

Dated: July 6, 1995.

J.L. Linnon,

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

[FR Doc. 95-29047 Filed 11-27-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD07-94-094]

RIN 2115-AE84

Regulated Navigation Area; Tampa Bay, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a regulation requiring certain vessels to make a navigation advisory broadcast when approaching or reaching points within Tampa Bay. The required navigation advisory broadcasts are designed to minimize the hazards associated with navigation in Tampa Bay and enhance safety by making vessel operators aware of the movements of other vessels in the area. This action establishes a permanent regulation which requires vessel navigational advisory broadcasts that have previously been voluntary.

EFFECTIVE DATE: This rule is effective on December 28, 1995.

FOR FURTHER INFORMATION CONTACT: LT Dirk Greene, Coast Guard Marine Safety Office Tampa at (813) 228-2189.

SUPPLEMENTARY INFORMATION: On November 8, 1994, the Coast Guard published a notice of proposed rulemaking in the Federal Register for this regulation (Volume 59, No. 215, FR 55602). Interested parties were requested to submit comments and none were received.

Drafting Information

The drafters of this regulation are LT Dirk A. Greene, project officer for Coast Guard Marine Safety Office, Tampa, and LTJG Julia Diaz, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Comments

Marine Safety Office Tampa did not receive any comments by the end of the comment period, January 9, 1995. The Tampa Bay Pilots Association responded after the comment period was over requesting a minor change in the order of information broadcast. This change has been made. The words "Navigational Advisory Broadcasts" replace the words "Security Broadcasts" to reflect requirements contained in the Federal Communication Commission

regulations. These changes are considered minor and do not change the intent of the regulation as published in the NPRM.

Discussion of Regulations

As the result of marine casualties occurring in the Tampa Bay entrance channels, the existing voluntary navigational advisory broadcast program established in the Coast Pilot will be made mandatory. This navigational advisory broadcast program gives master, pilots, and persons in charge of vessels real-time information on the density of marine traffic in Tampa Bay as required by 33 CFR 164.11 (p)(5). The navigational advisory broadcast program also supplements the Vessel Bridge to Bridge Radiotelephone Regulations contained in 33 CFR 26. The Captain of the Port has determined that these requirements are necessary to reduce the likelihood of any adverse incidents while transiting Tampa Bay. The chance of a collision will be further minimized by requiring masters, pilots, or persons in charge of all vessels over 50 meters in length to make navigational advisory broadcasts when approaching or reaching the broadcast/report points specifically listed under "Final Regulations."

Nothing in these procedures would supersede the Navigation Rules or relieve the Master or person in charge of a vessel of responsibility for the safe navigation of the vessel.

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 implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

This regulation 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 action to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is not necessary. The security broadcast system has been followed on a voluntary basis for at least five (5) years and all vessels affected are

required by 33 CFR 26 to have radiotelephone equipment. Since the impact of this is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2. of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion checklist has been prepared and is available.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Final Regulations

In consideration of the foregoing, the Coast Guard amends Part 165 of Title 33, Code of Federal Regulations 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 CFR 1.46.

1. A new section 165.753 is added to read as follows:

§ 165.753 Regulated navigation area; Tampa Bay, Florida.

(a) The following is a regulated navigation area (RNA): All the navigable waters of Tampa Bay, Hillsborough Bay and Old Tampa Bay, including all navigable waterways tributary thereto. Also included are the waters of Egmont Channel, Gulf of Mexico from Tampa Bay to the seabuoy, Tampa Lighted Whistle Buoy T, LLNR 18465.

(b) The master, pilot, or person in charge of any vessel of 50 meters or greater shall give a Navigational Advisory Broadcast in accordance with 47 CFR 80.331 on VHF-FM channel 13 at the following broadcast/reporting points:

- (1) Prior to getting underway from any berth or anchorage;
- (2) Prior to entering Egmont Channel from seaward;
- (3) Prior to passing Egmont Key in any direction;
- (4) Prior to transiting the Skyway Bridge in either direction;
- (5) Prior to transiting the intersection of Tampa Bay Cut F Channel, Tampa Bay Cut G Channel, and Gadsden Point Cut Channel;
- (6) Prior to anchoring or approaching a berth for docking;

(7) Prior to tending hawser;
 (8) Prior to transiting Point Pinellas Channel Light 1 in either direction.
 (c) Each Navigational Advisory required by this section shall be made in the English language and will contain the following information:

- (1) The words "Hello all vessels, a Navigational Advisory follows";
- (2) Name of vessel;
- (3) If engaged in towing, the nature of the tow;
- (4) Direction of Movement;
- (5) Present location; and,
- (6) The nature of any hazardous conditions as defined by 33 CFR 160.203.

(d) Nothing in this section shall supersede either the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules, as applicable, or relieve the Master or person in charge of the vessel of responsibility for the safe navigation of the vessel.

Dated: October 19, 1995.

Roger T. Rufe, Jr.,
*Rear Admiral, U.S. Coast Guard, Commander,
 Seventh Coast Guard District.*

[FR Doc. 95-29049 Filed 11-27-95; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-5334-7]

Oregon: Affirmation of Immediate Final Rule To Authorize State Hazardous Waste Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Affirmation of immediate final rule and response to comments.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) today is responding to a significant adverse comment received in response to EPA's published decision in the Federal Register at Vol. 60, No. 195, FR 52629, October 10, 1995, to grant final authorization of Oregon's hazardous waste program revision under the Resource Conservation and Recovery Act, as amended (RCRA). After consideration of the comment, EPA's decision that Oregon's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization remains unchanged. Thus, EPA approves Oregon's hazardous waste program revision and authorization of the revised program shall become effective on December 7, 1995.

EFFECTIVE DATE: December 7, 1995.

FOR FURTHER INFORMATION CONTACT: Cheryl Williams. U.S. EPA, M/S HW-105, 1200 Sixth Avenue, Seattle, Washington 98101, Phone (206) 553-2137.

SUPPLEMENTARY INFORMATION:

A. Background

EPA published an Immediate Final Rule in the Federal Register Vol. 60, No. 195 on October 10, 1995, FR 52629, stating that authorization of a revision to Oregon's hazardous waste program "shall become effective on December 7, 1995, unless significant adverse comments on Oregon's program revision application are received by the close of business on November 8, 1995." One significant comment was received on November 8, 1995, by the Technical Staff of the Confederated Tribes of the Umatilla Indian Reservation. EPA's Immediate Final Decision explained that if an adverse comment was received, EPA would publish either "(1) A withdrawal of the Immediate Final Decision or (2) a notice containing a response to comments which either affirms that the Immediate Final Decision takes effect or reverses the decision." EPA does not believe that the significant adverse comment made by the Technical Staff of the Confederated Tribes of the Umatilla Indian Reservation (Technical Staff of CTUIR or Technical Staff) merits a withdrawal of the Immediate Final Decision. However, EPA believes that a response to the Technical Staff of CTUIR is important to address the concerns raised and to affirm that the Immediate Final Decision will take effect as described.

B. Comments Regarding the Immediate Final Decision

The Technical Staff raised five issues concerning the Agency's decision to authorize Oregon's hazardous waste program revision. The heart of the comments go to the Technical Staff's concern over disposal of chemical weapons at the Umatilla Army Depot. To address the underlying concern, EPA reaffirms its role in environmental protection in this country. EPA is firmly committed to protection of human health and the environment and to ensuring that hazardous wastes are managed in an environmentally sound manner. After authorizing a state for a revision to its hazardous waste program, EPA functions in an oversight capacity with a strong mandate to see that the goals of RCRA are met. Based on its decision to authorize a revision to Oregon's hazardous waste program, EPA believes that Oregon can meet its

delegated obligation to carry out a hazardous waste program equivalent to the federal RCRA program. EPA does not abdicate its central role in protection of this nation's human health and the environment when it delegates a program to a state. EPA continues to monitor and assess a delegated program and, when necessary, calls upon the Agency's own enforcement authorities to fulfill the goals of RCRA. This core commitment is central to RCRA and no delegation alters the Agency's firm stance on upholding its obligation to protect the environment.

The specific concerns raised by the Technical Staff can be addressed one by one. The first issue is a concern that Tribal staff had neither initiated nor completed an independent Tribal evaluation of Oregon's authority compared to the federal requirements. EPA appreciates the difficulty in evaluating a state's application for revision to its authorized program. This complex task is detailed and resource intensive. To assist interested parties who wish to review a state application, EPA makes the state application available for review and designates staff to be available to respond to concerns. EPA believes that these measures, combined with publication in two of the largest newspapers in the state and in the Federal Register as well as the provision of an opportunity to comment on an authorization decision, are adequate. The Agency makes the decision to authorize a state program based on its findings that a state program is equivalent to the federal program, consistent on a national basis and provides adequate enforcement.

The second issue raised by the Technical Staff is a concern with proposed incinerators on ceded lands. If hazardous waste incinerators are built and permitted under RCRA, Oregon will have primary responsibility for enforcing corrective action requirements for these units. EPA will continue to oversee and assess the delegated program and anticipates working closely with Oregon as Oregon initiates its authorized corrective action program. Through the Memorandum of Agreement (MOA) between Oregon and EPA, the integrity of the delegated program will be maintained. EPA will use the Agency's enforcement authorities where necessary to ensure that human health and the environment are protected. Additionally, where EPA has trust obligations on ceded lands, EPA will act to fulfill those obligations.

The third issue raised is a concern that Oregon lacks a baseline environmental and human health monitoring system to predict, identify or