

**33 CFR Part 183**

[CGD 95-041]

**Propeller Accidents Involving Houseboats and Other Displacement Type Recreational Vessels****AGENCY:** Coast Guard, DOT.**ACTION:** Notice; request for comments.

**SUMMARY:** Boating accidents involving propeller strikes often generate a great deal of interest and concern. As a result of a serious accident involving a rented houseboat which occurred in 1993, for example, the Coast Guard has received considerable correspondence seeking the initiation of a rulemaking project to establish mandatory requirements for propeller guards on recreational houseboats and other displacement-type (non-planing) vessels, including those leased by livery operations. The Coast Guard wants to get an understanding of the public's present feelings about the use of propeller guards or possible alternatives to propeller guards on these vessels. In order to identify and consider the potential impacts such a requirement may have on the boating public, boat owners, boat operators, manufacturers, and livery companies leasing such vessels, the Coast Guard is requesting comments from interested parties.

**DATES:** Comments are requested by July 10, 1995.

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 95-041), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this notice. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

**FOR FURTHER INFORMATION CONTACT:** Mr. Alston Colihan, Project Manager, Auxiliary, Boating, and Consumer Affairs Division, (202) 267-0981.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

The Coast Guard encourages interested persons to participate in this request for comments by submitting written data, views or arguments. Persons submitting comments should include their names and addresses and identify this notice (CGD 95-041). Please submit two copies of all

comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

**Background and Purpose**

The Federal statutes in 46 U.S.C. 4302 which authorize the Coast Guard to develop boating safety standards specify that such standards must be based upon a demonstrated need. In establishing a need, the Coast Guard must:

(1) Consider the extent to which the regulations or standards will contribute to boating safety;

(2) Consider relevant available boating safety standards, statistics and data, including public and private research and development, testing and evaluation;

(3) Not compel substantial alteration of a recreational vessel or equipment that is in existence, or the construction or manufacture of which is begun before the effective date of the regulation, but subject to that limitation may require compliance or performance, to avoid a substantial risk of injury to the public, that the Secretary considers appropriate in relation to the degree of hazard that the compliance will correct; and

(4) Consult with the National Boating Safety Advisory Council.

Current regulations in 33 CFR 173 and 174 require the operator of any vessel numbered or used for recreational purposes to file a Boating Accident Report (BAR) if the vessel is involved in an accident that results in: (1) Loss of life; (2) personal injury which requires medical treatment beyond first aid; (3) damage to the vessel and other property exceeding \$500; or (4) complete loss of the vessel. Boat operators are required to report their accidents to authorities in the State where the accident occurred, or directly to the Coast Guard if the accident occurred in Alaska. However, ongoing research indicates only a small percentage of reportable non-fatal boating accidents are reported each year.

Currently available data does not support a need for Federal regulations to require propeller guards on houseboats. Over 31,000 boating accidents were reported to the Coast Guard for the years 1989 to 1993. The BAR data base indicates that 17 "Struck By Boat or Propeller" accidents involving houseboats were reported, with 16 injuries and one fatality. Three accidents resulting in three injuries were of the category, "Struck by Boat," and 14 were of the category, "Struck by

Propeller," and resulted in 13 injuries and one fatality.

**Solicitation of Views**

The Coast Guard solicits comments from all segments of the marine community and other interested persons on various aspects of propeller accident avoidance, including: (1) The economic and other impacts of establishing a requirement for propeller guards on recreational houseboats and other displacement vessels; (2) suggestions on alternatives to propeller guards which should also be considered; (3) recommendations on the applicability of regulations; and (4) the concerns of the recreational vessel livery and charter industries.

Persons submitting comments should do so as directed under *Request for Comments* above, and specify the area(s) of concern on which comments are being submitted, state what impacts may result from one or more alternatives identified, suggest other alternatives, and provide reasons to support the information provided on potential impact or suggested alternatives.

The Coast Guard will consider all relevant comments in determining what action may be necessary to address propeller accidents involving houseboats and other displacement-type recreational vessels.

Dated: May 3, 1995.

**G.A. Penington,**

*Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.*

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**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 17**

RIN 2900-AG58

**Contract Program for Veterans With Alcohol and Drug Dependence Disorders**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** In a document published in the **Federal Register** on October 5, 1993 (58 FR 51799), the Department of Veterans Affairs proposed to amend its medical regulations concerning the Contract Program for Veterans with Alcohol and Drug Dependence Disorders to incorporate by reference the 1991 edition of the Life Safety Code. This document hereby withdraws the proposal. The 1991 edition of the Life Safety Code has been superseded by a

1994 edition. Accordingly, in the near future the Department will publish a new proposal to incorporate by reference the 1994 edition.

**FOR FURTHER INFORMATION CONTACT:** Karen Boies, Ph.D., Deputy Associate Director for Addictive Disorders and Psychiatric Rehabilitation, Veterans Health Administration, Department of Veterans Affairs, (202) 535-7316.

Approved: May 2, 1995.

**Jesse Brown,**

*Secretary of Veterans Affairs.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 228

[FRL-5205-8]

#### Ocean Dumping; Proposed Site Modifications and Site Dedications

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA today proposes to modify the designation of an Ocean Dredged Material Disposal Site (ODMDS) and to dedesignate another ODMDS in the Atlantic Ocean offshore Charleston, South Carolina. The proposed modifications are to extend the period of use and to provide for improved management of the Charleston Harbor Deepening Project ODMDS. The proposed dedesignation is for the smaller Charleston ODMDS. These proposed actions are necessary to provide an environmentally acceptable ocean disposal site for projects in the Charleston area.

**DATES:** Comments must be received on or before June 26, 1995.

**ADDRESSES:** Send comments to: Wesley B. Crum, Chief, Coastal Programs Section, Water Management Division, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

**FOR FURTHER INFORMATION CONTACT:** Gary W. Collins, 404/347-1740 ext. 4286.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended, 33 U.S.C. 1401 *et seq.*, gives the Administrator of EPA the authority to designate sites where ocean disposal may be permitted. On December 23, 1986, the Administrator delegated the

authority to the Regional Administrator of the Region in which sites are located. The EPA Ocean Dumping Regulations promulgated under MPRSA (40 CFR chapter I, subchapter H, § 228.11) state that use of disposal sites may be modified.

The Charleston Harbor Deepening Project ODMDS was designated on August 3, 1987 along with a smaller Charleston ODMDS. A decision to designate a small site for permanent use at Charleston was based on projected future disposal volumes and the ease of monitoring. The larger Harbor Deepening Project site, which was the interim site, was designated for a seven-year period and restricted to use for Harbor Deepening material only. The smaller, permanent Charleston ODMDS lies within the boundaries of, and completely in the western portion of, the larger Charleston Harbor Deepening Project ODMDS. The sites are defined by the following coordinates:

Charleston Harbor Deepening Project ODMDS:

32°38'06" N, 79°41'57" W;

32°40'42" N, 79°47'30" W;

32°39'04" N, 79°49'21" W;

32°36'28" N, 79°43'48" W.

Charleston ODMDS:

32°40'27" N, 79°47'22" W;

32°39'04" N, 79°44'25" W;

32°38'07" N, 79°45'03" W;

32°39'30" N, 79°48'00" W.

Recent on-site investigations have revealed the presence of significant live bottom resources within and around both Charleston ODMDSs. These resources are located primarily in the western half of the smaller site and along the southern boundary of the larger site. While the effects of burial by dredged material disposal are apparent, the effects of nearby disposal (particularly of fine material) on these resources is yet to be determined. Ongoing studies are being conducted to determine whether recently disposed fine materials are impacting these resources. Until these studies are complete, further disposal of all fine material will be limited to the eastern portion of the Charleston Harbor Deepening Project ODMDS to prevent interference with these studies and to minimize further potential impacts.

On March 5, 1991 final rulemaking was issued to modify the Charleston Harbor Deepening ODMDS to allow non-harbor deepening projects access to this site. Since the smaller ODMDS was the only site available at that time for such projects, and the resources of concern were located within that site, it was determined that such a modification was necessary for continued disposal of Charleston Harbor

area projects in an environmentally-acceptable manner.

In March 1993, the EPA and the Charleston District of the U.S. Army Corps of Engineers (COE) entered into an agreement concerning the management and monitoring of the Charleston Harbor Deepening ODMDS. This Site Management Plan (the Plan) was the result of partnering of the federal, state and local authorities who have an interest in ocean disposal and the protection of marine resources. The Site Management and Monitoring Team (the Team) jointly developed the Plan which outlines specific management and monitoring objectives for the Charleston ODMDS. The Team meets regularly to review the progress and results of monitoring and makes recommendations to EPA and the COE on the management and regulation of ocean disposal at the site. The current five year monitoring effort has entered its third year. Copies of the Plan, which is scheduled for review in 1997, may be obtained for review and comment from either the EPA regional office or the COE District office.

##### B. EIS Determination

EPA has voluntarily committed to prepare Environmental Impact Statements (EIS) in connection with the designation of ocean disposal sites (39 FR 16186 (May 7, 1974)). The need for an EIS in the case of modifications is addressed in 39 FR 37420 (October 21, 1974), section 1(a)(4). If the change is judged sufficiently substantial by the responsible official, an EIS is needed.

The continued use of the Charleston Harbor Deepening ODMDS is vital to the management goals of the Plan. The existence of natural resources within the smaller ODMDS, by itself, should preclude any further use of that site. By allowing the larger ODMDS to receive material on a continued basis, the need for the smaller ODMDS no longer exists, thereby allowing for disposal to occur in a more environmentally acceptable location. In addition, disposal within the larger site will have to proceed in accordance with the Plan. Strict adherence to the disposal placement as specified in the Plan is necessary to prevent wasted monitoring efforts, which were designed based on the disposal of fine-grained materials within a specific location. Because monitoring results may cause management objectives to change, the Plan was designed so that appropriate changes could be made with the concurrence of EPA and the COE. EPA believes these changes do not warrant the preparation of an Environmental Impact Statement (EIS).