

Guard vessels in proposed regulation section 165.154(a)(2), because proposed section 165.153(b) excludes “public vessels” from the applicability of the regulations. The public vessel exclusion in section 165.153 only applies to that section. It does not apply to those regulations in section 165.154. Even if this exclusion was applicable to section 165.154, it would not exclude creation of safety and security zones around Coast Guard vessels: the applicability section addresses who the regulation may be enforced against, not what regulations may be imposed. No changes have been made to the final rule based on this comment.

The twelfth and final comment of this letter recommended allowing other federal, state and municipal agencies to assist the Coast Guard in enforcement of proposed sections 165.153(d)(5)–(7), as is provided in section 165.153(d)(1). Section 165.153(d)(1) provides that the U.S. Navy and other Federal, State and municipal agencies may assist the U.S. Coast Guard in the enforcement of the speed restrictions imposed in the vicinity of Naval Submarine Base New London. Title 33 CFR 6.04–11 provides that the Captain of the Port may enlist the aid of Federal, State, municipal and private agencies to assist in the enforcement of regulations. It is not necessary to restate this authority in the regulatory text. No changes have been made to the regulatory text of the final rule based on this comment.

Lastly, a definition of “territorial sea baseline” has been included as section 165.153(c)(4). This definition adopts the definition of “territorial sea baseline” as found in 33 CFR subchapter A, and aids in clarity of the requirements imposed by section 165.153.

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 (DHS).

The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This regulation may have some impact on the public, but these potential impacts will be minimized for the following reasons: there is ample room for vessels to navigate around each of

the safety and security zones; it is contemplated that vessels will be able to operate elsewhere within the RNA once the Captain of the Port has determined that the vessels do not pose a threat to individuals, other vessels or waterfront facilities; to the extent that the rule tracks the provisions of temporary rules that have been in place since December 10, 2001, our experience demonstrates that it not burdensome on the maritime public; and the local maritime community will be informed of the zones via marine information broadcasts. While recognizing the potential for some minimal impact from the rule, the Coast Guard considers it de minimus in comparison to the compelling national interest in protecting the public, vessels, and vessel crews from the further devastating consequences of the aforementioned acts of terrorism, and from potential future 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 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. This 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 those portions of Long Island Sound and the Thames River covered by the RNA and/or safety and security zones.

This rule will not have a significant impact on a substantial number of small entities because the safety and security zones are limited in size, leaving ample room for vessels to navigate around the zones. The zones will not significantly impact commuter and passenger vessel traffic patterns, and mariners will be notified of the zones via local notice to mariners and marine broadcasts. Also, the Captain of the Port will make broad allowances for individuals to enter the zones during periods when the potential threats to the area are deemed to be low. The regulations imposed under the RNA will impact a minimal number of commercial and recreational vessels, as several of the regulations only apply to

large commercial vessels. The regulated areas around ferry vessels and vessels engaged in commercial service will minimally impact those vessels to whom these regulations apply while waiting for authorization to enter the regulated area from the licensed operator, licensed master, or the designated COTP on-scene patrol. Moreover, the ferry vessel regulated navigation area only applies to vessels of 300 gross tons or greater; the 100-yard regulated navigation area around commercial vessels leaves ample room for vessels to navigate outside of this area. To the extent that this rule tracks the provisions of temporary rules that have been in place since December 10, 2001 our experience demonstrates that it has not been burdensome on the maritime public.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this 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 call Lieutenant A. Logman, Waterways Management Officer, Group/Marine Safety Office Long Island Sound, at (203) 468–4429.

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 imposes a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have