

significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 946

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 28, 1996.

Vann Weaver,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96-22968 Filed 9-11-96; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

33 CFR Part 334

Cooper River and Tributaries, Charleston, South Carolina, Danger Zones and Restricted Areas

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps is proposing to amend the regulations which establish several danger zones and restricted areas in the waters of the Cooper River and its tributaries in the vicinity of Charleston, South Carolina by establishing a new danger zone for a small arms range at the Naval Weapons Station. The small arms firing range is to be used for training by the U.S. Border Patrol Training Academy. The Corps is also correcting a coordinate that defines the boundaries of an existing danger zone and making minor editorial amendments to the regulations to clarify that persons, as well as vessels, are not allowed within the danger zones and restricted areas. This clarification would not affect the size, location or further restrict the public's use of the areas. The danger zones and restricted areas continue to be essential to the safety and security of Government facilities, vessels and personnel and protect the public from the hazards

associated with the operations at the Government facilities.

DATES: Comments must be submitted on or before October 15, 1996.

ADDRESS: HQUSACE, CECW-OR, Washington, D.C. 20314-1000.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783, or Ms. Tina Hadden of the Charleston District at (803) 727-4607.

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 proposes to amend the regulations in 33 CFR Part 334.460. The Commanding Officer, Naval Weapons Station Charleston, South Carolina, has requested an amendment to the regulations in 33 CFR 334.460(a)(2), to correct a coordinate which establishes a boundary of a danger zone in Foster Creek. The coordinate which presently reads "Latitude 31 59'17" N" is corrected to read "32 59'16" N". The Navy has also requested that a new danger zone be established in an unnamed tributary and associated marsh of Back River and Foster Creek to prohibit public entry into the new area ((a)(13)), and to also prohibit entry into the existing danger zone (a)(12). The purpose of the danger zone is to protect the public from the dangers associated with a small arms firing range nearby and the potential for an errant round to impact into the water. It is not the intent of the Navy to use the waters of the danger zone as an impact area for the range. The Navy proposes to erect post-mounted signs at intervals across the marsh to identify the area as a danger zone. It is believed that closure of the water area for the new danger zone will have minimal impact or no impact on the public's use of the area which is described as a marsh area not navigable by conventional watercraft nor frequented by fishermen. We also propose an editorial change to clarify that these restricted area and danger zone regulations apply to personnel as well as vessels. Other minor changes to the regulations are editorial in nature and since the revisions do not change the boundaries or increase the restrictions on the public's use or entry into the designated areas, the changes will have practically no effect on the public. In addition to the publication of this proposed rule, the Corps Charleston District Engineer is concurrently soliciting public comment on these proposed changes to the danger zone

rules by distribution of a public notice to all known interested parties.

Procedural Requirements

a. Review under Executive Order 12866.

This proposed 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.

These proposed rules have 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 the changes to the danger zones would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal if adopted, will have no significant economic impact on small entities.

c. Review under the National Environmental Policy Act.

An environmental assessment has been prepared for this action. We have concluded, based on the minor nature of the proposed additional danger zone and other editorial changes that these amendments to danger zones and restricted areas will not have a significant impact to the human environment, and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the District Office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

d. Unfunded Mandates Act

This proposed 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. We have also found under Section 203 of the Act, that small governments will not be significantly and uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Navigation (water), Transportation, Danger zones.

For the reasons set out in the preamble, we propose to amend 33 CFR part 334, as follows:

PART 334—DANGER ZONE 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. Section 334.460 is amended by revising paragraphs (a)(12), (b) (1), (2), (3), (4), (5), (6), (7), (9), and (11), and adding a new paragraph at (a)(13), to read as follows:

§ 334.460 Cooper River and tributaries at Charleston, SC.

(a) The areas:

(12) *Danger zone.* That portion of Foster Creek beginning at the point of the southern shoreline of an unnamed tributary of Foster Creek at its intersection with Foster Creek at latitude 32°59'16"N, longitude 79°57'23"W; thence back proceeding along the eastern shoreline to the terminus of the tributary at latitude 32°59'49"N, longitude 79°57'29"W; thence back down the western shoreline of the unnamed tributary to latitude 32°59'15"N, longitude 79°57'26"W. The waters and associated marshes in this danger zone area are subject to impact by rounds and ricochets originating from a small arms range when firing is in progress.

(13) *Danger zone.* Those portions of unnamed tributaries and associated marshes of Back River and Foster Creek that are generally described as lying south of the main shoreline and extending southward to the northern shoreline of Big Island (U.S. Naval Reservation). Specifically, the area beginning at a point on the main shoreline which is the northern shore of an unnamed tributary of Back River at latitude 32°59'19"N, longitude 79°56'52"W, southwesterly to a point on or near the northern shoreline of Big Island at latitude 32°59'11"N, longitude 79°56'59"W; thence northwesterly to a point on the main shoreline, which is the northern shore of an unnamed tributary of Foster Creek, at latitude 32°59'16"N, longitude 79°57'11"W; thence easterly along the main shoreline, which is the northern shore of the unnamed tributaries of Foster Creek and Back River, back to the point of beginning at latitude 32°59'19"N, longitude 79°56'52"W. The waters and associated marshes in this danger zone area are subject to impact by rounds and ricochets originating from a small arms range when firing is in progress.

(b) The regulations:

(1) Unauthorized personnel, vessels and other watercraft shall not enter the restricted areas described in paragraphs (a)(1), (a)(2), and (a)(4) of this section at any time.

(2) Personnel, vessels and other watercraft entering the restricted area described in paragraph (a)(5) of this section, shall proceed at normal speed

and under no circumstances anchor, fish, loiter, or photograph until clear of the restricted area.

(3) Personnel, vessels and other watercraft may be restricted from using any or all of the area described in paragraphs (a)(3) and (a)(6) of this section without first obtaining an escort or other approval from Commander, Naval Base, Charleston, when deemed necessary and appropriately noticed by him/her for security purposes or other military operations.

(4) Personnel, vessels and other watercraft, other than those specifically authorized by Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, entering the restricted area described in paragraph (a)(8) of this section shall proceed at normal speed, and under no circumstances anchor, fish, loiter, or photograph in any way until clear of the restricted area.

(5) Personnel, vessels and other watercraft, other than those specifically authorized by Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, entering the areas described in paragraphs (a)(9) and (a)(10) of this section, are prohibited from entering within one-hundred (100) yards of the west bank of the Cooper River, in those portions devoid of any vessels or manmade structures. In those areas where vessels or man-made structures are present, the restricted area will be 100 yards from the shoreline or 50 yards beyond those vessels or other man-made structures, whichever is the greater. This includes the area in paragraph (a)(10) of this section.

(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) and (a)(11) of this section until such time as he/she determines such restriction may be terminated.

(7) All restricted areas and all danger zones and the approaches leading to the danger zones will be marked with suitable warning signs.

* * * * *

(9) The regulations in this section for the danger zones described in paragraphs (a)(12) and (a)(13) of this section and the regulations described in paragraphs (b) (4), (5) and (6) of this section, shall be enforced by the Commanding Officer, Naval Weapons Station Charleston, SC, and such agencies as he/she may designate.

* * * * *

(11) The unauthorized entering or crossing of the danger zones described in paragraphs (a)(12) and (a)(13) of this

section by all persons, watercraft and vessels is prohibited at all times unless specifically authorized by the Commanding Officer of the U.S. Naval Weapons Station Charleston, SC.

Dated: August 29, 1996.

John P. D'Aniello,

Deputy Director of Civil Works.

[FR Doc. 96-23173 Filed 9-11-96; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960830240-6240-01; I.D. 082796A]

RIN 0648-AH28

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Trawl Closure to Protect Red King Crab

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule and supplemental proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 37 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). This rule would implement trawl closure areas in portions of Bristol Bay, adjust the prohibited species catch limit for red king crab in Zone 1 of the Bering Sea, and increase observer coverage in specified areas related to the trawl closures. These measures are necessary to protect red king crab in Bristol Bay, which has declined to a level that presents a serious conservation problem for this stock. They are intended to accomplish the objectives of the North Pacific Fishery Management Council (Council) with respect to fishery management in the Bering Sea and Aleutian Islands Management area (BSAI).

DATES: Comments must be submitted by October 28, 1996.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel. Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory