

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 01-AEA-01]

#### Establishment of Class E Airspace; Hagerstown, MD

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish Class E airspace at Hagerstown, MD. Controlled airspace extending upward from surface is needed to accommodate operations under Instrument Flight Rules (IFR) at the airport when the air traffic control tower (ATCT) is not in operation.

The area would be depicted on aeronautical charts for pilot reference.

**DATES:** Comments must be received on or before March 30, 2001.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA-520, Docket No. 01-AEA-01, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434-4809.

The official docket may be examined in the Office of the Regional Counsel, AEA-7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434-4809. An informal docket may also be examined during normal business hours in the Airspace Branch, AEA-520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434-4809.

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA-520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434-4809; telephone: (718) 553-4521.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 01-AEA-01". The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA-7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434-4809. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

#### The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace area at Washington County Regional Airport, Hagerstown, MD, when the ATCT is closed. This controlled airspace extending upward from the surface is needed when the Air Traffic Control Tower is not open to accommodate IFR operations at the airport.

Class E airspace designations for airspace areas extending upward from the surface are published in Paragraph 6002 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would affect traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9H dated September 1, 2000, and effective September 16, 2000, is amended as follows:

*Paragraph 6002 Class E Airspace Areas Extending Upward From the Surface of the Earth*

\* \* \* \* \*

**AEA MD, E2 Hagerstown, MD [NEW]**

Washington County Regional Airport,  
Hagerstown, MD.  
(Lat. 39°42'28"N., long 77°43'46"W.)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.1-mile radius of Washington County Regional Airport. This Class E2 area is effective during the specific dates and times when the Class D airspace is not in effect.

\* \* \* \* \*

Issued in Jamaica, New York on February 9, 2001.

**F.D. Hatfield,**

Manager, Air Traffic Division, Eastern Region.  
[FR Doc. 01-4681 Filed 2-27-01; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 110**

[CGD11-01-003]

RIN 2115-AA98

**Anchorage Regulation; San Francisco Bay, California**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to revise the anchorage boundaries for Anchorages 8, 9, and 24, and to specify procedures for vessels intending to be in a "dead ship" status in the San Francisco Bay Anchorage Grounds. The regulations concerning use of the anchorage by vessels, and the activities permitted in the anchorage areas are not affected by the change in shape and size of these anchorages.

**DATES:** Comments and related material must reach the Coast Guard on or before March 30, 2001.

**ADDRESSES:** You may mail comments and related material to Commanding Officer, Coast Guard Marine Safety Office San Francisco Bay, Bldg. 14, Coast Guard Island, Alameda, CA 94501, ATTN: LT Andrew Cheney. The Marine Safety Office maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection and copying at the Marine Safety Office between 7:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Patricia Springer, Vessel

Traffic Management Section, Coast Guard Eleventh District/Pacific Area, (510) 437-2951, email: pspringer@d11.uscg.mil.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD11-01-003), indicate the specific section of this document to which each comment 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 plan to hold a public meeting, however you may submit a request for a meeting by writing the Marine Safety Office 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**

Due to changing uses of the waterways in the San Francisco Bay region—including the closure of Naval Air Station Alameda, the trend of larger ships arriving in the Bay, and the anticipated growth of faster Marine Transportation Systems—mariners have requested changes to several anchorage grounds. Recent situations have demanded increased use and space for Anchorages 8 and 9. Vessels have had to take anchor while awaiting the departure of another at berth. Periodic labor strikes and disputes have caused delays in the turnaround time of cargo, which in turn have filled the anchorages to capacity. In general, these proposed changes will allow more room for the anchorages while enhancing safer and more efficient use of the waterways through San Francisco Bay and the Carquinez Strait.

Currently, safety measures for anchoring in the San Francisco Bay in a dead-ship status are addressed by individual COTP orders. The term "dead ship" refers to when a vessel's propulsion or control is unavailable for normal operations. This rulemaking will

enhance the safety of navigation in the area by designating a dead-ship anchorage, away from usual areas of navigation on the bay, and by uniformly requiring the assistance of a tug boat when anchoring in a dead ship status. Also, with this proposed change to the rule, the owner/operator will be able to make its own arrangements for a tug without having to gain the approval of the COTP before proceeding to the dead-ship anchorage.

**Discussion of Proposed Rule***Anchorage 8 and Anchorage 9 (South San Francisco Bay)*

In the past, San Francisco Bay had a strong military presence and much waterway traffic resulted from the military facilities homeported in the area. Both Anchorage 8 and 9 were designed to accommodate large naval vessels enroute to Naval Air Station Alameda. The configuration of these anchorages is no longer optimal due to the closure of the Naval Air Station. Commercial vessels awaiting a berth, favorable tides, orders, or other operational uses now use Anchorages 8 and 9. The size and draft of these commercial vessels has steadily risen in recent years and this trend is expected to continue.

This proposed change includes modifications to Anchorages 8 and 9 which enlarge the anchorage area into the waters previously used for large military vessel transit. Enlarging Anchorage 8 and 9 will allow today's larger vessels to have better use of the available water. Changes to Anchorage 8 would allow one to two more vessels to anchor, and change to Anchorage 9 would allow more deep draft anchorage space. Generally, this proposed regulation is intended to eliminate congestion in the anchorages and promote safety for these new vessels.

*Anchorage 24 (Carquinez Strait)*

The Coast Guard conducted a Waterways Analysis and Management study of the San Pablo Bay and Carquinez Strait in late 1998. One of the recommendations of the study which was based primarily on the comments of mariners using the waterway, was to make better use of the navigable waters of the Carquinez Strait just south-southeast of Southampton Bay. The Coast Guard decided to establish a buoy marking the edge of the useable channel just west-southwest of Commodore Jones Point, effectively shrinking the area which is currently Anchorage 24. Study of records from the Vessel Traffic Service in San Francisco (which monitors this waterway) and discussion