

applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Aids to Navigation and Waterways Management Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The U.S. Army Corps of Engineers received Congressional authorization for the Baltimore Harbor Anchorage project in September 2001. The objective of this project is to increase the project depths of Anchorage No. 3 and No. 4 to 42 ft and 35 ft respectively. The original Federal anchorage project for Baltimore Harbor was designed to accommodate cargo ships with maximum drafts of 33 ft and lengths of 550 ft. The dimensions of the anchorages are changing to accommodate the larger ships that call on the Port that routinely approach 1000 ft LOA with drafts of 36 to 38 feet or more. The new coordinates established for Anchorage Nos. 2, 3, and 4, will also accommodate the widening of the Dundalk West Channel, a north/south Federal navigation project located between Anchorage No. 3 and Anchorage No. 4 and widening of the Dundalk East Channel bordering Anchorage No. 4.

Dredging for the Baltimore Harbor Anchorage project commenced in March 2002 and is scheduled for completion in May 2003.

Discussion of Proposed Rule

This proposed rule would amend the Federal regulations to reflect the changes made to Baltimore Harbor as a result of the Army Corps of Engineers' Baltimore Harbor anchorage improvement project currently in progress and scheduled for completion in May 2003. As a result of this improvement project, the dimensions for the anchorages will change. Analyzing the existing anchorage areas and naturally occurring depths, the Army Corps of Engineers identified areas best suited to meet the needs of

the vessels that most frequently call on the Port of Baltimore. Upon completion, Anchorage No. 3 will be divided into two sections: Anchorage 3 Lower (2200' x 2200' x 42 ft mean lower low water (MLLW)) and Anchorage 3 Upper (1800' x 1800' x 42ft MLLW). Anchorage No. 4 will also be modified (1850' x 1800' x 35ft MLLW).

The changes made to Upper 3, Lower 3 and Anchorage No. 4 will change the dimensions of Anchorage No. 2, bordering Anchorage No. 3 to the west and north. Anchorage No. 2 will also be expanded to include the area between Lower 3 and the Seagirt Marine Terminal Entrance Channel. Anchorage No. 2 is an unimproved anchorage, and its depths are not maintained by periodic dredging.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DHS is unnecessary. The deepening of anchorage 3 and anchorage 4 within the Port of Baltimore will better accommodate deep draft vessels waiting for an open berth. The Coast Guard does not expect that these new accommodations will adversely impact maritime commerce.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels used for chartering,

taxi, ferry services, or any other marine traffic that transit this area of Fort McHenry Channel in Baltimore Harbor. Changes to Anchorage No. 3 and Anchorage No. 4 may change the vessel routing through this area of the harbor. Deepening the anchorages and changing the coordinates for the anchorages would not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic could pass safely around the new anchorage areas. The new coordinates for the anchorages are a change in dimension, the size of which will remain proportional to its current size, and their location will not interfere with commercial traffic.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see ADDRESSES*) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LTjg Anne Grabins at the address listed (*see ADDRESSES*).

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for Federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for Federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a