

§ 2.3 Regulatory relief for participating programs.

(a) A program participating in the Defense Acquisition Pilot Program will not be subject to any regulation, policy, directive, or administrative rule or guideline relating to the acquisition activities of the Department of Defense other than the Federal Acquisition Regulation (FAR) ¹, the Defense FAR Supplement (DFARS) ², or those regulatory requirements added by the Under Secretary of Defense for Acquisition and Technology, the Head of the Component, or the DoD Component Acquisition Executive.

(b) Provisions of the FAR and/or DFARS that do not implement statutory requirements may be waived by the Under Secretary of Defense for Acquisition and Technology using appropriate administrative procedures. Provisions of the FAR and DFARS that implement statutory requirements may be waived or limited in accordance with the procedures for statutory relief previously mentioned.

(c) Regulatory relief includes relief from use of government-unique specifications and standards. Since a major objective of the Defense Acquisition Pilot Program is to promote standard, commercial industrial practices, functional performance and commercial specifications and standards will be used to the maximum extent practical. Federal or military specifications and standards may be used only when no practical alternative exists that meet the user's needs. Defense acquisition officials (other than the Program Manager or Commodity Manager) may only require the use of military specifications and standards with advance approval from the Under Secretary of Defense for Acquisition and Technology, the Head of the DoD Component, or the DoD Component Acquisition Executive.

§ 2.4 Designation of participating programs.

(a) Pilot programs may be nominated by a DoD Component Head or Component Acquisition Executive for participation in the Defense Acquisition Pilot Program. The Under Secretary of Defense for Acquisition and Technology shall determine which specific programs will participate in the pilot program and will transmit to the Congressional defense committees a written notification of each defense acquisition program proposed for

participation in the pilot program. Programs proposed for participation must be specifically designated as participants in the Defense Acquisition Pilot Program in a law authorizing appropriations for such programs and provisions of law to be waived must be specifically authorized for waiver.

(b) Once included in the Defense Acquisition Pilot Program, decision and approval authority for the participating program shall be delegated to the lowest level allowed in the acquisition regulations consistent with the total cost of the program (e.g., under DoD Directive 5000.1, ³ an acquisition program that is a major defense acquisition program would be delegated to the appropriate Component Acquisition Executive as an acquisition category IC program)

(c) At the time of nomination approval, the Under Secretary of Defense for Acquisition and Technology will establish measures to judge the success of a specific program, and will also establish a means of reporting progress towards the measures.

§ 2.5 Criteria for designation of participating programs.

(a) Candidate programs must have an approved requirement, full program funding assured prior to designation, and low risk. Nomination of a candidate program to participate in the Defense Acquisition Pilot Program should occur as early in the program's life-cycle as possible. Developmental programs will only be considered on an exception basis.

(b) Programs in which commercial or non-developmental items can satisfy the military requirement are preferred as candidate programs. A nominated program will address which standard commercial, industrial practices will be used in the pilot program and how those practices will be applied.

(c) Nomination of candidate programs must be accompanied by a list of waivers being requested to Statutes, FAR, DFARS, DoD Directives ⁴ and Instructions, ⁵ and where applicable, DoD Component regulations. Waivers being requested must be accompanied by rationale and justification for the waiver. The justification must include:

(1) The provision of law proposed to be waived or limited.

(2) The effects of the provision of law on the acquisition, including specific examples.

(3) The actions taken to ensure that the waiver or limitation will not reduce the efficiency, integrity, and effectiveness of the acquisition process used for the defense acquisition program; and

(4) A discussion of the efficiencies or savings, if any, that will result from the waiver or limitation.

(d) No nominated program shall be accepted until the Under Secretary of Defense has determined that the candidate program is properly planned.

Dated: April 4, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF DEFENSE**Department of the Army****Corps of Engineers****33 CFR Part 334****Danger Zones and Restricted Areas**

AGENCY: Army Corps of Engineers, DoD.
ACTION: Final rule.

SUMMARY: The Corps is amending many of the danger zone and restricted area regulations to clarify that persons, as well as vessels or other listed watercraft, are subject to the restrictions placed on the use of and entry into the areas established by the danger zone and restricted area regulations. This clarification does not affect the size, location or further restrict the public's use of the areas. The danger zones and restricted areas continue to be essential to the safety and security of Government facilities, vessels and personnel and protect the public from the hazards associated with the operations at the Government facilities. We are also making several minor editorial changes to remove obsolete materials and reflect a change in the name of a Naval Command referenced in a restricted area regulation.

EFFECTIVE DATE: May 12, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is amending danger zone and restricted area regulations in 33 CFR part 334, by inserting the word "person", or similar

¹ Copies of this Department of Defense publication may be obtained from the Government Printing Office, Superintendent of Documents, Washington, DC 20402.

² See footnote 1 to § 2.3(a).

³ Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

⁴ See footnote 3 to § 2.4(b).

⁵ See footnote 3 to § 2.4(b).

verbiage that clarifies, as appropriate, that the regulations affect persons in a vessel, as well as persons outside of vessels in the water, engaged in activities such as, swimming, diving, floating, waterskiing, and snorkeling. On December 20, 1996, we published these changes in the Notice of Proposed Rulemaking section of the **Federal Register** (61 FR 67265-67273), with the comment period ending on February 18, 1997. We did not receive any objections to the proposed amendments. We did however, receive a request from the Navy that we make several additional editorial amendments to the danger zone and restricted area regulations. We agree with the Navy on the need for these additional changes and we are amending §§ 334.10 and 334.30 to show that patrol vessels in addition to aircraft will be patrolling the areas; the restricted area in § 334.80 is amended by adding "person" as we had proposed for other areas and in § 334.240 to reflect a change in the identity of the Naval Command at the Potomac River, Mattawoman Creek and Chicamuxen Creek, Maryland naval facility. During our review, we found that the regulations in § 334.1110 which establish a restricted area in Suisun Bay at the Naval Weapons Station, Concord, California, should have been amended and we have added the word "person" to those regulations. In addition, during the comment period we revoked the regulations in § 334.90, which established a danger zone in the waters offshore of Sea Girt, New Jersey and accordingly, the revisions as proposed are no longer necessary at this site. All other regulations are amended as proposed and the additional editorial amendments are made without further notice since these are minor editorial amendments having no actual effect on the restrictions placed on the public's use of the restricted areas.

Procedural Requirements

a. Review Under Executive Order 12866

This rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review Under the Regulatory Flexibility Act

These rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 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 changes to the danger zones would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this final rule will have no significant economic impact on small entities.

c. Review Under the National Environmental Policy Act

We have concluded, based on the minor nature of the editorial changes that these amendments to danger zones and restricted areas will not have a significant impact to the human environment, and preparation of an environmental impact statement is not required.

d. Unfunded Mandates Act

This rule does not impose an enforceable duty among the private sector and therefore, is not a Federal private sector mandate and is not subject to the requirements of section 202 or 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.

e. Submission to Congress and the GAO

Pursuant to section 801(a)(1)(A) of the Administrative Procedure Act as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this rule to the U.S. Senate, House of Representatives, and the Comptroller General of the General Accounting Office. This rule is not a major rule within the meaning of section 804(2) of the Administrative Procedure Act, as amended.

List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Transportation.

For the reasons set out in the preamble, the Army Corps of Engineers amends 33 CFR part 334, as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for Part 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 334.10 is amended by revising the first sentence of paragraph (b)(5), to read as follows:

§ 334.10 Gulf of Maine off Seals Island, Maine; naval aircraft bombing target area.

* * * * *

(b) * * *

(5) Prior to the conducting of each bombing practice, the area will be

patrolled by a naval aircraft or surface vessel to ensure that no persons or watercraft are within the danger zone.

Vessels may be requested to veer off when drops are to be made, however, drops will be made only when the area is clear. * * *

* * * * *

3. Section 334.30 is amended by revising paragraph (b)(3), to read as follows:

§ 334.30 Gulf of Maine off Pemaquid Point, Maine; Naval sonobuoy test area.

* * * * *

(b) * * *

(3) Prior to and during the period when sonobuoys are being dropped, an escort vessel or naval aircraft will be in the vicinity to ensure that no persons or vessels are in the testing area. Vessels may be requested to veer off when sonobuoys are about to be dropped, however, drops will be made only when the area is clear.

* * * * *

4. Section 334.40 is amended by revising paragraph (b)(1), to read as follows:

§ 334.40 Atlantic Ocean in vicinity of Duck Island, Maine, Isles of Shoals; naval aircraft bombing target area.

* * * * *

(b) * * * (1) No person or vessel shall enter or remain in the danger zone from 8:00 a.m. to 5:00 p.m. (local time) daily, except as authorized by the enforcing agency.

* * * * *

5. Section 334.50 is amended by revising paragraph (b), to read as follows:

§ 334.50 Piscataqua River at Portsmouth Naval Shipyard, Kittery, Maine; restricted areas.

* * * * *

(b) *The regulations.* All persons, vessels and other craft, except those vessels under the supervision of or contract to local military or naval authority, are prohibited from entering the restricted areas without permission from the Commander, Portsmouth Naval Shipyard or his/her authorized representative.

6. Section 334.60 is amended by revising paragraph (b)(1), to read as follows:

§ 334.60 Cape Cod Bay south of Wellfleet Harbor, Mass.; naval aircraft bombing target area.

* * * * *

(b) * * * (1) No person or vessel shall enter or remain in the danger zone at any time, except as authorized by the enforcing agency.

* * * * *

7. Section 334.70 is amended by revising paragraph (a)(2), to read as follows:

§ 334.70 Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.

(a) * * *

(2) *The regulations.* The vessel or person shall at any time enter or remain within a rectangular portion of the area bounded on the north by latitude 41°16'00", on the east by longitude 70°47'30", on the south by latitude 41°12'30", and on the west by longitude 70°50'30", or within the remainder of the area between November 1, and April 30, inclusive, except by permission of the enforcing agency.

* * * * *

8. Section 334.75 is amended by revising the third sentence in paragraph (b)(1), to read as follows:

§ 334.75 Thames River, Naval Submarine Base New London, restricted area.

* * * * *

(b) * * * (1) * * * However, all persons, vessels and watercraft, except U.S. military personnel and vessels must leave the restricted area when notified by personnel of the New London Submarine Base that such use will interfere with submarine maneuvering, operations or security.

* * * * *

9. Section 334.78 is amended by revising paragraph (b)(1), to read as follows:

§ 334.78 Rhode Island Sound, Atlantic Ocean, approximately 4.0 nautical miles due south of Lands End in Newport, R.I.; restricted area for naval practice minefield.

* * * * *

(b) * * * (1) No persons, vessels or other watercraft will be allowed to enter the designated area during minefield training.

* * * * *

10. Section 334.80 is amended by revising paragraphs (b)(1) and (b)(2), to read as follows:

§ 334.80 Narragansett Bay, RI; restricted area.

* * * * *

(b) * * * (1) No person or vessel shall at any time, under any circumstances, anchor or fish or tow a drag of any kind in the prohibited area because of the extensive cable system located therein.

(2) Orders and instructions issued by patrol craft or other authorized representatives of the enforcing agency shall be carried out promptly by persons or vessels in or in the vicinity of the prohibited area.

* * * * *

11. Section 334.100 is amended by revising paragraph (b)(1), to read as follows:

§ 334.100 Atlantic Ocean off Cape May, N.J.; Coast Guard Rifle Range.

* * * * *

(b) * * * (1) No person or vessel shall enter or remain in the danger area between sunrise and sunset daily, except as authorized by the enforcing agency.

* * * * *

12. Section 334.130 is amended by revising paragraphs (b)(1) and the first sentence of paragraph (b)(2), to read as follows:

§ 334.130 Atlantic Ocean off Wallops Island and Chincoteague Inlet, Va; danger zone.

* * * * *

(b) * * * (1) Persons and vessels may enter and operate in the danger zone at all times when warning signals are not displayed.

(2) When warning signals are displayed, all persons and vessels in the danger zone, except vessels entering or departing Chincoteague Inlet, shall leave the zone promptly by the shortest possible route and shall remain outside the zone until allowed by a patrol boat to enter or the dangers signal has been discontinued. * * *

* * * * *

13. Section 334.170 is amended by revising paragraphs (b)(1) and (b)(2), to read as follows:

§ 334.170 Chesapeake Bay, in the vicinity of Chesapeake Beach, Md; firing range, Naval Research Laboratory.

* * * * *

(b) * * * (1) No person or vessel shall enter or remain in Area A at any time.

(2) No person or vessel shall enter or remain in Area B or Area C between the hours of 1:00 p.m. and 5:00 p.m. daily except Sundays, except that through navigation of commercial craft will be permitted in Area C at all times, but such vessels shall proceed on their normal course and shall not delay their progress.

* * * * *

14. Section 334.190 is amended by revising paragraphs (b)(1) and (b)(2), to read as follows:

§ 334.190 Chesapeake Bay, in vicinity of Bloodsworth Island, Md; shore bombardment, air bombing, air strafing, and rocket firing area, U.S. Navy.

* * * * *

(b) * * * (1) Persons, vessels or other craft shall not enter or remain in the prohibited area at any time unless authorized to do so by the enforcing agency.

(2) No person, vessel or other craft shall enter or remain in the danger zone when notified by the enforcing authority to keep clear or when firing is or will soon be in progress, except as provided in paragraph (b)(5) of this section.

* * * * *

15. Section 334.210 is amended by revising paragraphs (b)(1), (b)(2) and (b)(5), to read as follows:

§ 334.210 Chesapeake Bay, in vicinity of Tangier Island; naval guided missiles test operations area.

* * * * *

(b) * * * (1) Persons, vessels or other craft shall not enter or remain in the prohibited area at any time unless authorized to do so by the enforcing agency.

(2) Except as otherwise provided in paragraph (b)(6) of this section, persons, vessels or other craft shall not enter or remain in the restricted area when firing is or will soon be in progress unless authorized to do so by the enforcing agency.

* * * * *

(5) Upon observing the warning flag or upon receiving a warning by any of the patrol vessels or aircraft, persons, vessels or other craft shall immediately vacate the restricted area and remain outside the area until the conclusion of firing for the day.

* * * * *

16. Section 334.230 is amended by revising the first sentence of paragraph (a)(2)(ii), and paragraph (b)(2)(iii), to read as follows:

§ 334.230 Potomac River

(a) *Naval Surface Weapons Center, Dahlgren, Va.* * * *

(2) * * *

(ii) When firing is in progress, no person, or fishing or oystering vessels shall operate within the danger zone affected unless so authorized by the Naval Surface Weapons Center's patrol boats. * * *

* * * * *

(b) *Accotink Bay, Accotink Creek, and Pohick Bay; U.S. Military Reservation, Fort Belvoir, Va.* * * *

(2) * * *

(iii) The Post Commander is hereby authorized by using such agencies and equipment necessary to stop all persons and boats at the boundary of the danger zone and prohibit their crossing the area until convenient to the firing schedule to do so.

17. Section 334.240 is amended by revising the section heading, in paragraph (a) and (b)(7) by removing "Naval Ordinance Station" and replacing it with "Naval Surface

Warfare Center, Indian Head Division," and by revising paragraphs (b)(3), and (b)(5), to read as follows:

§ 334.240 Potomac River, Mattawoman Creek and Chicamuxen Creek; Naval Surface Weapons Center, Indian Head Division, Indian Head, Md.

* * * * *

(b) * * *

(3) No persons or vessels except vessels of the United States or vessels authorized by the enforcing agency shall enter or remain in the danger zone while lights are flashing, when warning horns are in operation, or when warned or directed by a patrol vessel. * * *

(5) Except as prescribed in paragraph (b)(3) of this section, persons and vessels may enter and proceed through the danger zone without restriction. However, accidental explosions may occur at any time and persons and vessels entering the area do so at their own risk.

* * * * *

18. Section 334.310 is amended by revising paragraph (b)(2), to read as follows:

§ 334.310 Chesapeake Bay, Lynnhaven Roads; navy amphibious training area.

* * * * *

(b) * * *

(2) No person or vessel shall approach within 300 yards of any naval vessel or within 600 yards of any vessel displaying the red "baker" burgee.

* * * * *

19. Section 334.330 is amended by revising paragraph (b)(1), to read as follows:

§ 334.330 Atlantic Ocean and connecting waters in vicinity of Myrtle Island, Va.; Air Force practice bombing, rocket firing, and gunnery range.

* * * * *

(b) * * * (1) No person or vessel shall enter or remain in the danger zone except during intervals specified and publicized from time to time in local newspapers or by radio announcement.

* * * * *

20. Section 334.340 is amended by revising paragraph (b)(2), to read as follows:

§ 334.340 Chesapeake Bay off Plumtree Island, Hampton, VA.; Air Force precision test area.

* * * * *

(b) * * *

(2) No person or vessel shall enter or remain in the danger zone during periods of firing or bombing or when the zone is otherwise in use.

* * * * *

21. Section 334.370 is amended by revising paragraph (a)(2), to read as follows:

§ 334.370 Chesapeake Bay, Lynnhaven Roads; danger zones, U.S. Naval Amphibious Base.

(a) * * *

(2) *The regulations.* Persons or vessels, other than those vessels owned and operated by the United States, shall not enter the prohibited area at any time unless authorized to do so by the enforcing agency.

* * * * *

22. Section 334.400 is amended by revising paragraph (b)(1), to read as follows:

§ 334.400 Atlantic Ocean south of entrance to Chesapeake Bay off Camp Pendleton, Virginia; naval restricted area.

* * * * *

(b) * * * (1) Persons or vessels, other than those vessels owned and operated by the United States shall not enter the area except by permission of the Commanding Officer, U.S. Naval Amphibious Base, Little Creek, Norfolk, Virginia.

* * * * *

23. Section 334.410 is amended by revising the fourth sentence in paragraph (d)(1), the fifth sentence in paragraph (d)(2) and paragraph (d)(3), to read as follows:

§ 334.410 Albemarle Sound, Pamlico Sound, and adjacent waters, NC; danger zones for naval aircraft operations.

* * * * *

(d) * * * (1) * * * No persons or vessels shall enter this area during the hours of daylight without special permission from the enforcing agency. * * *

(2) * * * The area will be patrolled and persons and vessels shall clear the area under patrol upon being warned by the surface patrol craft or when "buzzed" by patrolling aircraft. * * *

(3) *Naval Aviation Ordnance test area.* The area described in paragraph (c) of this section shall be closed to persons and navigation except for such military personnel and vessels as may be directed by the enforcing agency to enter on assigned duties.

* * * * *

24. Section 334.430 is amended by revising paragraph (b)(1), to read as follows:

§ 334.430 Neuse River and tributaries at Marine Corps Air Station, Cherry Point, N.C.; restricted area.

* * * * *

(b) * * * (1) Except in cases of extreme emergency, all persons or vessels, other than those vessels

operated by the U.S. Navy or Coast Guard are prohibited from entering this area without prior permission of the enforcing agency.

* * * * *

25. Section 334.440 is amended by adding a new sentence at the beginning of paragraph (c)(1), revising the last sentence in paragraph (d)(2), redesignating paragraphs (e)(2)(i) through (e)(2)(vi) as (e)(2)(ii) through (e)(2)(vii) respectively, and adding a new paragraph (e)(2)(i), to read as follows:

§ 334.440 New River, N.C., and vicinity; Marine Corps firing ranges.

* * * * *

(c) * * * (1) No person shall enter or remain in the water in any closed section after notice of firing therein has been given. * * *

* * * * *

(d) * * *

(2) * * * Upon being so warned, all persons and vessels shall leave the area as quickly as possible by the most direct route.

(e) * * *

(2) * * *

(i) No person shall enter or remain in the waters of this area due the possibility of unexploded projectiles.

* * * * *

26. Section 334.450 is amended by revising paragraph (b), to read as follows:

§ 334.450 Cape Fear River and tributaries at Sunny Point Army Terminal, Brunswick County, N.C.; restricted area.

* * * * *

(b) Except in cases of extreme emergency, all persons or vessels of any size or rafts other than those authorized by the Commander, Sunny Point Army Terminal, are prohibited from entering this area without prior permission of the enforcing agency.

* * * * *

27. Section 334.470 is amended by adding a new sentence at the beginning of paragraph (b)(2), to read as follows:

§ 334.470 Cooper River and Charleston Harbor, S.C.; restricted areas.

* * * * *

(b) * * *

(2) No person shall enter or remain in the water within the restricted areas.

* * *

* * * * *

28. Section 334.480 is amended by revising the first sentence in paragraph (c), to read as follows:

§ 334.480 Archers Creek, Ribbon Creek and Broad River, S.C.; U.S. Marine Corps Recruit Depot rifle and pistol ranges, Parris Island.

* * * * *

(c) No person, vessel and other watercraft shall enter the restricted waters when firing is in progress. * * *

* * * * *

29. Section 334.490 is amended by revising paragraph (b)(2), to read as follows:

§ 334.490 Atlantic Ocean off Georgia Coast; air-to-air and air-to-water gunnery and bombing ranges for fighter and bombardment aircraft, U.S. Air Force.

* * * * *

(b) * * *

(2) Prior to conducting each practice, the entire area will be patrolled by aircraft to warn any persons and watercraft found in the vicinity that such practice is about to take place. The warning will be by "buzzing," (i.e., by flying low over the person or watercraft.) Any person or watercraft shall, upon being so warned, immediately leave the area designated and shall remain outside the area until practice has ceased.

* * * * *

30. Section 334.500 is amended by revising paragraph (b)(1), to read as follows:

§ 334.500 St. Johns River, Fla., Ribault Bay; restricted area.

* * * * *

(b) * * * (1) All persons, vessels and craft, except those vessels operated by the U.S. Navy or Coast Guard are prohibited from entering this area except in cases of extreme emergency.

* * * * *

31. Section 334.510 is amended by revising paragraph (b)(1), to read as follows:

§ 334.510 U.S. Navy Fuel Depot Pier, St. Johns River, Jacksonville, Fla., restricted area.

* * * * *

(b) * * * (1) The use of waters as previously described by private and/or commercial floating craft or persons is prohibited with the exception of vessels or persons that have been specifically authorized to do so by the Officer in Charge of the Navy Fuel Depot.

* * * * *

32. Section 334.520 is amended by revising paragraph (b)(2), to read as follows:

§ 334.520 Lake George, Fla.; naval bombing area.

* * * * *

(b) * * *

(2) Prior to each bombing operation the danger zone will be patrolled by naval aircraft which will warn all persons and vessels to leave the area by "zooming" a safe distance to the side and at least 500 feet above the surface. Upon being so warned, such persons and vessels shall leave the danger zone immediately and shall not re-enter the danger zone until bombing operations have ceased.

* * * * *

33. Section 334.540 is amended by revising paragraph (b)(1), to read as follows:

§ 334.540 Banana River at Cape Canaveral Missile Test Annex, Fla., restricted area.

* * * * *

(b) * * * (1) All unauthorized persons and craft shall stay clear of the area at all times.

* * * * *

34. Section 334.550 is amended by revising paragraph (b)(1), to read as follows:

§ 334.550 Banana River at Cape Canaveral Air Force Station, Fla.; restricted area.

* * * * *

(b) * * * (1) All unauthorized persons and craft shall stay clear of this area at all times.

* * * * *

35. Section 334.560 is amended by revising paragraph (b)(1), to read as follows:

§ 334.560 Banana River at Patrick Air Force Base, Fla.; restricted area.

* * * * *

(b) * * * (1) All unauthorized persons and watercraft shall stay clear of the area at all times.

* * * * *

36. Section 334.590 is amended by revising paragraph (b)(1), (b)(3), and the first sentence in paragraph (b)(2), to read as follows:

§ 334.590 Atlantic Ocean off Cape Canaveral, Fla.; Air Force missile testing area, Patrick Air Force Base, Fla.

* * * * *

(b) * * *

(1) All unauthorized persons and vessels are prohibited from operating within the danger zone during firing periods to be specified by the Commander, Air Force Missile Test Center, Patrick Air Force Base.

(2) Warning signals will be used to warn persons and vessels that the danger zone is active. * * *

(3) When the signals in paragraph (b)(2) of this section are displayed, all persons and vessels, except those authorized personnel and patrol vessels, will immediately leave the danger zone

by the most direct route and stay out until the signals are discontinued.

* * * * *

37. Section 334.600 is amended by revising the first sentence in paragraph (b)(1), to read as follows:

§ 334.600 TRIDENT Basin adjacent to Canaveral Harbor at Cape Canaveral Air Force Station, Brevard County, Fla.; danger zone.

* * * * *

(b) * * * (1) No unauthorized person or vessel shall enter the area. * * *

* * * * *

38. Section 334.610 is amended by revising paragraphs (b)(1) and (b)(3), to read as follows:

§ 334.610 Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted areas and danger zone.

* * * * *

(b) * * *

(1) Entering or crossing Restricted Areas #1 and #4 and the Danger Zone (Area #6) described in paragraph (a) of this section, by any person or vessel, is prohibited.

* * * * *

(3) Stopping or landing by any person and/or any vessel, other than Government-owned vessels and specifically authorized private craft in any of the restricted areas or danger zone described in paragraph (a) of this section is prohibited.

* * * * *

39. Section 334.630 is amended by revising paragraph (b)(1), to read as follows:

§ 334.630 Tampa Bay south of MacDill Air Force Base, Fla.; small arms firing range and aircraft jettison, U.S. Air Force, MacDill Air Force Base.

* * * * *

(b) * * * (1) All persons, vessels and other watercraft are prohibited from entering the danger zone at all times.

* * * * *

40. Section 334.640 is amended by revising the first sentence in paragraph (b)(2) and paragraph (b)(3), to read as follows:

§ 334.640 Gulf of Mexico south of Apalachee Bay, Fla.; Air Force rocket firing range.

* * * * *

(b) * * *

(2) Prior to the conduct of rocket firing, the area will be patrolled by surface patrol boat and/or patrol aircraft to insure that no persons or watercraft are within the danger zone and to warn any such persons or watercraft seen in the vicinity that rocket firing is about to take place in the area. * * *

(3) Any such person or watercraft shall, upon being so warned, immediately leave the area, and until the conclusion of the firing shall remain at such a distance that they will be safe from the fallout resulting from such rocket firing.

* * * * *

41. Section 334.660 is amended by revising paragraph (b)(2), to read as follows:

§ 334.660 Gulf of Mexico and Apalachicola Bay, south of Apalachicola, Fla.; Drone Recovery Area, Tyndall Air Force Base, Fla.

* * * * *

(b) * * *

(2) Patrol boats and aircraft will warn all persons and navigation out of the area before each testing period.

* * * * *

42. Section 334.670 is amended by revising paragraph (b)(2), to read as follows:

§ 334.670 Gulf of Mexico and Apalachicola Bay, south and west of Apalachicola, San Blas, and St. Joseph bays; air-to-air firing practice range, Tyndall Air Force Base, Fla.

* * * * *

(b) * * *

(2) All persons and vessels will be warned to leave the danger area during firing practice by surface patrol boat and/or patrol aircraft. When aircraft is used to patrol the area, low flight of the aircraft overhead and/or across the bow will be used as a signal or warning. Upon being so warned all persons and vessels shall clear the area immediately.

* * * * *

43. Section 334.680 is amended by revising the first sentence in paragraph (b)(1), to read as follows:

§ 334.680 Gulf of Mexico southeast of St. Andrew Bay East Entrance, small-arms firing range, Tyndall Air Force Base, Fla.

* * * * *

(b) * * *

(1) No person, vessel or other watercraft shall enter or remain in the areas during periods of firing. * * *

* * * * *

44. Section 334.700 is amended by revising the first and second sentences in paragraph (b)(1)(i) and paragraph (b)(1)(ii), to read as follows:

§ 334.700 Choctawhatchee Bay, aerial gunnery ranges, Air Proving Ground Center, Air Research and Development Command, Eglin Air Force Base, Fla.

* * * * *

(b) * * *

(1) * * *

(i) The aerial gunnery range in the west part of Choctawhatchee Bay (described in paragraph (a)(1) of this section), may be used by persons and

watercraft except during periods when firing is conducted. During these periods firing will be controlled by observation posts, and persons and watercraft will be warned by patrol boats. * * *

(ii) No person, vessel or other craft shall enter or remain within the aerial gunnery range along the north shore of Choctawhatchee Bay (described in paragraph (a)(2) of this section) at any time.

* * * * *

45. Section 334.710 is amended by revising the second sentence in paragraph (b)(1), to read as follows:

§ 334.710 The Narrows and Gulf of Mexico adjacent to Santa Rosa Island, Air Proving Ground Command, Eglin Air Force Base, Fla.

* * * * *

(b) * * *

(1) * * * During periods of use entry into the area will be prohibited to all persons and navigation.

* * * * *

46. Section 334.720 is amended by revising paragraph (b)(3), to read as follows:

§ 334.720 Gulf of Mexico, south from Choctawhatchee Bay; guided missiles test operations area, Headquarters Air Proving Ground Command, U.S. Air Force, Eglin Air Force Base, Fla.

* * * * *

(b) * * *

(3) All person and vessels exclusive of those identified in paragraph (b)(2) of this section will be warned to leave the immediate danger area during firing periods by surface patrol craft. Upon being so warned, such persons and vessels shall clear the area immediately. Such periods normally will not exceed two hours.

* * * * *

47. Section 334.730 is amended by revising the first sentence in paragraph (b)(2) and paragraph (b)(3), to read as follows:

§ 334.730 Waters of Santa Rosa Sound and Gulf of Mexico adjacent to Santa Rosa Island, Air Force Proving Ground Command, Eglin Air Force Base, Fla.

* * * * *

(b) * * *

(2) No person, vessel or other watercraft shall enter the prohibited area, except to navigate the Gulf Intracoastal Waterway. * * *

(3) During periods when experimental test operations are underway no person, vessel or other watercraft shall enter or navigate the waters of the restricted area.

* * * * *

48. Section 334.740 is amended by revising paragraph (b)(1) to read as follows:

§ 334.740 Weekley Bayou, an arm of Boggy Bayou, Fla., Eglin Air Force Base; restricted area.

* * * * *

(b) * * * (1) No person or vessel shall enter the area without the permission of the Commander, Eglin Air Force Base, Florida, or his authorized representative.

* * * * *

49. Section 334.750 is amended by revising paragraph (b)(1), to read as follows:

§ 334.750 Ben's Lake, a tributary of Choctawhatchee Bay, Fla., at Eglin Air Force Base; restricted area.

* * * * *

(b) * * * (1) no person or vessel shall enter the area or navigate therein, without the permission of the Commander, Eglin Air Force Base, Florida, or his authorized representative. * * *

50. Section 334.778 is amended by revising paragraph (b)(1) and adding a sentence at the beginning of paragraph (b)(2), to read as follows:

§ 334.778 Pensacola Bay and waters contiguous to the Naval Air Station, Pensacola, FL; restricted area.

* * * * *

(b) * * * (1) All persons are prohibited from entering the waters for any reason and all vessels including pleasure (sailing, motorized, and or rowed), private and commercial fishing vessels, barges, and all other craft except United States military vessels are restricted from transiting, anchoring, or drifting within the above-described area when required by the Commanding Officer of the Naval Air Station Pensacola (N.A.S.), to safeguard the installation, its personnel and property in times of an imminent security threat, as required by a national emergency situation, natural disaster, or as directed by higher authority.

(2) All persons are prohibited from entering the water described in this section. * * *

* * * * *

51. Section 334.780 is amended by revising paragraph (b)(2) to read as follows:

§ 334.780 Pensacola Bay, Fla.; seaplane restricted area.

* * * * *

(b) * * *

(2) All persons, vessels and small craft, except crash boats, plane rearming boats, and similar craft ordered into the area on specific missions in connection

with the servicing of planes or patrol of the area, are prohibited from entering or being in the area at any time.

* * * * *

52. Section 334.786 is amended by adding a new sentence at the beginning of paragraph (b)(1), and revising paragraph (b)(2), to read as follows:

§ 334.786 Pascagoula Naval Station, Pascagoula, Mississippi; restricted area.

* * * * *

(b) * * * (1) All persons are prohibited from entering the waters within the restricted area for any reason.

* * *

(2) Mooring, anchoring, fishing, recreational boating or any activity involving persons in the water shall not be allowed at any time within 500 feet of any quay, pier, wharf, or levee along the Naval Station northern shoreline.

* * * * *

53. Section 334.790 is amended by revising paragraph (b)(1), to read as follows:

§ 334.790 Sabine River at Orange, Tex.; restricted area in vicinity of the Naval and Marine Corps Reserve Center.

* * * * *

(b) * * * (1) No person, vessel or other craft, except personnel and vessels of the U.S. Government or those duly authorized by the Commanding Officer, Naval and Marine Corps Reserve Center, Orange, Texas, shall enter, navigate, anchor or moor in the restricted area.

54. Section 334.800 is amended by revising paragraph (b)(1), to read as follows:

§ 334.800 Corpus Christi Bay, Tex.; seaplane restricted area, U.S. Naval Air Station, Corpus Christi.

* * * * *

(b) * * * (1) No person, vessel or watercraft shall enter or remain in the area at any time, day or night, except with express written approval of the enforcing agency or as a result of force majeure.

* * * * *

55. Section 334.802 is amended by revising the first sentence in paragraph (b), to read as follows:

§ 334.802 Ingleside Naval Station, Ingleside, Texas; restricted area.

* * * * *

(b) * * *

Mooring, anchoring, fishing, recreational boating or any activity involving persons in the water shall not be allowed within the restricted area.

* * *

* * * * *

56. Section 334.810 is amended by revising paragraph (b)(1), to read as follows:

§ 334.810 Holston River at Holston Ordnance Works, Kingsport, Tenn.; restricted area.

* * * * *

(b) * * * (1) Except in cases of extreme emergency, all vessels other than those owned or controlled by the U.S. Government and any activity involving persons in the water, are prohibited from entering the area without prior permission of the enforcing agency.

* * * * *

57. Section 334.820 is amended by revising paragraph (b), to read as follows:

§ 334.820 Lake Michigan; naval restricted area, U.S. Naval Training Center, Great Lakes, Ill.

* * * * *

(b) The regulations. No person or vessel of any kind, except those engaged in naval operations, shall enter, navigate, anchor, or moor in the restricted area without first obtaining permission to do so from the Commander, U.S. Naval Training Center, Great Lakes, Illinois, or his authorized representative.

58. Section 334.830 is amended by revising paragraph (b)(2), to read as follows:

§ 334.830 Lake Michigan; small-arms range adjacent to U.S. Naval Training Center, Great Lakes, Ill.

* * * * *

(b) * * *

(2) The enforcing agency is hereby authorized to use such agencies as shall be necessary to prohibit all persons and vessels from entering the area until such time as shall be convenient.

* * * * *

59. Section 334.850 is amended by revising paragraph (d)(1), to read as follows:

§ 334.850 Lake Erie, west end, north of Erie Ordnance Depot, Lacarne, Ohio.

* * * * *

(d) * * * (1) No person or vessel shall enter or remain in a danger zone during a scheduled firing period announced in a special firing notice unless specific permission is granted in each instance by a representative of the enforcing officer.

* * * * *

60. Section 334.920 is amended by revising paragraph (b)(1), to read as follows:

§ 334.920 Pacific Ocean off the east coast of San Clemente Island, Calif.; naval restricted area.

* * * * *

(b) * * * (1) No person or vessels, other than Naval Ordnance Test Station

craft, and those cleared for entry by the Naval Ordnance Test Station, shall enter the area at any time except in an emergency, proceeding with extreme caution.

* * * * *

61. Section 334.930 is amended by revising paragraph (b)(3), to read as follows:

§ 334.930 Anaheim Bay Harbor, Calif.; Naval Weapons Station, Seal Beach.

* * * * *

(b) * * *

(3) Recreational craft, such as water skis, jet skis (personal water craft), row boats, canoes, kayaks, wind surfers, sail boards, surf boards, etc., and any activity involving persons in the water, are specifically prohibited within the restricted area.

* * * * *

62. Section 334.938 is amended by revising the first sentence in paragraph (b), to read as follows:

§ 334.938 Federal Correctional Institution, Terminal Island, San Pedro Bay, California; restricted area.

* * * * *

(b) *The regulations.* No person or vessel of any kind shall enter, navigate, anchor or moor within the restricted area without first obtaining the permission of the Warden, Federal Correctional Institution, Terminal Island.

63. Section 334.940 is amended by revising the last sentence in paragraph (b)(2), to read as follows:

§ 334.940 Pacific Ocean in vicinity of San Pedro, Calif.; practice firing range for U.S. Army Reserve, National Guard, and Coast Guard Units.

* * * * *

(b) * * *

(2) * * * No person shall enter the water and no vessel, fishing boat, or recreational craft shall anchor in the danger zone during an actual firing period.

* * * * *

64. Section 334.950 is amended by revising the first and second sentences in paragraph (b)(1) and paragraph (b)(2), to read as follows:

§ 334.950 Pacific Ocean at San Clemente Island, California; Navy shore bombardment areas.

* * * * *

(b) * * *

(1) All persons and all vessels shall promptly vacate the areas when ordered to do so by the Navy or the Coast Guard. Persons and vessels shall not enter the areas during periods scheduled for firing.

(2) All persons in the area are warned that unexploded ordinance exists within the shore bombardment area on San Clemente Island and in the surrounding waters. all persons should exercise extreme caution when operating in the area.

* * * * *

65. Section 334.960 is amended by revising the second sentence in paragraph (b)(4), to read as follows:

§ 334.960 Pacific Ocean, San Clemente Island, Calif.; Naval danger zone off West Cove.

* * * * *

(b) * * *

(4) * * * When so notified, all persons and vessels shall leave the immediately by the shortest route.

* * *

* * * * *

66. Section 334.961 is amended by adding a new sentence at the beginning of paragraph (b)(1), to read as follows:

§ 334.961 Pacific Ocean, San Clemente Island, California, Naval danger zone off the northwest shore.

* * * * *

(b) * * * (1) No person shall enter this area during closure periods unless authorized to do so by the enforcing agency. * * *

* * * * *

67. Section 334.990 is amended by revising paragraph (b)(1), to read as follows:

§ 334.990 Long Beach Harbor, Calif.; naval restricted area.

* * * * *

(b) * * * (1) The area is reserved exclusively for use by naval vessels. Permission for any person or vessel to enter the area must be obtained from the enforcing agency.

* * * * *

68. Section 334.1010 is amended by removing the heading "San Francisco Bay in vicinity of Hunters Point: naval restricted area—" from paragraph (a) and revising paragraph (b), to read as follows:

§ 334.1010 San Francisco Bay in vicinity of Hunters Point; naval restricted area.

* * * * *

(b) *The regulations.* No person may enter the area and no vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, San Francisco Naval Shipyard, shall navigate, anchor or moor in this area.

69. Section 334.1020 is amended by revising paragraph (b)(1) and the first sentence of paragraph (b)(2), to read as follows:

§ 334.1020 San Francisco Bay and Oakland Inner Harbor; Restricted areas in vicinity of Naval Air Station, Alameda.

* * * * *

(b) * * *

(1) No person shall enter this area and no vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commanding Officer, U.S. Naval Air Station, Alameda, California, shall navigate, anchor or moor in the area described in paragraph (a)(1) of this section.

(2) No person shall enter this area and no vessel without special authorization of the Commander, Twelfth Coast Guard District, shall lie, anchor or moor in the area described in paragraph (a)(2) of this section. * * *

70. Section 334.1030 is amended by removing the heading "Oakland Inner Harbor adjacent to Alameda Facility, Naval Supply Center, Oakland; restricted area—" from paragraph (a); redesignating paragraph (a)(1) as (a) and redesignating paragraph (a)(2) as (b), and revising newly redesignated paragraph (b) to read as follows:

§ 334.1030 Oakland Inner Harbor adjacent to Alameda Facility, Naval Supply Center, Oakland; restricted area.

* * * * *

(b) *The regulations.* No persons and no vessels or other craft, except vessels of the United States Government or vessels duly authorized by the Commanding Officer, Naval Supply Center, Oakland, shall enter this area.

71. Section 334.1040 is amended by removing the heading "Oakland Harbor in vicinity of Naval Supply Center, Oakland; restricted area and navigation—" from paragraph (a); redesignating paragraph (a)(1) as (a); redesignating paragraph (a)(2) (i) and (ii) as (b) (1) and (2) and revising newly redesignated (b)(1), to read as follows:

§ 334.1040 Oakland Harbor in vicinity of Naval Supply Center, Oakland; restricted area and navigation.

* * * * *

(b) * * * (1) No persons and no vessels or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commanding Officer, Naval Supply Center, Oakland, shall enter this area.

* * * * *

72. Section 334.1050 is amended by removing the heading "Oakland Outer Harbor adjacent to the Military Ocean Terminal Bay Area, Pier No. 8 (Port of Oakland Berth No. 10); restricted area—" from paragraph (a); redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a) and (b) respectively, and revising newly redesignated paragraph (b) to read as follows:

§ 334.1050 Oakland Outer Harbor adjacent to the Military Ocean Terminal, Bay Area, Pier No. 8 (Port of Oakland Berth No. 10); restricted area.

* * * * *

(b) *The regulations.* No persons and no vessels or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, Oakland Army Base, shall enter this area.

73. Section 334.1060 is amended by removing the heading "Oakland Outer Base adjacent to the Oakland Army Base; restricted area—" from paragraph (a); redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a) and (b), respectively, and revising newly redesignated paragraph (b) to read as follows:

§ 334.1060 Oakland Outer Harbor adjacent to the Oakland Army Base; restricted area.

* * * * *

(b) *The regulations.* No persons and no vessels or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, Oakland Army Base, shall enter this area.

74. Section 334.1070 is amended by removing the heading "San Francisco Bay between Treasure Island and Yerba Buena Island; naval restricted area—" from paragraph (a); redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a) and (b) respectively, and revising newly redesignated paragraph (b), to read as follows:

§ 334.1070 San Francisco Bay between Treasure Island and Yerba Buena Island; naval restricted area.

* * * * *

(b) *The regulations.* No person and no vessel or other craft, except vessels owned and operated by the U.S. Government or vessels duly authorized by the Commanding Officer, Naval Station, Treasure Island, shall enter the restricted area.

75. Section 334.1080 is amended by removing the heading "San Francisco Bay adjacent to northeast corner of Treasure Island; naval restricted area—" from paragraph (a); redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a) and (b) respectively, and by adding a new sentence at the beginning of newly redesignated paragraph (b), to read as follows:

§ 334.1080 San Francisco Bay adjacent to northeast corner of Treasure Island; naval restricted area.

* * * * *

(b) *The regulations.* No person shall enter the restricted area. * * *

* * * * *

76. Section 334.1090 is amended by removing the heading "San Francisco Bay in vicinity of the NSC Fuel

Department, Point Molate restricted area—" from paragraph (a); redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a) and (b) respectively, and by revising newly redesignated paragraph (b), to read as follows:

§ 334.1090 San Francisco Bay in the vicinity of the NSC Fuel Department, Point Molate restricted area.

* * * * *

(b) *The regulations.* Persons and vessels not operating under supervision of the local military or naval authority or public vessels of the United States, shall not enter this area except by specific permission of the Commanding Officer, Naval Supply Center.

77. Section 334.1100 is amended by removing the heading "San Pablo Bay, Carquinez Strait, and Mare Island Strait in vicinity of U.S. Naval Shipyard, Mare Island; restricted area—" from paragraph (a); redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a) and (b) respectively, and by revising newly redesignated paragraph (b), to read as follows:

§ 334.1100 San Pablo Bay, Carquinez Strait, and Mare Island Strait in vicinity of U.S. Naval Shipyard, Mare Island; restricted area

* * * * *

(b) *The regulations.* No persons shall enter this area and no vessels or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, Mare Island Naval Shipyard, Vallejo, California, shall navigate, anchor or moor in this area.

78. Section 334.1110 is amended by removing the heading "Suisun Bay at Naval Weapons Station. Concord; restricted area—" from paragraph (a); redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a) and (b) respectively, and by revising newly redesignated paragraph (b), to read as follows:

§ 334.1110 Suisun Bay at Naval Weapons Station, Concord; restricted area.

* * * * *

(b) *The regulations.* No persons shall enter this area and no vessels or other craft, except vessels operating under the authority of the local military or naval authority shall enter, lie to, anchor, or moor in this area except by specific permission of the Commanding Officer, Naval Weapons Stations, Concord.

79. Section 334.1120 is amended by revising paragraph (b)(5), to read as follows:

§ 334.1120 Pacific Ocean in the vicinity of Point Mugu, Calif.; Naval small arms firing range.

* * * * *

(b) * * *

(5) Persons, vessels or other craft shall not enter or remain in the danger zone when the warning flag is being displayed unless authorized to do so by the range officer in the control tower.

* * * * *

80. Section 334.1130 is amended by revising paragraphs (b)(2) and (b)(5), to read as follows:

§ 334.1130 Pacific Ocean, Western Space and Missile Center (WSMC), Vandenberg AFB, Calif.; danger zones.

* * * * *

(b) * * *

(2) The stopping or loitering by any person or vessel is expressly prohibited within Danger Zone 4, between the mouth of the Santa Ynez River and Point Arguello, unless prior permission is obtained from the Commander, Western Space and Missile Center (WSMC) at Vandenberg AFB, California.

* * *

(5) When a scheduled launch operation is about to begin, radio broadcast notifications will be made periodically, starting at least 24 hours in advance. Additional contact may be made by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified, all persons and all vessels shall leave the specified zone or zones immediately by the shortest route.

* * * * *

81. Section 334.1140 is amended by revising paragraph (c)(2) and the first sentence in paragraph (c)(6), to read as follows:

§ 334.1140 Pacific Ocean at San Miguel Island, Calif.; naval danger zone.

* * * * *

(c) * * *

(2) The anchoring, stopping or loitering by any person, vessel, fishing boat or recreational craft within the danger zone during scheduled firing/drop hours is expressly prohibited.

* * *

(6) Landing by any vessel or going ashore by any person on San Miguel Island is specifically prohibited without prior permission of the Superintendent, Channel Islands National Park.

* * * * *

82. Section 334.1150 is amended by revising paragraph (a)(2)(i) and the last sentence in paragraph (b)(2) to read as follows:

§ 334.1150 Monterey Bay, Calif.

(a) * * *

(2) * * *

(i) The 5,000 yard short range is prohibited to all persons, vessels and craft, except those authorized by the enforcing agency, each week, between dawn and midnight from Monday through Friday and between dawn and dusk on Saturday and Sunday.

* * * * *

(b) * * *

(2) * * * In each case when moored or bottom obstructions are laid a notice to mariners will be issued giving notice of their approximate location within the danger zone and all persons and vessels shall keep clear.

83. Section 334.1160 is amended by revising the second sentence in paragraph (b) to read as follows:

§ 334.1160 San Pablo Bay, Calif.; target practice area, Mare Island Naval Shipyard, Vallejo.

* * * * *

(b) * * * At such times all persons and vessels shall stay clear.

84. Section 334.1170 is amended by revising the second sentence in paragraph (b) to read as follows:

§ 334.1170 San Pablo Bay, Calif.; gunnery range, Naval Inshore Operations Training Center, Mare Island, Vallejo.

* * * * *

(b) * * * No persons or vessels shall enter or remain in the danger zone during the above stated periods except those persons and vessels connected with the gunnery practice operations.

* * *

* * * * *

85. Section 334.1180 is amended by revising the first sentence in paragraph (b)(1) and the second sentence in paragraph (b)(2), to read as follows:

§ 334.1180 Strait of Juan de Fuca, Wash.; air-to-surface weapon range, restricted area.

* * * * *

(b) * * * (1) No person, vessel or other watercraft shall enter or remain within the designated restricted area between 0700 and 1200 hours daily, local time except as authorized by the enforcing agency and as follows: The area will be open to commercial gill net fishing during scheduled fishing periods from June 15 to October 15, annually.

* * *

(2) * * * Those persons and vessels found within the restricted area will be overflowed by the aircraft at an altitude of not less than 300' in the direction in which the unauthorized person and vessel are to proceed to clear the area.

* * *

* * * * *

86. Section 334.1200 is amended by removing the heading "Strait of Juan de

Fuca, eastern end; off the westerly shore of Whidbey Island; naval restricted areas—” from paragraph (a); redesignating paragraphs (a)(1), (a)(2) and (a)(3) as paragraphs (a), (b), and (c) respectively, and redesignating newly redesignated paragraphs (c) (i), (ii), and (iii) as (c) (1), (2) and (3) respectively, and revising newly redesignated paragraphs (c)(1) and (c)(2), to read as follows:

§ 334.1200 Strait of Juan de Fuca, eastern end; off the westerly shore of Whidbey Island; naval restricted areas.

* * * * *

(c) * * *

(1) Persons and vessels shall not enter these areas except at their own risk.

(2) All persons and vessels entering these areas shall be obliged to comply with orders received from naval sources pertaining to their movements while in the areas.

* * * * *

87. Section 334.1270 is amended by removing the heading “*Port Townsend, Indian Island, Walan Point; naval restricted area—*” from paragraph (a); redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a) and (b) respectively, and by revising the first sentence in newly redesignated paragraph (b), to read as follows:

§ 334.1270 Port Townsend, Indian Island, Walan Point; naval restricted area.

* * * * *

(b) *The regulations.* No person or vessel shall enter this area without permission from the Commander, Naval Base, Seattle, or his/her authorized representative. * * *

* * * * *

88. Section 334.1310 is amended by revising paragraph (b)(1), to read as follows:

§ 334.1310 Lutak Inlet, Alaska; restricted areas.

* * * * *

(b) * * * (1) No person, vessel or other watercraft shall enter or remain in the Army POL dock restricted area when tankers are engaged in discharging oil at the dock.

* * * * *

89. Section 334.1340 is amended by redesignating paragraph (b)(1) as (b) and revising it to read as follows:

§ 334.1340 Pacific Ocean, Hawaii; danger zones.

* * * * *

(b) *The regulations.* No person, vessel or other craft shall enter or remain in

any of the areas at any time except as authorized by the enforcing agency.

* * * * *

90. Section 334.1350 is amended by revising the first sentence in paragraph (b)(1), to read as follows:

§ 334.1350 Pacific Ocean, Island of Oahu, Hawaii; danger zone.

* * * * *

(b) * * * (1) The area will be closed to the public and all shipping on specific dates to be designated for actual firing and no person, vessel or other craft shall enter or remain in the area during the times designated for firing except as may be authorized by the enforcing agency. * * *

* * * * *

91. Section 334.1410 is amended by revising the second sentence in paragraph (b)(1), to read as follows:

§ 334.1410 Pacific Ocean at Makapuu Point, Waimanalo, Island of Oahu, Hawaii, Makai Undersea Test Range.

* * * * *

(b) * * * (1) * * * During the display signals in the restricted area, all persons and surface craft will remain away from the area until such time as the signals are withdrawn. * * *

* * * * *

92. Section 334.1420 is amended by revising the first sentence in paragraph (b)(1), to read as follows:

§ 334.1420 Pacific Ocean off Orote Point, Apra Harbor, Island of Guam, Marianas Islands; small arms firing range.

* * * * *

(b) * * * (1) The danger zone shall be closed to the public and shipping on specific dates to be designated for actual firing and no person, vessel or other craft shall enter or remain in the danger zone designated for firing except as may be authorized by the enforcing agency. * * *

* * * * *

* * * * *

93. Section 334.1450 is amended by revising paragraph (b)(1), to read as follows:

§ 334.1450 Atlantic Ocean off north coast of Puerto Rico; practice firing areas, U.S. Army Forces Antilles.

* * * * *

(b) * * * (1) The danger zones shall be open to navigation at all times except when practice firing is being conducted. When practice firing is being conducted, no person, vessel or other craft except those engaged in towing targets or patrolling the area shall enter or remain within the danger zones: Provided, that any vessel propelled by mechanical power at a speed greater than five knots

may proceed through the Camp Totuguero artillery range at any time to and from points beyond, but not from one point to another in the danger zone between latitudes 18° 31' and 18° 32', at its regular rate of speed without stopping or altering its course, except when notified to the contrary.

* * * * *

94. Section 334.1460 is amended by revising the third sentence in paragraph (b)(1), to read as follows:

§ 334.1460 Atlantic Ocean and Vieques Sound in vicinity of Culebra Island; bombing and gunnery target area.

* * * * *

(b) * * *

(1) * * * At such times, no person or surface vessels, except those patrolling the area, shall enter or remain within the danger area. * * *

* * * * *

95. Section 334.1470 is amended by revising the second sentence in paragraph (b)(1), to read as follows:

§ 334.1470 Caribbean Sea and Vieques Sound, in vicinity of eastern Vieques; bombing and gunnery target area.

* * * * *

(b) * * *

(1) * * * At such times, no persons or surface vessels, except those patrolling the area, shall enter or remain within the danger area. * * *

* * * * *

96. Section 334.1480 is amended by revising paragraph (b), to read as follows:

§ 334.1480 Vieques Passage and Atlantic Ocean, off east coast of Puerto Rico and coast of Vieques Island; naval restricted areas.

* * * * *

(b) *The regulations.* No person or vessel shall enter or remain within the restricted areas at any time unless on official business. Fishing vessels are permitted to anchor in Playa Blanca, passing through the restricted area described in paragraph (a)(1) of this section, to and from anchorage on as near a north-south course as sailing conditions permit. Under no conditions will swimming, diving, snorkeling, other water related activities or fishing, be permitted in the restricted area.

For the Commander

Dated: March 26, 1997.

Russell L. Fuhrman,

Major General, USA, Director of Civil Works.

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