

was only marked to lighted buoy 1 (LLNR-5640). To properly mark the federally maintained waterway the Coast Guard proposed to move 5 buoys and add two additional buoys. There is shoaling on both sides of the channel, and a clear delineation of the entire length of the channel was necessary for deep draft vessels. The Waterways Analysis and Management Study concluded on April 20, 2000.

The proposed Southampton Shoal/Richmond Harbor RNA would increase navigational safety by organizing traffic flow patterns; reducing meeting, crossing, and overtaking situations between large vessels in constricted channels; and limiting vessel speed.

**Oakland Harbor RNA:** On June 26, 2001 we published a Final Rule in the **Federal Register** (66 FR 33833) on the changes of Anchorage 8, which in turn requires a change to the Oakland Harbor RNA. Over time, demands of waterway usage in the San Francisco Bay have led to the need for increases in anchorage area. Anchorage 8 was one of the anchorages recently requested by the mariners to be modified to make better use of available water. Such a change has resulted in Anchorage 8 area protruding into the nearby Oakland Harbor RNA, necessitating an adjustment to the boundary designation of the RNA. No comments were received on the Anchorage 8 regulation change. Additionally, the reduction in the RNA is not expected to result in any adverse effect to waterway users.

The northern boundary coordinates in the regulation for the Oakland Harbor RNA was recently discovered to be off by approximately 30 to 200 yards from the intended coordinates. This rulemaking would revise the points listed in the RNA regulation, accurately reflecting the alignment of the northern boundary of the Oakland Harbor RNA with the Bar Channel and what has already been charted by NOAA.

#### Discussion of Proposed Rule

##### *Benicia-Martinez Railroad*

**Drawbridge RNA:** The 1996 merger of the Union Pacific and Southern Pacific Railroad companies resulted in a change to the name of the bridge to the Union Pacific Railroad Bridge. Using a company name to identify a significant navigational reference point can lead to naming confusion in the future if the bridge changes ownership again. It was decided to refer to the bridge in terms of geographic locality in order to eliminate any references to corporate ownership and only use standard geographical naming schemes. The reference name Benicia-Martinez Railroad Drawbridge is not intended to

replace the new bridge name (Union Pacific Railroad Bridge) selected by the current bridge owner Union Pacific Railroad for any purpose other than this RNA. As with any bridge owner, Union Pacific Railroad retains the right to name the bridge. Our name reference is only intended for this proposed regulation to update the wording to include the most accepted and understood name for waterway users and bridge tenders.

Procedures for down-bound vessels commencing their transit from moorings at terminals between the Benicia-Martinez Railroad Drawbridge and New York Point or for vessels anchored between the Benicia-Martinez Railroad Drawbridge and New York Point are not defined in the existing regulation, and some mariners have expressed confusion regarding the procedures to be followed by such vessels. This change will add procedures for these vessels and formally adopt an ad-hoc solution that has been used since the regulation was established.

While the proposed rule expands the geographical boundaries of the RNA, it does not expand the regulatory scope of the rule. The original rule specified the actions of vessels well outside the original boundaries of the printed RNA regulation. The new rule simply expands the boundaries of the RNA to coincide with the geographic area addressed by the original regulation.

**Pinole Shoal Channel RNA:** The revision would keep smaller vessels (less than 1600 gross tons) out of the Pinole Shoal Channel so that larger vessel (equal or greater than 1600 gross tons) could transit the channel unimpeded. There is currently enough deep water just south of the channel for a vessel of 15 to 19 feet to transit safely south of the channel. However, vessels with drafts close to 20 feet prefer transiting in the marked channel for an enhanced safety factor during the transit. This draft applies to both tugs towing barges greater than 1600 GT and piloted ships over 1600 GT. VTS San Francisco has encountered requests from pilots aboard vessels with less than 20 feet draft to use the channel. Stakeholders such as VTS San Francisco and the San Francisco Bar Pilots agree that vessels greater than 1600 gross tons or with a tug with a tow of 1600 gross tons should have the option to use the Pinole Shoal Channel RNA regardless of their draft. Other similar RNA's regard vessels gross tonnage as a more logical safety criterion than draft.

**Southampton/Richmond Harbor RNA:** Based on the results of a Waterways Analysis and Management Study of the Southampton Shoal

Channel, the Coast Guard relocated Southampton Shoal Channel Lighted Buoys 1 through 7 to properly mark the federally maintained waterway. This extended the marked channel beyond the southern limits of the RNA. We propose to extend the RNA so that it encompasses the federally maintained waterway.

**Oakland Harbor RNA:** This proposed rule would incorporate an administrative change to revise the boundary line of the affected Oakland Harbor RNA to coincide with the new boundaries of Anchorage 8. While Anchorage 8 increased in size by approximately 2,300 square feet to the northwest, the Oakland Harbor RNA lying just north of this anchorage decreased in size by the same amount. This proposed rule would correct the mis-printed coordinates in the current RNA regulation for the northern boundary of the Oakland Harbor RNA. The corrected coordinates will reflect what NOAA has already charted. The regulations that apply to vessels within this RNA will still remain the same.

#### 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 10(e) of the regulatory policies and procedures of DOT is unnecessary. The proposed rule changes for the Benicia-Martinez Railroad Drawbridge are primarily a naming reference change and boundary modifications. The proposed minimum visibility requirements and clarification of vessel procedures for vessels transiting the area are intended to be implemented in conjunction with already accepted standards for vessel reporting as utilized by local pilot associations and bridge operators. These rules for visibility and reporting are designed to have minimal regulatory impact on how deep draft vessels transit the Benicia-Martinez Railroad Bridge region during periods of reduced visibility. The proposed change to the Pinole Shoal Channel would keep smaller vessels out of the Pinole Shoal Channel but there is currently enough