

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 CFR 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 expectation is based on the fact that the rule simply corrects minor errors in the description of an existing permanent safety zone.

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). Because the impacts of this proposal are expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this rule and has concluded that under Section 2.B.2.c. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

Final Regulation

For the reasons set out in the preamble, the Coast Guard amends 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. 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 165.1307 is amended by revising paragraph (a) to read as follows:

§ 165.1307 Elliott Bay, Seattle, WA.

(a) *Location.* The following area is a safety zone: All portions of Elliott Bay bounded by the following coordinates: Latitude 47°37'22" N, Longitude 122°22'06" W; thence to Latitude 47°37'06" N, Longitude 122°21'45" W; thence to Latitude 47°36'54" N, Longitude 122°22'05" W; thence to Latitude 47°37'08" N, Longitude 122°22'27" W; thence returning to the origin. This safety zone resembles a square centered around the barge from which the fireworks will be launched and begins 100 yards from the shoreline of Myrtle Edwards Park. Floating markers will be placed by the sponsor of the fireworks display to delineate the boundaries of the safety zone [Datum NAD 1983].

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Dated: June 26, 1997.

Myles S. Boothe,

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

[FR Doc. 97-19407 Filed 7-22-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 05-97-058]

RIN 2115-AA97

Safety Zone: Delaware Bay, Delaware River

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Delaware Bay and Delaware River

between the Delaware Breakwater and Westville, New Jersey. This temporary safety zone is needed to protect vessels, the port community and the environment from potential safety and environmental hazards associated with the loading and transit of the T/V LINGEGAS while it is loaded with more than 2% of its cargo carrying capacity of Liquefied Hazardous Gas.

EFFECTIVE DATE: This rule is effective from 11:59 p.m. July 12, 1997, and terminates at 11:59 p.m. July 25, 1997.

FOR FURTHER INFORMATION CONTACT: Lt. S. A. Budka, Project Officer c/o U.S. Coast Guard Captain of the Port, 1 Washington Avenue, Philadelphia, PA 19147-4395, Phone: (215) 271-4889.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. The Coast Guard was informed by the owner/operator of the T/V LINGEGAS on July 9, 1997 of the intended transit of the T/V LINGEGAS along the Delaware River. Publishing a NPRM and delaying its effective date would be contrary to the public interest, since immediate action is needed to respond to protect the environment and vessel traffic against potential hazards associated with the transit of the T/V LINGEGAS while it is loaded with Liquefied Hazardous Gas.

Discussion of the Regulation

This temporary rule establishes a safety zone in a specified area around the T/V LINGEGAS while underway in the loaded condition and during cargo operations. The safety zone will be in effect during the T/V LINGEGAS' transit of the Delaware Bay and Delaware River and during cargo operations at the Coastal Eagle Point Refinery on the Delaware River, at Westville, New Jersey. This temporary rule is intended to minimize the potential hazards associated with the transportation of Liquefied Hazardous Gas by a large tankship in heavily trafficked areas of the Delaware Bay and Delaware River as well as in the Ports of Philadelphia. Entry into this zone is prohibited unless authorized by the Captain of the Port, Philadelphia, PA. The Captain of the Port may impose certain restrictions on vessels allowed to enter the safety zone.

Regulatory Evaluation

This temporary 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 CFR 11040; February 26, 1979). The Coast Guard expects the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Collection of Information

This temporary rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

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 it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this temporary rule and concluded that under section 2.B.2.e(34) of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), 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, Waterways.

Regulation

In consideration of the foregoing, the Coast Guard amends 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. Section 165.T05-058 is added to read as follows:

§ 165.T05-058 Safety Zone: Delaware Bay and Delaware River from the Delaware Breakwater to Westville, NJ.

(a) *Location:* The following area is a safety zone:

(1) All waters within an area which extends 500 yards on either side and 1000 yards ahead and astern of the T/V LINEGAS while the vessel is in the loaded condition and underway in the

area of the Delaware River and Delaware Bay bounded by the Coastal Eagle Point Refinery on the Delaware River, at Westville, NJ and the Delaware Breakwater.

(2) All waters within a 200 yd radius of the T/V LINEGAS while it is moored at the Coastal Eagle Point Refinery on the Delaware River, at Westville, NJ.

(b) *Effective Dates:* This rule is effective from 11:59 p.m. July 12, 1997, and terminates at 11:59 p.m. July 25, 1997, unless terminated sooner by the Captain of the Port, Philadelphia.

(c) *Definitions:*

(1) *Captain of the Port* or *COTP* means the Captain of the Port Philadelphia or any Coast Guard commissioned, warrant or petty officer authorized to act on his behalf.

(2) *Loaded Condition* means loaded with LHG that exceeds 2% of the vessel's cargo carrying capacity.

(d) No vessel may enter the safety zone unless its operator obtains permission of the Captain of the Port or his designated representative.

(e) As a condition of entry, the COTP may order that:

(1) All vessels operating within the safety zone must maintain a continuous radio guard on channels 13 and 16 VHF-FM while underway;

(2) Overtaking may take place only under conditions where overtaking is to be completed well before any bends in the channel. Before any overtaking, the pilots, masters, and operators of both vessels must clearly agree on all factors including speeds, time, and location of overtaking.

(3) Meeting situations on river bends shall be avoided to the maximum extent possible.

(4) The operator of any vessel in the safety zone shall proceed as directed by the Captain of the Port or by his designated representative.

(f) The senior boarding officer enforcing the safety zone may be contacted on VHF channels 13 & 16. The Captain of the Port of Philadelphia and the Command Duty Officer at the Marine Safety Office, Philadelphia, may be contacted at telephone number (215) 271-4940.

Dated: July 11, 1997.

John E. Veentjer,

Captain, U.S. Coast Guard, Captain of the Port, Philadelphia, PA.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[W166-01-7242; FRL-5861-8]

Approval and Promulgation of Implementation Plans Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is temporarily delaying the ozone attainment date for Manitowoc County from 1996 to 2007. This action suspends the automatic reclassification of Manitowoc County from moderate to serious nonattainment. Final approval of the new attainment date is dependent upon the results of an attainment demonstration for both upwind and downwind areas. Wisconsin is working toward completion of this attainment demonstration (which is due in mid-1997 for the Lake Michigan States) in conjunction with Illinois, Indiana, and Michigan, following the Phase I/Phase II Ozone Transport Assessment Group approach outlined in EPA's March 2, 1995 guidance memorandum from Mary Nichols entitled "Ozone Attainment Demonstrations".

In this rulemaking, EPA is responding to Wisconsin's submittal of an overwhelming transport petition for Manitowoc County. Photochemical grid modeling was used to demonstrate that transport from upwind areas makes it "practically impossible" for the county to attain the ozone National Ambient Air Quality Standard (NAAQS) by its original attainment date. EPA's action does not preclude the State of Wisconsin from submitting a request for redesignation to attainment for the county, based on three current years of clean air quality monitoring data.

DATES: This final rule will become effective on August 22, 1997.

ADDRESSES: Copies of the State's submittal and other information are available for inspection during normal business hours at the following location:

Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Rick Tonielli, Air Programs Branch, Regulation Development Section (AR-18J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-6068.