

siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(f) *Effective Dates.* This section becomes effective at 11 a.m. PST on February 13, 2003, and will terminate at 11:59 p.m. PDT on September 30, 2003.

Dated: February 13, 2003.

**Steven J. Boyle,**

*Commander, Coast Guard, Acting Captain of the Port, San Francisco Bay, California.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[COTP Los Angeles-Long Beach 02-005]

RIN 1625-AA00 [Formerly RIN 2115-AA97]

#### Security Zone; Liquefied Hazardous Gas Tank Vessels San Pedro Bay, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising current safety zone regulations by establishing security zones around and under all liquefied hazardous gas (LHG) tank vessels located on San Pedro Bay, California, in and near the ports of Los Angeles and Long Beach. These security zones are needed for national security reasons to protect the public and ports from potential subversive acts. Entry into these zones will be prohibited unless specifically authorized by the Captain of the Port Los Angeles-Long Beach.

**DATES:** This rule is effective March 21, 2003.

**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 [COTP Los Angeles-Long Beach 02-005] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office/Group Los Angeles-Long Beach, 1001 South Seaside Avenue, Building 20, San Pedro, California, 90731 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Junior Grade Rob Griffiths, Assistant Chief of Waterways Management Division, at (310) 732-2020.

**SUPPLEMENTARY INFORMATION:**

### Regulatory Information

On December 27, 2002, we published a notice of proposed rulemaking (NPRM) entitled "Security Zones; Liquefied Hazardous Gas Tank Vessels San Pedro Bay, CA" in the **Federal Register** (67 FR 79014). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

Current regulations issued under 33 CFR 165.1151 provide for safety zones around LHG tank vessels that are anchored, moored, or underway near the Los Angeles-Long Beach port areas. However, these safety zones are inadequate to address increased security requirements for LHG tank vessels. On January 28, 2002, we published a temporary final rule (TFR) entitled "Security Zones; San Pedro Bay, California" in the **Federal Register** (67 FR 3814) that expired on June 15, 2002. On June 19, 2002, we published a similar TFR entitled "Security Zones; Liquefied Hazardous Gas Tank Vessels, San Pedro Bay, CA" in the **Federal Register** (67 FR 41625) that expired on December 21, 2002.

On December 31, 2002, we published a similar TFR entitled "Security Zones; Liquefied Hazardous Gas Tank Vessels, San Pedro Bay, CA" in the **Federal Register** (67 FR 79856) that is set to expire on March 21, 2003. The Captain of the Port has determined the need for continued security regulations exists. Accordingly, this rulemaking makes permanent the temporary security zones published in the **Federal Register** on December 31, 2002.

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 Maritime Administration recently issued a MARAD Advisory (03-01 (071900Z FEB 03)) informing operators of maritime interests of increased threat possibilities to vessels and facilities and a higher risk of terrorist attack to the transportation community in the United States. The current TFR is set to expire March 21, 2003 and any delay in the effective date of this final rule is impractical and contrary to the public interest.

### 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 hostilities in Afghanistan

and growing tensions in Iraq 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.

In its effort to thwart terrorist activity, the Coast Guard has increased safety and security measures on U.S. ports and waterways. 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 and safety zones, to prevent or respond to acts of terrorism against individuals, vessels, or public or commercial structures. The Coast Guard also 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.*) 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. Section 104 of the Maritime Transportation Security Act (MTSA) of 2002 (Pub. L. 107-295, 116 Stat. 2064) extended the geographical reach of the Magnuson Act to twelve nautical miles seaward of the baseline of the United States and added civil penalty liability for violation. However, this rulemaking does not exercise the full extent of the geographical limit allowed by the PWSA and the recently amended Magnuson Act. The Coast Guard retains discretion to extend the geographical reach of this rule via notice and comment procedures to the twelve nautical mile limit should circumstances warrant such action.

In this particular rulemaking, to address the aforementioned security concerns and to take steps to prevent the catastrophic impact that a terrorist attack against a LHG tank vessel would have on the public interest, the Coast Guard is revising current LHG safety zone regulations by establishing security zones around and under LHG tank vessels entering, departing, or moored within the ports of Los Angeles and Long Beach. These security zones help the Coast Guard to prevent vessels or persons from engaging in terrorist actions against LHG tank vessels. The Coast Guard has determined the establishment of security zones is prudent for LHG tank vessels because they carry LHG cargoes in bulk.

### Discussion of Comments and Changes

We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.