

§ 117.603 Manchester Harbor.

The Massachusetts Bay Transportation Authority Bridge at mile 1.0 in Manchester, shall operate as follows:

- (a) The draw shall open on signal—
- (1) From Memorial Day through September 30 from 7 a.m. to 11 p.m.;
 - (2) From April 1 to Memorial Day and from October 1 to November 1 from 9 a.m. to 1 p.m. and 2 p.m. to 6 p.m.
- (b) At all other times, the draw shall open on signal with at least four hours notice.
- (c) The owner of this bridge shall provide and keep in good legible condition, clearance gauges for each draw with figures not less than twelve (12) inches high designed, installed and maintained in accordance with the provisions of section 118.160 of this chapter.

§ 117.604 [Removed]

3. Section 117.604 is removed.

Dated: August 17, 1997.

R.M. Larrabee,

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

[FR Doc. 97-25601 Filed 9-25-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[CGD13-97-027]

**Safety Zone Regulation;
Commencement Bay Maritime Festival
Tugboat Races, Commencement Bay,
Tacoma, WA**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone during the Commencement Bay Maritime Festival Tugboat Races held on Commencement Bay in Tacoma, WA. This event will be held on Sunday, September 28, 1997, from 12:30 p.m. to 3:30 p.m. (PDT). The Coast Guard, through this action, intends to promote the safety of spectators and participants in this event. Entry into the safety zone will be prohibited during the event in order to keep spectator vessels from interfering with the races and to prevent damage that may be caused by the large wakes produced by the tugboats during the races.

DATES: This regulation becomes effective on September 28, 1997, at 12:30 p.m. and will terminate at 3:30

p.m. (PDT) that same day, unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LT Joel Roberts, c/o Commanding Officer, Coast Guard Marine Safety Office, 1519 Alaskan Way South, Seattle, Washington 98134, (206) 217-6232.

SUPPLEMENTARY INFORMATION:**Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective less than 30 days from the date of publication in the **Federal Register**. The final details of this event were not available from its sponsor more than 30 days prior to the event. Prompt regulatory action is needed in order to provide for the safety of spectators and participants during this event. If normal notice and comment procedures were followed, this rule would not become effective until after the date of the event. For this reason, following normal rulemaking procedures in this case would be impracticable and contrary to the public interest.

Background and Purpose

The Tug Boat Races are sponsored by the Commencement Bay Maritime Festival Committee as part of the Commencement Bay Maritime Festival and will be conducted on the waters of Commencement Bay, Tacoma, WA. This one day event attracts a large number of spectator craft which gather on the waters near the race course. To promote the safety of both the spectators and participants, a safety zone will be established and entry into this safety zone will be restricted during the event. This action is necessary in order to keep spectators off of the race course and to prevent any damage to spectator vessels that may be caused by the large wakes produced by the tugs during the races. This safety zone will be enforced by representatives of the Captain of the Port Puget Sound, Seattle, Washington. The Captain of the Port may be assisted by other federal, state, and local agencies.

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 safety zone will involve less than one square mile of area on Commencement Bay and entry into this zone will be restricted for only 3 hours on the day of the event.

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). For the reasons outlined in the Regulatory Evaluation above, the Coast Guard expects the impact to be minimal on all entities. Therefore, 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), Reporting 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. 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.

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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