

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T01–050 to read as follows:

**§ 165.T01–050 Safety Zone; Boston 4th of July Fireworks, Boston, Massachusetts.**

(a) *Location.* The following area is a safety zone:

All waters of the Charles River within a four hundred (400) yard radius of the fireworks launch site located midway between the Longfellow Bridge and the Massachusetts Avenue Bridge, Boston, MA, specifically at 42°21.28' N, 071°05.00' W. All coordinates are North American Datum 1983.

(b) *Effective date.* This section is effective from 7 p.m. until 11:30 p.m. on July 4, 2003.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port (COTP) Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

Dated: June 10, 2003.

**Brian M. Salerno,**

*Captain, Coast Guard, Captain of the Port Boston, Massachusetts.*

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

[COTP Charleston–03–105]

RIN 1625–AA00

**Security Zones; Charleston Harbor, Cooper River, SC**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule; request for comments.

**SUMMARY:** The Coast Guard is extending the temporary fixed security zones for the waters under the Highway 17 bridges over Charleston Harbor and the Don Holt I–526 Bridge over the Cooper River. These security zones are needed for national security reasons to protect the public and ports from potential subversive acts. Vessels are prohibited from anchoring, mooring, or loitering within these zones, unless specifically authorized by the Captain of the Port, Charleston, South Carolina or his designated representative.

**DATES:** This regulation is effective from 12 midnight on July 15, 2003, until 11:59 p.m. January 15, 2004. Comments and related material must reach the Coast Guard on or before September 5, 2003.

**ADDRESSES:** You may mail comments and related material to Coast Guard Marine Safety Office Charleston, 196 Tradd Street, Charleston, South Carolina 29401. Coast Guard Marine Safety Office Charleston maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of [COTP Charleston–03–105], will become part of this docket and will be available for inspection or copying at the Coast Guard Marine Safety Office Charleston, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Kevin D. Floyd, Coast Guard Marine Safety Office Charleston, at (843) 747–7411

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

We did not publish a notice of proposed rule making (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a Notice of Proposed Rulemaking (NPRM). Publishing a NPRM and delaying the effective date of this rule would be contrary to national

security since immediate action is necessary to protect the public, ports and waterways of the United States.

For the same 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**.

**Background and Purpose**

Based on the September 11, 2001, terrorist attack on the World Trade Center in New York and the Pentagon in Arlington, VA, there is an increased risk that subversive terrorist activity could be launched by vessels or persons in close proximity to the Port of Charleston, S.C., against bridges within the security zones continued by this rule. If a bridge were damaged or destroyed, the Port of Charleston would be isolated from access to the sea, crippling the local economy and negatively impacting national security. These temporary security zones are necessary to protect the safety of life and property on the navigable waters, prevent potential terrorist threats aimed at the bridges crossing the main shipping channels in the Port of Charleston, SC and to ensure the continued unrestricted access to the sea from the Port.

A similar temporary rule was issued on October 18, 2001 creating temporary security zones around these bridges that rule expired on January 15, 2002 (*see* COTP Charleston 01–124 in Quarterly Report of temporary rules, 67 FR 9194, February 28, 2002). Those security zones were extended by another temporary rule published on February 28, 2002 (67 FR 9201) that expired on June 15, 2002. Those security zones were again extended by a temporary rule published in the **Federal Register** on July 3, 2002 (67 FR 44555) which expired on December 16, 2002. These security zones were again extended by a temporary rule published in the **Federal Register** on December 16, 2002 (67 FR 76991) and will expire on July 15, 2003.

**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). We expect the economic impact of this rule to be so minimal so that a full Regulatory Evaluation under the