

(9) Proceed straight west-northwest to the point where the 900-foot elevation line crosses the common line between Sections 15 and 16, T6N, R7W, approximately 500 feet north of the southwest corner of Section 15 (Cotati Quadrangle); then

(10) Proceed straight northwest to the intersection of Grange Road (known as Crane Canyon Road to the west) and the southern boundary of Section 9, and continue straight west along that section boundary to the southwest corner of Section 9, T6N, R7W (Cotati Quadrangle); then

(11) Proceed straight north-northwest to the 961-foot peak on the east side of Section 8, T6N, R7W (Santa Rosa Quadrangle); and then

(12) Proceed straight northwest to the peak of Taylor Mountain, returning to the point of beginning.

Signed: September 17, 2003.

**Arthur J. Libertucci,**  
Administrator.

Dated: October 6, 2003.

**Timothy E. Skud,**  
Deputy Assistant Secretary (Tax, Trade, and  
Tariff Policy).

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR 165

#### [COTP Mobile-03-022]

RIN 1625-AA00

#### **Security Zone; Bayou Casotte, Chevron Pascagoula Refinery, Pascagoula, MS**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone encompassing all waters of Bayou Casotte east of a line drawn from position 30°19'54" N, 088°30'37" W to position 30°20'42" N, 088°30'28" W at the Chevron Pascagoula Refinery. This security zone is necessary to protect the Chevron Pascagoula refinery, persons, and vessels from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry of persons or vessels into this security zone is prohibited unless authorized by the Captain of the Port Mobile or a designated representative.

**DATES:** This rule is effective from 5 p.m. on September 24, 2003, until 5 p.m. on March 24, 2004.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket [COTP Mobile-03-022] and are available for inspection or copying at Marine Safety Office Mobile, Brookley Complex, Bldg 102, South Broad Street, Mobile, AL 36615-1390 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**  
Lieutenant (LT) Carolyn Beatty,  
Operations Department, Marine Safety  
Office Mobile, AL, at (251) 441-5771.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

On May 5, 2003, we published a temporary final rule (TFR) entitled "Security Zone; Bayou Casotte, Pascagoula, MS" in the **Federal Register** (68 FR 23594) that expired at 5 p.m. on September 22, 2003. On July 7, 2003, we published a notice of proposed rulemaking (NPRM) entitled "Security Zone; Bayou Casotte, Pascagoula, MS" in the **Federal Register** (68 FR 40231). The geographic coordinates that defined the boundary of the proposed security zone were incorrect.

We did not publish a notice of proposed rulemaking for this temporary final rule. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because national security and intelligence officials warn that future terrorist attacks against United States interests are likely. Current advisories of terrorist threats and the nature of the material handled at the Chevron Pascagoula refinery make this rulemaking necessary for the protection of national security interests. Any delay in making this regulation effective would be contrary to the public interest because action is necessary to protect against the possible loss of life, injury, or damage to property.

During the effective period of this temporary rule, the Coast Guard intends to publish a supplemental NPRM and provide sufficient time for public comments to be submitted. This SNPRM with corrected geographic coordinates for the proposed permanent security zone will be published in the **Federal Register** and all comments received will be considered before the Coast Guard imposes a final rule.

#### **Background and Purpose**

On September 11, 2001, both towers of the World Trade Center and the Pentagon were attacked by terrorists. The President has continued the national emergencies he declared following those attacks (68 FR 53665, Sep. 10, 2003) (continuing the emergency declared with respect to terrorist attacks); (68 FR 55189, Sep. 18, 2003) (continuing emergency with respect to persons who commit, threaten to commit or support terrorism)). The President also has found pursuant to law, including the Magnuson Act (50 U.S.C. 191 *et seq.*), that the security of the United States is and continues to be endangered following the terrorist attacks (E.O. 13,273, 67 FR 56215, Sep. 3, 2002) (security of U.S. endangered by disturbances in international relations of U.S. and such disturbances continue to endanger such relations). In response to these terrorist acts and warnings, heightened awareness for the security and safety of all vessels, ports, and harbors is necessary.

The Captain of the Port Mobile is establishing a temporary security zone encompassing all waters of Bayou Casotte east of a line drawn from position 30°19'54" N, 088°30'37" W to position 30°20'42" N, 088°30'28" W at the Chevron Pascagoula Refinery. These coordinates are based upon [NAD 83].

This security zone is necessary to protect the Chevron Pascagoula refinery, persons, and vessels from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry of persons or vessels into this security zone is prohibited unless authorized by the Captain of the Port Mobile or a designated representative.

#### **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).

This rule will not obstruct the regular flow of vessel traffic and will allow vessel traffic to pass safely around the security zone. Vessels may be permitted to enter the security zone on a case-by-case basis with permission from the Captain of the Port Mobile or a designated representative.