

two hours prior to the arrival and departure of the C/S CONQUEST or until it safely passes under the crossing.

(4) Moored vessels are permitted to remain within the safety zone.

(5) Vessels requiring entry into or passage through the zone during the enforcement periods must request permission from the Captain of the Port New Orleans or designated representatives including the VTC and designated on-scene U.S. Coast Guard patrol personnel. The VTC may be contacted via VHF Channel 67 or by telephone at (504) 589-2780. On-scene U.S. Coast Guard patrol personnel may be contacted via VHF Channel 67.

(6) All persons and vessels shall comply with the instruction of the Captain of the Port New Orleans and designated representatives including the VTC and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: July 12, 2003.

Ronald W. Branch,

Captain, U.S. Coast Guard, Captain of the Port, New Orleans.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD13-03-026]

RIN 1625-AA00

Security and Safety Zone; Protection of Large Passenger Vessels, Puget Sound, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing regulations for the security and safety of large passenger vessels in the navigable waters of Puget Sound and adjacent waters, Washington. This security and safety zone will provide for the regulation of vessel traffic in the vicinity of large passenger vessels in the navigable waters of the United States.

DATES: This rule is effective from August 8, 2003, until February 8, 2004.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the U.S. Coast Guard Marine Safety Office Puget Sound, 1519 Alaskan Way South, Building 1, Seattle, Washington 98134. Normal office hours are between 8 a.m.

and 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: ENS Tyana Thayer c/o Captain of the Port Puget Sound, (206) 217-6222.

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) and 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing a NPRM would be contrary to public interest since immediate action is necessary to continue to safeguard large passenger vessels from sabotage, other subversive acts, or accidents. If normal notice and comment procedures were followed, this rule would not become effective soon enough to provide immediate protection to large passenger vessels from threats posed by hostile entities and would compromise the vital national interest in protecting maritime transportation and commerce. The security and safety zone in this regulation has been carefully designed to minimally impact the public while providing a reasonable level of protection for large passenger vessels. For this reason, following normal rulemaking procedures in this case would be impracticable and contrary to the public interest.

Background and Purpose

On March 31, 2003, the Captain of the Port Puget Sound published a temporary final rule (TFR) (68 FR 15375, CGD13-03-003, 33 CFR 165.T13-002) establishing security and safety zones for the protection of large passenger vessels, which expires on August 8, 2003. On June 20, 2003, the Captain of the Port Puget Sound issued a notice of proposed rulemaking (NPRM) entitled "Security and Safety Zone; Protection of Large Passenger Vessels, Puget Sound, WA". This NPRM was published in the **Federal Register** on July 15, 2003 (68 FR 41764). In drafting the proposed rule, the Coast Guard considered comments received regarding the scope and impact of the original TFR. See, Discussion of Proposed Rule, 68 FR at 41765. In response to these comments, the Coast Guard modified the definition of large passenger vessel by excluding small passenger vessels (vessels inspected and certificated under 46 CFR chapter I, subchapter T) thereby decreasing the number of vessels with security and safety zones around them. In addition,

the Coast Guard reduced the size of the exclusionary zone from 100 yards to 25 yards for a large passenger vessel that is moored.

The intent behind the rule proposed in the NPRM was to continue to assist large passenger vessels by establishing a permanent security and safety zone that when enforced by the Captain of the Port would exclude persons and vessels from the immediate vicinity of all large passenger vessels. However, the original TFR, which was published on March 31, will expire before the notice and comment period in the NPRM closes. In other words, a permanent security and safety zone will not become effective before the original TFR expires.

The Captain of the Port Puget Sound deems it necessary that a security and safety zone around large passenger vessels continue to be in effect until such time as a permanent rule is established. Rather than extend the previous TFR, the Captain of the Port Puget Sound is issuing this TFR, which is not substantially different from the proposed rule. To date, the Coast Guard has not received any comments regarding the rule proposed in the NPRM.

Discussion of Rule

This rule, for security and safety concerns, will control vessel movement in a regulated area surrounding large passenger vessels. For the purpose of this rule, a large passenger vessel means any cruise ship over 100 feet in length carrying passengers for hire and any auto ferries and passenger ferries over 100 feet in length carrying passengers for hire such as the Washington State Ferries, M/V COHO and Alaskan Marine Highway Ferries. All vessels within 500 yards of large passenger vessels must operate at the minimum speed necessary to maintain a safe course, and must proceed as directed by the official patrol. No vessel, except a public vessel (as defined in 33 CFR 165.T13-017(a)), is allowed within 100 yards of a large passenger vessel that is underway or at anchor, unless authorized by the on-scene official patrol or large passenger vessel master. No vessel or person is allowed within 25 yards of a large passenger vessel that is moored. Vessels requesting to pass within 100 yards of a large passenger vessel that is underway or at anchor shall contact the on-scene official patrol or large passenger vessel master on VHF-FM channel 16 or 13. The on-scene official patrol or large passenger vessel master may permit vessels that can only operate safely in a navigable channel to pass within 100 yards of a large passenger vessel that is underway or at