

2. From 6 a.m. October 19, 2001, until 4 p.m. April 19, 2002, in § 110.235, add a new paragraph (c) to read as follows:

**§ 110.235 Pacific Ocean (Mamala Bay), Honolulu Harbor, Hawaii (Datus: NAD 83)**

\* \* \* \* \*

(c) Before entering in the anchorage grounds in this section, you must first obtain permission from the Captain of the Port Honolulu.

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

3. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5, 49 CFR 1.46.

**§ 165.T14–058 [Removed]**

4. Remove § 165.T14–058.

5. From 6 a.m. October 19, 2001, until 4 p.m. April 19, 2002, a new § 165.T14–061 is temporarily added to read as follows:

**§ 165.T14–061 Security Zones: Oahu, Maui, Hawaii, and Kauai, HI.**

(a) *Location.* The following areas are security zones:

(1) All waters of Honolulu Harbor and entrance channel, Keehi Lagoon, and General Anchorages A, B, C, and D as defined in 33 CFR 110.235 that are shoreward of the following coordinates: The shoreline of a line connecting 21°17.68' N, 157°52.0' W; thence due south to 21°16.0' N, 157°52.0' W; thence due west to 21°16.0' N, 157°55.58' W; thence due north to Honolulu International Airport Reef Runway at 21°18.25' N, 157°55.58' W.

(2) The waters around the Tesoro Single Point Mooring extending 1,000 yards in all directions from position 21°16.2' N, 158°05.3' W.

(3) The Kahului Harbor and Entrance Channel, Maui, HI consisting of all waters shoreward of the COLREGS DEMARCATION line. (See 33 CFR 80.1460).

(4) All waters within the Nawiliwili Harbor, Kauai, HI shoreward of the COLREGS DEMARCATION line (See 33 CFR 80.1450).

(5) All waters of Port Allen Harbor, Kauai, HI shoreward of the COLREGS DEMARCATION line (See 33 CFR 80.1440).

(6) Hilo Harbor and Entrance Channel, Hawaii, HI consisting of all waters shoreward of the COLREGS DEMARCATION line (See 33 CFR 80.1480).

(7) The waters extending out 500 yards in all directions from cruise ship vessels anchored within 3 miles of

(i) Lahaina Small Boat Harbor, Maui, between Makila Point and Puunoa Point.

(ii) Kailua-Kona Small Boat Harbor, Hawaii, between Keahulolu Point and Puapuaa Point.

(b) *Designated representative.* A designated representative of the Captain of the Port is any Coast Guard commissioned officer, warrant or petty officer that has been authorized by the Captain of the Port Honolulu to act on his behalf. The following officers have or will be designated by the Captain of the Port Honolulu: The senior Coast Guard boarding officer on each vessel enforcing the security zone.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.33 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port or his designated representatives.

(2) The existence or status of the temporary security zones in this section will be announced periodically by Broadcast Notice to Mariners.

(d) *Authority.* The authority for this section is 33 U.S.C. 1226; 49 CFR 1.46.

(e) *Effective dates:* This section is effective from 6 a.m. HST October 19, 2001, until 4 p.m. HST April 19, 2002.

Dated: October 19, 2001.

**R. D. Utley,**

*Rear Admiral, Coast Guard Commander, Fourteenth Coast Guard District.*

[FR Doc. 02–2356 Filed 1–30–02; 8:45 am]

**BILLING CODE 4910–15–P**

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

**[CGD11–01–008]**

**RIN 2115–AA97**

**Security Zone; Naval Supply Center Pier, San Diego Bay, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is creating a permanent security zone around the Fleet Industrial Supply Center (formerly the Naval Supply Center) Pier at Naval Base, San Diego, at the request of the U.S. Navy. The establishment of this security zone is needed to ensure the physical protection of naval vessels moored at the Fleet Industrial Supply Center pier.

**DATES:** This rule becomes effective December 17, 2001.

**ADDRESSES:** Documents as indicated in this preamble are available for

inspection or copying at the Coast Guard Marine Safety Office, 2716 North Harbor Drive, San Diego, CA 92101–1064 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Christopher Hochschild, Vessel Traffic Management Section, 11th Coast Guard District, telephone (510) 437–2940; e-mail: *chochschild@d11.uscg.mil*.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

On June 13, 2001, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Security Zone; Naval Supply Center Pier, San Diego Bay, CA in the **Federal Register** (66 FR 31870). The Coast Guard did not receive any letters commenting on the proposed rule. No public hearing was requested, and none was held. Since publication of the NPRM, the Navy has notified the Coast Guard that it has changed the name of the pier from the Naval Supply Center Pier to the Fleet Industrial Supply Center Pier.

In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this regulation effective immediately. The Coast Guard balanced the necessity for immediate implementation against the principles of fundamental fairness which require that all effected persons be afforded a reasonable time to prepare for the effective date of the rule. In light of the events of September 11, 2001, the Coast Guard believes it is in the national interest to immediately implement the rule to provide for security zone coverage around the pier. The Coast Guard further believes that it has provided the public adequate notice and time to adapt to the security zone's implementation through the NPRM. In addition, the California Coastal Commission, in its Coast Zone Management Act Determination of October 16, 2001 discussed the minimal impact the zone will have on the public: "These areas [including the subject security zone] are not typically used for recreational or commercial boating, and the restrictions will not adversely affect navigation or boating in San Diego Bay." The Coast Guard was delayed slightly in implementing this final rule because the attacks on the World Trade Center in New York and the Pentagon in Washington, DC caused the Coast Guard and the Navy to re-examine the whole scheme of security zones contemplated for San Diego to ensure they adequately met force protection and national defense needs.

## Background and Purpose

The Coast Guard is creating a permanent security zone around the newly-named Fleet Industrial Supply Center Pier at Naval Base, San Diego (formerly known as the Naval Supply Center Pier). The security zone consists of the waters of San Diego Bay extending approximately 100 feet out from the north, west, and south sides of the Fleet Industrial Supply Center Pier.

Currently, there is a restricted area around the Fleet Industrial Supply Center Pier, 33 CFR 334.870(d). The Navy believes that this restricted area, by itself, is insufficient to adequately safeguard its vessels. The Navy has been reviewing all aspects of its anti-terrorism and force protection posture in response to the attack on the USS *COLE*. The attacks of September 11, 2001 and the heightened state of military alert resulting therefrom add substantial urgency to the creation of this security zone. The creation of this security zone will help safeguard vessels moored at the Fleet Industrial Supply Center and waterside facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature.

The creation of this security zone will also prevent recreational and commercial craft from interfering with military operations involving naval vessels and it will protect transiting recreational and commercial vessels, and their respective crews, from the navigational hazards posed by such military operations. Unlike the current restricted area, under this proposed rule entry into, transit through, or anchoring within this security zone would be prohibited unless authorized by the Captain of the Port, or the Commander, Navy Region Southwest.

Vessels or persons violating this section would be subject to the penalties set forth in 50 U.S.C. 192 and 18 U.S.C. 3571: seizure and forfeiture of the vessel, a monetary penalty of not more than \$250,000, and imprisonment for not more than 10 years.

The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

## Discussion of Comments and Changes

No comments were received during the NPRM comment period.

To reflect the pier's name change, the Coast Guard has made the following minor technical amendments to the final rule that did not appear in the NPRM: In paragraph (a) of the final rule, the Naval Supply Center Pier has been re-named as the Fleet Industrial Supply

Center Pier. Also, to reflect a name change resulting from the Navy's 1998 regionalization process, the Coast Guard has made the following minor technical amendment to the final rule which did not appear in the NPRM: In paragraph (b) of the final rule, Commanding Officer, Naval Base San Diego has been re-named as the Commander, Navy Region Southwest.

## 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 Transportation (DOT)(44 FR 11040, February 26, 1979). This rule will have minimal additional impact on vessel traffic because it is already a restricted area codified at 33 CFR 334.870.

## 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.

## Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

## Federalism

The Coast Guard has analyzed this rule under Executive Order 13132 and has 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) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs.

## 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.

## Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

## Environment

We considered the environmental impact of this rule and concluded that under figure 2-1, paragraph (34)(g) of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation. This rule creates a security zone on top of an already existing restricted area. The rules are only slightly different and the physical characteristics of the surrounding waters does not change at

all. A Categorical Exclusion Determination and an Environmental Analysis Checklist are available in the docket at the location specified under the ADDRESSES portion of this rulemaking.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for 33 CFR part 165 continues to read as follows:

**Authority:** [33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g) 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.]

2. A new § 165.1121 is added to read as follows:

#### § 165.1121 Security Zone: Fleet Supply Center Industrial Pier, San Diego, CA.

(a) *Location.* The following area is a security zone: the waters of San Diego Bay extending approximately 100 feet from the north, west, and south sides of the Fleet Industrial Supply Center enclosed by lines connecting the following points: Beginning at 32°42'50" N, 117°10'25" W (Point A); to 32°42'50" N, 117°10'38" W (Point B); to 32°42'54" N, 117°10'38" W (Point C); to 32°42'54" N, 117°10'25" W (Point D).

(b) *Regulations.* In accordance with the general regulations in § 165.33, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commander, Navy Region Southwest. Section 165.33 also contains other general requirements.

(c) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

Dated: December 17, 2001.

**E.R. Riutta,**

*Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.*

[FR Doc. 02–2361 Filed 1–30–02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD11–01–011]

RIN 2115–AA97

#### Security Zone; Naval Amphibious Base, San Diego Bay, CA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is creating a permanent security zone around the Naval Amphibious Base, Coronado, California, at the request of the U.S. Navy. This security zone will be established inside an already existing restricted area defined by the U.S. Navy maintained buoys. The establishment of this security zone is needed to ensure the physical protection of naval vessels and their activities at Naval Amphibious Base, Coronado.

**DATES:** This rule becomes effective December 17, 2001.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the Coast Guard Marine Safety Office, 2716 North Harbor Drive, San Diego, CA 92101–1064 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Christopher Hochschild, Vessel Traffic Management Section, 11th Coast Guard District, telephone (510) 437–2940; e-mail: [chochschild@d11.uscg.mil](mailto:chochschild@d11.uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On June 13, 2001, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Security Zone; Naval Amphibious Base, San Diego Bay, CA in the **Federal Register** (66 FR 31872). The Coast Guard did not receive any letters commenting on the proposed rule. No public hearing was requested, and none was held.

In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this regulation effective immediately. The Coast Guard balanced the necessity for immediate implementation against the principles of fundamental fairness which require that all effected persons be afforded a reasonable time to prepare for the effective date of the rule.

In light of the events of September 11, 2001, the Coast Guard believes it is in the national interest to immediately

implement the rule to avoid any gap in security zone coverage. The Coast Guard further believes that it has provided the public adequate notice and time to adapt to the security zone's implementation through the NPRM and the Navy's placement of small buoys marking the zone. In addition, the California Coastal Commission, in its Coast Zone Management Act Determination of October 16, 2001 discussed the minimal impact the zone will have on the public: "These areas [including the subject security zone] are not typically used for recreational or commercial boating, and the restrictions will not adversely affect navigation or boating in San Diego Bay."

The Coast Guard was delayed slightly in implementing this final rule because the attacks on the World Trade Center in New York and the Pentagon in Washington, DC caused the Coast Guard and the Navy to re-examine the whole scheme of security zones contemplated for San Diego to ensure they adequately met force protection and national defense needs.

#### Background and Purpose

The Coast Guard is creating a permanent security zone around the Naval Amphibious Base, Coronado, California, at the request of the U.S. Navy. The security zone will consist of the waters of San Diego Bay around the perimeter of the Naval Amphibious Base, extending approximately 100 yards out.

Currently, there is a restricted area around the Naval Amphibious Base, 33 CFR 334.860. The Navy believes that this restricted area, by itself, is insufficient to adequately safeguard its vessels and the military operations involving the base. The Navy has been reviewing all aspects of its anti-terrorism and force protection posture in response to the attack on the USS COLE. The attacks of September 11, 2001 and the heightened state of military alert resulting therefrom add substantial urgency to the creation of this security zone. This security zone will safeguard vessels moored at the Naval Amphibious Base and waterside facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature.

The creation of this security zone will also prevent recreational and commercial craft from interfering with military operations involving naval vessels and it will protect transiting recreational and commercial vessels, and their respective crews, from the navigational hazards posed by such military operations. Unlike the current