

■ 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 is revised to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.764 to read as follows:

### **§ 165.764 Security Zones; Big Bend and Weedon Island Power Facilities, Tampa Bay, Florida.**

(a) *Location.* The following areas, denoted by coordinates fixed using the North American Datum of 1983 (World Geodetic System 1984), are security zones:

(1) *Big Bend, Tampa Bay, Florida.* All waters of Tampa Bay, from surface to bottom, adjacent to the Big Bend Power Facility, and within an area bounded by a line connecting the following points: 27°47.85' N, 082°25.02' W then east and south along the shore and pile to 27°47.63' N, 082°24.70' W then north along the shore to 27° 48.02' N, 082°24.70' W then north and west along a straight line to 27°48.12' N, 082°24.88' W then south along the shore and pile to 27°47.85' N, 082°25.02' W, closing off entrance to the Big Bend Power Facility.

(2) *Weedon Island, Tampa Bay, Florida.* All waters of Tampa Bay, from surface to bottom, extending 50 yards from the shore, seawall and piers around the Power Facility at Weedon Island encompassed by a line connecting the following points: 27° 51.52' N, 082° 35.82' W then north and east along the shore to 27° 51.54' N, 082° 35.78' W then north to 27° 51.68' N, 082° 35.78' W then north to 27° 51.75' N, 082° 35.78' W closing off entrance to the canal then north to 27° 51.89' N, 082° 35.82' W then west along the shore to 27° 51.89' N, 082° 36.10' W then west to 27° 51.89' N, 082° 36.14' W closing off entrance to the canal.

(b) *Regulations.* (1) Entry into or remaining within these zones is prohibited unless authorized by the Coast Guard Captain of the Port, Tampa, Florida or their designated representative.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 813–228–2189/91 or on VHF channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the

instructions of the Captain of the Port or their designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

Dated: July 23, 2003.

**James M. Farley,**

*Captain, U.S. Coast Guard, Captain of the Port, Tampa, Florida.*

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 165**

**[COTP Tampa-03–079]**

**RIN 1625–AA00**

#### **Security Zones; Tampa Bay, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary security zones in Tampa Bay, at Big Bend, and Weedon Island, Florida. These zones are needed to ensure public safety and security in the greater Tampa Bay area. Entry into these zones is prohibited unless authorized by the Captain of the Port, or their designated representative.

**DATES:** This rule is effective from July 23, 2003, through August 31, 2003.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket [COTP Tampa-03–079] and are available for inspection or copying at Marine Safety Office Tampa, 155 Columbia Drive, Tampa, Florida 33606–3598 between 7:30 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Heath Hartley, Coast Guard Marine Safety Office Tampa, at (813) 228–2189 extension 123.

#### **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 and delaying the effective date of this rule would be contrary to the public interest since immediate action is needed to continue to protect the public, ports and waterways of the United States. The Coast Guard will issue a broadcast notice to mariners and place Coast Guard vessels in the vicinity

of these zones to advise mariners of the restriction. We did issue an NPRM on April 18, 2003, concerning security zones in the vicinity of Big Bend and Weedon Island (68 FR 19166) and anticipate the final rule will become effective on September 1, 2003.

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**. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction. The Coast Guard published a NPRM proposing a permanent rule for security zones in these same locations and requesting public comment. The comment period for the proposed permanent rule ended on June 17, 2003.

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

The terrorist attacks of September 11, 2001, killed thousands of people and heightened the need for development of various security measures throughout the seaports of the United States, particularly those vessels and facilities which are frequented by foreign nationals and are of interest to national security. Following these attacks by well-trained and clandestine terrorists, national security and intelligence officials have warned that future terrorists attacks are likely. The Captain of the Port of Tampa has determined that these security zones are necessary to protect the public, ports, and waterways of the United States from potential subversive acts.

These security zones are similar to the existing temporary security zones established for power facilities that will soon expire. A temporary final rule was published on March 23, 2003 (68 FR 14328), creating a temporary security zone around the Weedon Island and Big Bend Power Facilities. These zones expired at approximately 11:59 p.m. on June 30, 2003.

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

This temporary rule establishes security zones in areas covered by a past temporary rule to ensure consistent security of facilities, and infrastructure throughout the Tampa Captain of the Port Zone. One security zone will encompass a portion of water adjacent to the Big Bend Power Plant in Tampa Bay, Florida. The zone encompasses all waters of Tampa Bay, from surface to bottom, shoreward of a line connecting the following points: 27°47.85' N, 082°25.02' W then east and south along the shore and pile to 27°47.63' N, 082°24.70' W then north along the shore to 27°48.02' N, 082°24.70' W then north