

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165****[CGD11-97-010]****RIN 2115-AE84****Regulated Navigation Area: Copper Canyon, Lake Havasu, Colorado River****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a Regulated Navigation Area (RNA) within the Copper Canyon, Lake Havasu region on the waters of the Colorado River. This action is necessary because the Coast Guard has determined that the extremely heavy traffic of recreational vessels in this area, particularly during peak holiday periods, creates conditions hazardous to navigation and causes vessels carrying law enforcement and emergency medical personnel to be unable to access the area. This RNA will establish an access lane to enhance navigation safety and to permit law enforcement and emergency response officials to reach all areas of Copper Canyon and provide services.

DATES: Comments must be received on or before June 1, 1998.

ADDRESSES: Comments may be mailed to Lieutenant Michael A. Arguelles, Coast Guard Marine Safety Office, 2716 North Harbor Drive, San Diego, CA 92101-1064. The Captain of the Port maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection at the Marine Safety Office at the address listed above.

FOR FURTHER INFORMATION CONTACT: Lieutenant Michael A. Arguelles, Coast Guard Marine Safety Office San Diego; telephone number (619) 683-6484.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in this proposed rulemaking by submitting written data, views, or any other materials. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD11-97-010) and the specific section of the proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound materials is

requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments received during the comment period and may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Manager at the address listed in **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal person involved in drafting this document are Lieutenant Michael A. Arguelles, Project Manager, Marine Safety Office San Diego and Lieutenant (junior grade) Derek A. D'Orazio, Project Attorney, Coast Guard Maintenance and Logistics Command Pacific.

Background and Purpose

In the past, emergency medical and law enforcement personnel have had difficulty getting through the severe congestion of recreational boats in Copper Canyon. This hazardous condition has become a major public safety concern, particularly during holidays and other times of heavy congestion. The RNA defined in this proposal will effectively provide an emergency access lane for law enforcement and other emergency services officials. This lane will significantly enhance public safety by allowing quicker emergency response time.

Vessels using Copper Canyon, other than designated patrol vessels, will be prohibited from anchoring, mooring, loitering in, or otherwise impeding the transit of any other vessel within the emergency access lane. These non-patrol vessels shall expeditiously and continuously transit the lane via the most direct route consistent with navigational safety. At times of heavy congestion, however, designated by periodic Coast Guard Notices to Mariners on VHF-FM Channel 16, the emergency access lane will be closed to all traffic other than designated patrol vessels, and no entry will be permitted by any recreational or commercial vessel except with the express permission of the Captain of the Port or his designated representative.

The geographic description of the emergency access lane constituting this RNA is as follows: beginning at the approximate center of the mouth of Copper Canyon and drawing a line down the approximate center of the canyon extending shoreward to the end of the navigable waters of the canyon, and comprising a semi-rectangular area extending 30 feet on each side of the line, for a total semi-rectangular width of 60 feet.

This line is more precisely described as: beginning at latitude 34°25'42"N, longitude 114°18'26"W, thence southwesterly to latitude 34°25'38"N, longitude 114°18'26"W, thence southwesterly to latitude 34°25'37"N, longitude 114°18'26"W, thence southwesterly to latitude 34°25'34"N, longitude 114°18'26"W, thence southwesterly to latitude 34°25'33"N, longitude 114°18'28"W, thence southwesterly to latitude 34°25'29"N, longitude 114°18'29"W, thence to the end of the navigable waters of the canyon.

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 cost 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the Department of Transportation regulatory policies and procedures unnecessary, because use of Copper Canyon by both recreational and commercial vessels will not be precluded by this regulation; nor will such use be more than nominally affected.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal would have significant 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). The Coast Guard expects the economic impact of the proposal to be minimal on all entities since use of Copper Canyon will not be precluded and will only be

minimally affected. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal 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 proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist has been prepared and placed in the rulemaking docket, and will be available for inspection and copying at the address listed in ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation.

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend Title 33, Code of Federal Regulations 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. A new section 165.1115 is added to read as follows:

§ 165.1115 Copper Canyon, Lake Havasu, Colorado River—Regulated Navigation Area.

(a) *Location.* The following is a regulated navigation area: (1) In the water area of Copper Canyon, Lake Havasu, Colorado River, beginning at the approximate center of the mouth of Copper Canyon and drawing a line down the approximate center of the canyon extending shoreward to the end of the navigable waters of the canyon,

and comprising a semi-rectangular area extending 30 feet on each side of the line, for a total semi-rectangular width of 60 feet. (2) This line is more precisely described as: beginning at latitude 34°25'42"N, longitude 114°18'26"W, thence southwesterly to latitude 34°25'38"N, longitude 114°18'26"W, thence southwesterly to latitude 34°25'37"N, longitude 114°18'26"W, thence southwesterly to latitude 34°25'34"N, longitude 114°18'26"W, thence southwesterly to latitude 34°25'33"N, longitude 114°18'28"W, thence southwesterly to latitude 34°25'29"N, longitude 114°18'29"W, thence to the end of the navigable waters of the canyon. All coordinates use Datum: NAD83.

(3) The semi-rectangular area shall extend 30 feet on each side of this line, for a total semi-rectangular width of 60 feet.

(b) *Definitions.* For the purpose of this section:

(1) *Vessel:* Every description of watercraft, used or capable of being used as a means of transportation on the water, regardless of mode of power.

(2) *Patrol Vessel:* Vessels designated by the Captain of the Port, San Diego, to enforce or assist in enforcing these regulations, including Coast Guard, Coast Guard Auxiliary, and San Bernardino County Sheriffs Department vessels.

(c) *Regulations.* (1) Vessels, with the exception of patrol vessels, shall not anchor, moor, loiter in, or otherwise impede the transit of any other vessel within the regulated navigation area. Furthermore, all vessels, with the exception of patrol vessels, shall expeditiously and continuously transit the regulated navigation area via the most direct route consistent with navigational safety.

(2) During periods of vessel congestion within the Copper Canyon area, as determined by the Captain of the Port or his designated on-scene representative, the regulated navigation area will be closed to all vessels, with the exception of patrol vessels. During designated closure periods, no vessel may enter, remain in, or transit through the regulated navigation area with the exception of patrol vessels. Designation of periods of vessel congestion and announcement of the closure of the regulated navigation area will be conducted by broadcast notices to mariners on VHF–FM Channel 16 no less frequently than every hour for the duration of the closure period.

(3) Each person in the regulated navigation area shall comply with the directions of the Captain of the Port or

his designated on-scene representative regarding vessel operation.

Dated: March 11, 1998.

J.C. Card,

Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 131

[FRL–5989–8]

Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States' Compliance—Revision of Polychlorinated Biphenyls (PCBs) Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Clean Water Act (CWA) requires states to adopt numeric criteria for those priority toxic pollutants for which EPA has published criteria guidance and whose discharge or presence could reasonably be expected to interfere with designated uses of states' waters. In 1992, EPA promulgated the National Toxics Rule (NTR) establishing numeric water quality criteria for toxic pollutants in fourteen states and jurisdictions to protect human health and aquatic life. These states and jurisdictions had not adopted sufficient chemical-specific, numeric criteria for toxic pollutants necessary to comply with the Clean Water Act.

Among the criteria promulgated in the NTR were human health and aquatic life water quality criteria for polychlorinated biphenyls (PCBs). Today, EPA is proposing revisions to the human health water quality criteria for PCBs in the NTR, based on the Agency's reassessment of the cancer potency of PCBs.

DATES: Written comments must be submitted by midnight June 1, 1998.

ADDRESSES: Send written comments to W–98–06, WQS–PCBs Comment Clerk, Water Docket, MC 4101, US EPA, 401 M Street, S.W., Washington, D.C. 20460. Comments may also be submitted electronically to OW–Docket@epamail.epa.gov. The record is available for inspection from 9:00 to 4:00 p.m., Monday through Friday, excluding legal holidays at the Water Docket, East Tower Basement, USEPA, 401 M St., S.W., Washington, D.C. For