

and flown into the World Trade Center in New York, NY inflicting catastrophic human casualties and property damage. A similar attack was conducted on the Pentagon with a plane launched from Newark, NJ on the same day. National security and intelligence officials warn that future terrorist attacks are likely.

Vessels operating within the Long Island Sound Marine Inspection and Captain of the Port (COTP) Zone present potential targets of terrorist attack or platforms from which terrorist attacks may be launched upon other vessels, waterfront facilities and adjacent population centers. Following the September 11 attacks, we published a temporary rule (67 FR 517–520, January 4, 2002) that established a temporary RNA and safety and security zones in the Long Island Sound Marine Inspection and COTP Zone. We twice revised the temporary rule (67 FR 40859–40861, June 14, 2002 and 67 FR 69134, November 15, 2002) to extend its effective period to March 15, 2003. These temporary measures were taken to safeguard human life, vessels and waterfront facilities from sabotage or terrorist acts while we assessed the security environment within the area and determined the need for and advisability of permanent security measures.

The Coast Guard now proposes to establish a permanent RNA and safety and security zones within Long Island Sound as part of a comprehensive, port security regime designed to safeguard human life, vessels and waterfront facilities from sabotage or terrorist acts. The proposed permanent RNA incorporates the provisions of the temporary RNA that have been in place since January 4, 2002, and expands the operating requirements for vessels within the RNA. The Coast Guard also proposes to establish two permanent safety and security zones. The zones have been tailored to fit the needs of security, while minimizing the impact on the maritime community.

## Discussion of Proposed Rule

### Regulated Navigation Area

The rule would establish an RNA comprised of the waters of the Long Island Sound Marine Inspection and COTP zone, as defined in 33 CFR 3.05–35, extending seaward 12 nautical miles from the territorial sea baseline. Under the regulations established in this RNA, certain vessels would be required to obtain authorization from the COTP before crossing within three nautical miles of the territorial sea baseline from any southern or eastern approach, except in innocent passage. This three-

mile limit is depicted on National Oceanic and Atmospheric Administration (NOAA) nautical charts, including chart numbers 13205, 12353, and 12326. In order to obtain authorization, a vessel subject to this rule may be required to undergo a port security inspection to the satisfaction of the COTP. Vessels awaiting a port security inspection or COTP authorization to enter waters within three nautical miles from the territorial sea baseline would be required to anchor in the manner directed by the COTP.

All vessels over 1,600 gross tons operating inside the line extending seaward three nautical miles from the territorial sea baseline would be required to receive authorization from the COTP prior to transiting or any intentional vessel movements, including, but not limited to, shifting berths, departing anchorage, or getting underway from a mooring. This requirement enables the COTP to maintain control over the movement of vessels that pose a potential threat to other vessels, waterfront facilities and adjacent population centers. The COTP could authorize a vessel subject to this rule to enter a port or place within the RNA under such circumstances and conditions as deemed appropriate to minimize the threat of injury to the vessel, the port, waterfront facilities or adjacent population centers resulting from sabotage or terrorist acts launched against or from the vessel.

Vessels 300 gross tons or greater may not transit at a speed in excess of 8 knots through the Lower Thames River from New London Harbor channel buoys 7 and 8 (Light List numbers 21875 and 21880 respectively) north through the upper limit of the Naval Submarine Base New London Restricted Area, established in 33 CFR 334.75(a). This speed restriction does not apply to “public vessels”, which are defined as vessels owned or bareboat-chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce. Prior to entering waters within a 1200 yard perimeter surrounding any ferry vessel, commercial vessels 300 gross tons or more will be required to obtain the permission of the ferry vessel licensed operator, licensed master, or designated COTP on scene patrol. Ferry means a vessel that: (a) Operates in other than ocean or coastwise service; (b) has provisions only for deck passengers or vehicles, or both; (c) operates on a short run on a frequent schedule between two points over the most direct water route; and (d) offers a public service of a type

normally attributed to a bridge or tunnel.

No vessel, irrespective of size, may enter within a 100-yard radius of any commercial vessel transiting, moored, or berthed in any portion of the Marine Inspection and COTP zone, Long Island Sound, without the express prior authorization of the vessel operator, master, or a designated COTP on-scene representative. For purposes of this regulation, a commercial vessel is any vessel in commercial service. A vessel in commercial service means any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel. However, this rule does not abrogate a vessel's duty to comply with applicable navigation rules at all times. In addition, when passing under a bridge, all vessels, irrespective of size, must stay in the navigable channel, and must not approach within a 25-yard radius of any bridge foundation, support, stanchion, pier or abutment, except for the purpose of immediate passage under the bridge. Vessels may not stop or anchor under any bridge, and may transit beneath a bridge only for the purpose of direct, immediate and expeditious passage under the bridge.

### Safety and Security Zones

This proposed rule would establish two permanent safety and security zones. The proposed Millstone Nuclear Power Plant safety and security zones include (a) all waters north and north east of a line running from Bay Point, at approximate position 41–18.57 N, 072–10.41 W, to Millstone Point at approximate position 41–18.25 N, 072–09.96 W and (b) all waters west of a line starting at 41–18.700 N, 072–09.650 W, running south to the eastern most point of Fox Island at approximate position 41–18.400 N, 072–09.660 W. All coordinates are North American Datum (NAD) 1983. The second proposed safety and security zones would include all waters within a 100-yard radius of any anchored Coast Guard vessel. For purposes of this section, Coast Guard vessels include any commissioned vessel or small boat in the service of the regular Coast Guard, and do not include Coast Guard Auxiliary vessels. Each of the proposed zones is necessary to protect the facility, structure or vessel around which it is drawn from subversive or terrorist acts.

No person or vessel may enter or remain in a prescribed safety or security zone at any time without the permission of the COTP. Each person or vessel in a safety or security zone shall obey any direction or order of the COTP. The