

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environment

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

List of Subjects in 33 CFR Part 100

Marine safety; Navigation (water); Reporting and recordkeeping requirements; Waterways.

Final Regulation

For the reasons set out in the preamble, the Coast Guard proposes to temporarily amend 33 CFR Part 100 as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46 and 33 CFR 100.35.

2. From 11 a.m. to 3:30 p.m. on June 19, 1998 in § 100.119, paragraph (c) is suspended and a new paragraph (d) is added to read as follows:

§ 100.119 Newport-Bermuda Regatta, Narragansett Bay, Newport, RI.

* * * * *

(d) *Effective period.* This section is in effect on June 19, 1998, from 11 a.m. to 3:30 p.m.

Dated: May 29, 1998.

James D. Garrison,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.
[FR Doc. 98-15897 Filed 6-15-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD11-97-002]

RIN 2115-AA98

Anchorage Regulation; San Francisco Bay, California

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard hereby revises the regulations for the existing explosive anchorage, Anchorage 14 within General Anchorage 9, in San Francisco Bay, California. This revision realigns Anchorage 14 in a true north-south direction and moves it northerly to include deeper water. This will allow vessels with drafts of 38 feet or greater laden with explosives, to safely anchor, while minimizing potential overcrowding of General Anchorage 9. This anchorage amendment changes the position of Anchorage 14 to provide deeper water for explosive load activations while not tying up large areas of General Anchorage 9. The explosive limit of 3,000 tons net explosive weight (NEW) for Anchorage 14 will remain unchanged. A provision is added, however, to allow the Captain of the Port to provide specific permission to exceed the limit.

EFFECTIVE DATE: July 16, 1998.

ADDRESSES: U.S. Coast Guard Marine Safety Office, San Francisco Bay, Building 14, Coast Guard Island, Alameda, CA 94501-5100.

FOR FURTHER INFORMATION CONTACT: Lieutenant Andrew B. Cheney, Coast Guard Marine Safety Office, San Francisco Bay, California; telephone: (510) 437-3073.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 5, 1997, the Coast Guard published a notice of proposed rulemaking for this regulation in the **Federal Register** (62 FR 24378). The Coast Guard received one letter commenting on the proposed rulemaking. The U.S. Fish and Wildlife Service wrote that the proposed realignment of Anchorage 14 in San Francisco Bay was reviewed and the action, as proposed, was not likely to adversely affect any listed species. No public hearing was requested, and none was held.

Background and Purpose

In the past, San Francisco Bay was a major explosive load out port due to the

activities of the military facilities located or home-ported within the area. During periods of military conflict, San Francisco Bay was a primary port call for vessels and barges entering and departing the port laden with military ordnance. These vessels and barges conducting military ordnance outloads were easily accommodated by explosive Anchorage 12 and 14. In the past, the vessels conducting explosive outloads were smaller and handled less cargo than those vessels now contracted by Military Sealift Command to transport military ordnance. The smaller ships handling less explosive cargo, did not require as large of a minimum safe distance, as calculated by the DOD Ammunition and Explosive Safety Standards Manual (DOD 6055.9-STD, October 1992), as do the larger vessels, now hired to transport military ordnance. In addition to handling smaller explosive cargo loads, the drafts of the smaller vessels were much shallower than those of the larger ships now contracted to transport ordnance. Current local policy is to maintain a two-foot clearance under keel for vessels transiting the Bay. Since the water in the current Anchorage 14 is relatively shallow, anchoring a vessel of 38 feet draft or greater can be difficult, depending on the number of other vessels anchored in Anchorage 9 and 14. Using explosive Anchorage 12 as an alternate anchorage is suitable for the depth of the water, but is not satisfactory to meet the safety distance requirements from inhabited shore-side areas, as well as other vessels in General Anchorage 9. It, therefore, has periodically become necessary to create special anchorages for large deep draft vessels laden with explosives, in a location that might not be entirely within a charted explosive anchorage.

Additionally, the movement of Anchorage 14 would mitigate the burden on commercial vessels looking for safe anchorage in General Anchorage 9, and eliminates the need to establish special anchorages outside of established anchorages. This will also allow for more usable space in General Anchorage 9 at times when the explosive anchorage is activated.

An analysis of past anchorage activations indicates that the vessels currently being chartered for the carriage of DOD explosive cargo are approximately 26,400 gross tons or greater. Each vessel has carried a load of 5.8 million pounds or more, net explosive weight, and required at least 42 feet of water to adequately maintain a 2 foot under keel clearance safety factor. In its current location, explosive Anchorage 14 is so very limited in

depth of water that vessels with a draft greater than 38 feet find it difficult to anchor and remain within the designated anchorage. Existing Captain of the Port policy places further restriction on locations where lightering of tank vessels and bunkering of all commercial vessels can take place. COTP Advisory 4-95 allows lightering and bunkering to take place only in Anchorage 9. The current location of explosive Anchorages 12 and 14 does not always allow for the most effective use of space in General Anchorage 9, the only place for lightering and bunkering.

Discussion of Comments and Changes

The Coast Guard encouraged interested persons to participate in this rulemaking by submitting written data, views, or comments within 60 days after the date that the notice of proposed rulemaking was published in the **Federal Register**. The Coast Guard received only one comment during this period, and it took that comment into consideration in the promulgation of this final rule (see Regulatory History, above).

Discussion

The regulation moves the anchorage, as currently configured in size and shape, to a new position where the centers of the semicircular end boundaries are located, respectively, at latitude 37°42'37" N., longitude 122°19'48" W. and latitude 37°43'29" N., longitude 122°19'48" W (NAD 83). With this movement, Anchorage 14 will include deeper water, while maintaining an effective area of safety for vessels laden with explosives with a net explosive weight of 3,000 tons or greater. This regulation is designed to eliminate undue congestion and provide an effective area of safety in an area that can only accommodate a limited number of commercial vessels with drafts greater than 38 feet. Additionally, a provision is added specifically giving the Captain of the Port the authority to permit vessels to exceed the 3,000 ton explosives limit.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has been exempted from review 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 10e of the regulatory policies and procedures of the DOT, is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard has considered whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses and not-for-profit organizations that are not dominant in their fields and (2) governmental jurisdictions with populations less than 50,000. The Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard has offered, and continues to offer, assistance to small entities in understanding this rule so that they can better evaluate its effects on them and fully participate in the rulemaking process.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environmental Assessment

The Coast Guard considered the environmental impact of this final rule and concluded that under Figure 2-1, paragraph 34(f), of Commandant Instruction M16475.1C it has no significant environmental impact and it is categorically excluded from further environmental documentation. The environmental analysis checklist and Categorical Exclusion Determination is

available for inspection and copying in the docket to be maintained at the address listed in **ADDRESSES**.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulation

For the reasons set out in the preamble, the Coast Guard amends Subpart B of Part 110, Title 33, Code of Federal Regulations as follows:

PART 110—[AMENDED]

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

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46; and 33 CFR 105-1(g).

2. In § 110.224, note f to table 110.224(d)(1) in paragraph (d) and Paragraph (e)(10) are revised to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River and connecting waters, CA.

* * * * *

(d) * * *

TABLE 110.224(d)(1)

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Notes:

* * * * *

f. The maximum total quantity of explosives that may be on board a vessel using this anchorage shall be limited to 3,000 tons unless otherwise authorized with the written permission of the Captain of the Port.

* * * * *

(e) * * *

(10) *Anchorage No. 14.* In San Francisco Bay east of Hunters Point an area 1,000 yards wide and 2,760 yards long, the end boundaries of which are semicircles, with a radii of 500 yards and center, respectively at latitude 37°42'37" N., longitude 122°19'48" W. and latitude 37°43'29" N., longitude 122°19'48" W. (NAD 83); and the side boundaries of which are parallel tangents joining the semicircles. A forbidden anchorage zone extends 667 yards out from the perimeter on each side.

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Dated: May 26, 1998.

J.C. Card,

Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 98-15966 Filed 6-15-98; 8:45 am]

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