

Dated: July 24, 2003.

Brent Wahlquist,

Regional Director, Appalachian Regional Coordinating Center.

■ For the reasons set out in the preamble, 30 CFR part 938 is amended as set forth below:

PART 938—PENNSYLVANIA

■ 1. The authority citation for part 938 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 938.15 is amended in the table by adding a new entry in

chronological order by “*Date of final publication*” to read as follows:

§ 938.15 Approval of Pennsylvania regulatory program amendments.

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Original amendment submission date	Date of final publication	Citation/description
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February 25, 2002	August 15, 2003	25 Pa. Code 210.11; 210.13–210.19; 211.101–211.103; 211.111–211.115; 211.121–211.125; 211.131–211.133; 211.141; 211.151–211.162; 211.171–211.173; 211.181–211.182

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD01–02–104]

RIN 1625–AA00, AA11

Regulated Navigation Areas, Safety and Security Zones; Long Island Sound Marine Inspection and Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a regulated navigation area (RNA) and two safety and security zones. The rule regulates the circumstances under which certain vessels may enter, transit or operate within the RNA and excludes all vessels from operating within the prescribed safety and security zones without first obtaining authorization from the Captain of the Port. This action is necessary to ensure public safety and prevent sabotage or other subversive acts.

DATES: This rule is effective August 16, 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 CGD01–02–104, and are available for inspection or copying at Group/MO Long Island Sound, New Haven, CT, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays

FOR FURTHER INFORMATION CONTACT: Lieutenant A. Logman, Waterways

Management Officer, Coast Guard Group/Marine Safety Office Long Island Sound at (203) 468–4429.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 20, 2003, we published a notice of proposed rulemaking (NPRM) entitled “Regulated Navigation Areas, Safety and Security Zones; Long Island Sound Marine Inspection and Captain of the Port Zone” in the **Federal Register** (68 FR 13643). We received two (2) letters commenting on the proposed rule. No public hearing was requested, and none was held.

Good cause exists for making this regulation effective on August 16, 2003, in less than 30 days after **Federal Register** publication. Delaying publication is unnecessary for the following reasons: Several of the permanent regulations described herein have been in effect as temporary regulations since December 10, 2001 with no adverse impact; the public has had significant and adequate advanced knowledge of the intent to implement these as permanent regulations through the notice and comment rulemaking process, as well as through outreach to the maritime community by the Captain of the Port (COTP) Long Island Sound; and the NPRM stated this regulation was designed to replace temporary security measures expiring on August 15, 2003. Thus the public has had significant advanced knowledge of these regulations and that it was necessary that they be effective by August 16, 2003. Any delay encountered in this regulation’s effective date would also be contrary to public interest. As discussed in the *Background and Purpose* section below, these regulations are necessary to address potential terrorist threats in the Long Island Sound Marine Inspection and Captain of the Port Zone on a permanent basis. If the temporary regulations were to expire on August 15,

2003 without permanent regulations being implemented, vessels, waterfront facilities, the maritime community, public infrastructure, and the public in general in the Long Island Sound Marine Inspection and Captain of the Port Zone would be left vulnerable to possible sabotage or other subversive acts, accidents or other causes of a similar nature.

Background and Purpose

On September 11, 2001, two commercial aircraft were hijacked from Logan Airport in Boston, Massachusetts 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), which was effective December 10, 2001, that established a temporary regulated navigation area (RNA) and safety and security zones in the Long Island Sound Marine Inspection and COTP Zone. We revised the temporary rule three times (67 FR 40859–40861, June 14, 2002, 67 FR 69132, November 15, 2002, and 68 FR 12304, March 14, 2003) to extend its effective period to August 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