

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD07-96-021]

RIN 2115-AE46

#### Special Local Regulations; Augusta Southern National Drag Boat Races; Augusta, GA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish permanent special local regulations for the Augusta Southern National Drag Boat Races. This event will be held annually on Thursday, Friday, Saturday, and Sunday during the third week in July, between 6 a.m. and 8 p.m. Eastern Daylight Time. Historically, there have been approximately 160, 16-18 foot, drag boats racing two vessels per heat on a quarter mile long course on that portion of the Savannah River at Augusta, GA, between U.S. Highway 1 (Fifth St) Bridge at mile marker 199.45 and Eliot's Fish Camp at mile marker 197. The boats will be competing at high speeds and at close range. The nature of the event and the closure of the Savannah River creates an extra or unusual hazard in the navigable waters. These proposed regulations are necessary to provide for the safety of life on navigable waters during the event. By establishing these proposed permanent regulations, the Coast Guard expects to give better notice of requirements related to marine events, and also avoid the recurring costs of publication related with temporary regulations. However, the establishment of these proposed permanent regulations would not relieve the event organizers from applying for an annual marine event permit.

**DATES:** Comments must be received on or before May 20, 1996.

**ADDRESSES:** Comments may be mailed to Commander, U.S. Coast Guard Group

Charleston, 196 Tradd Street, Charleston, SC 29401, or may be delivered to operations office at the same address between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (803) 724-7621. Comments will become a part of the public docket and will be available for copying and inspection at the same address.

**FOR FURTHER INFORMATION CONTACT:** ENS M.J. DaPonte, Assistant Operations Officer, Coast Guard Group Charleston, South Carolina at (803) 724-7621.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names, addresses, identify the notice (CGD07-96-021) and the specific section of this proposal to which their comments apply, and give reasons for each comment. The Coast Guard will consider all comments received during the comment period. The regulations may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if the written requests for a hearing are received, and it is determined that the opportunity to make oral presentations will add to the rulemaking process.

##### Discussion of Proposed Regulations

The proposed regulations are needed to provide for the safety of life during Augusta Southern National Drag Boat Races. These regulations are intended to promote safe navigation on the waters off Augusta on the Savannah River during the races by controlling the traffic entering, exiting, and traveling within these waters. The anticipated concentration of spectator and participant vessels associated with the Drag Boat Races poses a safety concern, which is addressed in these proposed special local regulations. The proposed regulations would not permit the entry or movement of spectator vessels and other nonparticipating vessel traffic between the U.S. Highway Route 1 (Fifth Street) Bridge at mile marker

199.45 and Eliot's Fish Camp at mile marker 197 from 6 a.m. to 8 p.m. annually, on Thursday, Friday, Saturday, and Sunday during the third week in July. The proposed regulations would permit the movement of spectator vessels and other nonparticipants after the termination of race each day, and during intervals between scheduled events at the discretion of the Coast Guard Patrol Commander.

##### Regulatory Evaluation

This proposal is not a significant regulatory action under Section 3(f) of the Executive Order 12866 and does not require an assessment of the 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 proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The proposed regulation would last for only 14 hours each 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 reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605 (b) that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

##### Collection of Information

These proposed regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

##### Federalism

This action has been analyzed in accordance with the principles and

criteria contained in Executive Order 12612, and it has been determined that the rulemaking 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 proposal consistent with Section 2.B.2. of Commandant Instruction M16475.1B. In accordance with that section, this proposed action has been environmentally assessed (EA completed), and the Coast Guard has concluded that it will not significantly affect the quality of the human environment. An environmental assessment and a finding of no significant impact have been prepared and are available in the docket for inspection or copying where indicated under ADDRESSES.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and record keeping requirements, Waterways.

#### Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend 33 CFR part 100 as follows:

1. The authority citation for Part 100 continues to read as follows:

#### **PART 100—[AMENDED]**

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A new section 100.709 is added to read as follows:

#### **§ 100.709 Annual Augusta Southern National Drag Boat Races; Savannah River, Augusta, GA.**

##### (a) Definitions.

(1) *Regulated Area.* The regulated area is formed by a line drawn directly across the Savannah River at the U.S. Highway 1 (Fifth Street) Bridge at mile marker 199.45 and directly across the Savannah River at Eliot's Fish Camp at mile marker 197. The regulated area encompasses the width of the Savannah River between these two lines.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander will be commissioned, warrant, or petty officer who will be designated by the Commander, Coast Guard Group Charleston, South Carolina.

##### (b) Special local regulations.

(1) Entry into the regulated area is prohibited to all non-participants.

(2) After termination of the Augusta Southern National Drag Boat Races each day, and during intervals between

scheduled events, at the discretion of the Coast Guard Patrol Commander, all vessels may resume normal operations.

(c) *Effective Dates.* This section is effective at 6 a.m. and terminates at 8 p.m. Eastern Daylight Time annually on Thursday, Friday, Saturday and Sunday during the third week of July, unless otherwise specified in the Seventh Coast Guard District Local Notice to Mariners.

Dated: March 21, 1996.

Roger T. Rufe, Jr.,

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

[FR Doc. 96-9603 Filed 4-17-96; 8:45 am]

BILLING CODE 4910-14-M

#### **33 CFR Part 165**

**[CGD09-96-002]**

#### **Safety Zone—Lake Erie, Detroit to Cleveland**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a moving safety zone around the M/V AMERICAN REPUBLIC on Sunday, June 9, 1996, as it transits lake Erie from Detroit to Cleveland. During this time, the M/V AMERICAN REPUBLIC will be transporting the 1996 Summer Olympics Torch Runner on the Detroit to Cleveland leg of the cross-country relay. This safety zone is necessary to protect the vessel and its passengers from vessels which may impede its passage.

**DATES:** Comments must be received on or before May 20, 1996. This regulation will become effective at 8 a.m. on June 9, 1996, and terminate at 11 p.m. on June 9, 1996, unless terminated earlier by the Coast Guard Captain of the Port Detroit or Cleveland.

**ADDRESSES:** Comments and supporting materials should be mailed or delivered to Lieutenant Commander Rhae Giacoma, Assistant Chief, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, Room 2069, 1240 E. Ninth Street, Cleveland, Ohio, 44199-2060. Please reference the name of the proposal and the docket number in the heading above. If you wish receipt of your mailed comments to be acknowledged, please include a stamped self-addressed envelope or postcard for that purpose. Comments and materials received will be available for public inspection at the above location from 9 a.m. to 3 p.m. Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant Commander Rhae Giacoma, Assistant Chief, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, Room 2069, 1240 E. Ninth Street, Cleveland, Ohio, 44199-2060, (216) 522-3994.

#### **SUPPLEMENTARY INFORMATION:**

##### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting comments which may consist of data, views, arguments, or proposals for amendments to the proposed regulations. The Coast Guard does not currently plan to have a public hearing. However, consideration will be given to holding a public hearing if it is requested. Such a request should indicate how a public hearing would contribute substantial information or views which cannot be received in written forms. If it appears that a public hearing would substantially contribute to this rulemaking and there is sufficient time to publish a notice, the Coast Guard will announce such a hearing by a later notice in the Federal Register. The Coast Guard will consider all comments received before the closing date indicated above, and may amend or revoke this proposal in response to such comments.

##### Background and Purpose

Prior to the opening of the 1996 Summer Olympics in Atlanta, GA, the Olympic Torch will be carried cross country by way of a relay. The relay will begin in Los Angeles, CA and terminate in Atlanta, GA. Part of the relay includes an over-water leg from Detroit, MI to Cleveland, OH. For this leg, the Olympic Torch and Runner will be transported across Lake Erie onboard the Great Lakes cargo vessel M/V AMERICAN REPUBLIC. The Torch Runner will arrive in Detroit Hart Plaza on the morning of June 9, 1996, where he will board the M/V AMERICAN REPUBLIC for transit to Cleveland. The vessel is expected to arrive at Cleveland City Dock the evening of June 9, 1996.

The M/V AMERICAN REPUBLIC will be taking the following route: From Detroit, the transit will follow the shipping channel down the Detroit River, then 095 degrees True across northern Lake Erie (transiting north of Pelee Island) to Pelee Passage Light, through Pelee Passage, then 111 degrees True to Cleveland.

A 200-yard moving safety zone will be in place around the M/V AMERICAN