

**DATES:** The amendment to § 165.T11-060(c) in this rule is effective June 15, 2003. Section 165.T11-060, added at 67 FR 1099, January 9, 2002, effective from 12:01 a.m. PST on December 21, 2001, to 11:59 p.m. PDT on June 15, 2002, as amended by this rule is extended in effect until 11:59 p.m. PST on December 15, 2003.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket COTP Los Angeles-Long Beach 01-013 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 January 9, 2002, we published a temporary final rule for Port Hueneme Harbor entitled "Security Zone; Port Hueneme Harbor, Ventura County, CA" in the **Federal Register** (67 FR 1097) under § 165.T11-060. The effective period for this rule was from December 21, 2001, through June 15, 2002.

On June 18, 2002, we published a temporary final rule for Port Hueneme Harbor entitled "Security Zone; Port Hueneme Harbor, Ventura County, CA" in the **Federal Register** (67 FR 41341) under § 165.T11-060. The effective period was extended through June 15, 2003.

This temporary final rule further extends the effective period through December 15, 2003.

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. Due to the terrorist attacks on September 11, 2001 and the warnings given by national security and intelligence officials, there is an increased risk that further subversive or terrorist activity may be launched against the United States. A heightened level of security has been established around Naval Facilities. The original TFR was urgently required to prevent possible terrorist strikes against the United States and more specifically the people, waterways, and properties in Port Hueneme Harbor and the Naval Base Ventura County. It was anticipated that we would assess the security environment at the end of the effective

period to determine whether continuing security precautions were required and, if so, propose regulations responsive to existing conditions. We have determined the need for continued security regulations exists.

The Coast Guard has determined that designation of a Restricted Area by the Army Corps of Engineers (ACOE) under 33 CFR 334 is a more appropriate regulation in this case. On January 13, 2003, ACOE published a notice of proposed rulemaking for Port Hueneme Harbor entitled "United States Navy Restricted Area, Naval Base Ventura County, Port Hueneme, CA" in the **Federal Register** (68 FR 1791) under 33 CFR 334.1127. The ACOE will utilize the extended effective period of this TFR to issue a Final Rule. This TFR preserves the status quo within the harbor while a permanent Restricted Area is implemented.

For the reasons stated in the paragraphs above under 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

##### **Background and Purpose**

On September 11, 2001, terrorists launched attacks on commercial and public structures—the World Trade Center in New York and the Pentagon in Arlington, Virginia—killing large numbers of people and damaging properties of national significance. There is an increased risk that further subversive or terrorist activity may be launched against the United States based on warnings given by national security and intelligence officials. The Federal Bureau of Investigation (FBI) has issued warnings on October 11, 2001 and February 11, 2002 concerning the potential for additional terrorist attacks within the United States. In addition, the ongoing hostilities in Iraq and Afghanistan have made it prudent for important facilities and vessels to be on a higher state of alert because Osama Bin Ladin and his Al Qaeda organization, and other similar organizations, have publicly declared an ongoing intention to conduct armed attacks on U.S. interests worldwide.

These heightened security concerns, together with the catastrophic impact that a terrorist attack against a Naval Facility would have to the public interest, makes these security zones prudent on the navigable waterways of the United States. To mitigate the risk of terrorist actions, the Coast Guard has increased safety and security measures on the navigable waterways of U.S. ports and waterways as further attacks may be launched from vessels within

the area of Port Hueneme Harbor and the Naval Base Ventura County.

In response to these terrorist acts, to prevent similar occurrences, and to protect the Naval Facilities at Port Hueneme Harbor and the Naval Base Ventura County, the Coast Guard has established a security zone in all waters within Port Hueneme Harbor. This security zone is necessary to prevent damage or injury to any vessel or waterfront facility, and to safeguard ports, harbors, or waters of the United States in Port Hueneme Harbor, Ventura County, CA.

As of today, the need for a security zone in Port Hueneme Harbor still exists. This temporary final rule will become effective June 15, 2003, and is set to expire 11:59 p.m. PST on December 15, 2003. This will allow the Army Corps of Engineers to utilize the extended effective period of this TFR to complete notice and comment rulemaking for permanent regulations tailored to the present and foreseeable security environment. This revision preserves the status quo within the Port Hueneme Harbor while permanent rules are finalized.

##### **Discussion of Rule**

This regulation that is extending the effective period of the current security zone, prohibits all vessels from entering Port Hueneme Harbor beyond the COLREGS demarcation line set forth in subpart 80.1120 of part 80 of Title 33 of the Code of Federal Regulations without first filing a proper Advance Notification of Arrival as required by part 160 of Title 33 of the Code of Federal Regulations as well as obtaining clearance from Commanding Officer, Naval Base Ventura County "Control 1".

This security zone is established pursuant to the authority of The Magnuson Act regulations promulgated by the President under 50 U.S.C. 191, including subparts 6.01 and 6.04 of part 6 of Title 33 of the Code of Federal Regulations. Vessels or persons violating this section are subject to the penalties set forth in 50 U.S.C. 192 including seizure and forfeiture of the vessel, a monetary penalty of not more than \$10,000, and imprisonment for not more than 10 years.

This rule will be enforced by the Captain of the Port Los Angeles-Long Beach, who may also enlist the aid and cooperation of any Federal, State, county, municipal, and private agencies to assist in the enforcement of this rule. Commanding Officer, Naval Base Ventura County "Control 1" will control vessel traffic entering Port Hueneme Harbor.