

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

[COTP Western Alaska 99-002]

RIN 2115-AA97

Safety Zone; Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, AK

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone in the Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, Alaska. The zone is needed to protect the safety of persons and vessels operating in the vicinity of the safety zone during a rocket launch from the Alaska Aerospace Development Corporation, Narrow Cape, Kodiak Island facility. Entry of vessels or persons into this zone would be prohibited unless specifically authorized by the Coast Guard Captain of the Port, Western Alaska, or his on-scene representative. The intended affect of the proposed safety zone is to ensure the safety of human life and property during the rocket launch.

DATES: Comments must be received on or before August 20, 1996. The proposed safety zone would become effective at 6 a.m. on September 15, 1999, and terminate at 10 p.m. on November 15, 1999.

ADDRESSES: Address all comments concerning this proposed rule to LCDR Byron Black, Planning Officer, Coast Guard Captain of the Port Western Alaska, 510 L Street, Suite 100, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT: LCDR Byron Black at (907) 271-6723.

SUPPLEMENTARY INFORMATION: .

Background and Purpose

The Alaska Aerospace Development Corporation (AADC), in conjunction with the United States Air Force, will launch an unmanned rocket from their facility at Narrow Cape, Kodiak Island Alaska, some time between September 15, 1999, and November 15, 1999. The safety zone would be necessary to protect spectators and transiting vessels from the potential hazards associated with the launch.

The launch is scheduled to take place sometime between September 15, 1999, and November 15, 1999. The Coast Guard would announce by Broadcast Notice to Mariners the anticipated date and time of the launch and would grant general permission to enter the safety

zone during those times in which the launch did not pose a hazard to mariners. Because the hazardous condition should last for about 4 hours of one day, and because general permission to enter the safety zone would be given during non-hazardous times, the impact of this rule on commercial and recreation traffic would be minimal.

Discussion of the Regulation

The proposed safety zone would encompass an area of about 72 square nautical miles in the Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, Alaska. Specifically the proposed zone would encompass the waters of the Gulf of Alaska within the area bounded by a line drawn from a point located at 57°30.5' North, 152°23.5' West, thence southeast to a point located at 57°21.0' North, 151°53.0' West these southwest to a point located at 57°15.5' North, 151°58.5' West, thence northwest to a point located at 57°25.0' North, 152°29.5' West, and thence northeast to the point located at 57°30.5' North, 152°23.5' West. All coordinates refer to Datum: NAD 1983.

This proposed safety zone is necessary to protect spectators and transiting vessels from the potential hazards associated with the launch of the Alaskan Aerospace rocket. The safety zone would become effective at 6 a.m. on September 15, 1999, and terminate at 10 p.m. on November 15, 1999.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under subsection 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under paragraph 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget 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 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act [5 U.S.C., 601 et seq.], the Coast Guard considers whether the proposed rule would have significant economic impacts 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, an governmental jurisdiction with populations less than 50,000. Because the hazardous condition should last for around four hours of one day, and because general permission to enter the safety zone would be given during non-hazardous times, the impact of this rule on commercial and recreational traffic should be minimal. The Coast Guard believes there would be minimal impact on small entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposed rule contains no information-collection requirements under the Paperwork Reduction Act [44 U.S.C. 3501 et seq.].

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Figure 2-1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water). Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 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. Add temporary § 165.T17-002 to read as follows:

§ 165.T17-002 Alaska Aerospace Development Corporation, Narrow Cape, Kodiak Island: safety zones.

(a) *Description.* This safety zone encompasses an area of about 72 square nautical miles in the Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, Alaska. Specifically, it encompasses the waters of the Gulf of Alaska within the area bounded by a

line drawn from a point located at 57°30.5' North, 152°23.5' West, thence southeast to a point located at 57°21.0' North, 151°53.0' West thence southwest to a point located at 57°15.5' North, 151°58.5' West, thence northwesterly to a point located at 57°25.0' North, 152°29.5' West, and thence northeast to the point located at 57°30.5' North, 152°23.5' West. All coordinates refer to Datum: NAD 1983.

(b) *Effective dates.* This section becomes effective at 6 a.m. on September 15, 1999, and terminates at 10 p.m. on November 15, 1999.

(c) *Regulations.* (1) The Captain of the Port Western Alaska, and the Duty Officer at Marine Safety Office, Anchorage, Alaska are available at telephone number (907) 271-6700 or on VHF marine channel 16.

(2) The Captain of the Port may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on this behalf in enforcing the safety zone.

(3) The general regulations governing safety zones contained in 33 CFR § 165.23 of this part apply. No person or vessel may enter or remain in this safety zone, with the exception of attending vessels, without first obtaining permission from the Captain of the Port, or his on-scene representative is available onboard the U.S. Coast Guard cutter in the vicinity of Narrow Cape on VHF marine channel 16.

Dated: June 2, 1999.

W.J. Hutmacher,

Captain, U.S. Coast Guard, Captain of the Port, Western Alaska.

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DEPARTMENT OF EDUCATION

Office of Postsecondary Education

34 CFR Part 694

Notice of Negotiated Rulemaking Process for GEAR UP

AGENCY: Department of Education.

ACTION: Notice of negotiated rulemaking process for GEAR UP.

SUMMARY: We are announcing the formation of the negotiated rulemaking committee that will develop proposed regulations to implement chapter 2 of subpart 2 of part A of Title IV of the Higher Education Act of 1965 (HEA), "Gaining Early Awareness and Readiness for Undergraduate Programs" (GEAR UP). We also announce the schedule for the negotiating sessions.

DATES: The dates for the negotiation sessions are announced in the supplementary information section of this document.

FOR FURTHER INFORMATION CONTACT:

Philip Schulz, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4020, ROB-3, Washington, DC 20202-5243. Telephone: (202) 708-8429. If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: On June 30, 1999, we published in the **Federal Register** (64 FR 35105) a notice announcing that we would be establishing a negotiated rulemaking committee to develop proposed regulations to implement chapter 2 of subpart 2 of part A of Title IV of the Higher Education Act of 1965 (HEA), "Gaining Early Awareness and Readiness for Undergraduate Programs" (GEAR UP). In that notice, we also solicited nominations from anyone who believed that his or her organization or group should participate in the GEAR UP negotiated rulemaking process.

We list the organizations that we have selected to participate in the GEAR UP negotiated rulemaking process. We have identified the organizations listed as effective representatives of the interests that are significantly affected by the subject matter of the negotiated rulemaking. Organizations not listed that have expressed an interest in participating in the process are encouraged to work with the listed organizations to ensure that their views are known. Please note that participation in the rulemaking process is not limited to members of the committee. Following the negotiated rulemaking process, the Department will publish proposed rules in the **Federal Register** for public comment. The target date of publication of proposed rules developed by the committee is October, 1999.

GEAR UP Negotiated Rulemaking Committee

California State University System
The College Board
Council for Opportunity in Education
Council of the Great City Schools
Ford Foundation
High School Equivalency Program and the College Assistance Migrant Program Association and the National

Association for Migrant Education, Inc. (a coalition)
Hispanic Association of Colleges and Universities
"I Have a Dream" Foundation
National Alliance of Black School Educators
National Association for College Admission Counseling
National Association of Independent Colleges and Universities
National Association of Secondary School Principals and the National Forum on Middle-Grades Reform (a coalition)
National Association of State Student Grant and Aid Programs
National Coalition of Title I/Chapter I Parents
National Collaboration for Youth
National Council of Higher Education Loan Programs
National Education Association
U.S. Chamber of Commerce
United States Student Association

Schedule for Negotiations

We expect that there will be a total of up to 3 meetings of the committee, and we have scheduled the meetings to take place at the Department of Education (FB-6). All meetings will be open to the public. The following is the schedule for negotiations for the committee.

Session 1: July 29-30

Session 2: August 30-31

Session 3: September 22-23

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