

(e)(1)(v), (f) introductory text, (f)(1) through (f)(3); by revising "DCA" to read "DISA" each time it appears; and paragraph (e)(1), concluding paragraph, is amended by adding the word "and" after GSA the first time it appears and by adding "and NARA" after GSA the second time it appears.

§ 316.7 [Amended]

7. Section 316.7 is amended by revising "DCA" to read "DISA".

§ 316.8 [Amended]

8. Section 316.8 is amended by revising "DCA" to read "DISA".

PART 317—[AMENDED]

1. The authority citation for 32 CFR part 316 continues to read as follows:

Authority: Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

Appendix B to Part 317 [Amended]

2. Appendix B to Part 317 is amended by revising "GSA" to read "NARA".

Dated: May 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD07-96-013]

RIN 2115-AA97

Security Zone; Coast Waters Adjacent to South Florida

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Pursuant to Presidential Proclamation No. 6867, declaring a national emergency, the Coast Guard, after consultation with the Department of Justice, is establishing a revised security zone, restricting the operation of certain vessels within the internal waters and territorial seas of the United States, adjacent to or within the coastal waters around southern Florida. The Coast Guard Captain of the Port (COTP) may exercise complete control over all vessel operations and movements within the security zone. Non-public vessels of less than 50 meters (165 feet) in length, may not get underway in or depart the security zone with the intent to enter Cuban territorial waters, absent express authorization from the COTP.

These vessel control measures are necessary to provide for the safety of United States citizens and residents and to prevent threatened disturbance of the international relations of the United States.

DATES: This rule is effective from May 7, 1997, and will terminate when the National Emergency as declared by the President in Presidential Proclamation No. 6867 terminates. The Coast Guard will publish a separate document in the **Federal Register** announcing termination of this rule.

ADDRESSES: Permission of the COTP to depart the security zone with the intent of entering Cuban territorial waters may be obtained from the following U.S. Coast Guard units: Marine Safety Office Miami, 51 S.W. First Avenue, Miami, FL 33130, ph. (305) 536-5693; Marine Safety Office Tampa, 155 Columbia Drive, Tampa, FL 33603, ph. (813) 228-2195; Station Miami Beach, 100 MacArthur Causeway, Miami Beach, FL 33139, ph. (305) 535-4368; Station Fort Lauderdale, 7000 N. Ocean Dr., FL 33004, ph. (305) 927-1611; Station Marathon, 1800 Overseas Highway, Marathon, FL 33050, ph. (305) 743-1945; Station Islamorada, PO Box 547, 183 Palermo Dr., Islamorada, FL 33036, ph. (305) 292-8862; Station Key West, Key West, FL 33040, ph. (305) 292-8862; Station Fort Myers Beach, 719 San Carlos Drive, Fort Myers Beach, FL 33931, ph (813) 463-5754. Additional locations may be established.

FOR FURTHER INFORMATION CONTACT: Chief, Marine Safety Division, Seventh Coast Guard District, 909 SE First Avenue, Brickell Plaza Federal Building, Miami, FL 33931, Phone (305) 536-5651.

SUPPLEMENTARY INFORMATION: On March 1, 1996, the President of the United States signed a Proclamation declaring a national emergency. To secure the rights and obligations of the United States and to protect its citizens and residents from the use of excessive force upon them by foreign powers, the Coast Guard is establishing a temporary security zone. In the Proclamation, the President authorized the Secretary of Transportation to regulate the anchorage and movement of domestic and foreign vessels. This authority has been delegated to the Commander, Seventh Coast Guard District, Captain of the Port, Miami FL and Captain of the Port, Tampa FL, by Order No. 96-3-7, signed by the Secretary of Transportation. The Coast Guard has established a security zone pursuant to its regulatory authority in 50 U.S.C. 191 and as supplemented by the authority delegated to the Secretary of Transportation in the

Presidential Proclamation. This authority was re-delegated to the Commandant of the Coast Guard, as well as to appropriate District Commanders and Captains of the Port. The security zone includes the internal waters and territorial seas of the United States, adjacent to or within the State of Florida south of 26° 19' N latitude and extending seaward three nautical miles from the baseline from which the territorial sea is measured.

On March 8, 1996, the Coast Guard published a final rule (61 FR 9348) which established a security zone, restricting the operation of vessels within the internal waters and territorial seas of the United States, adjacent to or within the coastal waters around southern Florida. The rule has been in effect since March 1, 1996. The zone established by that rule prohibits private, noncommercial vessels less than 50 meters in length from departing the security zone with the intent to enter Cuban territorial waters, absent express authorization from the Captain of the Port (COTP). This rule revises the security zone by adding additional security measures that prohibit a similar class of vessels from getting underway in or departing the security zone with the intent to enter Cuban territorial waters without express authorization of the COTP. Under this revised rule, commercial vessels less than 50 meters in length are subject to the same restrictions as private, noncommercial vessels less than 50 meters in length. This revised rule is effective upon signature. Additionally, though the revised security zone created by this rule is effective upon signature, the Coast Guard by policy will give actual notice before enforcing the zone. This revision will minimize any limitations on traditional freedoms of navigation.

The Coast Guard has determined that control of the movement of non-public vessels less than 50 meters in length in the security zone, or departure of such vessels from the security zone, with the intent to enter Cuban territorial waters (hereinafter "subject vessels"), is necessary to protect the safety of United States citizens and residents and prevent threatened disturbance of the international relations of the United States. These controls do not apply to foreign flag vessels in innocent passage in the territorial sea of the United States. Maintaining such control of vessel movement will necessitate some temporary limitations on traditional freedoms of navigation. Efforts will be made to keep these limitations to a minimum.

The COTP may issue appropriate orders to control the launching, anchorage, docking, mooring, operation, and movement of all subject vessels within the security zone. Additionally, the COTP may remove all persons not specifically authorized by the COTP to go or remain on board the subject vessel, may place guards on the subject vessel and may take full or partial possession or control of any such vessel or part thereof. Such actions to be taken are in the discretion of the COTP as deemed necessary to ensure compliance with the provisions of the security zone or any other order issued under the authority of the COTP.

Under the special regulations included in this rule, subject vessels may not get underway in or depart from the security zone without express authorization from the COTP.

Authorization may be requested in person or in writing. If the request is approved, the COTP will issue a written authorization. As a condition of getting underway in or departing from the security zone, the COTP has the discretion, where there is an articulable basis to believe that a vessel intends to enter Cuban territorial waters, to require the owner, master or person in charge to provide verbal assurance to the COTP that the vessel will not enter Cuban territorial waters and require that the COTP be informed of the identity of all persons on board the vessel.

Vessels 50 meters or greater in length and foreign flagged vessels in innocent passage in the territorial sea of the United States are exempt from these security zone control regulations. Past experiences, including the July 13, 1995 Flotilla, the September 2, 1995 attempted Flotilla, the March 2, 1996 Flotilla and the July 13, 1996 Flotilla did not involve vessels outside the subject class of vessels. Commercial vessels are no longer exempted from the departure control regulations. The Coast Guard has determined that it is necessary to add commercial vessels to the scope of coverage of this regulation to provide for the safety of United States citizens and residents and to prevent threatened disturbance of the international relations of the United States. The regulation has also been revised to clarify that the restrictions apply to all auxiliary vessels associated with any vessel within the security zone.

Any non-public vessel less than 50 meters in length getting underway from a berth, pier, mooring, or anchorage in the security zone or departing from the security zone, with the intent to enter Cuban territorial waters, without having express authorization from the COTP

will be in violation of the security zone. Failure to comply with the regulations or orders issued under the authority of the COTP may result in seizure and forfeiture of the vessel, suspension or revocation of Coast Guard licenses, and criminal fines and imprisonment. Making a false statement to any agency of the United States may result in additional penalties pursuant to 18 U.S.C. 1001.

This rule is published as a final rule, which is effective upon the signing of this rule. It is based upon a Presidential declaration of a national emergency. Immediate action is needed to protect the safety of lives and property at sea and to prevent threatened disturbance of the international relations of the United States. For this reason, the Coast Guard finds good cause, under 5 U.S.C. 553 (b) and (d), that notice and public comment on the rule before the effective date of this rule are, impractical, unnecessary, contrary to the public interest and this rule should be made effective in less than 30 days after publication.

Regulatory Process Matters

This final rule, designed under the emergency conditions, is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. Therefore, a regulatory evaluation is not required. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). For the reasons stated above, the USCG certifies that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule does not impose unfunded mandates or contain reporting or recordkeeping requirements that require new approval under the Paperwork Reduction Act.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e(34)(g) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A categorical exclusion determination and an environmental analysis checklist have been completed and are available in the docket.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order

12612, and it has been determined that this rule will not have sufficient federalism implication to warrant preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Waterways.

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

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.T07-013 is revised to read as follows:

§ 165.T07-013 Security Zone: Internal waters and territorial seas adjacent to Florida south of 26°19'N latitude.

(a) *Location.* The following area is established as a security zone: All U.S. internal waters and territorial seas adjacent to the State of Florida south of 26°19'N latitude. In general these are the U.S. internal waters and territorial seas adjacent to Collier, Dade, Monroe and Broward Counties of the State of Florida.

(b) *Applicability.* This section applies to non-public vessels less than 50 meters (165 feet) in length and all associated auxiliary vessels within the security zone, but shall not apply to foreign flagged vessels in innocent passage in the territorial sea of the United States. For the purpose of this section, an "auxiliary vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water attached to, or embarked in, another vessel to which this section applies.

(c) *Regulations.* (1) The general regulations in § 165.33 of this part do not apply to this security zone.

(2) Non-public vessels less than 50 meters (165 feet) in length and persons on board those vessels may not get underway from a berth, pier, mooring or anchorage in the security zone, or depart from the security zone, with the intent to enter Cuban territorial waters without express written authorization from one of the following officials or their designees; Commander, Seventh Coast Guard District; the Captain of the Port Miami; or the Captain of the Port Tampa. The aforementioned officials may issue orders to control the movement of vessels to which this section applies.

(3) Where there is an articulable basis to believe a vessel to which this section applies intends to enter Cuban

territorial waters, an above referenced official may require the master, owner, or person in charge of a vessel within the security zone, including all auxiliary vessels, to provide verbal assurance that the vessel will not enter Cuban territorial waters as a condition for a vessel to get underway from a berth, pier, mooring, or anchorage in the security zone, or depart from the security zone. In addition, an above referenced official may require the master, owner, or person in charge of the vessel to identify all persons on board the vessel and provide verbal assurances that all persons on board have received actual notice of these regulations.

(4) The owner or person in charge of the vessel shall maintain the express written authorization for the vessel on board the vessel.

(d) *Enforcement.* (1) Vessels or persons violating this section may be subject to:

(i) Seizure and forfeiture of the vessel;

(ii) A monetary penalty of not more than \$10,000; and

(iii) Imprisonment for not more than 10 years.

(2) Violation of 18 U.S.C. § 1001 may result in imprisonment for not more than five years or a fine, or both.

(e) This section implements Presidential Proclamation No. 6867.

This section is issued under the authority delegated in Department of Transportation Order No. 96-3-7.

Dated: May 7, 1997.

J.W. Lockwood,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09-97-012]

Safety Zone—Chicago Sanitary and Ship Canal

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone at Mile 308 of the Chicago Sanitary & Ship Canal during construction-related activities occurring in this area. This zone is needed to protect the maritime public during explosive demolition, excavation and pipeline installation activities associated with this construction project. Entry of vessels or

persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Chicago or the Coast Guard representative on-scene.

DATES: These regulations become effective at 11:00 p.m. on May 13, 1997 and terminate at 11:00 p.m. on May 27, 1997.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Scott Kuhaneck, U.S. Coast Guard Marine Safety Office Chicago, (630) 986-2155.

SUPPLEMENTARY INFORMATION:

Background and Purpose

This safety zone is needed to protect the safety of the maritime public during construction-related activities involving the use of explosives and obstruction of the navigable channel. This work necessitates the use of a barge configured to drill holes in canal bed and other similar equipment for the excavation of the site which will obstruct or partially obstruct navigation in the immediate vicinity of Mile 308 of the Chicago Sanitary & Ship Canal.

Complete prohibition of vessel transits through this area will only be needed during two separate periods of this safety zone, one of approximately 30 hours at beginning and a second of approximately 12 hours at the end. The exact day and times of the periods is unknown at this point, but will occur sometime during the effective dates of this safety zone. In between these periods, vessel transits will be permitted but may be subject to restrictions as needed. The maritime public will be informed of the exact times of all closures and restrictions via marine radio broadcasts and an existing industry facsimile notification network.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to protect the maritime public and other persons from the hazards associated with use of explosives and restricted waterway access in this area. The restrictions being imposed on entry of persons and vessels into this area is temporary.

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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (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 federalism implications 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 of Commandant Instruction M16475.1B, 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, Vessels, Waterways.

For the reasons set out 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:

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

2. A new temporary section 165.T0901 is added to read as follows:

§ 165.T09-001 Safety Zone; Sanitary and Ship Canal.

(a) *Location.* The following area is a safety zone: The area within a 500 yard radius of a point centered at Mile 308 on the Chicago Sanitary and Ship Canal.

(b) *Effective time and date.* This section becomes effective at 11:00 P.M. on May 13, 1997, and terminates at 11:00 P.M. on May 27, 1997.

(c) *Regulations.* (1) The Captain of the Port, Chicago, grants blanket permission for all vessels to transit through this safety zone except during announced periods.

(2) The exact times, dates and provisions of any restrictions imposed by this safety zone will be made public via marine radio broadcasts and other