned, warrant, or petty officers. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

Dated: December 6, 1996.

D.F. Miller,

*Captain, U.S. Coast Guard, Captain of the Port, Miami, FL.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[PA 098–4032; FRL–5700–1]

### **Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; 15 Percent Rate-of-Progress Plan and 1990 VOC Emission Inventory for the Pittsburgh Ozone Nonattainment Area**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking, correction.

**SUMMARY:** This action corrects and clarifies the proposed action which was published on Wednesday, January 22, 1997 (62 FR 3254–3260). This action pertains to the State Implementation