

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

[COTP Savannah 98-010]

RIN 2115-AA97

**Safety Zones; Savannah River, Savannah, GA**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing six (6) temporary safety zones in the vicinity of the Savannah River and approaches during the Americas' Sail marine event to be held from July 2-6, 1998. These regulations are necessary to protect life and property on navigable waters because of the danger associated with the large number of expected participant and spectator craft within the narrow confines of the navigation channel.

**DATES:** This regulation is effective from 9 a.m. Eastern Daylight Time (EDT) on July 2, 1998, until 2 p.m. EDT on July 6, 1998.

**FOR FURTHER INFORMATION CONTACT:** LT Burt Lahn, Marine Safety Office Savannah at Tel: (912) 652-4353, between the hours of 0730 and 1600, Monday through Friday, except holidays.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

The Coast Guard published a Notice of Proposed Rulemaking on April 30, 1998 (63 FR 23703). One comment was received during the comment period.

**Discussion of Comments and Changes**

One comment was received from a spill response organization stating that the Coast Guard needed to provide access through the safety zones for spill response organizations in case of a spill. The Coast Guard agrees, and will facilitate any such request from any spill response organization in the event of an oil spill.

Additionally, because of updated participant vessel arrival, transit, mooring and departure information, all the effective times for the safety zones have been shortened, with the exception of the safety zone on July 4, 1998, for the fireworks display.

**Background Purpose**

The events requiring these regulations will commence on July 2, 1998, when tall ships will begin arriving and anchoring in a pre-designated staging area offshore of Tybee Island, Georgia.

On July 3, 1998, the tall ships will proceed in a pre-designated order into the Port of Savannah via the Savannah River, and will moor along the Savannah waterfront. During the period from July 3 to July 5, 1998, import activities will be held, including a fireworks display on the evening of July 4, 1998. On the morning of July 6, 1998, the vessels will depart the Port of Savannah, form up offshore, and the class A vessels (those greater than 150 feet) will commence racing to Long Island, New York.

Approximately 1,000 spectator craft are expected to participate in the Americas' Sail festivities. The Coast Guard is establishing the following six (6) safety zones at various times during the event: (1) A one square mile pre-arrival staging area offshore of Tybee Island, Georgia; (2) a safety zone from the entrance buoys, Savannah River to the Talmadge Bridge extending a width of 300 feet around the center of the channel for the inbound transit; (3) a safety zone from the south bank of the Savannah River to the center of the Talmadge Bridge extending Eastward to position 32-04.45N, 081-04.45W; (4) a 300 foot safety zone around a fireworks staging area located on Hutchinson Island, in an approximate position of 32-05N, 081-05W; (5) a safety zone from the entrance buoys, Savannah River to the Talmadge Bridge extending a width of 300 feet around the center of the channel for the outbound transit, and; (6) a safety zone northeast of Tybee Island, Georgia, for the pre-race staging and the commencement of the offshore race.

The anticipated concentration of spectator and participant vessels associated with this event poses safety and security concerns for the safety and well being of the parading vessels and spectators. These regulations are intended to provide safety for the Americas' Sail participants and ensure safe navigation on the Savannah River and approaches by managing and controlling the traffic entering, exiting and traveling within the Savannah River waters. These safety zones are required to minimize the problems associated with large numbers of small craft within the confines of the narrow navigation channel on the Savannah River during the event.

The Coast Guard, assisted by State Law Enforcement patrol vessels, will be on scene to enforce the zones and monitor traffic. No persons or vessels will be allowed to enter or operate within these zones, except as may be authorized by the Captain of the Port.

The following are safety zones:

(1) The safety zone for the offshore staging/anchorage area for the tall ships will be in effect from 9 a.m. EDT on July 2, 1998, to 2 p.m. on July 3, 1998, and will encompass an area bounded by 32-00N, 080-45W, 32-01N, 080-45W, 32-01N, 080-46W, and 32-00N, 080-46W. During this time no vessel shall be allowed to enter this safety zone unless authorized by the Captain of the Port.

(2) The safety zone to allow the parade of tall ships into the city of Savannah will be in effect from 11 a.m. to 5 p.m. EDT on July 3, 1998, and will encompass the center 300 feet of the Savannah River channel from the entrance of Bloody Point Range to the Talmadge Bridge. Enforcement of this safety zone will allow spectator vessels adequate room on each side of the navigation channel to transit or observe the parade of ships. Vessels that cannot navigate outside of this safety zone and desire to depart the port of Savannah on July 3, 1998, must depart in time to clear the entrance of Tybee Island Range prior to 11 a.m. Vessels that cannot safely navigate outside of this safety zone and desire to enter the port of Savannah on July 3, 1998, must commence the inbound transit prior to 11 a.m. The Captain of the Port will allow vessel traffic to resume inbound transits utilizing the entire navigational channel when the last tall ship in the parade clears Longitude 081-02W. Vessels using the Intra-Coastal Waterway (ICW) will not be allowed to cross the Savannah River at the junction of Fields Cut once the parade commences.

Vessels will be allowed to resume transiting the ICW once the last tall ship in the parade clears the Savannah River and Fields Cut junction.

(3) The safety zone for the mooring of the vessels will be in effect from 2 p.m. until 5 p.m. EDT on July 3, 1998. The safety zone for the departure of the vessels will be in effect from 8 a.m. until 11 a.m. EDT on July 6, 1998. These zones will include all waters bounded from the south bank of the Savannah River to the center of the Savannah River Channel, from the Talmadge Bridge extending Eastward to position 32-04.45N, 081-04.45W. During these times no vessel shall be allowed to enter these safety zones unless authorized by the Captain of the Port.

(4) The safety zone for the fireworks display will be in effect from 9 p.m. to 11 p.m. EDT on July 4, 1998, and will encompass a 300 foot radius around the fireworks staging area located on Hutchinson Island, in approximate position 32-05N, 081-05W. During this time no vessel shall be allowed to enter

this safety zone unless authorized by the Captain of the Port.

(5) The safety zone to allow the parade of tall ships to depart the city of Savannah will be in effect from approximately 8 a.m. to 2 p.m. EDT on July 6, 1998, and will encompass the middle 300 feet of the Savannah River channel from the Talmadge Bridge to the entrance of Bloody Point Range. Vessels that cannot safely navigate outside of this safety zone and desire to depart the port of Savannah on July 6, 1998, would be required to begin the outbound transit in sufficient time to clear the Savannah Riverfront area prior to 8 a.m. Enforcement of this safety zone will allow spectator vessels adequate room on each side of the navigation channel to transit or observe the parade of ships. Vessels that cannot safely navigate outside of the safety zone and desire to enter the port of Savannah on July 6, 1998, would be required to clear the Savannah Riverfront area prior to 8 a.m. If unable to clear the Savannah Riverfront area by 8 a.m., these vessels would be required to start the inbound transit entrance after 2 p.m. This time may be earlier if the tall ships complete their outbound transit before 2 p.m. The Captain of the Port will allow vessel traffic to resume outbound transit utilizing the entire navigational channel when the last tall ship in the parade clears Longitude 080–51.00W. Vessels using the ICW will not be allowed to cross the Savannah River at the junction of Fields Cut once the lead tall ship in the parade approaches within (1) nautical mile of the area. Vessels will be allowed to resume transiting the ICW once the last tall ship in the parade clears the Savannah River and Field Cut junction.

(6) The safety zone for the pre-race staging for the tall ships will be in effect from 10 a.m. to 2 p.m. EDT on July 6, 1998, and will encompass an area bounded by 32–00.19N, 080–44.07W, 31–59.35N, 080–43.08W, 32–00.59N, 080–41.32W, and 32–01.43N, 080–44.28W. During this time no vessel shall be allowed to enter this safety zone unless authorized by the Captain of the Port.

The Captain of the Port will restrict vessel operations in the above safety zones. No persons or vessels will be allowed to enter or operate within the zones, except as may be authorized by the Captain of the Port, Savannah, Georgia. These regulations are issued pursuant to 33 U.S.C. 1231, as set out in the authority citation of Part 165.

In accordance with U.S.C. 553, good cause exists for making these regulations effective in less than 30 days after **Federal Register** publication.

Delaying the effective date would be contrary to national safety interests since immediate action is needed to minimize potential danger to the public, as insufficient time remains after the 30 day comment period provided by the NPRM published on April 30, 1998, to allow for another 30 day delay after publication.

#### Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 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 exempted it from review 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory and procedures of DOT is unnecessary. These regulations will only be in effect for a short period of time, and the impacts on routine navigation are expected to be minimal.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that this rule will not have a significant economic impact upon a substantial number of small entities because the regulations will only be in effect in limited areas for a total of four days.

#### Collection of Information

This rule contains 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 this temporary rule 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 action and has determined pursuant to Figure 2–1, paragraph (34)(g) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation.

#### List of Subjects in 33 CFR Part 165

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

#### Temporary Regulations

In consideration of the foregoing, the Coast Guard amends Subpart C of part 165 of Title 33, Code of Federal Regulations, 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 § 165.T07–010 is added to read as follows:

#### § 165.T07–010 Safety Zones; Savannah River and Approaches, Savannah, GA.

(a) *Locations:* The following areas are safety zones (all coordinates reference Datum: NAD 83):

(1) From 9 a.m. EDT on July 2, 1998, to 2 p.m. EDT on July 3, 1998, an area bounded by 32–00N, 080–45W, 32–01N, 080–45W, 32–01N, 080–46W, and 32–00N, 080–46W. During this time no vessel shall be allowed to enter this safety zone unless authorized by the Captain of the Port.

(2) From 11 a.m. to 5 p.m. EDT on July 3, 1998, the center 300 feet of the Savannah River navigational channel from the entrance of Bloody Point Range to the Talmadge Bridge. Vessels that cannot safely navigate outside of this safety zone and desire to depart the port of Savannah on July 3, 1998, will be required to begin the outbound transit in sufficient time to clear the entrance to Tybee Island Range prior to 11 a.m. Vessels that cannot safely navigate outside of this safety zone and desire to enter the port of Savannah on July 3, 1998, would be required to commence the inbound transit prior to 11 a.m. The Captain of the Port will allow vessel traffic to resume inbound transits utilizing the entire navigational channel when the last tall ship in the parade clears longitude 081–02W. Vessels using the ICW will not be allowed to cross the Savannah River at the junction of the Fields Cut once the parade commences. Vessels will be allowed to resume

transiting the ICW once the last tall ship in the parade clears the Savannah River and Fields Cut junction.

(3) From 2 p.m. until 5 p.m. EDT on July 3, 1998, and from 8 a.m. until 11 a.m. EDT on July 6, 1998, all waters bounded by the south bank of the Savannah River to the center of the Savannah River Channel, from the Talmadge Bridge to position 32-04.45, 081-04.45W. During these times no vessel shall be allowed to enter these safety zones unless authorized by the Captain of the Port.

(4) From 9 p.m. to 11 p.m. EDT on July 4, 1998, a 300 foot radius around a fireworks staging area in approximate position 32-05N, 081-05W. During this time no vessel shall be allowed to enter this safety zone unless authorized by the Captain of the Port.

(5) From 8 a.m. to 2 p.m. EDT on July 6, 1998, the center 300 feet of the Savannah River channel from the Talmadge Bridge to the entrance of Bloody Point Range. Vessels that cannot safely navigate outside of this safety zone and desire to depart the port of Savannah on July 6, 1998, would be required to begin the outbound transit in sufficient time to clear the Savannah Riverfront area prior to 8 a.m. Vessels that cannot safely navigate outside of this safety zone and desire to enter the port of Savannah on July 6, 1998, would be required to clear the Savannah Riverfront area prior to 8 a.m. If unable to clear the Savannah Riverfront area by 8 a.m., these vessels would be required to start the inbound transit after 2 p.m. The Captain of the Port will allow vessel traffic to resume outbound transits utilizing the entire navigational channel when the last tall ship in the parade clears longitude 080-51W. Vessels using the ICW will not be allowed to cross the Savannah River at the junction of the Fields Cut once the parade approaches within one (1) nautical mile of this area. Vessels will be allowed to resume transiting the ICW once the last tall ship in the parade clears the Savannah River and Fields Cut junction.

(6) From 10 a.m. to 2 p.m. EDT on July 6, 1998, an area bounded by 32-00.19N, 080-44.07W, 31-59.35N, 080-43.08W, 32-00.59N, 080-41.32W, and 32-01.43N, 080-42.28W. During this time no vessel shall be allowed to enter this safety zone unless authorized by the Captain of the Port.

**Note:** The regulations specified in paragraphs (a)(1) and (a)(6) apply only within the navigable waters of the United States. In the waters within the offshore staging area and pre-race staging area that are outside the navigable waters of the United States, the following nonobligatory guidelines apply.

(i) All unaffiliated Americas' Sail vessels should remain clear of the staging area and pre-race staging area and avoid interfering with any Americas' Sail participant or Coast Guard vessel. Interference with anchoring or race activities may constitute a safety hazard warranting cancellation or termination of all or part of the Americas' Sail activities by the Captain of the Port.

(ii) Any unauthorized entry into these zones by unaffiliated vessels constitutes a risk to the safety of marine traffic. Such entry will constitute a factor to be considered in determining whether a person has operated a vessel in a negligent manner in violation of 46 U.S.C. 2302.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into these safety zones is subject to the following requirements:

(1) These safety zones are closed to all non-participating vessels, except as may be permitted by the Captain of the Port or a representative of the Captain of the Port.

(2) The "representative of the Captain of the Port" is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Savannah, GA, to act on his behalf. The representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(3) Non-participating vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port or his representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone shall comply with all directions given them by the Captain of the Port or his representative.

(4) The Captain of the Port may be contacted by telephone via the Command Duty Officer at (912) 652-4353. Vessels assisting in the enforcement of the safety zone may be contacted on VHF-FM channel 16. Vessel operators may determine the restrictions in effect for the safety zone by coming alongside a Coast Guard vessel patrolling the perimeter of the safety zone.

(5) The Captain of the Port Savannah will issue a Marine Safety Information Broadcast Notice to Mariners to notify the maritime community of the safety zones and restrictions imposed.

(c) *Dates.* This section becomes effective at 9 a.m., Eastern Daylight Time (EDT) on July 2, 1998, and terminates at 2 p.m., EDT on July 6, 1998.

Dated: June 3, 1998.

**R.E. Seebald,**

*Commander, U.S. Coast Guard, Captain of the Port, Savannah, Georgia.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[AD-FRL-6106-8]

#### Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** This action amends, corrects errors, and clarifies regulatory text of the "Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills," which was issued as a final rule and guideline on March 12, 1996.

**EFFECTIVE DATE:** This rule will become effective August 17, 1998 without further notice unless the Agency receives relevant adverse comment by July 16, 1998. Should the Agency receive such comments, it will publish a timely document withdrawing this rule.

**ADDRESSES:** Comments should be submitted (in duplicate if possible) to: Air and Radiation Docket and Information Center (MC-6102), Attn: Docket No. A-88-09/Category V-D, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The EPA request that a separate copy also be sent to the contact person listed below. Refer to **SUPPLEMENTARY INFORMATION** for information regarding electronic submittal of comments.

**FOR FURTHER INFORMATION CONTACT:** For information concerning this notice and analyses performed in developing this rule, contact Ms. Michele Laur, Waste and Chemical Processes Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5256. For implementation issues, contact Mary Ann Warner, Program Review Group, Information Transfer and Program Integration Division (MD-12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-1192. For information on the Landfill