

2. A new temporary § 165.T17-001 is added to read as follows:

**§ 165.T17-001 Summer Bay Safety Zone.**

(a) *Location.* The following area is a Safety Zone: the area bounded by the following coordinates: from Second Priest Rock (N53-54.18, W166-28.0) north to N53-55.0, W166-28.0 east to N53-55.0, W166-26.6 south to the southwest bluff bordering Morris Cove (N53-54.70, W166-26.6.). Datum NAD 1983.

(b) *Effective dates.* This section becomes effective on January 26, 1998 at approximately 1:00 p.m. ADT and terminates on February 28, 1998 at approximately 11:59 p.m. ADT.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port.

Dated: January 26, 1998.

**E.P. Thompson,**

*Captain, USCG, Captain of the Port Western Alaska.*

[FR Doc. 98-3910 Filed 2-13-98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

**[CGD 13-98-002]**

**RIN 2115-AE84**

**Clarification and Rearrangement of Puget Sound Vessel Traffic Service Regulated Navigation Area (RNA) Regulations**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Direct final rule.

**SUMMARY:** By this direct final rule, the Coast Guard is rearranging and clarifying the current wording of Puget Sound Vessel Traffic Service Regulated Navigation Area Regulations. This action is necessary to clearly differentiate between conditions when "general regulations" and "congested regulations" apply within the Regulated Navigation Area of Puget Sound. This direct final rule will make no substantive changes in the meaning or interpretation of the existing regulations. The direct final rule is intended to improve understanding of, and compliance with, these regulations, and to make these regulations less subject to confusion by waterway users.

**DATES:** This rule is effective May 18, 1998, unless the Coast Guard receives a written adverse comment or written

notice of intent to submit an adverse comment on or before April 20, 1998. If the Coast Guard receives a written adverse comment or notice of intent to submit a written adverse comment is received, the Coast Guard will withdraw this direct final rule and publish a timely notice of withdrawal in the **Federal Register**.

**ADDRESSES:** You may mail or deliver comments to U.S. Coast Guard, Thirteenth Coast Guard District, Marine Safety Division, 915 2nd Avenue, Room 3506, Seattle, WA, 98174-1067. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. The telephone number is (206) 220-7217.

The Marine Safety Division 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 above address.

**FOR FURTHER INFORMATION CONTACT:** LT Chris Woodley, C-GD13 (moc-2), 915 2nd Avenue, Room 3506, Seattle, WA, 98174-1067, (206) 220-7217.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 13-98-002) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

**Regulatory Information**

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05-55, because no adverse comment is anticipated. If no adverse comment or written notice of intent to submit an adverse comment is received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, approximately 30 days before the effective date, the Coast Guard will publish a document in the **Federal Register** stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if the Coast Guard receives a written adverse comment or

written notice of intent to submit an adverse comment, the Coast Guard will publish a document in the **Federal Register** announcing withdrawal of all or part of this direct final rule. If an adverse comment applies to only part of this rule and it is possible to remove that part without defeating the purpose of this rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comment was received. The part of this rule that was the subject of an adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of an adverse comment, the Coast Guard will publish a separate Notice of Proposed Rulemaking (NPRM) and provide a new opportunity for comment.

A comment is considered "adverse" if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

**Background and Purpose**

On August 29, 1994, the Coast Guard published in the **Federal Register** [39 FR 44321] the Final Rule [CGD13 90-003] for a Regulated Navigation Area (RNA) for Puget Sound (33 CFR 165.1301) and adjacent waters in northwestern Washington to prevent vessel collisions and groundings, loss of property, loss of life, and environmental damage, resulting from conflicts between varied users of these waters. These regulations were intended to encompass fishing vessels, pleasure craft, ferries, towboats, and deep draft vessels. As written, the regulations of 33 CFR 165.1301 are unclear as to which provisions apply all the time (general regulations) and which provisions apply only when hazardous levels of vessel traffic congestion exist (congestion regulations). Currently, the only clarification between general and congested conditions is written in the Puget Sound Vessel Traffic Service Users Manual. This document is not legally binding and is subject to challenge. Consequently, it is necessary to rearrange and clarify the current text 33 CFR 165.1301 to promote a better understanding of these regulations by waterway users, and improve compliance within the Puget Sound Regulated Navigation Area. The proposed changes are in alignment with current practice, and with the "Discussion of Comments and Changes" section of the Final Rule published in the Federal Register on August 29, 1994.

### Discussion of Rule

This direct final rule will rearrange and clarify the existing regulations of 33 CFR 165.1301, with particular emphasis on paragraphs (b), (c), and (d). Specifically, this direct final rule will make distinctions between when "general regulations" and "congestion regulations" apply within the Puget Sound Regulated Navigation Area. Paragraph 1301(b) will address applicability of the 72 COLREGS as is currently addressed in paragraph (c)(1). Paragraph 1301(c) will continue to be titled "General Regulations," but would be rearranged to contain existing provisions that apply at all times within the Puget Sound RNA. Paragraph 1301(d) would be renamed "Congestion Regulations" and will contain existing provisions that apply only when hazardous levels of congestion are deemed to exist by Puget Sound Vessel Traffic Service. The provisions of old paragraph (d), currently titled "Prohibited Fishing Areas," will be incorporated into new paragraphs (c) and (d). Paragraphs (a) and (e) will remain unchanged.

### 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 not been reviewed 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 direct final rule is a rearrangement and clarification of existing regulations. There is no substantive change as a result of this action. Waterway users currently affected by the current regulations of 33 CFR 165.1301 will not have to alter current practices, and will incur no additional cost in complying with this direct final rule.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this rule 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

fields, and governmental jurisdictions with populations of less than 50,000. The rearrangement and clarification of 33 CFR 165.1301 (b)–(d) will have no impact on small entities because no substantive changes or new interpretations are being made to the regulations. This section of the regulations is being rewritten to simply remove confusion and improve understanding of, and compliance with, the existing regulations. Therefore, 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.

### Collection of Information

This rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule 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 paragraph 2.B.2.1. of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This direct final rule is a procedural clarification of an existing regulation which clearly does not have any environmental impacts. 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), Reports and recordkeeping requirements, Security measures, Waterways.

### Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

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

#### Part 165—[AMENDED]

**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 C.F.R. 1.46.

2. Section 165.1301 is revised to read as follows:

#### § 165.1301 Puget Sound and Adjacent Waters in Northwestern Washington—Regulated Navigation Area.

The following is a regulated navigation area—All of the following northwestern Washington waters under the jurisdiction of the Captain of the Port, Puget Sound: Puget Sound, Hood Canal, Possession Sound, Elliott Bay, Commencement Bay, the San Juan Archipelago, Rosario Strait, Guemes Channel, Bellingham Bay, U.S. waters of the Strait of the Strait of Juan de Fuca, Haro Strait, Boundary Pass, and Georgia Strait, and all lesser bays and harbors adjacent to the above.

(a) Definitions as used in this section:

(1) *Vessels engaged in fishing* are as identified in the definition found in Rule 3 of the International Regulations for Prevention of Collisions at Sea, 1972, (72 COLREGS), found in Appendix A, Part 81 of this chapter.

(2) *Hazardous levels of vessel traffic congestion* are as defined at the time by Puget Sound Vessel Traffic Service.

(b) Nothing in this section shall be construed as relieving any party from their responsibility to comply with applicable rules set forth in the 72 COLREGS.

(c) General Regulations: The provisions of this paragraph apply at all times.

(1) Vessels engaged in fishing or other operations—that are distinct from vessels following a TSS or a connecting precautionary area east of New Dungeness and which are not required by the Bridge to Bridge Radiotelephone Regulations to maintain a listening watch, are highly encouraged to maintain a listening watch on the Puget Sound Vessel Traffic Service (PSVTS) VHF–FM radio frequency for the area in which the vessel is operating. A safe alternative to the radio listening watch is to stay clear of the TSS and connecting precautionary area.

(2) Vessels engaged in gill net fishing at any time between sunset and sunrise in any of the waters defining the regulated navigation are of this section shall, in addition to the navigation lights and shapes required by Part 81 of this title (72 COLREGS), display at the end of the net most distant from the vessel on all-round (32-point) white light visible for a minimum of two nautical miles and displayed from at least three feet above the surface of the water.

(3) Vessels engaged in fishing, including gillnet and purse seine fishing, are prohibited in the following Prohibited Fishing Area: The Hood Canal Bridge, to include the waters within a one-half nautical mile radius of the center of the main ship channel

draw span during the immediate approach and transit of the draw by public vessels of the United States.

(4) East of New Dungeness, vessels engaged in fishing in a traffic lane or connecting precautionary area shall tend nets or other gear placed in the water so as to facilitate the movement of the vessel or gear from the traffic lane or precautionary area upon the approach of a vessel following the TSS.

(d) Congested Regulations: The provisions under this paragraph apply only when imposed in specific locations by Puget Sound Vessel Traffic Service. They are intended to enhance vessel traffic safety during periods and in locations where hazardous levels of vessel traffic congestion are deemed to exist by Puget Sound Vessel Traffic Service. Operations potentially creating vessel traffic congestion include, but are not limited to, vessels engaged in fishing, including gillnet or purse seine, recreational fishing derbies, regattas, or permitted marine events.

(1) Vessels engaged in fishing or other operations—that are distinct from vessels following a Traffic Separation Scheme (TSS) or a connecting precautionary area east of New Dungeness, may not remain in, nor their gear remain in, a traffic lane or a connecting precautionary area east of New Dungeness when a vessel following a TSS approaches. Such vessels not following a TSS or a connecting precautionary area shall draw in their gear, maneuver, or otherwise clear these areas so that their action is complete at least fifteen minutes before the arrival of a vessel following the TSS. Vessels which are required by this paragraph to remain clear of a connecting precautionary area east of New Dungeness or a traffic lane must also remain clear of the adjacent separation zone when in a TSS east of New Dungeness.

(2) A vessel following the TSS may not exceed a speed of 11 knots through the water.

(3) Vessels engaged in fishing, including gillnet and purse seine fishing, are prohibited in the following Prohibited Fishing Area: Edmonds/Kingston ferry crossing lanes, to include the waters within one-quarter nautical mile on either side of a straight line connecting the Edmonds and Kingston ferry landings during the hours that the ferry is operating.

(e) Authorization to deviate from this section.

(1) Commander, Thirteenth Coast Guard District may, upon written request, issue an authorization to deviate from this section if the proposed deviation provides a level of safety

equivalent to or beyond that provided by the required procedure. An application for authorization must state the need for the deviation and describe the proposed alternative operation.

(2) PSVTS may, upon verbal request, authorize a deviation from this section for a voyage, or part of a voyage, if the proposed deviation provides a level of safety equivalent to or beyond that provided by the required procedure. The deviation request must be made well in advance to allow the requesting vessel and the Vessel Traffic Center (VTC) sufficient time to assess the safety of the proposed deviation. Discussions between the requesting vessel and the VTC should include, but are not limited to, information on vessel handling characteristics, traffic density, radar contracts, and environmental conditions.

(3) In an emergency, the master, pilot, or person directing the movement of the vessel following the TSS may deviate from this section to the extent necessary to avoid endangering persons, property, or the environment, and shall report the deviation to the VTC as soon as possible.

Dated: February 2, 1998.

**J. David Spade,**

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

[FR Doc. 98-3914 Filed 2-13-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 9

[FRL-5967-5]

### OMB Approval Numbers Under the Paperwork Reduction Act

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

**ACTION:** Final rule.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for Regulation of Fuel and Fuel Additives, Standards for Reformulated and Conventional Gasoline.

**EFFECTIVE DATE:** This final rule is effective March 19, 1998.

**FOR FURTHER INFORMATION CONTACT:** Karen Smith 202-564-9674.

**SUPPLEMENTARY INFORMATION:** EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB

for various regulations. Today's amendment updates the table to list those information requirements promulgated under the Fuels and Fuel Additives, Standards for Reformulated and Conventional Gasoline which appeared in the **Federal Register** on February 16, 1994 (59 FR 7716-7878). This amendment incorporates Regulation of Fuel and Fuel Additives: Baseline Requirements for Gasoline Produced by Foreign Refiners (62 FR 45533, August 28, 1997). The affected regulations are codified at 40 Code of Federal Regulations (CFR) part 80 and part 9. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfy the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

These ICRs were previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

### List of Subjects in 40 CFR Part 9

Regulation of fuels and fuels additives, and Reporting and recordkeeping requirements.

Dated: February 9, 1998.

**Margo T. Oge, Director,**  
*Office of Mobile Sources.*

For the reasons set out in the preamble, 40 CFR Part 9 is amended as follows:

1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242B, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. Section 9.1 is amended by adding the new entries to the table to read as follows: