

anchored AMHS vessel with minimal delay consistent with security.

(h) Exemption. Public vessels as defined in paragraph (a) above are exempt from complying with paragraphs (b), (c), (e), (f), (g), (i), and (j), of this section.

(i) Enforcement. Any Coast Guard commissioned, warrant or petty officer may enforce the rules in this section. When immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effective control in the vicinity of an AMHS vessel, any Federal Law Enforcement Officer or Alaska State Law Enforcement Officer may enforce the rules contained in this section pursuant to 33 CFR § 6.04–11. In addition, the Captain of the Port may be assisted by other federal, state or local agencies in enforcing this section.

(j) Waiver. The Captain of the Port Southeast Alaska may waive any of the requirements of this section for any vessel upon finding that a vessel or class of vessels, operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purpose of port security, safety or environmental safety.

Dated: March 18, 2003.

S. J. Ohnstad,

Commander, Coast Guard, Captain of the Port, Southeast Alaska.

[FR Doc. 03–10292 Filed 4–25–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG–2003–15023]

Safety Zones, Security Zones and Regulated Navigation Areas

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules

issued by the Coast Guard and temporarily effective between October 1, 2002, and December 31, 2002, that were not published in the **Federal Register**. This quarterly notice lists temporary security zones, safety zones and regulated navigation areas of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This notice lists temporary Coast Guard rules that became effective and were terminated between October 1, 2002, and December 31, 2002.

ADDRESSES: The Docket Management Facility maintains the public docket for this notice. Documents indicated in this notice will be available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW., Washington, DC 20593–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket for this notice on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact LT Sean Fahey, Office of Regulations and Administrative Law, telephone (202) 267–2830. For questions on viewing, or on submitting material to the docket, contact Dorothy Beard, Chief, Dockets, Department of Transportation at (202) 366–5149.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to prevent injury or damage to vessels, ports, or waterfront facilities. Regulated navigation areas are fixed locations where the movement of vessels inside is limited for environmental, safety or security

purposes. Timely publication of these rules in the **Federal Register** is often precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the beginning of the effective period, mariners were personally notified of the contents of these security zones, safety zones or regulated navigation areas by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary security zones, safety zones and regulated navigation areas. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. The safety zones, security zones and regulated navigation areas listed in this notice have been exempted from review under Executive Order 12866, Regulatory Planning and Review, because of their emergency nature, or limited scope and temporary effectiveness.

■ The following rules were placed in effect temporarily during the period from October 1, 2002, through December 31, 2002, unless otherwise indicated. This notice also includes rules that were not received in time to be included on the quarterly notice for the third quarter of 2002.

Dated: April 22, 2003.

S.G. Venckus,

Chief, Office of Regulations and Administrative Law.

COTP QUARTERLY REPORT—4TH QUARTER 2002

| COTP docket | Location | Type | Effective date |
|-----------------------------|--|---------------------|----------------|
| CHARLESTON 02–142 | COOPER RIVER, PORT OF CHARLESTON, SC | SAFETY ZONE | 11/15/2002 |
| HOUSTON-GALVESTON 02–019 .. | SAN JACINTO RIVER, HOUSTON, TX | SAFETY ZONE | 10/29/2002 |
| HOUSTON-GALVESTON 02–020 .. | SAN JACINTO RIVER, HOUSTON, TX | SAFETY ZONE | 11/04/2002 |
| HOUSTON-GALVESTON 02–021 .. | SAN JACINTO RIVER, HOUSTON, TX | SAFETY ZONE | 11/05/2002 |
| HOUSTON-GALVESTON 02–022 .. | SAN JACINTO RIVER, HOUSTON, TX | SAFETY ZONE | 11/06/2002 |
| HOUSTON-GALVESTON 02–023 .. | SAN JACINTO RIVER, HOUSTON, TX | SAFETY ZONE | 11/09/2002 |
| HUNTINGTON 02–010 | ELK RIVER, M. 0 TO 2 | SECURITY ZONE | 10/31/2002 |
| JACKSONVILLE 02–129 | ST. JOHNS RIVER, JACKSONVILLE, FL | SAFETY ZONE | 10/31/2002 |

COTP QUARTERLY REPORT—4TH QUARTER 2002—Continued

| COTP docket | Location | Type | Effective date |
|--------------------------|---|---------------|----------------|
| JACKSONVILLE 02-149 | ST. JOHNS RIVER, JACKSONVILLE, FL | SAFETY ZONE | 11/30/2002 |
| JACKSONVILLE 02-150 | ST. JOHNS RIVER, JACKSONVILLE, FL | SAFETY ZONE | 12/11/2002 |
| LOUISVILLE 02-008 | OHIO RIVER, M. 468.5 TO 473 | SECURITY ZONE | 10/07/2002 |
| LOUISVILLE 02-011 | OHIO RIVER, M. 466.8 TO 470.5 | SAFETY ZONE | 10/19/2002 |
| MIAMI 02-114 | MIAMI RIVER, MIAMI, FL | SAFETY ZONE | 10/03/2002 |
| MIAMI 02-136 | INTRACOASTAL WATERWAY, WEST PALM BEACH, FL. | SAFETY ZONE | 12/07/2002 |
| MIAMI 02-137 | NEW RIVER, FORT LAUDERDALE, FL | SAFETY ZONE | 12/07/2002 |
| MIAMI 02-138 | MIAMI BEACH, FL | SAFETY ZONE | 12/31/2002 |
| MIAMI 02-139 | MIAMI BEACH, FL | SAFETY ZONE | 12/31/2002 |
| MIAMI 02-140 | INTRACOASTAL WATERWAY, FT. LAUDERDALE, FL. | SAFETY ZONE | 12/14/2002 |
| MIAMI 02-152 | MIAMI RIVER, MIAMI, FL | SAFETY ZONE | 12/19/2002 |
| MOBILE 02-018 | PASCAGOULA, MISSISSIPPI | SAFETY ZONE | 10/05/2002 |
| MOBILE 02-021 | GULFPORT, MISSISSIPPI | SAFETY ZONE | 10/04/2002 |
| MOBILE 02-023 | GULFPORT CHANNEL, GULFPORT, MISSISSIPPI | SAFETY ZONE | 10/03/2002 |
| MOBILE 02-023 | BLACK WARRIOR RIVER, WALKER COUNTY, AL | SAFETY ZONE | 11/05/2002 |
| MORGAN CITY 02-008 | GULF INTRACOASTAL WATERWAY, M. 98 TO 99 | SAFETY ZONE | 10/22/2002 |
| MORGAN CITY 02-009 | GULF INTRACOASTAL WATERWAY, M. 86 TO 88 | SAFETY ZONE | 10/18/2002 |
| MORGAN CITY 02-010 | GULF INTRACOASTAL WATERWAY, M. 173 TO 175. | SAFETY ZONE | 11/09/2002 |
| NEW ORLEANS 02-023 | TCHEFUNCT RIVER, M. 1 TO 3 | SAFETY ZONE | 10/11/2002 |
| NEW ORLEANS 02-024 | SOUTH SHORE, NEW ORLEANS, LA | SAFETY ZONE | 11/06/2002 |
| NEW ORLEANS 02-026 | OUACHITA RIVER, M. 165 TO 168 | SAFETY ZONE | 12/07/2002 |
| NEW ORLEANS 02-027 | RED RIVER, M. 87 TO 90 | SAFETY ZONE | 12/20/2002 |
| PADUCAH 02-010 | OHIO RIVER, M. 934 TO 936 | SAFETY ZONE | 10/24/2002 |
| PADUCAH 02-011 | UPPER MISSISSIPPI RIVER, M. 51.5 TO 52.5 | SAFETY ZONE | 11/18/2002 |
| PADUCAH 02-012 | UPPER MISSISSIPPI RIVER, M. 51.5 TO 52.5 | SAFETY ZONE | 12/03/2002 |
| PADUCAH 02-013 | UPPER MISSISSIPPI RIVER, M. 51.5 TO 52.5 | SAFETY ZONE | 12/17/2002 |
| PITTSBURGH 02-025 | ALLEGHENY RIVER, M. 0.3 TO 0.6 | SAFETY ZONE | 10/04/2002 |
| PITTSBURGH 02-026 | ALLEGHENY RIVER, M. 0.4 TO 0.8 | SAFETY ZONE | 11/21/2002 |
| PITTSBURGH 02-027 | ALLEGHENY RIVER, M. 0.6 TO 0.9 | SAFETY ZONE | 12/03/2002 |
| PORT ARTHUR 02-007 | CAPTAIN OF THE PORT, PORT ARTHUR, AREA | SAFETY ZONE | 10/02/2002 |
| SAN DIEGO 02-020 | SAN DIEGO BAY, SAN DIEGO, CA | SAFETY ZONE | 10/05/2002 |
| SAN DIEGO 02-025 | NATIONAL CITY MARINE TERMINAL, SAN DIEGO, CA. | SECURITY ZONE | 10/14/2002 |
| SAN DIEGO 02-027 | NATIONAL CITY MARINE TERMINAL, SAN DIEGO, CA. | SECURITY ZONE | 10/26/2002 |
| SAN FRANCISCO BAY 02-020 | SAN FRANCISCO BAY, CALIFORNIA | SECURITY ZONE | 11/15/2002 |
| SAN FRANCISCO BAY 02-021 | SAN FRANCISCO BAY, CALIFORNIA | SAFETY ZONE | 12/31/2002 |
| SAN JUAN 02-126 | LAS MAREAS HARBOR, GUAYAMA, PUERTO RICO. | SAFETY ZONE | 10/17/2002 |
| SAVANNAH 02-134 | SAVANNAH RIVER, SAVANNAH, GA | SECURITY ZONE | 11/13/2002 |
| WILMINGTON 02-001 | WILMINGTON, NORTH CAROLINA | SECURITY ZONE | 10/29/2002 |

DISTRICT QUARTERLY REPORT—4TH QUARTER 2002

| District docket | Location | Type | Effective date |
|-----------------|--|---------------|----------------|
| 01-02-119 | SOUTH BOSTON, MA | SAFETY ZONE | 10/04/2002 |
| 01-02-125 | FORE RIVER AND LONG CREEK, PORTLAND, ME | SECURITY ZONE | 10/21/2002 |
| 01-02-126 | VERRANZONO NARROWS BRIDGE, NEW YORK | SECURITY ZONE | 11/03/2002 |
| 01-02-127 | BOSTON, MA | SAFETY ZONE | 10/21/2002 |
| 01-02-149 | PORT OF NEW YORK/NEW JERSEY | SECURITY ZONE | 12/31/2002 |
| 05-02-081 | YORK RIVER, WEST POINT, VA | SAFETY ZONE | 10/05/2002 |
| 05-02-082 | HAMPTON ROADS, ELIZABETH RIVER, VIRGINIA | SECURITY ZONE | 10/06/2002 |
| 05-02-083 | HAMPTON ROADS, ELIZABETH RIVER, VIRGINIA | SECURITY ZONE | 10/07/2002 |
| 05-02-084 | HAMPTON ROADS, ELIZABETH RIVER, VIRGINIA | SECURITY ZONE | 10/12/2002 |
| 05-02-085 | HAMPTON ROADS, ELIZABETH RIVER, VIRGINIA | SECURITY ZONE | 10/14/2002 |
| 05-02-086 | HAMPTON ROADS, ELIZABETH RIVER, VIRGINIA | SECURITY ZONE | 10/24/2002 |
| 05-02-088 | HAMPTON ROADS, ELIZABETH RIVER, VIRGINIA | SECURITY ZONE | 10/26/2002 |
| 05-02-089 | HAMPTON ROADS, ELIZABETH RIVER, VIRGINIA | SECURITY ZONE | 10/29/2002 |
| 05-02-094 | HAMPTON ROADS, ELIZABETH RIVER, VIRGINIA | SECURITY ZONE | 11/12/2002 |
| 05-02-096 | ELIZABETH RIVER, PORTSMOUTH, VIRGINIA | SAFETY ZONE | 12/14/2002 |
| 05-02-098 | CHESAPEAKE BAY, HAMPTON ROADS, VA | SAFETY ZONE | 12/17/2002 |
| 05-02-104 | HAMPTON ROADS, ELIZABETH RIVER, VA | SECURITY ZONE | 12/29/2002 |
| 05-02-105 | CHESAPEAKE BAY, HAMPTON ROADS, VA | SAFETY ZONE | 12/27/2002 |
| 08-02-016 | LOWER MISSISSIPPI RIVER, M. 529.8 to 532.3 | REG NAV AREA | 11/30/2002 |
| 09-02-524 | CHICAGO RIVER, CHICAGO, IL | SAFETY ZONE | 11/04/2002 |
| 09-02-525 | CHICAGO ZONE, LAKE MICHIGAN | SECURITY ZONE | 11/06/2002 |
| 09-02-527 | NAVY PIER, CHICAGO HARBOR, IL | SAFETY ZONE | 12/13/2002 |

DISTRICT QUARTERLY REPORT—4TH QUARTER 2002—Continued

| District docket | Location | Type | Effective date |
|-----------------|-----------------------|---------------------|----------------|
| 13-02-012 | ELLIOTT BAY, WA | SAFETY ZONE | 11/02/2002 |
| 13-02-017 | ELLIOTT BAY, WA | SAFETY ZONE | 10/26/2002 |
| 12-02-019 | PUGET SOUND, WA | SECURITY ZONE | 11/11/2002 |

REGULATIONS NOT ON PREVIOUS 3RD QUARTERLY REPORT

| District/COTP | Location | Type | Effective date |
|---|---|-------------------|----------------|
| COTP REGULATIONS FOR 3RD QUARTER | | | |
| MOBILE 02-020 | GULFPORT, MISSISSIPPI, PASCAGOULA, MS, AND MOBILE, AL. | SAFETY ZONE | 09/25/02 |

[FR Doc. 03-10423 Filed 4-25-03; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[CGD01-03-001]

RIN 1625-AA00 [Formerly RIN 2115-AA97]

Security Zones; Passenger Vessels, Portland, ME, Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing moving and fixed security zones around high capacity passenger vessels, including international ferries, located in the Portland, Maine, Captain of the Port zone. These security zones are necessary to ensure public safety and prevent sabotage or terrorist acts against these vessels. Persons and vessels will be prohibited from entering these security zones without the permission of the Captain of the Port, Portland, Maine.

DATES: This rule is effective April 15, 2003.

ADDRESSES: There were no comments or material received from the public. However, documents indicated in this preamble as being available in the docket, are part of docket CGD01-03-001 and are available for inspection or copying at Marine Safety Office Portland, 27 Pearl Street, Portland, ME 04101 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant R.F. Pigeon, Port Operations Department, Marine Safety Office Portland at (207) 780-3251.

SUPPLEMENTARY INFORMATION:**Regulatory Information**

On February 27, 2003, we published a notice of proposed rulemaking (NPRM) entitled "Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone" in the **Federal Register** (68 FR 9039). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The operation of international ferries and the arrival of passenger vessels begin in mid-April in the Portland, Maine, Captain of the Port zone. Due to heightened Homeland Security Advisory System threat levels, which have changed since this NPRM was first published, and the current conflict in Iraq, which has recently erupted, we feel it is necessary and prudent to enact this regulation on April 15, 2003 at the commencement of the international ferry and passenger vessel season, in order to properly protect these vessels, passengers, crew and others in the maritime community from possible terrorist actions.

Background and Purpose

Since the September 11, 2001 terrorist attacks on the World Trade Center in New York, the Pentagon in Arlington, Virginia, and Flight 93, the Federal Bureau of Investigation (FBI) has issued several warnings concerning the potential for additional terrorist attacks within the United States. In addition, the ongoing operations in the Middle East have made it prudent for U.S. ports to be on a higher state of alert because the Al-Qaeda organization and other similar organizations have declared an ongoing intention to conduct armed attacks on U.S. interests worldwide. Due to these concerns, security zones around passenger vessels are necessary to

ensure the safety and protection of the passengers aboard. As part of the Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99-399), Congress amended section 7 of the Ports and Waterways Safety Act (PWSA), 33 U.S.C. 1226, to allow the Coast Guard to take actions, including the establishment of security zones, to prevent or respond to acts of terrorism against individuals, vessels, or public or commercial structures. Moreover, the Coast Guard has authority to establish security zones pursuant to the Act of June 15, 1917, as amended by the Magnuson Act of August 9, 1950 (50 U.S.C. 191 *et seq.*) (the "Magnuson Act"), and implementing regulations promulgated by the President in subparts 6.01 and 6.04 of part 6 of title 33 of the Code of Federal Regulations.

On October 7, 2002, a temporary final rule (TFR) entitled "Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone" was published in the **Federal Register** (67 FR 62373). That TFR, effective from September 25, 2002, until December 1, 2002, addressed concerns that vessels operating near passenger vessels present possible platforms from which individuals may gain unauthorized access to these passenger vessels or launch terrorist attacks upon said vessels. The TFR was issued to safeguard human life, vessels, and waterfront facilities from sabotage or terrorist acts.

To address the aforementioned concerns, the Coast Guard is establishing permanent security zones to prevent vessels or persons from accessing the navigable waters around and under passenger vessels in the Portland, Maine, Captain of the Port zone. Due to the continued heightened security concerns, this rule is necessary to provide for the safety of the port, the vessels, passengers and crew on the vessels, as well as to ensure passenger