PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107

REGULATORY DIVISION
Refer to: 2002-1N-280

October 17, 2003

THIS NOTICE IS PUBLISHED AS NOTIFICATION OF THE MODIFICATION OF AN EXISTING REGULATION THAT GOVERNS RESTRICTED AREAS IN THE COOPER RIVER AND ITS TRIBUTARIES IN THE VICINITY OF THE NAVAL WEAPONS STATION IN CHARLESTON AND BERKELEY COUNTIES, SOUTH CAROLINA

1. This public notice is published as required by Regulation 33 CFR Part 209.200 regarding regulations prescribed by or under the direction of the Secretary of the Army to govern navigation and navigable waters.

2. A modification to naval restricted area regulations identified at 33 CFR Part 334.460 (b)(6) was approved by the director of Civil Works on October 6, 2003. A Public Notice was issued by the Charleston District on July 12, 2002, with the comment period ending on August 12, 2002. The Corps of Engineers published a Notice of Proposed Rulemaking in the Federal Register on December 26, 2002, with the comment period ending on January 27, 2003. The comments that were received in response to the Public Notice and the Notice of Proposed Rulemaking were coordinated with the Naval Weapons Station Charleston and all concerns were resolved to the satisfaction of the individuals or organizations that provided comments. Accordingly, the Notice of Proposed Rulemaking was adopted as a Final Rule.

3. The approved regulation is described in the attached copy of the Federal Register of Monday, October 6, 2003. The approximate limits of restricted area (a) (8) are shown on the attached drawing.

4. A copy of "33 CFR 334.460 Cooper River and Tributaries at Charleston, S.C.: restricted areas" is available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy. Please identify the project number referenced in this public notice and enclose a self-addressed stamped envelope for mailing a copy of the existing regulation to you. Your request should be addressed to the

U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107

If you have any questions concerning this matter, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

Nathaniel Ball
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

(h) *Alternative reporting.* The Ninth Coast Guard District Commander may consider and approve alternative methods to be used by a reporting party to meet any reporting requirements if—

(1) The request is submitted in writing to Commander, Ninth Coast Guard District (m), 1240 E. Ninth Street, Cleveland, Ohio, 44199–2060; and

(2) The alternative provides an equivalent level of the reporting that which would be achieved by the Coast Guard with the required check-in points.

(i) Deviation from this section is prohibited unless specifically authorized by the Commander, Ninth Coast Guard District or the IRVMC.

Dated: September 29, 2003.

Ronald F. Silva,

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

[FR Doc. 03–25296 Filed 10–1–03; 3:55 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

33 CFR Part 334

United States Navy Restricted Area, Cooper River and Tributaries, Naval Weapons Station Charleston, Charleston, SC

AGENCY: United States Army Corps of Engineers, Department of Defense.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is amending existing regulations to expand the authority of the Commanding Officer, Naval Weapons Station Charleston to restrict passage of persons, watercraft and vessels within currently designated restricted areas in the Cooper River and its tributaries in the vicinity of the Naval Weapons Station in Charleston, South Carolina. The purpose of the proposed change is to provide effective security in the area of the Naval Weapons Station.

EFFECTIVE DATE: November 5, 2003.

ADDRESSES: U.S. Army Corps of Engineers, ATTN: CECW–OR, 441 G Street, NW., Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Torbett, Headquarters Regulatory Branch, Washington, DC, at (202) 761–4618, or Mr. Nathaniel Ball, Corps of Engineers, Charleston District, at (843) 329–8044.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and chapter XIX, of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3) the Corps is amending the restricted area regulations published at 33 CFR 334 by modifying 334.460(b)(6) to expand the authority of the Commanding Officer, Naval Weapons Station Charleston to restrict the passage of persons, watercraft and vessels within the Cooper River and its tributaries in the vicinity of the Naval Weapons Station in Charleston, South Carolina. The boundaries of restricted areas and danger zones identified in 33 CFR 334.460 (a) are unchanged. The regulation at 33 CFR 334.460(b)(6) is being amended to include restricted area (a)(8) of 334.460. The amended regulation will allow the Commanding Officer of the Naval Weapons Station to restrict the passage of persons, watercraft, and vessels, at his/her discretion in the interest of National Security until such time as he/she determines such restrictions may be terminated.

Procedural Requirements

a. Review Under Executive Order 12866

This rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review Under the Regulatory Flexibility Act

This rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.*, small businesses and small governments). The Corps expects that the economic impact of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal will have no significant economic impact on small entities.

c. Review Under the National Environmental Policy Act

The Charleston District has prepared an Environmental Assessment (EA) for this action. The District has concluded, based on the minor nature of the proposed additional restricted area, that this action will not have a significant impact to the quality of the human environment, and preparation of an Environmental Impact Statement (EIS) is not required. The EA may be reviewed at the Charleston District office listed at the end of **FOR FURTHER INFORMATION CONTACT** above.

d. Unfunded Mandates Act

This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of section 202 or 205 of the Unfunded Mandates Act. The District has also found under section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

e. Submission to Congress and the General Accounting Office

Pursuant to section 801(a)(1)(A) of the Administrative Procedure Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this Rule to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office. This rule is not a major rule within the meaning of section 804(2) of the Administrative Procedure Act, as amended.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Restricted areas, Waterways.

■ For the reasons set out in the preamble, the Corps of Engineers is amending 33 CFR part 334 as follows:

PART 334—DANGER ZONES AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for Part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

■ 2. Amend § 334.460 by revising paragraph (b)(6) to read as follows:

§ 334.460 Cooper River and tributaries at Charleston, SC.

* * * * *

(b) * * *

(6) In the interest of National Security, Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, may at his/her discretion, restrict passage of persons, watercraft and vessels in the areas described in paragraphs (a)(7), (a)(8) and (a)(11) of this section until such time as he/she determines such restriction may be terminated.

* * * * *

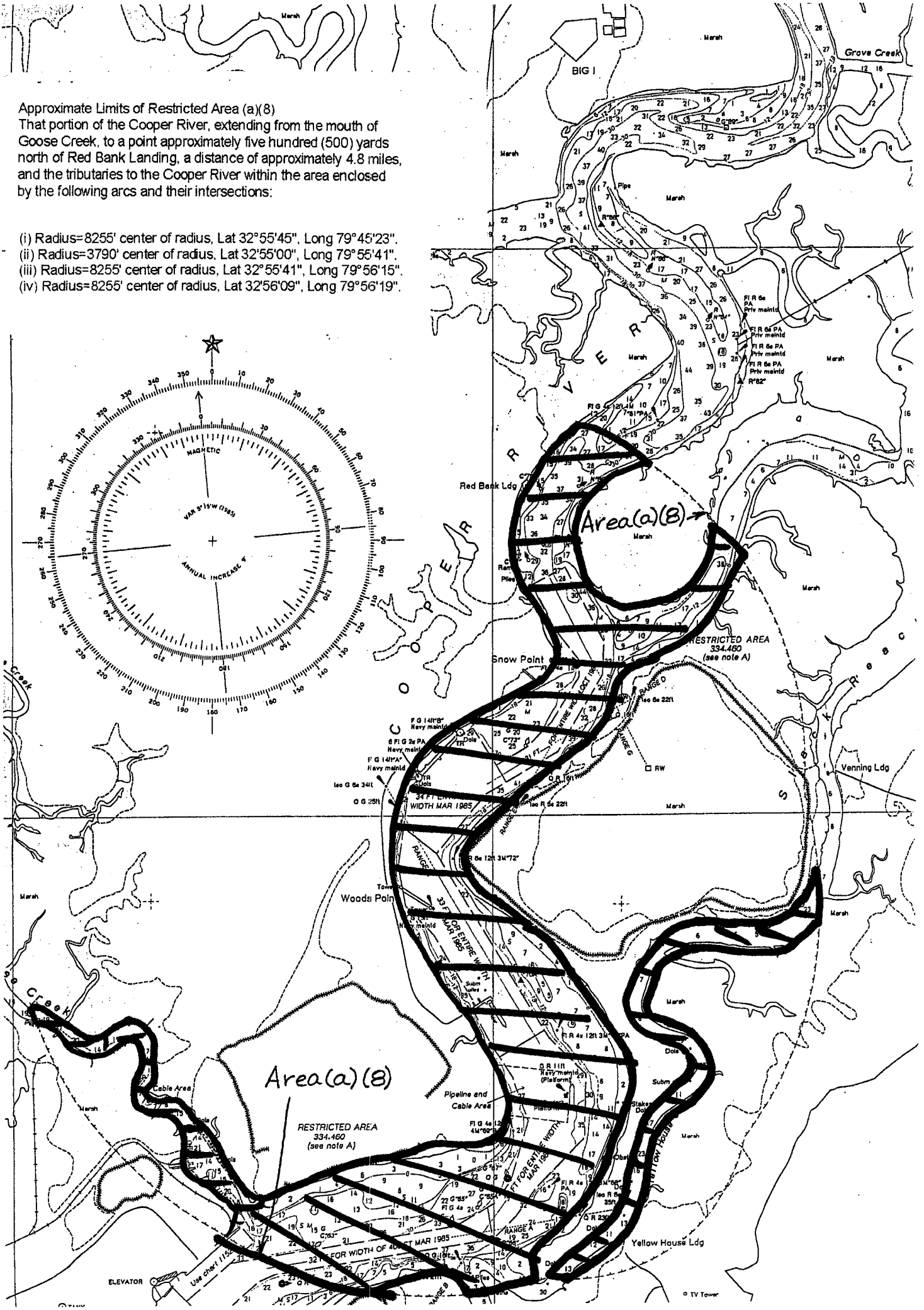
Dated: September 16, 2003.

Lawrence A. Lang,

Deputy Chief, Operations Division, Directorate of Civil Works.

[FR Doc. 03–25205 Filed 10–3–03; 8:45 am]

BILLING CODE 3710–92–P

Approximate Limits of Restricted Area (a)(8)
That portion of the Cooper River, extending from the mouth of Goose Creek, to a point approximately five hundred (500) yards north of Red Bank Landing, a distance of approximately 4.8 miles, and the tributaries to the Cooper River within the area enclosed by the following arcs and their intersections:

(i) Radius=8255' center of radius, Lat 32°55'45", Long 79°45'23".
(ii) Radius=3790' center of radius, Lat 32°55'00", Long 79°55'41".
(iii) Radius=8255' center of radius, Lat 32°55'41", Long 79°56'15".
(iv) Radius=8255' center of radius, Lat 32°56'09", Long 79°56'19".