

secured to both the buoys and the tankers. As a result, there are numerous mooring lines, pipelines, and other critical apparatuses that exist above, below, and on the surface of the water presenting an especially hazardous condition for other vessels transiting through this area. These conditions are present at all times, whether or not a tanker is in the offshore marine terminal.

#### Discussion of Proposed Rule

This proposed safety zone will prohibit all but explicitly authorized vessels from entering and navigating through the waters of El Segundo offshore marine terminal near Los Angeles, California. Specifically, no vessel may enter or navigate through the proposed safety zone except tank vessels using the terminal area and the related pipeline for loading or unloading operations, commercial tugs, lighters, barges, launches, or other commercial vessels engaged in servicing the terminal facilities or the tank vessels therein, or public vessels of the United States. This proposed safety zone is necessary to provide for the safety of the tank vessels and their crew as well as the people, ports, waterways, and properties located nearby. The Ports and Waterways Safety Act (PWSA), as set forth in 33 U.S.C. 1221, *et seq.*, allows the Coast Guard to take actions to ensure the safety of vessels and structures on or in the navigable waters of the United States. The Act also allows for regulations that protect navigable waters of the United States and the resources therein.

This proposed safety zone is defined as the waters of Santa Monica Bay, from surface to bottom, enclosed by lines forming a rectangle around the El Segundo offshore marine terminal. The coordinates of the proposed safety zone are set forth in the regulatory text and are based on the North American Datum of 1983 (NAD 1983).

Vessels or persons violating proposed § 165.1156 would be subject to the penalties set forth in section 13 of the PWSA (33 U.S.C. 1232). Pursuant to 33 U.S.C. 1232, any violation of the proposed regulation establishing the safety zone described herein would be punishable by civil penalties (not to exceed \$27,500 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment up to 6 years and a maximum fine of \$250,000), and in rem liability against the offending vessel. Any person who violates this proposed section using a dangerous weapon or who engages in conduct that causes bodily injury or fear of imminent bodily

injury to any officer authorized to enforce this regulation, also would face imprisonment up to 12 years. Under 46 U.S.C. 7703(1)(A), a master's license would be subject to revocation or suspension for violation of this proposed amendment to 33 CFR part 165. The Captain of the Port will enforce this proposed zone and may be assisted by other Federal, State, or local agencies.

#### 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 of the regulatory policies and procedures of DHS is unnecessary.

This proposed safety zone will encompass only a small portion of the waterway and vessel traffic can pass safely around the affected area. In addition, vessels may be allowed to enter this zone on a case-by-case basis with permission of the Captain of the Port.

#### 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. We expect this rule will affect the following entities, some of which may be small entities: the owners and operators of private and commercial vessels intending to transit or anchor in Santa Monica Bay near El Segundo. The impact to these entities would not, however, be significant since this zone encompasses a small portion of the waterway and vessels may safely pass around the affected area. In addition, vessels may be allowed to enter this

zone on a case-by-case basis with permission of the Captain of the Port.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Junior Grade Rob Griffiths, Assistant Chief, Waterways Management Division, (310) 732–2020.

#### Collection of Information

This proposed rule would call 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 proposed 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with