

Eleventh Coast Guard District staff element responsible for Local Notice to Mariners now reads: Commander (Pow), Eleventh Coast Guard District, Coast Guard Island, Building 50-6, Alameda, CA 94501-5100.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require assessment of potential cost 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of the Department of Transportation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may 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 less than 50,000.

Because it expects the impact of this proposal to be so minimal, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this proposal, if adopted, will not have a substantial impact on a significant number of small entities. If, however, you think that your business or organization qualifies as a small entity and this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed 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 proposed 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.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B, it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Regattas and Marine Parades.

Proposed Regulation

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 100, section 100.1101, as follows:

PART 100—MARINE EVENTS

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. In § 100.1101 revise paragraph (a) and amend Table 1 of that section by adding an entry for the U.S. National Waterski Racing Championship immediately following the last entry to read as follows:

§ 100.1101 Southern California annual marine events.

(a) Special local regulations will be established for the events listed in Table 1. Further information on exact dates, times, details concerning number and type of participants and an exact geographical description of the areas are published by the Eleventh Coast Guard District in the Local Notice to Mariners at least 20 days prior to each event. To be placed on the mailing list contact: Commander (pow), Eleventh Coast Guard District, Coast Guard Island, Building 50-6, Alameda, CA 94501-5100.

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Table 1

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U.S. National Waterski Racing Championship
Sponsor: U.S. National Waterski Racing Association.

Date: First Friday of October every year, lasting a total of 3 days (including the first Friday of October).

Location: Mission Bay, San Diego, California, from Government Island south to Ski Beach.

Dated: October 15, 1997.

J.C. Card,

Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD11-97-007]

RIN 2115-AA98

Anchorage Regulations: San Diego Harbor, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes the establishment of several special anchorages in San Diego Bay, California. These areas are currently used as temporary and long term anchorages. A "special anchorage" is an area on the water where vessels less than 20 meters (approximately 65 feet) in length are allowed to anchor without displaying navigation lights which are otherwise required for anchored vessels under Rule 30 of the Inland Navigational Rules, codified at 33 U.S.C. 2030. The intended effect of these special anchorages is to reduce the risk of vessel collisions within San Diego Bay by specifying more special anchorage areas which will provide designated moorings for vessels less than 20 meters in length. In addition, minor corrections to some of the coordinates describing the corner points of existing special anchorage areas have been made in the proposed regulations.

DATES: Comments must be received on or before January 26, 1998.

ADDRESSES: Comments should be mailed to Commanding Officer, Coast Guard Marine Safety Office, 2716 North Harbor Drive, San Diego, CA 92101, (619) 683-6495. The comments and other materials referenced in this notice will be available for inspection and copying at the above address. Normal office hours are between 7:00 a.m. and 4:00 p.m., Monday through Friday except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Mike Arguelles, Marine Safety Office San Diego, (619) 683-6484, or Mike Van Houten, USCG, Pacific Operations and Waterways Branch, Eleventh Coast Guard District, (510) 437-2984.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments to the office listed under ADDRESSES in this preamble. Persons submitting comments should include

their names and addresses, identify the docket number for the regulations (CGD11-97-007), the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The regulations may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid in the rule making process.

Discussion of the Proposed Regulation

A "special anchorage" is an area on the water in which vessels less than 20 meters (approximately 65 feet) in length are allowed to anchor without displaying navigation lights. Such lights are otherwise required for anchored vessels under Rule 30 of the Inland Navigational Rules, codified at 33 U.S.C. 2030. The Coast Guard proposes to establish 7 new special anchorage areas (A-1a, A-1b, A-1c, A-4, A-6, A-8, & A-9), and modify the 4 special anchorage areas already in existence (A-1, A-2, A-3, & A-5), as follows:

- (A-1, A-1a, A-1b, A-1c) Shelter Island Moorings, North San Diego Bay, approximately 75 yards off shore and along Shelter Island (for A-1, minor corrections to some of the coordinates describing the corner points of the special anchorage area),
- (A-2) America's Cup Harbor, North San Diego Bay, in the area known as Commercial Basin (minor corrections to some of the coordinates describing the corner points of the special anchorage area),
- (A-3) Laurel Street Roadstead Moorings, North San Diego Bay, east of the Coast Guard Activities (minor corrections to some of the coordinates describing the corner points of the special anchorage area),
- (A-4) Bay Bridge Roadstead Moorings, Central San Diego Bay, at the northwest end of the Coronado Bridge,
- (A-5) Glorietta Bay Anchorage, Central San Diego Bay, across the bay from Naval Amphibious Base (minor corrections to some of the coordinates describing the corner points of the special anchorage area),
- (A-6) Fiddlers Cove, South San Diego Bay, just south of the Naval Amphibious Base,
- (A-8) Sweetwater Anchorage, South San Diego Bay, west of 24th Street Marine Terminal, and
- (A-9) Cruiser Anchorage, North San Diego Bay, west of the Coast Guard Activities.

The primary users of these anchorages are recreational vessels, with the

majority of them being long term users. Some of the anchorages are depicted on local charts, while all of them use buoys to delineate their boundaries. By establishing these areas as special anchorages, the requirement of displaying anchor lights and day shapes will be removed for vessels less than 20 meters in length.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule making does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

This proposal has been reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2 of Commandant Instruction M16475.1B, as revised in 59 FR 38654, July 29, 1994. A Categorical Exclusion Determination and Environmental Analysis Checklist will be available for inspection and copying in the docket to be maintained at the address listed in ADDRESSES.

Regulatory Evaluation

This proposal 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 10(e) of the regulatory policies and procedures of DOT is unnecessary. This proposal will impose no cost on vessel operators, it will have minimal impact on vessel traffic, and will provide greater options to vessels desiring to anchor in San Diego Bay.

Small Entities

Under 5 U.S.C. 601 *et seq.*, known as the Regulatory Flexibility Act, the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small Entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the small

Business Act (15 U.S.C. 632). Since the impact of this proposal is expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal imposes no collection of information requirements under the Paperwork Reduction Act.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 110 of Title 33, Code of Federal Regulations as follows:

PART 110—[REVISED]

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.

1. Section 110.90 is revised to read as follows:

§ 110.90 San Diego Harbor, California.

(a) *Area A-1.* In North San Diego Bay, the Shelter Island Yacht Basin Anchorage, the water area enclosed by a line beginning at latitude 32°42'56.7" N., longitude 117°13'47.1" W.; thence southwesterly to latitude 32°42'53.6" N., longitude 117°13'51.3" W.; thence northwesterly to latitude 32°43'01.3" N., longitude 117°13'59.1" W.; thence northeasterly to latitude 32°43'02.6" N., longitude 117°13'55.5" W.; thence southeast to latitude 32°42'59.8" N., longitude 117°13'50.4" W.; thence southeast to the point of beginning.

(b) *Area A-1a.* In North San Diego Bay, the Shelter Island Roadstead Anchorage east of Shelter Island, the water area 55 feet either side of a line beginning at latitude 32°42'33.6" N., longitude 117°13'48.3" W.; thence northeast to latitude 32°42'36.0" N., longitude 117°13'45.1" W.

(c) *Area A-1b.* The water area off Shelter Island's eastern shore, 210 feet shoreward of a line beginning at latitude 32°42'43.9" N., longitude 117°13'34.3" W.; thence northeast to latitude 32°42'52.8" N., longitude 117°13'22.4" W.

(d) *Area A-1c.* The water area off Shelter Island's eastern shore, 210 feet shoreward of a line beginning at latitude 32°42'55.0" N., longitude 117°13'19.4" W.; thence northeast to latitude

32°43'03.5" N., longitude 117°13'07.6" W.

(e) Area A-2. In North San Diego Bay, the America's Cup Harbor Anchorage, the water area enclosed by a line beginning at latitude 32°43'13.7" N., longitude 117°13'23.8" W.; thence northeast to latitude 32°43'16.7" N., longitude 117°13'16.4" W.; thence northwest to latitude 32°43'22.6" N., longitude 117°13'25.8" W.; thence west to latitude 32°43'22.5" N., longitude 117°13'29.6" W.; thence southwest to latitude 32°43'19.0" N., longitude 117°13'32.6" W.; thence southeast to the point of beginning.

(f) Area A-3. In the North San Diego Bay, the Laurel Street Roadstead Anchorage, the water area enclosed by a line beginning at latitude 32°43'30.5" N., longitude 117°10'28.5" W.; and thence southwesterly to latitude 32°43'29.8" N., longitude 117°10'34.2" W.; and thence southwesterly to latitude 32°43'25.8" N., longitude 117°10'36.1" W.; and thence southerly to latitude 32°43'20.2" N., longitude 117°10'36.1" W.; thence westerly to latitude 32°43'20.2" N., longitude 117°10'52.9" W.; thence northeasterly to 32°43'29.8" N., longitude 117°10'48.0" W., thence northeasterly following a line parallel to, and 200 feet bayward of, the shoreline of San Diego Bay adjoining Harbor Drive to the point of beginning.

(g) Area A-4. In Central San Diego Bay, the Bay Bridge Roadstead Anchorage, the water enclosed by a line beginning at latitude 32°41'32.1" N., longitude 117°09'43.1" W.; thence southwesterly to latitude 32°41'19.1" N., longitude 117°09'46.1" W.; thence southeasterly to latitude 32°41'17.8" N., longitude 117°09'44.3" W.; thence southeasterly to latitude 32°41'14.9" N., longitude 117°09'37.9" W.; thence northeasterly to latitude 32°41'26.9" N., longitude 117°09'35.1" W., thence southwesterly to the point of beginning.

(h) Area A-5. In Central San Diego Bay, the Glorietta Bay Anchorage, the water area enclosed by a line beginning at latitude 32°40'42.2" N., longitude 117°10'03.1" W.; thence southwesterly to latitude 32°40'41.2" N., longitude 117°10'06.6" W.; thence northwesterly to latitude 32°40'46.2" N., longitude 117°10'15.6" W.; thence northeasterly to latitude 32°40'46.7" N., longitude 117°10'14.1" W.; thence southeasterly to the point of beginning.

(i) Area A-6. In Fiddler's Cove, the water enclosed by a line beginning at latitude 32°39'10.4" N., longitude 117°08'49.4" W.; thence northwesterly to latitude 32°39'14.9" N., longitude 117°08'51.8" W.; thence northeasterly to latitude 32°39'17.6" N., longitude 117°08'47.5" W.; thence northwesterly

to latitude 32°39'19.8" N., longitude 117°08'48.8" W.; thence northeasterly to latitude 32°39'24.4" N., longitude 117°08'41.4" W., thence southeasterly to latitude 32°39'15.7" N., longitude 117°08'36.0" W.; thence southwesterly to the point of beginning.

Note: This area is located on Federal Property owned by the United States, and it is reserved for active duty military, their dependents, retirees, and DOD employees only.

(j) Area A-8. In South San Diego Bay, the Sweetwater Anchorage, the water enclosed by a line beginning at latitude 32°39'12.2" N longitude 117°10'45.1" W.; thence easterly to latitude 32°39'12.2" N., longitude 117°07'30.1" W.; thence southerly to latitude 32°38'45.2" N., longitude 117°07'30.1" W.; thence westerly to latitude 32°38'45.2" N., longitude 117°07'45.1" W.; thence northerly to the point of beginning.

(k) Area A-9. In North San Diego Bay, the Cruiser Anchorage, the water enclosed by a line beginning at latitude 32°43'35.9" N., longitude 117°11'06.2" W.; thence southwesterly to latitude 32°43'31.5" N., longitude 117°11'13.2" W.; thence southeasterly to latitude 32°43'28.9" N., longitude 117°11'11.0" W.; thence southeasterly to latitude 32°43'25.9" N., longitude 117°11'07.7" W.; thence northeasterly to latitude 32°43'34.8" N., longitude 117°11'03.2" W.; thence northwesterly to the point of beginning. All coordinates referred use Datum: NAD 83.

Note: Mariners anchoring in these anchorages, excluding Anchorage A-6, should consult applicable local ordinances of the San Diego Unified Port District. Temporary floats or buoys for marking anchors are allowed. Fixed moorings, piles or stakes are prohibited. All moorings shall be so that no vessel, when anchored, shall at any time extend beyond the limits of the area.

Dated: October 6, 1997.

J.C. Card,

Vice Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

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DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AH88

Election of Education Benefits

AGENCIES: Department of Defense, Department of Transportation (Coast Guard), and Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Department of Veterans Affairs (VA) educational assistance and educational benefits regulations relating to certain elections between benefits. VA has provided by regulation that after a veteran seeks to make an election to have service in the Selected Reserve credited toward payment under the Montgomery GI Bill—Selected Reserve (MGIB-SR) program or under the Montgomery GI Bill—Active Duty (MGIB-AD) program, the election will take effect when the individual has negotiated a check issued under the program she or he has elected. In order to adapt the current rules to the new system of electronic transfers, it is proposed to change these election provisions to make the election effective either upon negotiation of a check or electronic receipt of education benefits. VA has provided by regulation that an election to receive benefits under Survivors' and Dependents' Educational Assistance (DEA) for a program of education rather than pension, compensation, or Dependency and Indemnity Compensation (DIC) will take effect when the individual has commenced a program of education and negotiated a check issued under the program she or he has elected. In order to adapt the current rule to the new system of electronic transfers and to ensure that decisions are made with knowledge, it is proposed to change these election provisions to require a written election to be submitted and to make the election effective either upon negotiation of a check or electronic receipt of education benefits. Nonsubstantive changes would also be made for purposes of clarity and to reflect current statutory codification and authority. The proposed requirements for individuals to make elections before receiving certain benefit payments constitute collections of information.