

165 of Title 33, Code of Federal Regulations, 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 165T.13–022 is added to read as follows:

§ 165.T13–022 Safety Zone; Commencement Bay, Tacoma, WA.

(a) *Location.* The following area is a safety zone: All waters of Commencement Bay, Tacoma, WA, bounded by a line commencing at position latitude 47°15'49" N, longitude 122°26'00" W; thence to position latitude 47°16'24" N, longitude 122°26'19" W; thence to position latitude 47°17'23" N, longitude 122°28'40" W; thence to position latitude 47°17'00" N, longitude 122°29'00" W; thence along the shore of Commencement Bay to position latitude 47°15'41" N, longitude 122°26'21" W; thence returning across the mouth of the Thea Foss Waterway to the point of origin. This safety zone resembles a rectangle measuring approximately 2.4 miles along the shoreline and extending approximately 800 yards into Commencement Bay. [Datum: NAD 83]

(b) *Regulations.* In accordance with the general regulations in 165.23 of this part, no person or vessel may enter or remain in this zone, except for participants in the event, supporting personnel, vessels registered with the event organizer, or other vessels authorized by the Captain of the Port or his designated representatives.

(c) *Effective dates.* This section is effective on September 28, 1997, at 12:30 p.m. (PDT) and terminates on September 28, 1997, at 3:30 p.m., unless sooner terminated by the Captain of the Port.

Dated: September 18, 1997.

M.S. Boothe,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

[FR Doc. 97–25597 Filed 9–25–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD07–97–019]

RIN 2115–AE84

Regulated Navigation Area: Miami, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent regulated navigation area on portions of the Miami River, and Tamiami Canal. Over 300 freight vessels, ranging in size from 40 to 278 feet in length and 20 to 2600 gross tons routinely operate from the Miami River and the Tamiami Canal. The waterway channel is well under 150 feet wide at most points, and as vessels are often moored several abreast into the waterway this can result in little room in the channel for the safe navigation of other vessels transiting the waterway. This regulated navigation area is needed to provide for an unrestricted navigation channel by preventing the improper mooring of vessels on affected portions of the Miami River and the Tamiami Canal. By establishing this permanent regulation, the Coast Guard expects to improve navigational safety on the river, prevent marine casualties which can cause injury to persons, property and the environment, and ensure the river's continued ability to serve as a main artery for flood control.

DATES: This Regulated Navigation Area is effective October 27, 1997.

FOR FURTHER INFORMATION CONTACT: LCDR S.M. Hanewich, Port Management and Response Department, USCG Marine Safety Office Miami at (305) 535–8764.

SUPPLEMENTARY INFORMATION:

Regulatory History

A Notice of Proposed Rulemaking concerning this Regulated Navigation Area on the Miami River, was published in the **Federal Register** on June 9, 1997 (62 FR 31385). No comments were received during the comment period.

Background and Purpose

These regulations are needed to provide for the unimpeded transit of vessels along portions of the Miami River and the Tamiami Canal, to prevent damage to bridges and other structures or moored vessels, and to protect the navigable waters from harm resulting from improperly moored vessels in the Miami River and Tamiami Canal. The

project channel depth is 15 feet. The width varies from 150 feet at the mouth of the river (at the Brickell Avenue Bridge) to 90 feet at the limit of navigation (South Florida Water Management District salinity dam). The Coast Guard believes that a significant risk exists that vessels rafted too far into the waterway channel interfere with the ability of other vessels to navigate. Furthermore, local emergency response personnel have been hampered in their ability to reach outboard rafted vessels during vessel fires and other emergencies.

The Miami River also serves as a flood control conduit in southern Florida, especially during hurricanes and tropical storms. During periods of high water, the South Florida Water Management District may release water from the Everglades and surrounding areas into the river. Vessels that are improperly moored along the river, as when there are more than two vessels abreast, create a risk that the vessels may break loose and damage bridges or other vessels, or create obstructions which could jeopardize navigation and flood control. This rule is intended to improve navigational safety on the river, and ensure the river's continued ability to serve as a main artery for flood control.

These regulations would not allow vessels to be rafted more than two abreast. Neither a single vessel nor a maximum of two rafted vessels will be allowed to extend greater than 54 feet into the main river (measured from the dock) without permission of the Captain of the Port. There are many mooring facilities available on the river to accommodate those vessels required to move because of these regulations. These regulations will require that a minimum navigation channel width of 65 feet exist on the Miami River at all times, from the Brickell Avenue Bridge west to the Tamiami Canal. A minimum channel width of 45 feet shall exist at all times on the Tamiami Canal and on the Miami River west of its junction with the Tamiami Canal to the South Florida Water Management District's salinity dam. No moored vessels shall extend into the channels in such a way as to obstruct navigation. All moored and rafted vessels shall provide safe access from the shore in order that the vessel can be boarded by crew and authorities quickly and efficiently as needed.

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 10e of the regulatory policies and procedures of DOT is unnecessary as there are numerous available moorings on the Miami River and Tamiami Canal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this action will have a significant economic 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 field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) that this rule will not have a significant economic impact on a substantial number of small entities, as there are multiple mooring facilities available on the Miami River and the Tamiami Canal.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environmental Analysis

The Coast Guard has considered the environmental impact of this action and has determined pursuant to section 2.B.2.e(34)(g) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), that this action is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist have been prepared and are available in the docket for inspection and copying.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (waters), Reporting and recordkeeping

requirements, Security measures, Waterways.

Final Regulations

In consideration of the foregoing, the Coast Guard amends Subpart F of Part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new § 165.726 is added to read as follows:

§ 165.726 Regulated Navigation Areas; Miami River, Miami, Florida.

(a) *Location.* The following are Regulated Navigation Areas:

(1) All the waters of the Miami River, Miami, Florida, from the Brickell Avenue Bridge, in approximate position 25°–46.19' N, 80°–11.4' W, inland to the South Florida Water Management District's salinity dam in approximate position 25°–48.4' N, 80°–15.6' W.

(2) The Tamiami Canal from its intersection with the Miami river in approximate position 25°47.7' N, 80°14.7' W to the N.W. 37th Avenue bridge in approximate position 25°48.5' N, 80°15.5' W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* The restrictions in this paragraph apply to vessels operating within the regulated navigation areas in paragraph (a) of this section unless authorized to deviate by the Captain of the Port, Miami, Florida, or a Coast Guard commissioned, warrant, or petty officer designated by him.

(1) All rafted vessels (inboard and outboard) must be properly moored in accordance with applicable municipal laws and regulations.

(2) At no time shall any vessels be rafted more than two abreast.

(3) Neither single nor rafted vessels shall extend greater than 54 feet into the main river (measured from the dock) without permission of the Captain of the Port.

(4) A minimum channel width of 65 feet shall be maintained at all times on the Miami River from the Brickell Avenue Bridge west to the Tamiami Canal. A minimum channel width of 45 feet shall be maintained at all times on the Miami River west of the junction of the Miami River and the Tamiami Canal to the South Florida Water Management District's salinity dam, as well as on the Tamiami Canal from its mouth to the N.W. 37th Avenue Bridge.

(5) All moored and rafted vessels shall provide safe access from the shore.

(6) All moored and rafted vessels shall provide clear and ready access for land-based firefighters to safely and quickly reach outboard rafted vessels.

(7) No vessels shall moor or raft in any manner as to impede safe passage of another vessel to any of the tributaries of the Miami River.

(8) Nothing in these regulations shall prohibit the U.S. Army Corps of Engineers from requiring the relocation or movement of vessels in a declared flood emergency.

(c) *Enforcement.* Violations of these regulated navigation areas should be reported to the Captain of the Port, Miami. Persons in violation of these regulations will be subject to civil penalty under § 165.13(b) of this part.

Dated: September 18, 1997.

N.T. Saunders,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[M12–01–7266; FRL–5898–2]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On June 12, 1997, the Environmental Protection Agency (EPA) published an action of proposed rulemaking discussing its decision to approve a revision to the Michigan State Implementation Plan (SIP) to grant an exemption for the Muskegon County ozone nonattainment area from the applicable Oxides of Nitrogen (NO_x) transportation conformity requirements. See **Federal Register** (62 FR 32058). No comments were received by the EPA during the 30-day comment period. This rule finalizes EPA's decision to approve the exemption for Muskegon County, moderate ozone nonattainment area, from the transportation conformity requirements for NO_x. The Michigan SIP revision request is based on the urban airshed modeling (UAM) conducted for the attainment demonstration for the Lake Michigan Ozone Study (LMOS) modeling domain. Additional information is available at the address indicated below.