

Protection Association (NFPA) 307, chapter 7–8.7. OMB has since approved that collection of information and the portion of the rule with this requirement will become effective March 1, 2004.

**DATES:** 33 CFR 126.15(a)(3), as published September 26, 2003 (68 FR 55436), is effective March 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document, call Brian Robinson, Project Manager, Vessel and Facility Operating Standards Division (G–MSO–3), room 1218, telephone 202–267–0018, e-mail [brobinson@comdt.uscg.mil](mailto:brobinson@comdt.uscg.mil). If you have questions on viewing the docket (USCG–1998–4302), call Andrea M. Jenkins, Program Manager, Docket Operations, Department of Transportation, telephone 202–366–0271.

**SUPPLEMENTARY INFORMATION:** Section 126.15(a)(3) of title 33 Code of Federal Regulations (CFR) requires owners or operators of all designated waterfront facilities to post warning signs. Posting of warning signs is a collection of information under OMB control no. 1625–0016 (Formerly 2115–0054). The final rule that contained the provisions on warning signs was published in the **Federal Register** on September 26, 2003 (68 FR 55436), and is available electronically through the docket (USCG–1998–4302) web site at <http://dms.dot.gov>. It became effective on October 27, 2003, with the exception of 33 CFR 126.15(a)(3).

As required by 44 U.S.C. 3507(d), we submitted a copy of the final rule to OMB for its review on October 6, 2003. On November 17, 2003, after reviewing the rule, OMB approved the collection of information required by this final rule under OMB control no. 1625–0016.

Dated: January 22, 2004.

**Howard L. Hime,**

*Acting Director of Standards, Marine Safety, Security & Environmental Protection.*

[FR Doc. 04–1860 Filed 1–28–04; 8:45 am]

**BILLING CODE 4910–15–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD09–03–277]

RIN 2115–AA97

#### Security Zone; Captain of the Port Milwaukee Zone, Lake Michigan

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising the size of the security zone for Kewanee Nuclear Power Plant on Lake Michigan. This security zone is necessary to protect the nuclear power plant from possible sabotage or other subversive acts, accidents, or possible acts of terrorism. The zone is intended to restrict vessel traffic from a portion of Lake Michigan.

**DATES:** This rule is effective March 1, 2004.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are available for inspection or copying at Marine Safety Office Milwaukee, between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Marine Science Technician Michael Schmidtke, U.S. Coast Guard Marine Safety Office Milwaukee, at (414) 747–7155.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On October 17, 2003, we published a notice of proposed rulemaking (NPRM) entitled “Security Zone; Captain of the Port Milwaukee Zone, Lake Michigan” in the **Federal Register** (68 FR 59752). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

##### Background and Purpose

On September 11, 2001, the United States was the target of coordinated attacks by international terrorists resulting in catastrophic loss of life, the destruction of the World Trade Center, significant damage to the Pentagon, and tragic loss of life. National security and intelligence officials warn that future terrorist attacks are likely.

This regulation revises a previously established security zone around the Kewanee Nuclear Power Plant. This security zone is necessary to protect the public, facilities, and the surrounding area from possible sabotage or other subversive acts. All persons other than those approved by the Captain of the Port Milwaukee, or his authorized representative, are prohibited from entering or moving within the zone. The Captain of the Port Milwaukee may be contacted via VHF Channel 16 for further instructions before transiting through the restricted area. In addition to publication in the **Federal Register**, the public will be made aware of the existence of this security zone, its exact location, and the restrictions involved via Local Notice to Mariners and the Broadcast Notice to Mariners.

##### Discussion of Comments and Changes

We received no comments in response to this rulemaking. Therefore, we have made no changes from proposed rule.

##### 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).

##### 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 security zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Our rule will not obstruct the regular flow of commercial traffic and will allow vessel traffic to pass around the security zone. In addition, in the event that it may be necessary, prior to transiting commercial vessels can request permission from the Captain of the Port Milwaukee to transit through the zone.

##### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. No comments or questions were received from any small businesses.

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. Though this rule will not result in such an 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.

### 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 have 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.

### 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 part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

■ 2. In § 165.916, revise paragraph (a)(1) to read as follows:

#### § 165.916 Security Zone; Captain of the Port Milwaukee Zone, Lake Michigan.

(a) *Location.* \* \* \*

(1) *Kewaunee Nuclear Power Plant.* All navigable waters of Western Lake Michigan encompassed by a line commencing from a point on the shoreline at 44°20.715' N, 087°32.080' W; then easterly to 44°20.720' N, 087°31.630' W; then southerly to 44°20.480' N, 087°31.630' W; then

westerly to 44°20.480' N, 087°31.970' W, then northerly following the shoreline back to the point of origin (NAD 83).

\* \* \* \* \*

Dated: January 13, 2004.

**H.M. Hamilton,**

*Commander, U.S. Coast Guard, Captain of the Port Milwaukee.*

[FR Doc. 04-1859 Filed 1-28-04; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD01-03-012]

RIN 1625-AA00 (Formerly RIN 2115-AA97)

#### Security Zone; General Dynamics, Electric Boat Corporation, Groton, CT

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is modifying the existing security zone at the General Dynamics Electric Boat Corporation (EB) facility in Groton, CT. The rule increases the parameters of the existing security zone around the southern portion of the EB facility to fully encompass the facility and infrastructure. This rule also changes the coordinates used in the existing security zone to North American Datum 1983. The enlargement of the zone is necessary to provide continuous coverage for EB, safeguarding the facility, U.S. Naval Vessels, and other vessels located at the facility, material storage areas, and adjacent residential and industrial areas from sabotage or other subversive acts, accidents, or incidents of a similar nature. This security zone prohibits all persons and vessels from entering or operating within the prescribed security zone without first obtaining authorization from the Captain of the Port, Long Island Sound.

**DATES:** This rule is effective March 1, 2004.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD01-03-012, and are available for inspection or copying at Group/MSO Long Island Sound, New Haven, CT, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant A. Logman, Waterways