

Coast Guard believes that by moving the boundaries of the RNA, which reduces the area within the channel covered by the RNA, the potential for smaller vessels to impede larger commercial vessels is minimized.

**Economic effects.** One comment expressed a fear that this rule would be overly burdensome or nonsensical and it will cause recreational boaters to seek other hobbies. The comment expressed a fear that with less boaters operating, service providers, restaurants, fuel docks, marinas, repair facilities and assistance companies who depend on boating traffic will suffer negative economic impacts. The Coast Guard disagrees. Local and federal law enforcement officials on scene observed no decrease in vessel traffic from the period prior to the temporary rule going into effect and during the time the temporary rule was in effect.

**Conflicts with the Rules of the Road.** One comment expressed a concern that the rule will directly conflict with the Inland Rules of the Road. Rule 6 of the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 et. seq.) requires every vessel to proceed at a safe speed at all times so as to avoid collision and to stop within an appropriate distance given prevailing circumstances and conditions. (33 U.S.C. 2006, and *see* 33 CFR 89.23). The comment states that the area of the channel to which the proposed slow speed zone applies is the very area in which large commercial traffic is either accelerating to overcome the effects of cross wind and current or reducing speed prior to entering the confines of the port. The Coast Guard agrees that larger vessels may have to adjust their acceleration to overcome the effects of cross wind and current. As a result, the Coast Guard has moved the boundaries of the RNA, effectively reducing the area within the channel covered by the RNA, giving large vessels more area to slow down and speed up, to overcome the wind and current affects. Additionally, the Coast Guard is not subjecting vessels 150 meters or greater to the RNA's slow speed requirement. Finally, reducing the size of the RNA within the channel has removed the narrowest portion of the Inner Bar Cut from the RNA thus further minimizing the potential for smaller vessels to impede larger vessels operating within the channel.

#### **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 rule to be so minimal that a full regulatory evaluation under the regulatory policies and procedures of DHS is unnecessary. The regulated navigation area is narrowly tailored to protect the public, ports and waterways of the United States. Vessels may transit through the regulated navigation area but must proceed at a slow speed.

#### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" includes 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. The regulated navigation area is narrowly tailored to protect the public, port and waterways of the United States in Port Everglades, Florida. Vessels may transit through the regulated navigation area but must proceed at a slow speed.

#### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can 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. Although this rule will not result in such 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.

#### **Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### **Protection of Children**

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

#### **Indian Tribal Governments**

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.