

Regulated Navigation Area into one section.

Restrictions on Vessels with Impaired Maneuverability: The proposed rule will simplify this section by preventing vessels over 100 gross tons, with impaired maneuverability, from entering the Regulated Navigation Area without the permission of the Captain of the Port. The proposed rule will require vessels over 100 gross tons that experience impaired maneuverability, while operating within the Regulated Navigation, to report the impairment to the Captain of the Port.

Requirements for Navigation Charts, Radars and Pilots: The proposed rule will exempt naval and public vessels from maintaining corrected charts of the Regulated Navigation Area if the naval or public vessel carries electronic charting and navigation systems that have met the applicable agency regulations regarding navigation safety.

Emergency Procedure: The proposed rule will simplify this section by removing many of the existing restrictions. The proposed rule will allow any vessel experiencing an emergency to deviate from the regulations in this section to the extent necessary to avoid endangering the safety of persons, property, or the environment. The proposed rule will require that vessels over 100 gross tons with an emergency that is within two nautical miles of the CBBT or I-664 Bridge Tunnel to notify the Captain of the Port of its location and the nature of the emergency as soon as possible.

Vessel Speed Limits: The proposed rule will consolidate the Vessel Speed Limits sections into one section. The proposed rule will incorporate the vessel speed limit for the Norfolk Harbor Reach, as originally published as a temporary final rule in the **Federal Register** (66 FR 53712). Under the proposed rule vessels 300 gross tons or greater may not transit through the Southern Branch of the Elizabeth River alongside Naval Station Norfolk Restricted Area at a speed in excess of 8 knots. This speed restriction does not apply to public vessels as defined in 33 U.S.C. 1321(a)(4). The vessel speed limits on Little Creek and the Southern Branch of the Elizabeth River will be unchanged by the proposed rule.

Port Security Requirements: The proposed rule will incorporate the additional port security measures for all vessels over 300 gross tons, as originally published as a temporary final rule in the **Federal Register** (66 FR 66753). Under the proposed rule the additional port security measures will require that vessels over 300 gross tons, including tug and barge combinations in excess of

300 gross tons combined to do the following. Obtain authorization from the Captain of the Port, or the designated representative of the Captain of the Port, prior to entering the Regulated Navigation Area. Ensure that no person who is not a permanent member of the vessel's crew, or a member of a Coast Guard boarding team, boards the vessel without a valid purpose and photo identification. Report any departure from or movement within the Regulated Navigation Area to the designated representative of the Captain of the Port prior to getting underway. The designated representative of the Captain of the Port shall be contacted on VHF-FM channel 12, or by calling (757) 444-5209, (757) 444-5210, or (757) 668-5555. All vessels entering or remaining in the Regulated Navigation Area may be subject to a vessel port security inspection. Vessels awaiting a port security inspection or Captain of the Port authorization to enter may be directed to anchor in a specific location.

The proposed rule will expand port security measures for vessels over 300 gross tons operating inside inland waters. All vessels over 300 gross tons, including tug and barge combinations in excess of 300 gross tons, must receive authorization from the Captain of the Port prior to any vessel movement. This requirement enables the Captain of the Port to maintain maritime domain awareness.

Waivers

This section will be unchanged by the proposed rule.

Control of Vessels Within the Regulated Navigation Area

The proposed rule will make minor grammatical and syntax changes to the existing section.

Deleted Sections

Section (d)(11), Restrictions on Vessel Operations During Aircraft Carrier and Other Large Naval Transits of the Elizabeth River will be deleted under the proposed rule. This section is no longer necessary because the Coast Guard published 33 CFR 165.2025, Protection of Naval Vessels, which creates a naval vessel protection zone around U.S. naval vessels greater than 100 feet in length overall at all times in the navigable waters of the United States.

Section (d)(12), Restrictions on Vessel Operations During Liquefied Petroleum Gas Carrier Movements on the Chesapeake Bay and Elizabeth River will be deleted under the proposed rule. Liquefied Petroleum Gas and Liquefied Natural Gas Carriers will be addressed

in a future notice of proposed rulemaking.

Section (d)(13), Restrictions on the Use of the Elizabeth River Ferry Dock at the Foot of High Street, Portsmouth, Virginia will be deleted under the proposed rule. The Elizabeth River Ferry Dock has been removed and replaced by a cove at the Foot of High Street, Portsmouth, Virginia. This section was a necessary safety measure to avoid potential collisions between Elizabeth River traffic and the Elizabeth River Ferry when the ferry operated from the then existing dock. Since the dock has been removed and the Elizabeth River Ferry embarks and disembarks passengers within a cove, there is no longer a need for this section.

Additional grammar and syntax changes have been made throughout this proposed rule.

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 not necessary. The eight knot speed limit restriction for the Norfolk Harbor Reach will apply to vessels 300 gross tons or greater. Vessels under 300 gross tons will be exempt. The speed limit requirements will only be in effect for less than four miles, and typical vessel speed will be 10 knots, so the actual delay for each vessel will be less than 6 minutes in each direction. Therefore, the delay caused by the two-knot reduction in speed will be minimal. The proposed port security measures will affect only those vessels in excess of 300 gross tons that enter or move within the Port of Hampton Roads.

Based upon the information received in response to this NRPM, the Coast Guard intends to carefully consider the costs and benefits associated with this rulemaking. Accordingly, comments, information and data are solicited on the economic impact of any proposed recommendation for changes to the Fifth District regulations as mentioned in *Background and Purpose*, above.