

33 CFR Part 110

[CGD13 82-18]

Anchorage Ground; Elliott Bay, Seattle, Washington**AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

SUMMARY: The Coast Guard is amending the regulations which establish the general anchorage grounds in Puget Sound, Washington. These amendments involve expanding three of the current anchorage grounds in Elliott Bay so that a greater safety margin will be available to anchored vessels from the other vessels anchored or underway in the vicinity. The intended effect of the action is to provide safer general anchorage grounds in Puget Sound while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: September 12, 1983.

FOR FURTHER INFORMATION CONTACT: LT T. C. Julich, Puget Sound Vessel Traffic Service, 1519 Alaskan Way South, Bldg 1, Room 411, Seattle, WA 98134. Telephone: (206) 442-4124.

SUPPLEMENTARY INFORMATION: On January 17, 1983 the Coast Guard published a notice of proposed rule making in the *Federal Register* for this regulation (48 FR 1988). Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of this regulation are LT T. C. Julich, USCG, project officer, Puget Sound Vessel Traffic Service, Seattle, WA, and LCDR Richard R. Clark, USCG, Project attorney, Thirteenth Coast Guard District Legal Office.

Economic Assessment and Certification

This regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since it only expands existing anchorage areas without infringing on vessel traffic lanes. Vessels are presently allowed by the Coast Guard to anchor within the expanded anchorage areas. To date, no difficulties or adverse economic impacts have been observed or reported by the Puget Sound users. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been

reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

PART 100—[AMENDED]**Final Regulation**

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended by revising § 110.230(a)(8), (a)(9), and (a)(10) to read as follows:

§ 110.230 Puget Sound area, Washington.

(a) * * *

(8) *Smith Cove General Anchorage (east) Elliott Bay.* Shoreward of a line beginning at latitude 47° 37'36.3" N., Longitude 122° 22'38" W.; thence due south 1,350 yards to latitude 47° 36'56.6" N., Longitude 122° 22'38" W.; thence due east to the shore at latitude 47° 36'56.6" N., Longitude 122° 21'18.8" W.

(9) *Elliott Bay General Anchorage (east).* Shoreward of a line beginning at the northeast corner of Harbor Island at latitude 47° 35'26.2" N., longitude 122° 20'41" W.; thence due north 1,025 yards to latitude 47° 35'56.5" N., longitude 122° 20'41" W.; thence due west on said line to its intersection with the east line of the West Waterway at latitude 47° 35'56.5" N., longitude 120° 21'25.5" W.; thence due south to the northwest corner of Harbor Island at latitude 47° 35'17.3" N., longitude 122° 21'25.5" W.

(10) *Elliott Bay General Anchorage (west).* Shoreward of a line beginning at latitude 47° 35'06.7" N., longitude 122° 21'36.8" W.; thence due north to latitude 47° 35'46" N., longitude 122° 21'36.8" W.; thence on a bearing 335° T for 400 yards to latitude 47° 35'56.5" N., longitude 122° 21'44" W.; thence due west to Duwamish Head Light; thence due south to the shoreline.

(33 U.S.C. 471; 49 U.S.C. 1655 (g)(1); 49 CFR 1.46 and; 33 CFR 1.05-1(g))

Dated: July 20, 1983.

H. W. Parker,

Rear Admiral, Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 83-21923 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD3 82-017]

Drawbridge Operation Regulations; Harlem River, New York**AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

SUMMARY: At the request of New York City Department of Transportation, the Coast Guard is changing the regulations governing all New York City (NYC) drawbridges crossing the Harlem River between the Bronx and Manhattan by requiring that four hours advance notice be given from 10 a.m. to 5 p.m. This change is being made because there have been relatively infrequent requests for bridge openings since the majority of the vessels regularly transiting the waterway are normally able to pass under all NYC bridges (when in the closed position). This action will continue to relieve the bridge owner of the burden of having a person constantly available to open the draw and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This rule becomes effective on September 12, 1983.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (212) 668-7994.

SUPPLEMENTARY INFORMATION: On August 30, 1982, the Coast Guard published a proposed rule (47 FR 38154) concerning this amendment. The Commander, Third Coast Guard District also published this proposal as a Public Notice dated December 8, 1982. In each notice interested persons were given until October 14, 1982, and January 8, 1983, respectively, to submit comments.

Drafting Information

The drafters of this rule are Ernest J. Feemster, project manager, and LCDR Frank E. Couper, project attorney.

Discussion of Comments

Four responses of no objection were received on the public notice concerning this rule. One respondent requested that provision be made to open all NYC bridges as soon as possible for passage of vessels contracted to the Army Corps of Engineers for maintenance dredging. The Coast Guard agrees that such provision should be made but since a letter of agreement between the parties concerned will be signed, this requirement is not necessary. No other concerns were expressed by the other respondents. A draft evaluation has not been prepared because of minimal economic impact. This is because the regulations will not greatly affect the users of the waterway.

An error was made in the Notice of Proposed Rulemaking in that the heading for the proposed rule was listed as § 117.170. The proper heading is

§ 117.160. This error is technical and has been corrected in this final rulemaking.

Economic Assessment and Certification

These final regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major rules. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities because no small entities will be affected.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revising § 117.160(h) to read as follows:

Part 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.160 Harlem River, N.Y.; bridges.

(h) The draws of the following bridges shall open on signal from 10 a.m. to 5 p.m. if at least four hours, notice is given to the New York City Highway Radio (Hotline) Room. At all other times these draws need not open for commercial or recreational vessels.

- (1) 103rd Street Bridge, mile 0.0.
- (2) Willis Avenue Bridge, mile 1.5.
- (3) 3rd Avenue Bridge, mile 1.9.
- (4) Madison Avenue Bridge, mile 2.3.
- (5) 145th Street Bridge, mile 2.8.
- (6) Macombs Dam Bridge, mile 3.2.
- (7) 207th Street (University Heights) Bridge, mile 6.0.
- (8) Broadway Bridge, mile 6.8.

The draws shall open at all times as soon as possible for a public vessel of the United States after notification is received at the NYC Highway Radio (Hotline) Room.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(e)(5); 33 CFR 1.05-1(g)(3))

Dated: July 22, 1983.

W. E. Caldwell,

*Vice Admiral, U.S. Coast Guard,
Commander, Third Coast Guard District,*

[FR Doc. 83-21921 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165-T-03-364 to read as follows:

PART 165—[AMENDED]

§ 165-T-03-364 Safety Zone: New Jersey, New York Harbor, Newark Bay South Reach.

(a) **Location.** The following area is a Safety Zone: the waters within a boundary extending from the Newark Bay Lighted Buoy "4B" in position 40°39'19.3" N., 74°08'44" W., thence east on a course of 090 degrees true a distance of approximately 145 yards to position 40°39'19.3" N., 74°08'40" W., thence southwest on a course of 200 degrees true a distance of 230 yards to position 40°39'13" N., 74°08'43" W., thence west on a course of 270 degrees true a distance of approximately 145 yards to the Newark Bay Channel Buoy "4A" in position 40°39'13" N., 74°08'47.2" W., thence north on a course of 022 degrees true to the starting point.

(b) **Regulations.** (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: July 22, 1983.

J. L. McDonald,

Captain, U.S. Coast Guard; Captain of the Port, New York.

[FR Doc. 83-21828 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 167

[CGD 81-080]

Parts and Waterways Safety; Offshore Traffic Separation Schemes; Galveston Bay

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This final regulation establishes a traffic separation scheme (TSS) for the approaches to Galveston Bay. The TSS is designed to increase navigation safety by separating opposing inbound and outbound lanes of vessel traffic. The scheme is necessary because of severe traffic congestion and recent vessel casualties in the Galveston approach area. This TSS was developed in accordance with the Ports and Waterways Safety Act (33 U.S.C. 1223) "to provide safe access routes for movement of vessel traffic." It was formally adopted by the Maritime Safety

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Committee of the International Maritime Organization (IMO) in June 1983.

New Part 167 also contains general rules which will apply to future offshore TSS's developed for U.S. ports under the Ports and Waterways Safety Act. These general rules are needed because Coast Guard regulations do not currently define offshore traffic separation schemes. It is also anticipated that other TSS's will be promulgated, or existing TSS's will be significantly modified and added to this new Part 167.

EFFECTIVE DATE: The effective date of this regulation is January 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Mr. Christopher Young, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard, 2100 2nd St., S.W., Washington, D.C. 20593, (202) 245-0108.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published on June 17, 1982 (47 FR 26167). A correction of a typographical error in one of the geographical positions was published on June 28, 1982 (47 FR 27870). Interested persons were given until August 16, 1982, to submit comments. A public hearing was not held on this matter.

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Christopher Young, Project Manager, Office of Navigation, and Lieutenant Mark Hanlon, Project Attorney, Office of Chief Counsel.

Discussion of Comments

Comments were received from 20 sources. Three commenters were neutral on whether a traffic separation scheme was appropriate for the approaches to Galveston Bay (the Minerals Management Service in the Department of the Interior; Shell Offshore, Inc.; and the Associated Branch Pilots from the Lower Mississippi River). The other seventeen were strongly in favor of the TSS. There were no negative comments on the TSS, though several commenters had suggestions on how the approaches to Galveston could be improved.

However, many of these recommendations were beyond the scope of this rulemaking. They are identified below and will be analyzed in another forum such as the Houston/Galveston Navigation Safety Advisory Committee. The Committee held its first meeting on October 16 1982, and was presented with many of the items

brought up by the commenters on this rulemaking. The comments can be classified under the following subjects:

New Chart

Three commenters noted the difficulty of having to plot the TSS on two separate navigation charts (National Ocean Survey 11332 and 11323). The Coast Guard agrees that there is a need for a single chart encompassing the approaches to Galveston. Having to switch charts in the middle of a difficult piloting situation is certainly not conducive to safety. The correction of this problem is not within the jurisdiction of the Coast Guard. The National Ocean Survey is currently preparing a new chart (to be numbered 11330) which will cover the coastline from Freeport to Calcasieu and will eventually include the designated TSS lanes. The new chart may not be available until mid 1984.

Aids to Navigation

Several commenters expressed concern about the buoyage system to be used in the TSS, and the aids on the structures near the TSS. Tentatively, the Eighth Coast Guard District, which is responsible for the aids in the Galveston area, plans to provide six buoys in the center of the separation zone at the following geographical positions:

"GB"—29°10'03"N., 94°27'25"W.
"GC"—29°11'24"N., 94°29'03"W.
"GD"—29°12'46"N., 94°30'40"W.
"GE"—29°14'07"N., 94°32'18"W.
"GF"—29°15'29"N., 94°33'55"W.
"GG"—29°16'50"N., 94°35'33"W.

The buoys will be yellow colored with yellow flashing lights and will mark the centerline of the separation zone. However, it is to be emphasized that this is a tentative arrangement, subject to change based on the wide variety of factors involved in the design of the buoyage system.

As for aids on structures located near the traffic lanes, every offshore structure is expected to be in compliance with the appropriate regulations (contained in 33 CFR Part 67) and this rulemaking is not considered the proper vehicle for altering those requirements.

One commenter recommended that the Sea Buoy ("GA") be moved to be in line with the separation zone. The Eighth Coast Guard District will be evaluating the locations of all aids associated with the TSS. Decisions as to the relocation of existing aids are not final at this time.

Once all of the buoys are in place in the center of the separation zone, the

Coast Guard will issue a Notice to Mariners recommending that vessel traffic voluntarily begin complying with lane directions pending the final effective date of the TSS under IMO guidelines. The IMO has said that the scheme can become effective "only after adequate centre (sic.) line marking of the separation zone by buoys has been established."

Definitions

One commenter noted that the definitions used in the proposed rules differed from the formal IMO definitions for the same terms such as "traffic lane" and "precautionary area". The Coast Guard's intent in the NPRM was to use clear and simple definitions which would still be perfectly compatible with the IMO definitions. But the Coast Guard agrees that there would be less doubt about the identical nature of the TSS in U.S. and IMO rulemaking if the definitions are worded the same way. Therefore, § 167.05 has been rewritten. This does not make any change in the intent or meaning of the regulations.

The same commenter asked that the distinction between shipping safety fairways and traffic separation schemes be made more clear in the preamble to the final rule. The distinction is especially significant in the case of the Galveston TSS because it will overlay an existing fairway. In general, a fairway (as defined in 33 CFR 166.105(a), published on June 30, 1983, at 48 FR 30110) is "an area in which no structures, temporary or permanent will be permitted". This is intended to provide vessel traffic with an area free of obstructions. However, the existence of a shipping safety fairway is not intended to alter the applicable navigation rules. Vessels are expected to obey international navigation rule (72 COLREGS) while using offshore safety fairways. A safety fairway would be the appropriate routing measure in areas which are subject to potential offshore development in conflict with heavy vessel traffic.

On the other hand, a traffic separation scheme is used to organize congested traffic by designating directional lanes and by imposing 72 COLREGS Rule 10 on vessels operating in the area. Although the IMO guidelines on TSS's say that "as far as practicable" structures are not to be established in designated TSS's, there is no strict rule in U.S. regulations. Therefore, because the approach to Galveston is subject to both offshore development and heavy

traffic congestion, the two measures will work together to provide a safer access route into Galveston.

Several commenters had concerns which involved the characteristics of a fairway rather than those of the TSS. For instance, one letter asked that the Coast Guard keep structures at least 500 feet from the edge of the TSS. However, the dimensions of the fairway are already fixed by the existence of structures along the edge. Also, it is the Corps of Engineers rather than the Coast Guard which has the authority to prohibit structures outside of the fairway boundaries. The alternative is for the Coast Guard to decrease the width of the traffic lanes by 500 yards to create a "buffer"; but that loss of lane space does not seem to be warranted where the entire scheme is identified as being an obstruction-free fairway.

Another concern raised by a commenter which should be addressed through the fairway regulations rather than the TSS regulations is the issue of pipeline burial standards. The Coast Guard will be reviewing the current pipeline burial practices in offshore fairways to determine whether regulations would contribute to navigation safety.

One commenter petitioned for an increase in the fairway area seaward of the TSS and for management of traffic in the Galveston Entrance Channel by use of auxiliary channels if the deep draft channel in the separation zone becomes operational. These comments fall beyond the scope of the NPRM and they will be evaluated by the Eighth Coast Guard District for further action.

Effective Date

One commenter was concerned that the TSS might be imposed on U.S. mariners before it is adopted internationally by IMO. As mentioned in the NPRM (47 FR 28168), the Coast Guard intends that the U.S. regulations for the TSS in the approach to Galveston Bay become effective simultaneously with the international effective date approved under IMO procedures.

At the 48th Session of the IMO Maritime Safety Committee which was held in London in June 1983, the Galveston TSS was formally adopted with an effective date not earlier than November 17, 1983. The six months delay between the adoption and the effective date is to permit hydrographic offices around the world to enter the TSS on appropriate charts. If unforeseen delays occur, and the separation zone buoys are not in place prior to January 1, 1984, the effective date of the scheme will be postponed.

Scheme Description

In compliance with a request from the IMO Subcommittee on Safety of Navigation in October 1982, the geographical coordinates for describing the TSS were changed from degrees, minutes and seconds to degrees, minutes and decimals of minutes. The same change has been made in this rulemaking to ensure that the IMO and CFR descriptions are identical. No significant change to the description of the scheme results from the use of decimals.

Additional Regulation of Vessel Traffic

Three commenters requested that the Coast Guard impose strict rules on the operations of vessels within the area to be designated as the inshore precautionary area. The argument is that since the area is used for taking on and letting off pilots, ships should be allowed in that area only for that purpose and should not be permitted to anchor there. However, since Rule 10 already calls on vessels to "avoid anchoring" in the TSS, including the precautionary area, and since the Houston pilots have recently set up a queuing system (to line vessels up in an orderly manner and reduce the congestion of the "first come, first served" situation), the Coast Guard does not believe further regulation is necessary at this time. The pilot boarding situation will instead be highlighted by a note associated with the inshore precautionary area. The note is a part of the IMO TSS description and will be added to the description in the Code of Federal Regulations. The Coast Guard will also request that the National Ocean Survey add the note to the appropriate charts. The note reads as follows: "A pilot boarding area is located near the center of the inshore precautionary area. Due to heavy vessel traffic, mariners are advised not to anchor or linger in this precautionary area except to pick up or disembark a pilot."

Requests by commenters to expand the use of the Vessel Traffic Service (VTS) into the TSS is beyond the scope of this rulemaking. The Coast Guard expects that the Houston/Galveston Navigation Safety Advisory Committee will explore the uses of VTS in the approaches to Galveston.

Temporary Adjustments

One commenter suggested that temporary adjustments to TSS's as allowed by 33 CFR 167.15 be limited to 72 hours and that permanent changes not be made before affected industry has had an opportunity to comment on

economic impacts. Section 167.15(a) concerns permanent modifications to TSS's and ensures that the public will have an opportunity to comment on a notice of proposed rulemaking where a permanent change to a TSS description is involved. On the other hand, § 167.15(b) provides flexibility for making short term adjustments to TSS's under circumstances where a permanent change is not warranted. For instance, the adjustment rule is designed to allow for exploratory offshore drilling where a temporary lane shift or precautionary area may be the most appropriate means of protecting navigation safety while allowing offshore interests to explore for resources. These operations often involve complicated scheduling of equipment and require several days of on site activity. This flexibility is permitted under IMO guidelines. Along the coast of California, adjustments for three months have been made to the TSS lanes during exploratory drilling.

While acknowledging that an adjustment for exploratory drilling will not take place in the Galveston TSS (because of the underlying fairway), the Coast Guard intends the rules to apply to all TSS's promulgated under the Ports and Waterways Safety Act (PWSA), and to duplicate as nearly as possible the IMO guidelines. Therefore, a limitation on the length of a temporary adjustment would be overly restrictive and would inhibit the Coast Guard's ability to accommodate "the needs of other uses" of the waterway, as encouraged and authorized by the PWSA [33 U.S.C. 1223(4)(c)(5)(C)].

Although adjustments can be made on the initiative of the Coast Guard to accommodate needs of safe navigation when it becomes aware of a potential TSS interference in the ordinary course of operations, the person or company which is directly affected by the TSS and believes an adjustment is needed may petition the Coast Guard for an adjustment. Section 167.15(b) has been modified to make this opportunity clear, and to indicate that such petitions should be submitted to the District Commander of the district in which the TSS is located. A lead time of 150 days is inserted in the rule because IMO guidelines request that a notice of an adjustment to a TSS be made internationally at least 120 days before the operation begins. The 120-day notice is needed for circulation of the specific changes to hydrographic offices which are responsible for issuing notices to mariners. An additional month is considered an adequate time for Coast Guard review of the request before it is

forwarded to IMO headquarters by the Commandant.

Anchorage Areas

Two commenters recommended that the fairway anchorage areas located on both sides of the Galveston fairway be relocated to a point near the offshore end of the TSS. The present location, according to one comment, "makes it extremely difficult for the vessel anchored to enter the scheme in accordance with [Rule 10], i.e., crossing a lane at right angles and entering the other lane at as small an angle to the flow of traffic as is possible." While the Coast Guard acknowledges the merit in this recommendation, it would be very difficult to relocate the existing anchorages at this time because of extensive offshore leasing of blocks in the area and location of existing structures. The present location of the anchorages, while not optimal, does not appear to pose an unacceptable hazard to navigation and should not be cause for delay of the TSS. The Coast Guard will encourage the Advisory Committee to study the situation and make recommendations.

Separation Zone

One commenter expressed concern about traffic in the separation zone. During the time the Galveston Approach TSS was being designed, the Coast Guard was aware of plans for dredging a 600-foot wide, 55-foot deep channel through the fairway and took this project into account by locating the 1000-foot separation zone over the proposed centerline of the deep draft channel which will not be along the center of the existing fairway. Although there have been several delays in the dredging project, the Coast Guard will retain the original design, in which the separation zone divides the fairway unevenly and the inbound lane is wider than the outbound lane. Buoys will be installed on the centerline of the separation zone pending further developments. Should the dredging become imminent, the Coast Guard will evaluate the need for a parallel set of buoys along the sides of the separation zone and will determine a suitable method of traffic management for deep draft traffic using the dredged channel. It is expected that the Advisory Committee will anticipate and address the problems associated with the channel and will make recommendations to the Coast Guard. In the meantime, Rule 10 strictly limits when vessels may enter the separation zone.

Regulatory Evaluation

Neither the establishment of, nor compliance with, the traffic separation scheme in the approach to Galveston Bay is expected to have an economic impact on industry, small entities, consumers, or the ability of U.S. enterprises to compete with foreign interests. Also, the only environmental impact will be positive, from a lower risk of environmental damage resulting from vessel accidents.

Vessels will not be required under these rules to use the TSS lanes during an approach to Galveston Bay. A vessel can enter the Galveston Entrance Channel from an anchorage area without entering a designated traffic lane. However, due to the funnelling-effect of the fairway into Galveston Entrance Channel, and the convenience of following a directional flow of traffic, vessel operators are expected to prefer using the TSS. Once a vessel is within the designated TSS, it will be governed by the operating rules of Rule 10 (72 COLREGS) as made applicable by § 167.10.

Although existence of a TSS can affect the operations of fishing vessels, no negative economic impact is expected in the Galveston area because of the TSS. By making Rule 10 applicable in the TSS, the regulations (§ 167.10) require a fishing vessel in a traffic lane, like any other vessel, to proceed in the "general direction of traffic flow" (Rule 10(b)(i)). Also, "a vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane" (Rule 10(h)(i)). In other words, a fishing vessel will not be permitted to pull its nets or trawl against the flow of traffic in a lane. However, while vessels are normally not to enter a separation zone between the lanes, a fishing vessel is specifically permitted to enter a separation zone to engage in fishing (Rule 10(h)(ii)). Shrimping and fishing vessel operators in the area 13 Galveston are not expected to be affected by having a TSS in the approach fairway. Fishing activity has already been limited by the heavy vessel traffic in the fairway.

The traffic separation scheme will overlay an existing shipping safety fairway; therefore, it will not create a new interference with drilling operations and it will not interfere with access to offshore resources.

For the above reasons, these regulations are considered non-significant and non-major under guidelines set out in "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of 22 May 1980) and in Executive

Order 12291. These rules will not impose reporting requirements and will not have an annual effect on the economy of 100 million dollars. The new TSS will not result in a major increase in costs or prices for consumers, individual industries or geographic regions; and it will not have an adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Further regulatory evaluation is not necessary because the impact is expected to be minimal.

In is hereby certified, pursuant to section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96-354), that this action will not have a significant economic impact on a substantial number of small entities. While improving navigation safety, the new TSS will impose no costs on the vessels affected by it.

List of Subjects in 33 CFR Part 167

Navigation (water), Vessels, Traffic separation scheme.

In consideration of the foregoing, a new Part 167, Subchapter P of Title 33 of the Code of Federal Regulations, is added to read as follows:

PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

Subpart A—General

Sec.

- 167.1 Purpose.
- 167.5 Definitions.
- 167.10 Operating rules.
- 167.15 Modification of schemes.

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas

167.100 Galveston Bay Approach Traffic Separation Scheme and Precautionary Areas.

Authority: Sec. 4, 92 Stat. 1473 (33 U.S.C. 1223); 49 CFR 1.46(n).

Subpart A—General

§ 167.1 Purpose.

The purpose of the regulations in this part is to establish and designate traffic separation schemes and precautionary areas to provide access routes for vessels proceeding to and from U.S. ports.

§ 167.5 Definitions.

(a) "Traffic separation scheme" (TSS) means a designated routing measure which is aimed at the separation of opposing streams of traffic by appropriate means and by the establishment of traffic lanes. The

elements of a TSS include traffic lanes, a separation zone or line, and, in many cases, precautionary areas.

(b) "Traffic lane" means an area within defined limits in which one-way traffic is established. Natural obstacles, including those forming separation zones, may constitute a boundary.

(c) "Separation zone or line" means a zone or line separating the traffic lanes in which ships are proceeding in opposite or nearly opposite directions; or separating a traffic lane from the adjacent sea area; or separating traffic lanes designated for particular classes of ships proceeding in the same direction.

(d) "Precautionary area" means a routing measure comprising an area within defined limits where ships must navigate with particular caution and within which the direction of traffic flow may be recommended.

§ 167.10 Operating rules.

The operator of a vessel in a TSS shall comply with Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972, as amended.

§ 167.15 Modification of schemes.

(a) A traffic separation scheme or precautionary area described in this Part may be permanently amended in accordance with 33 U.S.C. 1223 (92 Stat. 1473), and with international agreements.

(b) A traffic separation scheme or precautionary area in this Part may be temporarily adjusted by the Commandant of the Coast Guard in an emergency, or to accommodate operations which would create an undue hazard for vessels using the scheme or which would contravene Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972. Adjustment may be in the form of a temporary traffic lane shift, a temporary suspension of a section of the scheme, a temporary precautionary area overlaying a lane, or other appropriate measure. Adjustments will only be made where, in the judgment of the Coast Guard, there is no reasonable alternative means of conducting an operation and navigation safety will not be jeopardized by the adjustment. Notice of adjustments will be made in the appropriate Notice to Mariners and in the *Federal Register*. Requests by members of the public for temporary adjustments to traffic separation schemes must be submitted 150 days prior to the time the adjustment is desired. Such Requests, describing the interference that would otherwise occur to a TSS, should be submitted to the District Commander of the Coast Guard District in which the TSS is located.

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas

§ 167.100 Galveston Bay Approach Traffic Separation Scheme and Precautionary Areas.

(a) An inshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	Longitude
(1) 29° 18.10' N.	94° 39.20' W.
(2) 29° 16.10' N.	94° 37.00' W.
(3) 29° 18.00' N.	94° 34.90' W.
(4) 29° 19.40' N.	94° 37.10' W.
(5) 29° 19.80' N.	94° 38.10' W.

(b) A traffic separation zone bounded by a line connecting the following geographical positions:

Latitude	Longitude
(6) 29° 17.15' N.	94° 35.80' W.
(7) 29° 09.20' N.	94° 28.23' W.
(8) 29° 09.95' N.	94° 26.36' W.
(9) 29° 17.04' N.	94° 35.93' W.

(c) A traffic lane for inbound (northwesterly heading) traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
(3) 29° 18.00' N.	94° 34.90' W.
(10) 29° 11.20' N.	94° 24.00' W.

(d) A traffic lane for outbound (southeasterly heading) traffic is established between the separation zone and line connecting the following geographical positions:

Latitude	Longitude
(2) 29° 16.10' N.	94° 37.00' W.
(11) 29° 07.70' N.	94° 27.80' W.

(e) An offshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	Longitude
(11) 29° 07.70' N.	94° 27.80' W.
(12) 29° 06.40' N.	94° 26.20' W.
(13) 29° 06.40' N.	94° 23.90' W.
(14) 29° 09.10' N.	94° 20.80' W.
(10) 29° 11.20' N.	94° 24.00' W.

Note.—A pilot boarding area is located near the center of the inshore precautionary area. Due to heavy vessel traffic, mariners are advised not to anchor or linger in this precautionary area except to pick up or disembark a pilot.

(92 Stat. 1473 section 4(c); 33 U.S.C. 1223(4)(c); 49 CFR 1.46[n])

Dated: July 14, 1983.

H. H. Kothe,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

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46 CFR Parts 31, 32, and 35

[CGD 80-009]

Correction of Miscellaneous Disparities in 46 CFR Subchapter D, Tank Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These amendments eliminate minor disparities that exist between various Coast Guard regulations governing tank vessels. The regulations affected concern inspection requirements, special equipment, and operations. These amendments benefit tank vessel owners and operators by revising various provisions to eliminate conflicting requirements.

EFFECTIVE DATE: This amendment is effective on September 12, 1983.

FOR FURTHER INFORMATION CONTACT: Lt John Astley (G-MVL-2), Room 2612, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 428-2190. Normal office hours are between 7:00 a.m. and 5:00 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: On November 8, 1982, the Coast Guard published a notice of proposed rulemaking (47 FR 50525) concerning these amendments. Interested persons were given until December 23, 1982 to submit comments. Three letters were received in response to the Notice of Proposed Rulemaking.

Discussion of Major Comments

Section 31.01-1(b). One commenter suggested that proposed paragraph (b) introduced a substantial change which would adversely affect tank vessels in the grain trade, by requiring that they be clean of cargo residue and gas free in order to be exempt from Subchapter "D" regulations. This was not intended. The section only deals with tank vessels which are laid up, dismantled, and out of commission. In order to be exempt from Subchapter "D" regulations, a laid up, dismantled and out of commission tank vessel must be clean of cargo residue and maintained in a gas free condition. In the final rule the reference to tank vessels removed from the bulk liquid cargo service has been deleted.

Section 32.50-15(a)(2). This section authorizes the use of a portable piping system when handling grades D and E cargoes, provided the system satisfies the requirements of § 32.50-15 (a)(2)(i) thru (a)(2)(v) inclusive. A commenter questioned whether all the portable piping requirements listed in paragraph § 32.50-15(a)(2) applied to vessels