

then south-east to 41°40.43' N, 083°29.56' W; then south-west to 41°40.18' N, 083°29.89' W; then north-west to 41°40.24' N, 083°29.98' W; then back to the beginning (NAD 83).

(iv) *Area D.* All waters of the Maumee River bounded by the following: Beginning at 41°39.22' N, 083°31.51' W; then south-east to 41°39.16' N, 083°31.45' W; then south-west to 41°39.09' N, 083°31.58' W then north-west to 41°39.14' N, 083°31.63' W; then back to the of beginning (NAD 83).

**Note to paragraph (a)(2):** Mariners are cautioned that these areas being established as spectator areas have not been subject to any special survey or inspection and that charts may not show all seabed obstructions or the shallowest depths. In addition, substantial currents may exist in these spectator areas and not all portions of these areas are over good holding ground. Mariners are advised to take appropriate precautions when using these spectator areas.

(3) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Group Detroit.

(b) *Special Local Regulations.* (1) Except for vessels officially participating in the Toledo Tall Ships Parade 2003, or those vessels in designated spectator areas, no person or vessel may enter or remain in the regulated area without the permission of the Coast Guard Patrol Commander.

(2) Vessels in any spectator area shall proceed at no wake speeds not to exceed five miles per hour, unless otherwise authorized by the Captain of the Port.

(3) Vessel operators shall comply with the instructions of on-scene Coast Guard patrol personnel.

(4) After completion of the Parade of Sail on July 16, 2003, vessel operators within the Regulated Area are prohibited from passing outbound patrol vessels showing blue lights.

(5) Anchorage Area D, in paragraph (b)(iv) of his section, is restricted for use the of those vessels officially participating in Parade of Sail Toledo 2000 activities. No other vessels will be permitted in Spectator Area D without permission of the Captain of the Port.

(7) Vessels, except emergency, law enforcement, and those authorized by the Captain of the Port, may not transit through the regulated area.

(8) Vessels must vacate all spectator areas after the termination of the effective period for this regulation.

(9) Vessels must mark with an identifiable buoy any anchors which have been fouled on obstructions if such anchors cannot be freed or raised.

(10) Vessels which would like to view the tall ship events occurring in

Maumee Bay prior to the tall ships entering the Maumee River must use Spectator Area A.

(11) Vessels are not to be left unattended in any spectator area at any time.

(12) Vessels are prohibited from securing tying off to any buoy or any other vessel within any spectator area.

(13) Vessels should maintain at least twenty (20) feet of clearance if maneuvering between anchored vessels.

(14) Vessels are prohibited from blocking access to any designated emergency medical evacuation areas.

(c) *Effective period.* This section is effective from 9 a.m. until 7 p.m. on July 16, 2003.

#### **PART 117—DRAWBRIDGE OPERATION REGULATIONS**

3. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1(g); Section 117.255 also issued under authority of Pub. L. 102–587, 106 Stat. 5039; Department of Homeland Security Delegation No. 0170.

4. From 12 p.m. until 3:30 p.m., Wednesday, July 16, 2003, suspend § 117.855, and add temporary § 117.T856 to read as follows:

##### **§ 117.T856 Maumee River.**

(a) The draws of the CSX Transportation railroad bridge, mile 1.07, Norfolk Southern railroad bridge, mile 1.80, Craig Memorial highway bridge, mile 3.30, and the Martin Luther King Memorial Bridge (a.k.a. Cherry Street Highway Bridge), mile 4.30, will remain open to navigation from 12 p.m. until 1:30 p.m. and from 2 p.m. until 3:30 p.m.

(b) The draw of the Norfolk Southern railroad bridge, mile 5.76, shall open on signal.

Dated: May 6, 2003.

**Ronald F. Silva,**

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

[FR Doc. 03–12492 Filed 5–19–03; 8:45 am]

**BILLING CODE 4910–15–P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Parts 110 and 165**

**[CGD09–03–207]**

**RIN 1625–AA00**

**RIN 1625–AA01**

#### **Tall Ships 2003, Navy Pier, Lake Michigan, Chicago, IL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary regulated navigation area (RNA), a moving safety zone and temporarily suspend two anchorage areas encompassed by the RNA for the 2003 Tall Ships Challenge. These regulations are necessary to control vessel traffic in the immediate vicinity for the protection of both participant and spectator vessels during the 2003 Tall Ships Challenge and Parade of Ships. These regulations are intended to restrict vessel traffic in a portion of Lake Michigan in the vicinity of Chicago Harbor for the duration of the event.

**DATES:** Comments and related material must reach the Coast Guard on or before June 10, 2003.

**ADDRESSES:** You may mail or hand-deliver comments and related material to Commanding Officer, U.S. Coast Guard Marine Safety Office Chicago, 215 W. 83rd Street Suite D, Burr Ridge, IL 60527. Marine Safety Office (MSO) Chicago maintains the public docket for this rulemaking. Comments and material received from the public, as well as the documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at MSO Chicago between 8 a.m. and 4 p.m. Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** MST2 Kenneth Brockhouse, MSO Chicago, at (630) 986–2155.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD09–03–207), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Comments and attachments

should be submitted on 8½" × 11" unbound paper in a format suitable for copying. Persons requesting acknowledgement of receipt of comments should include a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Marine Safety Office Detroit at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

### Background and Purpose

During the Chicago Tall Ships event, tall ships will be participating in a Tall Ships Parade and then mooring in Chicago harbor and in the Chicago River. A Regulated Navigation Area (RNA) would be established that encompasses portions of both of the Chicago Harbor as well as the Chicago River to protect those boarding the tall ships as well as spectator vessels from vessels transiting at excessive speeds creating large wakes, and also to prevent obstructed waterways. The RNA would be established on July 30, 2003 and terminate on August 3, 2003 after all the tall ships have departed the area.

A moving safety zone would be established around those vessels officially participating in the Tall Ships Parade of Ships. The Parade of Ships is the start of the Tall Ships 2003 in Chicago, Illinois and a large number of spectator vessels are expected. The parade will include approximately 20 to 30 tall ships and will take place starting on the morning of July 30, 2003 until the evening of July 30, 2003.

### Discussion of Proposed Rule

The Coast Guard is proposing to establish an RNA starting at the Southeast Guide Wall light at 41°53'17.76" N, 87°36'09.110" W; then south south-easterly to 41°52'48" N, 087°36'08" W; then east to the southern most end of the outer Chicago Harbor break wall at 41°52'48" N, 087°35'26" W; then north following the outer Chicago Harbor break wall to 41°54'11" N, 087°36'29" W; then southwest to the north-eastern tip of the Central District Filtration Plant; then to the southeastern tip of the Central Filtration Plant; then to the north-east corner of the Navy Pier; then following the shoreline and/or

seawall, including up the Chicago River to the eastern side of the Michigan Avenue bridge, back to the point of origin (NAD 83).

Within the RNA, no vessel shall exceed 5 mph nor produce a wake. No vessel in the RNA shall pass within 20 feet of a moored tall ship. Any vessel within the RNA must adhere to the direction of the Captain of the Port or his on scene representative which will be the Patrol Commander.

On July 30, 2003, from 10 a.m. until approximately 8 p.m. the Parade of Sail is scheduled to take place. A moving safety zone would be established around all tall ships participating in the parade. The safety zone would extend 100 yards in all directions of each vessel officially participating in the parade. The safety zone will be in effect as tall ships pass the mustering point at 42°03'24" N, 087°38'20.4" W heading south towards Chicago Harbor (NAD 83).

### Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 on Regulatory Planning and Review and therefore 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 this rule under that order. It is non-significant under Department of Homeland Security regulatory policies and procedures. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary. This finding is based on the minimal time that vessels will be restricted from the zone.

### Small Entities

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612) has determined that this rule will not have a significant 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 proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of an activated safety zone. The safety zone and suspended anchorage area would not

have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic can safely pass outside the proposed safety zone during the event. Traffic would be allowed to pass through the safety zone only with the permission of the Captain of the Port or his on scene representative which will be the Patrol Commander. In addition, before the effective period, the Coast Guard would issue maritime advisories widely available to users who might be in the affected area.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact MSO Chicago (see **ADDRESSES**.)

### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

### Taking of Private Property

This proposed rule would not effect 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 proposed 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 proposed 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 concern an environmental risk to health or risk to safety that may disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that, under figure 2-1, paragraph 32(g) of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

#### List of Subjects

##### 33 CFR Part 110

Anchorage grounds.

##### 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 proposes to amend 33 CFR parts 110 and 165 as follows:

#### PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05-1(g), and Department of Homeland Security No. 0170.

##### § 110.205 Suspended

2. From 10:30 a.m. (local time) on July 30, 2003, until 8 p.m. (local time) on August 3, 2003, § 110.205(a)(1) and (a)(2) are temporarily suspended.

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

3. 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; Department of Homeland Security Delegation No. 0170.

4. From 10 a.m. on Wednesday, July 30, 2003 through 5 p.m. on Sunday, August 3, 2003, add § 165.T09-207 to read as follows:

##### § 165.T09-207 Tall Ships 2003, Navy Pier, Lake Michigan, Chicago, IL.

(a) *Regulated navigation area.*

(1) *Location.* The following is a regulated navigation area (RNA): starting at the Southeast Guide Wall light at 41°53'17.76" N, 87°36'09.110" W; then south south-easterly to 41°52'48" N, 087°36'08" W; then east to the southern most end of the outer Chicago Harbor break wall at 41°52'48" N, 087°35'26" W; then north following the outer Chicago Harbor break wall to 41°54'11" N, 087°36'29" W; then southwest to the north-eastern tip of the Central District Filtration Plant; then to the southeastern tip of the Central Filtration Plant; then to the north-east corner of the Navy Pier; then following the shoreline and/or seawall, including up the Chicago River to the eastern side of the Michigan Avenue bridge, back to the point of origin (NAD 83).

(2) *Enforcement period.* The section will be enforced from 8 p.m. on

Wednesday, July 30, 2003 until 5 p.m. on Sunday, August 3, 2003.

(3) *Special regulations.* Vessels within the RNA shall not exceed 5 miles per hour or shall proceed at no-wake speed, whichever is slower. Vessels within the RNA shall not pass within 20 feet of a moored tall ship. Vessels within the RNA must adhere to the direction of the Patrol Commander or other official patrol craft.

(b) *Safety zone.*—(1) *Location.* The following is a moving safety zone: All navigable waters 100 yards ahead of the first official parade vessel, 50 yards abeam of each parade vessel, and 50 yards astern of the last vessel in the parade between the muster point at 42°03'24" N, 087°38'20.4" W until each official parade vessel is moored (NAD 83).

(2) *Enforcement period.* This section will be enforced from 10 a.m. until 8 p.m., or until the last tall ship is moored, on Wednesday, July 30, 2003.

(c) *Regulations.*—(1) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

(2) In cases where shipping is affected by this section, commercial vessels may request permission from the Captain of the Port, Chicago to transit the safety zone. Approval in such cases will be case-by-case. Requests must be made in advance and approved by the Captain of the Port or his designated on-scene representative. The Captain of the Port, Chicago or his designated on-scene representative may be contacted on Channel 16, VHF-FM.

Dated: May 6, 2003.

**Ronald F. Silva,**

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

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**BILLING CODE 4910-15-P**