

### Discussion of Proposed Rule

The proposed amendment would create a new anchorage area, to be known as anchorage area (C), bounded by rhumb lines joining points at:

Latitude	Longitude
29°20'39.0" N. ....	94°46'07.5" W.
29°21'06.1" N. ....	94°47'00.2" W.
29°21'24.0" N. ....	94°46'34.0" W.
29°21'14.5" N. ....	94°45'49.0" W.

The anchorage area would be for the temporary use by vessels of all types. Vessels may occupy the anchorage area during a wide range of conditions and for a broad variety of purposes. For example, vessels would be allowed to anchor temporarily while taking on stores, transferring personnel, or engaging in bunkering or lightering operations. Vessels would also be allowed to use the anchorage area while awaiting weather and other conditions favorable to resuming their voyage. Except when stress of weather makes sailing impractical or hazardous, vessels would not be allowed to anchor in anchorage area (C) for more than 48 hours unless authorized by the Captain of the Port Houston-Galveston. Authorization to remain for more than 48 hours would be obtained via VHF-FM radio through Coast Guard Vessel Traffic Service Houston/Galveston. No vessel with a draft of less than 16 feet would be allowed to occupy anchorage area (C) without prior approval of the Captain of the Port Houston-Galveston. Vessels would not be allowed to anchor so as to obstruct the passage of other vessels proceeding to and from other anchorage spaces. Anchors would not be placed in the channel and no portion of the hull or rigging of any anchored vessel would be allowed to extend outside the limits of the anchorage area. Vessels using spuds for anchors would have to anchor as close to shore as practicable. Fixed moorings, piles or stake and floats, and buoys for marking anchorages or moorings in place would be prohibited. Whenever the maritime or commercial interests of the United States so require, the Captain of the Port Houston-Galveston or his designated representative may direct the movement of any vessel anchored or moored within the anchorage areas.

### 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 Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10 (e) of the regulatory policies and procedures of DOT is unnecessary. The proposed anchorage area would not unnecessarily restrict traffic as it is located outside of the established navigation channel. Vessels would be able to maneuver in, around and through the anchorage. Operators who choose to maneuver their vessels around the limits of the proposed anchorage area would not be significantly impacted because the total route deviation to cross from one side of the anchorage to the other following the perimeter of the anchorage is only 1.4 nautical miles.

### 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 could potentially affect the following entities, some of which might be small entities: the owners or operators of vessels intending to fish or anchor in, or transit through, the proposed anchorage area (C) in Bolivar Roads.

The number of small entities impacted and the extent of the impact, if any, is expected to be minimal. The proposed anchorage would be located in an area of Bolivar Roads that is not a popular or productive fishing location. Further, the proposed location is in an area not routinely transited by vessels heading to, or returning from, known fishing grounds. Finally, the anchorage would be located in an area that is not currently used by small entities, including small vessels, for anchoring due to the depth of water naturally present in the area.

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 LT Karrie Trebbe, Project Manager for Eighth Coast Guard District Commander, at (504) 589-6271.

### 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 State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice