

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 (Public Law 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 identification of this area as a Danger Zone 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*

A preliminary draft environmental assessment has been prepared for this action. Due to the administrative nature of this action and because there is no intended change in the use of the area, the Corps expects that this regulation, if adopted, will not have a significant impact on the quality of the human environment and therefore preparation of an environmental impact statement will not be required. The environmental assessment will be finalized after the public notice period is closed and all comments have been received and considered. It 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, it is not a Federal private sector mandate and it is not subject to the requirements of either Section 202 or Section 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**

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

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

**PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS**

1. The authority citation for 33 CFR 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 334.845 would be added to read as follows:

**§ 334.845 Wisconsin Air National Guard Danger Zone, Volk Field Military Exercise Area, Lake Michigan offshore Manitowoc and Sheboygan Counties.**

(a) *The area.* The waters within an area beginning at a point at latitude 43°19'00" N., longitude 87°41'00" W.; to latitude 44°05'30" N, longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°14'00" W.; thence to the point of beginning, as shown on NOAA Chart 14901 (1999) and existing aeronautical charts.

(b) *The regulation.* During specific, infrequent periods when military exercises will be conducted, as promulgated in the local notice to mariners published by the United States Coast Guard (USCG), all vessels entering the Danger Zone are advised to proceed across the area by the most direct route and without unnecessary delay. No vessel or craft of any size shall lie-to or anchor in the Danger Zone, other than a vessel operated by or for the USCG, or any other authorized agency.

(c) *Normal use.* At all other times, nothing in this section shall prohibit any lawful uses of this area.

(d) *Enforcement.* The regulation in this section shall be enforced by the Commanding Officer, VOLK Field, WI, and/or persons or agencies as he/she may designate.

Dated: September 3, 2003.

**Michael B. White,**

Chief, Operations Division, Directorate of Civil Works.

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-A176**

**Technical Correction; Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for Five Endangered Tennessee and Cumberland River Basin Mussels**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of comment period, announcement of public hearing, availability of draft economic analysis, possible

modification of Unit 8 (Rock Creek); correction.

**SUMMARY:** We, the Fish and Wildlife Service, announce the availability of the draft economic analysis of this proposed critical habitat designation, and that we will hold a public hearing regarding the proposal on October 29, 2003, at Southwest Virginia Community College in Tazewell County, Virginia. This document makes a correction to the critical habitat legal description and gives notice of a possible 6.4-river-kilometer (rkm) (4-river-mile (rmi)) upstream extension of Unit 8 (Rock Creek). We are reopening the comment period for the proposal to designate critical habitat for these species to accommodate the public hearing and to allow all interested parties to comment on the proposed rule, including the new information presented for consideration regarding Unit 8 and the associated draft economic analysis. Comments previously submitted need not be resubmitted, because they will be fully considered in the final determination of the proposal.

**DATES:** *Public hearing:* The public hearing will be held from 7 to 10 p.m. Eastern Standard Time (EST) on October 29, 2003, at Southwest Virginia Community College on U.S. Highway 19, in Tazewell County, Virginia. The hearing will consist of an informational meeting in the lobby from 5:30 to 6:30 p.m. EST followed by the formal hearing, held in the main auditorium. Maps of the critical habitat units and information on the species will be available for public review one hour prior to the hearing (between 5:30 and 6:30 p.m.).

*Comment submission:* The comment period is hereby reopened until December 5, 2003. We must receive comments from all interested parties by the closing date. Any comments that we receive after the closing date will not be considered in the final decision on this proposal.

**ADDRESSES:** The public hearing will be held at Southwest Virginia Community College on U.S. Highway 19, in Tazewell County, Virginia. Copies of the draft economic analysis are available on the Internet at <http://cookeville.fws.gov/>; also, you may request copies by writing to the Field Supervisor, U.S. Fish and Wildlife Service, 446 Neal Street, Cookeville, TN 38506, or by calling Rob Tawes, Tennessee Field Office, telephone 931/528-6481, extension 213.

Written comments and materials may be submitted to us at the hearing or by any one of the following methods: