

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[USCG-2004-17636]

Quarterly Listings; Safety Zones, Security Zones, and Special Local Regulations

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 January 1, 2004, and March 31, 2004, that were not published in the **Federal Register**. This quarterly notice lists temporary local regulations, security zones, and safety zones, all of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This document lists temporary Coast Guard rules that became effective and were terminated between January 1, 2004, and March 31, 2004.

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 Jeff Bray, Office of Regulations and Administrative Law, telephone (202) 267-2830. For questions on viewing, or on submitting material to the docket, contact Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202-366-0271.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs 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 and may also describe a zone around a vessel in motion. Special local regulations are issued to enhance the safety of participants and spectators at regattas and other marine events.

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 special local regulations, security zones, or safety zones 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 special local regulations, security zones and safety zones. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. The safety zones, special local regulations and security zones 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 January 1, 2004, through March 31, 2004, unless otherwise indicated.

Dated: April 27, 2004.

S. G. Venckus,
Chief, Office of Regulations and Administrative Law.

DISTRICT QUARTERLY REPORT—1ST QUARTER 2004

District docket	Location	Type	Effective date
01-04-010	Portland, ME	Safety Zone	2/7/2004
01-04-011	Buzzards Bay, Massachusetts	Safety Zone	2/5/2004
01-04-028	Boston, MA	Security Zone	3/25/2004
05-03-205	Military Ocean Terminal Sunny Point	Security Zone	1/13/2004
05-03-215	Hampton Roads, Virginia	Security Zone	1/2/2004
05-03-216	Hampton Roads, Virginia	Security Zone	1/8/2004
05-04-001	Hampton Roads, Virginia	Safety Zone	1/5/2004
05-04-004	Hampton Roads, Elizabeth River	Safety Zone	1/6/2004
05-04-005	Hampton Roads, Virginia	Security Zone	1/13/2004
05-04-006	Hampton Roads, Virginia	Security Zone	1/18/2004
05-04-007	Hampton Roads, Virginia	Security Zone	1/22/2004
05-04-008	Hampton Roads, Virginia	Security Zone	1/27/2004
05-04-014	Potomac River, Washington, DC	Security Zone	1/20/2004
05-04-020	Maryland and Virginia	Safety Zone	1/23/2004
05-04-023	Hampton Roads, Virginia	Security Zone	1/26/2004
05-04-025	Hampton Roads, Virginia	Security Zone	2/7/2004
05-04-026	Hampton Roads, Virginia	Security Zone	2/3/2004
05-04-029	Hampton Roads, Virginia	Security Zone	2/10/2004
05-04-030	Hampton Roads, Virginia	Security Zone	2/14/2004
05-04-031	Hampton Roads, Virginia	Security Zone	2/18/2004
05-04-032	Hampton Roads, Virginia	Security Zone	2/22/2004
05-04-033	Hampton Roads, Virginia	Security Zone	2/27/2004
05-04-034	Hampton Roads, Virginia	Security Zone	2/14/2004
05-04-036	Hampton Roads, Virginia	Security Zone	2/14/2004

DISTRICT QUARTERLY REPORT—1ST QUARTER 2004—Continued

District docket	Location	Type	Effective date
05-04-042	Hampton Roads, Virginia	Security Zone	3/3/2004
05-04-044	Hampton Roads, Virginia	Security Zone	3/8/2004
05-04-045	Chesapeake Bay, Hampton Roads, VA	Security Zone	3/13/2004
05-04-046	Chesapeake Bay, Hampton Roads, VA	Security Zone	3/18/2004
05-04-048	Baltimore, Maryland	Safety Zone	3/9/2004
05-04-050	Hampton Roads, VA	Security Zone	3/17/2004
05-04-056	Raccoon Creek, New Jersey	Safety Zone	3/19/2004
07-04-004	Miami Beach, Miami, FL	Special Local Reg	2/29/2004
07-04-016	Miami Beach, FL	Special Local Reg	3/12/2004
07-04-020	Port of Miami, Miami, FL	Special Local Reg	3/12/2004
09-04-002	Marinette, Wisconsin	Safety Zone	2/7/2004
09-04-007	COTP Detroit Zone, Renaissance Center	Security Zone	3/26/2004
13-04-006	Blair and Sitcum Waterways, Commencement Bay	Security Zone	2/14/2004

COTP QUARTERLY REPORT—1ST QUARTER 2004

COTP docket	Location	Type	Effective date
Baltimore 04-001	Baltimore, Maryland	Safety Zone	3/6/2004
Charleston 04-018	Charleston Harbor, Cooper River, SC	Security Zone	2/5/2004
Charleston 04-034	Charleston, SC	Safety Zone	2/28/2004
Corpus Christi 03-007	Ingleside, TX	Safety Zone	1/6/2004
Corpus Christi 04-001	Port Aransas, TX	Safety Zone	1/21/2004
Guam 04-003	Glass Breakwater, Guam	Safety Zone	2/23/2004
Guam 04-004	Agat Bay, Guam	Safety Zone	2/23/2004
Guam 04-005	Outer Apra Harbor, Guam	Safety Zone	2/18/2004
Jacksonville 04-001	Indian River, Cocoa, FL	Safety Zone	2/28/2004
Jacksonville 04-002	Lake Eustis, Eustis, FL	Safety Zone	2/28/2004
Louisville 03-035	Ohio River Mile 374.5-867.5	Security Zone	2/24/2004
Louisville 04-001	Louisville, KY	Security Zone	2/26/2004
Mobile 03-025	Pascagoula, MS	Safety Zone	1/4/2004
Mobile 03-026	Orange Beach, AL	Safety Zone	1/11/2004
Mobile 03-028	Gulfport, MS	Safety Zone	1/10/2004
Mobile 03-033	MS, AL, and FL	Security Zone	1/5/2004
Mobile 03-034	FL	Security Zone	1/5/2004
Mobile 04-002	Pensacola, FL	Safety Zone	2/6/2004
Mobile 04-003	Panama City, FL	Safety Zone	2/14/2004
Mobile 04-004	Apalachicola Bay, FL	Safety Zone	3/10/2004
Mobile 04-005	Pensacola, FL	Safety Zone	1/23/2004
Mobile 04-006	Panama City, FL	Safety Zone	2/18/2004
Mobile 04-007	Pascagoula, MS	Safety Zone	3/22/2004
Mobile 04-008	Panama City, FL	Safety Zone	3/22/2004
Morgan City 03-007	New Iberia, LA	Safety Zone	1/11/2004
Morgan City 03-008	Amelia, LA	Safety Zone	1/6/2004
Morgan City 04-002	Cocodrie, LA	Safety Zone	1/29/2004
Morgan City 04-003	Amelia, LA	Safety Zone	2/6/2004
New Orleans 03-030	Monroe, LA	Safety Zone	1/6/2004
New Orleans 03-032	Columbia, LA	Safety Zone	1/6/2004
New Orleans 03-033	New Orleans, LA	Safety Zone	1/13/2004
New Orleans 03-035	Head of Passes, LA	Security Zone	1/23/2004
New Orleans 04-001	Kenner, LA	Safety Zone	1/1/2004
New Orleans 04-002	Metairie, LA	Safety Zone	1/1/2004
New Orleans 04-003	Head of Passes, LA	Safety Zone	1/14/2004
New Orleans 04-004	New Orleans, LA	Safety Zone	1/1/2004
New Orleans 04-005	New Orleans, LA	Safety Zone	1/29/2004
New Orleans 04-006	New Orleans, LA	Safety Zone	2/14/2004
New Orleans 04-007	New Orleans, LA	Safety Zone	2/23/2004
Pittsburgh 04-001	Glendale, WV	Safety Zone	2/1/2004
Port Arthur 03-024	Beaumont, TX	Safety Zone	1/31/2004
Port Arthur 04-001	Port Arthur, TX	Safety Zone	1/19/2004
Port Arthur 04-002	Port Arthur, TX	Safety Zone	2/22/2004
Port Arthur 04-003	High Island, TX	Safety Zone	2/21/2004
San Diego 03-037	San Diego Bay, San Diego, CA	Security Zone	1/5/2004
San Diego 04-001	Lake Havasu, California	Safety Zone	2/14/2004
San Diego 04-002	San Diego, CA	Security Zone	1/12/2004
San Diego 04-003	San Diego Bay, San Diego, CA	Security Zone	1/10/2004
San Diego 04-004	San Diego, California	Security Zone	1/15/2004
San Diego 04-005	Lake Havasu, California	Safety Zone	2/28/2004
San Francisco Bay 04-001	Mare Island Strait, California	Safety Zone	2/26/2004

COTP QUARTERLY REPORT—1ST QUARTER 2004—Continued

COTP docket	Location	Type	Effective date
Savannah 03-177	Savannah River, Savannah, GA	Security Zone	1/29/2004
Savannah 04-003	Savannah River, Savannah, GA	Security Zone	1/1/2004
Savannah 04-006	Savannah River, Savannah, GA	Security Zone	1/8/2004
Savannah 04-007	Savannah River, Savannah, GA	Security Zone	1/11/2004
Savannah 04-013	Savannah River, Savannah, GA	Security Zone	1/24/2004
Savannah 04-028	Savannah River, Savannah, GA	Security Zone	2/14/2004
Savannah 04-038	Savannah River, Savannah, GA	Security Zone	3/15/2004

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05-04-081]

RIN 1625-AA00

Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary security zone encompassing all waters surrounding P/V HORIZON, to ensure the security of the vessel during inbound and outbound transits in the Port of Hampton Roads, and while the vessel is berthed at Nauticus International Terminal. The security zone extends in a 500-yard radius around P/V HORIZON and requires that all vessels transiting within 500 yards of P/V HORIZON operate only at the minimum speed necessary to navigate safely. No vessels are allowed within 100 yards of P/V HORIZON without authorization by the Captain of the Port, Hampton Roads, or his designated representative.

DATES: This rule is effective from April 24 through June 4, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [CGD05-04-081] and are available for inspection or copying at USCG Marine Safety Office Hampton Roads, 200 Granby Street, Suite 700, Norfolk, Virginia, 23510, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Mike Dolan, project officer, USCG Marine Safety Office Hampton Roads, at (757) 668-5590.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM, which would incorporate a comment period before a final rule was issued, would be contrary to the public interest since immediate action is needed to protect this vessel from potential security threats. For similar reasons, 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 exact arrival date for vessels such as the P/V NORWEGIAN MAJESTY is not known by the Coast Guard until the vessel submits its Notice of Arrival, four days in advance of its anticipated arrival.

Background and Purpose

Following terrorist attacks on the United States in September 2001, there is a heightened awareness that vessels or persons could launch subversive activity against passenger ships. These regulations are necessary to protect the vessel, its passengers, and its crew from these potential threats. The Coast Guard is establishing a temporary security zone to ensure the vessel's safe inbound and outbound transits, and to protect the vessel while moored at Nauticus International Terminal.

Discussion of Rule

The Coast Guard is establishing a temporary security zone to ensure the safe transit and port call of the P/V HORIZON. The security zone will be effective while the P/V HORIZON transits inbound and outbound in the Port of Hampton Roads, and while it is berthed at Nauticus International Terminal. The security zone will extend in a 500 yard radius around P/V HORIZON. All vessels within 500 yards shall operate only at the minimum speed necessary to navigate safely. No vessels are allowed within 100 yards of P/V HORIZON without authorization by the Captain of the Port, Hampton Roads,

or his designated representative. The security zone is effective from April 24 through June 4, 2004.

This rule will provide for increased security of the vessel and other vessels transiting in the area, and will allow the uninterrupted flow of commerce in the Port of Hampton Roads. Public notifications will be made prior to the transit via marine information broadcasts.

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).

Although this rule restricts access to the regulated area, the effect of this rule will not be significant because: (i) The COTP may authorize access to the security zone; (ii) the security zone will be in effect for a limited duration; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

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" include 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 will affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit or anchor