

Power Plant, Chesapeake Bay, Calvert County, MD" in the **Federal Register** (67 FR 61494) that expires on March 31, 2003.

On October 18, 2002, we published a notice of proposed rulemaking (NPRM) entitled "Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD" in the **Federal Register** (67 FR 64345). We received three letters commenting on the proposed rule.

The Captain of the Port has determined that the need for this security zone continues to exist. Accordingly, this rule makes final the proposed rule published in the **Federal Register** on October 18, 2002. The zone is approximately 300 by 500 yards and is marked by white cylindrical buoys in the Chesapeake Bay near the Calvert Cliffs Nuclear Power Plant, in Calvert County, Maryland.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. It is urgently necessary, for public safety and Power Plant security, that a continuous security zone be established at the Calvert Cliffs facility effective at 5 p.m. on March 31, 2003. This rule will become effective upon expiration of the current temporary rule (67 FR 61494, October 1, 2002).

### Background and Purpose

Based on the September 11, 2001 terrorist attacks on the World Trade Center buildings in New York and the Pentagon building in Virginia, there is an increased risk that subversive activity could be launched by vessels or persons in close proximity to the Calvert Cliffs Nuclear Power Plant. On February 28, 2002, the Coast Guard published a temporary rule entitled "Security zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD," in the **Federal Register** (67 FR 9203). The temporary rule established a security zone around the Calvert Cliffs Nuclear Power Plant. Based on a continuing need for the protection of the plant, the effective date of the rule establishing a temporary security zone surrounding the plant was extended until 5 p.m., March 31, 2003. There is no indication that the present rule has been burdensome on the maritime public; users of the areas surrounding the plant are able to pass safely outside the zone. Three letters commenting on the present rule have been received by the public.

### Discussion of Comments and Changes

The Coast Guard received three written comments on the proposed rule.

Two letters included comments that strongly supported the proposed security zone, one of which requested that Coast Guard increase the size of the zone to provide for additional security. The size and location of the zone was based on a request from the Calvert Cliffs Nuclear Power Plant. The power plant is aware of the issues raised by this comment and feels that the size and location of the security zone is sufficient to provide the desired increase in security.

The third letter included comments from the Canoe Cruisers Association of Greater Washington, DC, Inc. stating that the size of the proposed security zone is reasonable; however, future proposals to expand its dimensions might compromise waterway user safety far from shore and interrupt waterway user access to the shore. The Coast Guard has considered these issues and has determined that no changes to the proposed rule are required. One commenter requested a public meeting. The Coast Guard has considered this request and determined that there is not sufficient public interest to conduct a public meeting.

### Regulatory Evaluation

This 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.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

We received three letters commenting on the interim rule. Comments from the Canoe Cruisers Association of Greater Washington, DC, Inc. state that the security zone proposal is reasonable; however, future proposals to expand its dimensions might compromise waterway user safety far from shore and

interrupt waterway user access to the shore.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.