

and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant A. Logman, Waterways Management Officer, Coast Guard Group/Marine Safety Office Long Island Sound at (203) 468-4429.

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 (CGD01-03-012), 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 your submission 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 now plan to hold a public meeting, but you may submit a request for a meeting by writing to Coast Guard Group/Marine Safety Office Long Island Sound 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

The Captain of the Port previously established a security zone in the waters adjacent to the General Dynamics Electric Boat Corporation (EB) facility in Groton, CT in order to protect the facility from subversive attack. The existing security zone is described in 33 CFR 165.140(a)(1). This proposed rule would expand the safety zone's southern boundaries to encompass waters adjacent to the southern end of the EB facility. The proposed rule would expressly reference the geographic coordinates describing the zone boundaries in terms of North American Datum of 1983 (NAD 83).

Discussion of Proposed Rule

The EB facility is located on the Thames River in Groton, Connecticut. Electric Boat designs, constructs and provides lifecycle support of U.S. Navy submarines. A security zone has been in place around this facility for several

years. Its coordinates are codified in 33 CFR 165.140(a)(1).

The current security zone does not encompass waters adjacent to the EB facility waterfront, and leaves vital vessel construction and material storage areas at the facility's southern end vulnerable to unauthorized access, sabotage, terrorist or other subversive acts. The proposed rule would expand the security zone boundaries to encompass waters adjacent to the southern end of the EB facilities. This added area will result in a zone that greatly increases the security of the facility by protecting vital vessel construction and material storage areas. These measures are necessary to safeguard the EB facilities, employees, vessels, adjacent industrial facilities and residential areas from sabotage or terrorist acts.

The proposed zone has been tailored to fit the needs of security, while minimizing the impact on the maritime community. The proposed rule explicitly adopts North American Datum of 1983 (NAD 83) to identify the geographic coordinates establishing the proposed security zone.

No person or vessel may enter or remain in a prescribed security zone at any time without the permission of the COTP. Each person or vessel in the security zone shall obey any direction or order of the COTP. The COTP may take possession and control of any vessel in a security zone and/or remove any person, vessel, article or thing from a security zone. No person may board, take or place any article or thing on board any vessel or waterfront facility in a security zone without permission of the COTP.

Any violation of the security zone proposed herein is punishable by, among others, civil penalties (not to exceed \$27,500 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment for not more than 10 years and a fine of not more than \$250,000), in rem liability against the offending vessel, and license sanctions. This regulation is proposed under the authority contained in 50 U.S.C. 191, 33 U.S.C. 1223, 1225, and 1226, and the regulations promulgated thereunder.

Regulatory Evaluation

This proposed 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 (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This proposed regulation may have some impact on the public, but the potential impacts will be minimized for the following reasons: The security zone encompasses only a small portion of the Thames River, including pier and industrial areas not suitable for commercial or recreational vessel transit; there is no impact on the navigable channel in the Thames River by the increased security zone area at the southern portion of the Electric Boat property; the security zone minimally impacts the channel, but this slight overlap is necessary to provide sufficient security for naval vessels and Electric Boat infrastructure, and leaves ample room for vessels to navigate around the security zone in the channel; moreover, the proposed zone's encroachment on the navigable channel is actually less than that posed by the existing security zone. While recognizing the potential for some minimal impact from the proposed rule, the Coast Guard considers it de minimus in comparison to the compelling national interest in protecting the naval vessels under construction and undergoing maintenance at the Electric Boat Facility, as well as protecting adjacent industrial facilities and residential areas from possible acts of terrorism, sabotage or other subversive acts, accidents, or other causes of a similar nature.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed 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 proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in the security zone.

For the reasons outlined in the Regulatory Evaluation section above,