

(14) 32°45'41" N., 079°55'22" W. thence back to point A. All coordinates referenced use Datum: NAD 83.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group, Charleston, SC.

(c) *Regulations.* (1) No person or vessel may enter, transit, or remain in the regulated area unless participating in the event or authorized by the Coast Guard Patrol Commander.

(2) The Coast Guard Patrol Commander may delay, modify, or cancel the race as conditions or circumstances require. The Coast Guard Patrol Commander shall monitor the start of the race with the race committee to allow for a window of opportunity for the race participants to depart the harbor with minimal interference with inbound or outbound commercial traffic.

(3) Spectator and other non-participating vessels may follow the participants out to sea while maintaining a minimum distance of 500 yards behind the last participant, at the discretion of the Patrol Commander. Upon the transit of the last race participant past the outermost boundary of the Charleston jetties, all vessels may resume normal operations.

(d) *Dates:* This section is effective at 10:30 a.m. and terminates at 3 p.m. EDT on May 22, 1999.

**Norman T. Saunders,**

*Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.*

[FR Doc. 99-10551 Filed 4-26-99; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 110

[CGD07-99-002]

RIN 2115-AA98

#### **Anchorage Grounds; Atlantic Ocean off Miami and Miami Beach, FL**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending the Anchorage Regulations for the Atlantic Ocean off Miami and Miami Beach, FL. The amendment is needed to strengthen existing anchoring requirements and guidelines in order to provide a higher degree of protection to the coastal area during periods of adverse weather which could cause

anchored vessels to drag anchor and strike other vessels, or become grounded.

**DATES:** This rule becomes effective May 27, 1999.

**FOR FURTHER INFORMATION CONTACT:** CWO Marcos DeJesus, Coast Guard Marine Safety Office Miami, at (305) 535-8762.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory History**

The Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** on January 26, 1999 (64 FR 3888) proposing to amend the Anchorage Regulations for Miami and Miami Beach. No comments were received during the comment period.

##### **Background and Purpose**

The east coast of Florida is susceptible to many erratic weather changes, and mariners who are not vigilant to the seas often discover themselves in dangerous situations. In recent years, a number of vessel groundings have resulted from vessels dragging anchor and drifting into the beach or into reefs during bad weather. These amendments are intended to reduce these incidents by modifying the existing anchoring requirements and guidelines to account for possible adverse weather situations. The amended regulations will require vessels to notify the Captain of the Port when entering the anchorage areas and when any casualty or work affects the main propulsion or steering equipment. All vessels will also be required to have an English speaking watchstander monitor Channel 16 VHF at all times.

##### **Regulatory Evaluation**

This 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic effect upon

a substantial number of small entities. "Small entities" include 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.

Therefore, 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 economic impact on a substantial number of entities as it will only effect anchored vessels in the waters off Miami and Miami Beach and the changes are minor in nature.

##### **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 has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

##### **Environmental Assessment**

The Coast Guard considered the environmental impact of this rule and concluded under Figure 2-1, paragraph 34(f) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination has been prepared and is available in the docket for inspection or copying.

##### **List of Subjects in 33 CFR Part 110**

Anchorage grounds.

In consideration of the foregoing, the Coast Guard amends Part 110 of 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, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in 110.1a is also issued under 33 U.S.C. 1223 and 1231.

2. In § 110.188, add new paragraphs (b)(9) through (b)(12) to read as follows:

##### **§ 110.188 Atlantic Ocean off Miami and Miami Beach, Florida.**

\* \* \* \* \*

(b) *The regulations.*

\* \* \* \* \*

(9) All vessels desiring to use the Anchorage must notify the Coast Guard

Captain of the Port, via the Biscayne Bay Pilots on VHF-FM Channel 12 or 16.

(10) All vessels anchored within the anchorage area shall maintain a 24-hour bridge watch by an English speaking licensed deck officer monitoring VHF-FM Channel 16. This individual shall perform frequent checks of the vessel's position to ensure the vessel is not dragging anchor.

(11) Vessels experiencing casualties such as a main propulsion, main steering or anchoring equipment malfunction or which are planning to perform main propulsion engine repairs or maintenance, shall immediately notify the Coast Guard Captain of the Port via the Coast Guard Group Miami on VHF-FM Channel 16.

(12) The Coast Guard Captain of the Port may close the anchorage area and direct vessels to depart the anchorage during periods of adverse weather or at other times as deemed necessary in the interest of port safety.

Dated: April 13, 1999.

**G.W. Sutton,**

*Captain, U.S. Coast Guard, Acting  
Commander, Seventh Coast Guard District.*  
[FR Doc. 99-10431 Filed 4-26-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Part 16

[USCG-1998-4469]

RIN 2115-AF67

### Management Information System (MIS) Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is changing the Management Information System (MIS) annual reporting requirements for chemical drug testing. The Office of Management and Budget (OMB) had requested that the Coast Guard reduce its collection of information effort. This final rule will exempt certain marine employers from submitting the annual MIS report and will eliminate the requirement for all marine employers to notify the Coast Guard when a consortium or other party submits the employer's annual report.

**DATES:** This final rule is effective May 27, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility, (USCG-1998-

4469), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington DC 20590-0001. You may also access docket materials over the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this rule, contact Lieutenant Jennifer Ledbetter, Coast Guard, telephone 202-267-0684. For questions on viewing, or submitting material to the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

The Coast Guard published a notice of proposed rulemaking entitled "Management Information System (MIS) Requirements" in the **Federal Register** on December 24, 1998 [63 FR 71257]. The Coast Guard received five letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

At the close of the comment period for the NPRM, we mailed a letter to all 82 marine employers who, based on our records, would be exempt from filing the MIS report this year if the proposal were made final. The letter extended the MIS report-filing deadline for these employers by 90 days, to give the Coast Guard time to publish its final rule before these employers would be required to file their annual report.

##### Background and Purpose

The Office of Management and Budget (OMB) requested that the Coast Guard reduce the amount of information collected under the Management Information System (MIS) annual reporting requirements for chemical testing data. The required reports provide drug and alcohol testing information from marine employer chemical testing programs. The Coast Guard and OMB discussed how to reduce the annual reporting requirements for chemical drug testing information. The reductions discussed with OMB are set out in this final rule.

##### Discussion of Comments

The Coast Guard received five written comments in response to the notice of proposed rulemaking. All comments were considered in developing the final rule.

One of the comments made suggestions concerning aspects of chemical testing not addressed in this rulemaking. Those suggestions have been forwarded to the program manager for consideration.

##### Written Notification Requirement

Four of the comments supported (the fifth comment did not address) the proposal to eliminate the requirement for marine employers in a drug-testing consortium to notify the Coast Guard in writing that the consortium will submit the employer's annual MIS report.

##### Annual MIS Report Submission Requirement

Two of the comments supported the proposal to exempt marine employers with 10 or fewer employees who have submitted the MIS report for 3 consecutive years from further submissions of the report.

Three of the comments objected to the proposal to exempt these marine employers from submitting the MIS report. The comments expressed concern that the exemption would negatively affect the Coast Guard's yearly calculations for determination of the random testing rate for the next year.

The Coast Guard used three years of actual data (1995-1997) to calculate what the random testing rate would have been if eligible employers had not submitted reports starting with 1995. We found that the difference in data attributable to exemption of employers with 10 or fewer employees would not have resulted in a different annual random rate determination for any of those years. A copy of these calculations is available in the docket for review.

We are, therefore, adopting the proposed exemption without change in this final rule.

##### Discussion of Rule

Part 16 of Title 46 of the Code of Federal Regulations requires all marine employers to collect chemical drug and alcohol testing data from their programs. It also requires marine employers to submit this data to the Coast Guard in an annual MIS report. Specific requirements for collecting and submitting this data are listed in § 16.500. Marine employers must submit all chemical drug and alcohol testing data on Form CG-5573 found in Appendix B of 46 CFR part 16. Section 16.500 allows a consortium or other employer representative to submit the chemical drug and alcohol testing data for a marine employer. Unless submitting their own report, marine employers must notify us in writing each year naming the consortium or other employer representative submitting the report.

We are incorporating the following changes to our MIS reporting requirements:

- Removing the requirement for marine employers to notify the Coast