

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[COTP MIAMI 07-065]

RIN 1625-AA00

Safety Zone; Biscayne Bay Yacht Racing Association Full Moon Races, Biscayne Bay, Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Biscayne Bay Yacht Racing Association (BBYRA) Full Moon Races, which will temporarily limit the movement of non-participant vessels in Biscayne Bay in Miami, FL. This temporary safety zone is intended to restrict vessels from entering the waters where the event will be held unless specifically authorized by the Captain of the Port, Miami, Florida, or designated representative. This regulation is needed to provide for the safety of life on navigable waters during the event to participants, marine spectators and recreational and professional mariner traffic.

DATES: This rule is effective from 7 p.m. on June 30, 2007 until 11 p.m. on August 25, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket COTP MIAMI 07-065 and are available for inspection or copying at Sector Miami, 100 MacArthur Causeway, Miami Beach, FL 33139 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: MSTCS R. Johnson, Coast Guard Sector Miami, Florida, at (305) 535-4317.

SUPPLEMENTARY INFORMATION:**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Notice of these events was not provided to the Coast Guard with sufficient time to publish an NPRM and receive public comment before the event date. Furthermore, good cause exists because this temporary safety zone will not significantly restrict the use of the waterway as all vessels will be able to safely transit around the zone. A Coast Guard Patrol Commander will be

available and the Coast Guard will also issue a Broadcast Notice to Mariners. This temporary rule is necessary to ensure the safety of participants, spectators, and the general public on the navigable waters of the United States.

Under 5 U.S.C. (d)(3), for the same reasons articulated in the preceding paragraph, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

The Biscayne Bay Yacht Racing Association is sponsoring the BBYRA Full Moon Races, approximately 12 sailboats, 20 to 54 feet in the length, are expected to participate. The events will be held on the evenings of June 31, July 28, and August 25, 2007. The public is invited to attend. The high concentration of event participants, spectators, and the general boating public presents an extra hazard to the safety of life on the navigable waters of the United States. A safety zone encompassing the waters in the Biscayne Bay & Intracoastal Waterway is necessary to protect participants as well as spectators from hazards associated with the event.

Discussion of Rule

This rule establishes a temporary safety zone for the BBYRA Full Moon Races in Biscayne Bay in Miami, FL. The safety zone is 100 yards around all race participants as they transit the waters of Biscayne Bay south of the Rickenbaucker Causeway to Latitude 25°32'00". Vessels are prohibited from anchoring, mooring, or transiting within this zone, unless authorized by the Captain of the Port, Miami, Florida, or designated representative. A succession of not fewer than 5 short whistle or horn blasts from a Coast Guard patrol vessel will be the signal for any and all vessels within the safety zone to take immediate steps to avoid collision. Traffic may resume normal operations at the completion of the scheduled races and exhibitions as determined by the Coast Guard Patrol Commander. This regulation will be enforced from 7 p.m. to 11 p.m. on June 30, July 28, and August 25, 2007.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the

regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Entry into the safety zone is prohibited for only limited time periods, and all vessels should be able to safely transit around the zone at all times. If the Coast Guard Patrol Commander determines that it is safe for vessels to transit the zone, vessels may proceed through the zone between scheduled racing events. Traffic may resume normal operations at the completion of scheduled races and exhibitions as determined by the Coast Guard Patrol Commander. Finally, advance notifications to the maritime community through marine information broadcasts will allow mariners to adjust plans accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the waters of the Biscayne Bay during the effective period. This temporary safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only 4.0 hours in the evening when vessel traffic is low, vessel traffic may safely pass around the zone, and vessels may pass through the zone with the permission of the Coast Guard Patrol Commander.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government

jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding this rule.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order, because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.ID,

which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction, from further environmental documentation.

A final "Environmental Analysis Checklist" and "Categorical Exclusion Determination" are available in the docket where indicated under addresses.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T07-065 to read as follows:

§ 165.T07-065 Safety Zone; Biscayne Bay Yacht Racing Association Full Moon Races; Biscayne Bay, Miami, FL.

(a) *Location.* A temporary safety zone is established for the BBYRA Full Moon Races, Biscayne Bay, Miami, Florida. The safety zone is 100 yards around all race participants as they transit the waters of Biscayne Bay south of the Rickenbacker Causeway to Latitude 25°32'00".

(b) *Definitions.* The following definitions apply to this section: *Designated representative* is a Coast Guard Patrol Commander, including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port of Miami in restricting vessels and persons from entering the temporary safety zone.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, no person or vessel may anchor, moor or transit a safety zone without permission of the Captain of the Port Sector Miami or his designated representative. To request permission to

enter into a safety zone, the designated representative may be contacted on VHF channel 16.

(2) Between scheduled events, the Coast Guard Patrol Commander may permit traffic to resume normal operations for a limited time.

(3) A succession of not fewer than 5 short whistle or horn blasts from a Coast Guard patrol vessel will be the signal for any and all vessels within the safety zone defined in paragraph (a) to take immediate steps to avoid collision.

(d) *Enforcement Period.* This temporary safety zone will be enforced between the hours of 7 p.m. to 11 p.m. on the following days: June 30, July 28, and August 25, 2007.

(e) *Effective Dates.* This rule is effective from 7 p.m. on June 30, 2007 until 11 p.m. on August 25, 2007.

Dated: June 27, 2007.

K.L. Schultz,

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

[FR Doc. E7-14265 Filed 7-23-07; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 412

[EPA-HQ-OW-2005-0036; FRL-8444-8]

RIN 2040-AE92

Revised Compliance Dates Under the National Pollutant Discharge Elimination System Permit Regulations and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends certain compliance dates in the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs)

while EPA works to complete rulemaking to respond to the decision of the U.S. Court of Appeals for the Second Circuit in *Waterkeeper Alliance et al. v. EPA*, 399 F.3d 486 (2nd Cir. 2005). The sole purpose of this rule is to address timing issues associated with the Agency's response to the *Waterkeeper* decision.

This final rule revises the dates established in the 2003 CAFO rule and later modified by a rule published in the **Federal Register** on February 10, 2006, by which facilities newly defined as CAFOs are required to seek permit coverage and by which all permitted CAFOs are required to develop and implement their nutrient management plans (NMPs). EPA is extending the date by which operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOs prior to that date, must seek NPDES permit coverage, from July 31, 2007, to February 27, 2009. EPA is also amending the date by which operations that become defined as CAFOs after April 14, 2003, due to operational changes that would not have made them a CAFO prior to April 14, 2003, and that are not new sources, must seek NPDES permit coverage, from July 31, 2007, to February 27, 2009. Finally, EPA is extending the deadline by which permitted CAFOs are required to develop and implement NMPs, from July 31, 2007, to February 27, 2009.

EFFECTIVE DATE: This rule is effective as of July 24, 2007.

ADDRESSES: EPA established a docket for this action under Docket ID No. EPA-OW-2005-0036. This is where you can obtain a copy of all materials related to this rulemaking, including the comment response document and the rule. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

Publicly available docket materials are available either electronically at www.regulations.gov or in hard copy at the Water Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426.

FOR FURTHER INFORMATION CONTACT:

Rebecca Roose, Water Permits Division, Office of Wastewater Management (4203M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-0758, e-mail address: roose.rebecca@epa.gov.

SUPPLEMENTARY INFORMATION:

- I. General Information
 - Does This Action Apply to Me?
- II. Background
 - A. The Clean Water Act
 - B. History of Actions To Address CAFOs Under the NPDES Permitting Program
 - C. Status of EPA's Response to the Waterkeeper Decision
 - D. History of CAFO Compliance Dates
 - E. Proposed Rule
- III. This Final Rule
 - A. New Deadlines for Permit Applications and for Permitted CAFOs To Develop and Implement Nutrient Management Plans
 - 1. Application Deadline for Newly Defined CAFOs
 - 2. Deadline for Nutrient Management Plans
 - B. Rationale for This Action
- IV. Effective Date of This Action
- V. Statutory and Executive Order Reviews

I. General Information

Does This Action Apply to Me?

This action applies to concentrated animal feeding operations (CAFOs) as defined in section 502(14) of the Clean Water Act and in the NPDES regulations at 40 CFR 122.23. The following table provides a list of standard industrial codes for operations covered under this revised rule.

TABLE 1.—ENTITIES POTENTIALLY REGULATED BY THIS RULE

Category	Examples of regulated entities	North American industry code (NAIC)	Standard industrial classification code
Federal, State, and Local Government Industry	Operators of animal production operations that meet the definition of a CAFO.		
	Beef cattle feedlots (including veal)	112112	0211
	Beef cattle ranching and farming	112111	0212
	Hogs	11221	0213