

at Sault Ste. Marie, Michigan. In addition, the Coast Guard is preparing a supplement for the 1974 Ninth Coast Guard District EIS regarding icebreaking activity on the Great Lakes.

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

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered 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. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation will impose no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 33 CFR Part 162

Harbors, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

Final Regulation

In consideration of the foregoing, the Coast Guard amends Part 162 of Title 33, Code of Federal Regulations, as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

1. The authority citation for 33 CFR Part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

2. Section 162.117 is amended by adding a new paragraph (g)(3) effective

from March 13, 1997, through April 17, 1997, to read as follows:

§ 162.117 St. Marys River, Sault Ste. Marie, Michigan.

* * * * *

(g) * * *
(3) *Speed rules.* From March 13, 1997, through April 15, 1997, the following speed limits indicate the average speed over the ground between reporting points:

The speed limit between	Speed limit	
	Mph	Kts
De Tour Reef Light and Sweets Point Light	14	12.2
Round Island Light and Point Aux Frenes Light 21	14	12.2
Munuscong Channel Lighted Buoy 8 and Evers Point ..	10	8.7
Evers Point and Reed Point	7	6.0
Reed Point and Lake Nicolet Lighted Buoy 62	8	7.0
Lake Nicolet Lighted Buoy 62 and Lake Nicolet Light 80	10	8.7
Lake Nicolet Lighted Buoy 80 and West Neebish Channel Light 9 (downbound, West Neebish Channel)	8	7.0
Lake Nicolet Light 80 and Winter Point (West Neebish Channel)	8	7.0
Lake Nicolet Light 80 and Six Mile Point Range Rear Light	10	8.7
Six Mile Point Range Rear Light and lower limit of the St. Marys Falls Canal:		
Upbound	8	7.0
Downbound	10	8.7
Upper limit of the St. Marys Falls Canal and Point Aux Pins Main Light	12	10.4

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Dated: March 13, 1997.

T.A. Trosvig,

Captain, U.S. Coast Guard, Commanding Officer, C.G. Group Sault.

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33 CFR Part 165

[COTP MIAMI-97-009]

RIN 2115-AA97

Safety Zone Regulations; Government Cut, Miami, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone, in the vicinity of Government Cut, Miami, FL. The safety zone is needed to ensure the safety of mariners as well as the construction crew involved in drilling

operations associated with the replacement of sewage lines buried beneath Government Cut. Entry into this zone by vessels 280 feet in length or larger is prohibited, unless specifically authorized by the Captain of the Port.

EFFECTIVE DATES: Effective dates and times are as follows. All times are local Eastern Standard Time or Eastern Daylight Savings Time, as appropriate. The regulations will be in effect from 6 p.m. on March 18, 1997 to 6 a.m. to March 19, 1997; from 6 p.m. on March 25, 1997 to 6 a.m. on March 26, 1997; from 6 p.m. on April 1, 1997 to 6 a.m. on April 2, 1997.

FOR FURTHER INFORMATION CONTACT: LT Carlos A. Torres, Coast Guard Marine Safety Office Miami, at (305) 535-8744.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Miami-Dade Water and Sewer Department is proposing to construct a new 60" sanitary sewer force main under Government Cut. The proposed construction technique is microtunneling. This technique will allow the force main to be built as a tunnel, thereby minimizing future disruption of marine traffic in Government Cut. The project consists of 10 geotechnical borings, 90 feet in depth, in alignment between south Miami Beach, FL and Fisher Island, FL. This safety zone is established in the Port of Miami's Government Cut navigation channel, and consists of the area west of buoy #14 and east of buoy #16. The safety zone is needed to ensure the safety of mariners as well as construction crew involved in drilling operations associated with the replacement of sewage lines buried beneath Government Cut. Entry into this safety zone for vessels 280 feet in length or larger is prohibited, unless specifically authorized by the Captain of the Port.

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. Less than 60 days advance notice was provided to the Coast Guard concerning the planned drilling operations. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to ensure the safe development of the project.

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

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 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).

The Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities because the regulations will only affect larger vessels for three nights in a limited area.

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 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(34)(g) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. An environmental analysis checklist and categorical exclusion determination have been completed and have been filed in the rulemaking docket.

List of Subjects in 33 CFR Part 165

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

Safety Zone 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; 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 § 165.T07–009 is added to read as follows:

§ 165.T07–009 Safety Zone; Government Cut, Miami, Florida

(a) *Location.* The following area is a Safety Zone: Waters within Government Cut channel west of buoy #14 and east of buoy #16.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone by vessels 280 feet in length or larger is prohibited except as authorized by the Captain of the Port. The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Effective dates.* This section becomes effective from 6 p.m. on March 18, 1997 to 6 a.m. on March 19, 1997, and again from 6 p.m. on March 25, 1997 to 6 a.m. on March 26, 1997, and again from 6 p.m. on April 1, 1997 to 6 a.m. on April 2, 1997.

Dated: March 13, 1997.

D.F. Miller,

Captain, U.S. Coast Guard, Captain of the Port Miami.

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BILLING CODE 4910–14–M

33 CFR Part 165

[CCGD08–97–008]

RIN 2115–AE84

Regulated Navigation Area Regulations; Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary regulated navigation area in the Lower Mississippi River from Vicksburg, MS to Mile 88 above Head of Passes on the Mississippi River. The regulated navigation area is needed to protect vessels, bridges, shoreside facilities and the public from a safety hazard created by high water and resulting flooding along the Lower Mississippi River. Downbound barge

traffic is prohibited unless it is in compliance with this regulation.

EFFECTIVE DATES: This regulation is effective from 8:30 p.m. on March 18, 1997 and terminates at 12 p.m. on April 5, 1997.

FOR FURTHER INFORMATION CONTACT: CDR Harvey R. Dexter, Marine Safety Division, USCG Eighth District at New Orleans, LA (504) 589–6271.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The velocities of river currents on the Lower Mississippi River are approaching an all time high. Several very recent vessel allisions with bridges have been caused by strong currents and eddies resulting from these flood conditions on the Lower Mississippi River. Consequently, the Commander, Eighth Coast Guard District has identified a need to place horsepower and other operating restrictions on tow boats downbound on the Mississippi River to assure adequate safe power for navigation. This emergency Temporary Regulated Navigation Area extends from one mile above the Interstate 20 Highway Bridge at Vicksburg, Mississippi (Lower Mississippi River Mile 437), to Algiers Cutoff Canal at Mile 88 above Head of Passes. Downbound tows shall be restricted as follows:

(a) Tow boats with a brake horsepower of 7,400 (7,400 bhp) and greater shall be limited to a 25 barge tow.

(b) Tow boats with a brake horsepower of 6,000 (6,000 bhp), but less than 7,400 bhp, shall be limited to a 20 barge tow.

(c) For all other tows the following minimum brake horsepower requirements apply:

1. Loaded standard size dry cargo barges (195' by 35') traveling southbound: 300 brake horsepower per barge minimum.

2. For all other loaded dry cargo barges and all loaded liquid barges southbound: One brake horsepower minimum for each 5 deadweight tons of cargo.

3. For tows consisting of empty standard size dry cargo barges traveling southbound at Algiers Point: 200 brake horsepower per barge.

4. For tows containing mixed empty and loaded barges, the higher, loaded, brake horsepower standard applies (300 brake horsepower).

(d) For tows of 20 barges or larger, downbound transit through the Baton Rouge Railroad and Highway Bridge, also known as the Highway 190 Bridge, is restricted to daylight only.