

intention to conduct armed attacks on U.S. interests worldwide.

The Captain of the Port New York recently established six new safety and security zones throughout the New York Marine Inspection Zone and Captain of the Port Zone. (68 FR 2890, January 22, 2003). Subsequently, the Captain of the Port has determined that the safety and security zones established by this rule are urgently required to meet critical maritime domain security needs that were not addressed by the earlier rule. The Captain of the Port will consider any public comments submitted with respect to the temporary zones established in this rule before commencing notice and comment rulemaking to develop any permanent successor rule that may be required to meet the security needs of the port.

The Coast Guard is establishing temporary safety and security zones around La Guardia and John F. Kennedy airports, the New York City Police Department ammunition depot, and the Port Newark/Port Elizabeth commercial shipping facilities. These safety and security zones are necessary to provide for the safety of the port and to ensure that vessels, facilities, airports, or ammunition depots, are not used as targets of, or platforms for, terrorist attacks. These zones would restrict entry into or movement within portions of the New York Marine Inspection and Captain of the Port Zones.

#### Discussion of Temporary Rule

This rule establishes the following temporary safety and security zones:

*La Guardia Airport, Bowery and Flushing Bays, Queens, NY.*

The Coast Guard is establishing a temporary safety and security zone in all waters of Bowery and Flushing Bays within approximately 200 yards of La Guardia Airport bound by the following points: Onshore at Steinway, Queens in approximate position 40°46'32.1" N, 073°53'22.4" W, thence to 40°46'52.8" N, 073°53'09.3" W, thence to 40°46'54.8" N, 073°52'54.2" W, thence to 40°46'59.3" N, 073°52'51.3" W, thence to 40°47'11.8" N, 073°53'17.3" W, thence to 40°47'13.0" N, 073°53'16.1" W on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position 40°47'12.9" N, 073°52'17.9" W, thence to 40°47'16.7" N, 073°52'09.2" W, thence to 40°47'36.1" N, 073°51'52.5" W, thence to 40°47'35.1" N, 073°51'50.5" W, thence to 40°47'15.9" N, 073°52'06.4" W, thence to 40°47'14.5" N, 073°52'03.1" W, thence to 40°47'10.6" N, 073°52'06.7" W, thence to 40°47'01.9" N, 073°52'02.4" W, thence to 40°46'50.4" N, 073°52'08.1" W, thence to 40°46'26.8" N, 073°51'18.5" W, thence to 40°45'57.2" N, 073°51'01.8" W, thence to

40°45'51.2" N, 073°50'59.6" W, thence to 40°45'49.5" N, 073°51'07.2" W, thence to 40°45'58.8" N, 073°51'13.2" W, thence to 40°46'02.3" N, 073°51'20.1" W, thence to 40°45'48.4" N, 073°51'37.0" W, (NAD 1983) thence along the shoreline to the point of origin.

Within the boundaries of the above-described zone, the Coast Guard is establishing another temporary safety and security zone in all waters of Bowery and Flushing Bays within approximately 100 yards of La Guardia Airport bound by the following points: Onshore at Steinway, Queens in approximate position 40°46'32.1" N, 073°53'22.4" W, thence to 40°46'50.6" N, 073°53'07.3" W, thence to 40°46'53.0" N, 073°52'50.9" W, thence to 40°46'57.6" N, 073°52'47.9" W, thence to 40°47'11.8" N, 073°53'17.3" W, thence to 40°47'13.0" N, 073°53'16.1" W on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position 40°47'12.9" N, 073°52'17.9" W, thence to 40°47'16.7" N, 073°52'09.2" W, thence to 40°47'36.1" N, 073°51'52.5" W, thence to 40°47'35.1" N, 073°51'50.5" W, thence to 40°47'15.9" N, 073°52'06.4" W, thence to 40°47'14.5" N, 073°52'03.1" W, thence to 40°47'07.9" N, 073°52'09.2" W, thence to 40°47'01.4" N, 073°52'06.1" W, thence to 40°46'50.0" N, 073°52'14.6" W, thence to 40°46'22.2" N, 073°51'16.0" W, thence to 40°45'57.2" N, 073°51'01.8" W, thence to 40°45'52.4" N, 073°51'00.2" W, thence to 40°45'50.6" N, 073°51'07.9" W, thence to 40°45'58.8" N, 073°51'13.2" W, thence to 40°46'04.0" N, 073°51'23.3" W, thence to 40°45'51.2" N, 073°51'38.8" W, (NAD 1983) thence along the shoreline to the point of origin.

When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the 200-yard zone that lies outside of the waters described in the 100-yard zone. Authorization to enter the waters that lie between the outer boundaries of the two zones will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at <http://www.harborops.com>. This regulatory framework provides the Captain of the Port with the tools to safeguard airport property and equipment and the flexibility to accommodate local mariners to the maximum extent permissible under the circumstances then existing.

#### John F. Kennedy (JFK) Airport, Jamaica Bay, Queens, NY

The Coast Guard is establishing four temporary safety and security zones in all waters near JFK Airport bound by the following points:

First, all waters of Bergen Basin north of 40°39'26.4" N.

Second, all waters of Thurston Basin north of 40°38'21.2" N.

Third, all waters of Jamaica Bay within approximately 200 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens in approximate position 40°38'49.0" N, 073°49'09.1" W, thence to 40°38'42.5" N, 073°49'13.2" W, thence to 40°38'00.6" N, 073°47'35.1" W, thence to 40°37'52.3" N, 073°47'55.0" W, thence to 40°37'50.3" N, 073°47'53.5" W, thence to 40°37'59.4" N, 073°47'32.6" W, thence to 40°37'46.1" N, 073°47'07.2" W, thence to 40°37'19.5" N, 073°47'30.4" W, thence to 40°37'05.5" N, 073°47'03.0" W, thence to 40°37'34.7" N, 073°46'40.6" W, thence to 40°37'20.5" N, 073°46'23.5" W, thence to 40°37'05.7" N, 073°46'34.9" W, thence to 40°36'54.8" N, 073°46'26.7" W, thence to 40°37'14.1" N, 073°46'10.8" W, thence to 40°37'36.9" N, 073°45'52.8" W, thence to 40°38'00.8" N, 073°44'54.9" W, thence to 40°38'05.1" N, 073°45'00.3" W, (NAD 1983) thence along the shoreline to the point of origin.

Fourth, within the boundaries of the above-described 200 yard zone, all waters of Jamaica Bay within approximately 100 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens in approximate position 40°38'49.0" N, 073°49'09.1" W, thence to 40°38'45.1" N, 073°49'11.6" W, thence to 40°38'02.0" N, 073°47'31.8" W, thence to 40°37'52.3" N, 073°47'55.0" W, thence to 40°37'50.3" N, 073°47'53.5" W, thence to 40°38'00.8" N, 073°47'29.4" W, thence to 40°37'47.4" N, 073°47'02.4" W, thence to 40°37'19.9" N, 073°47'25.0" W, thence to 40°37'10.0" N, 073°47'03.7" W, thence to 40°37'37.7" N, 073°46'41.2" W, thence to 40°37'22.6" N, 073°46'21.9" W, thence to 40°37'05.7" N, 073°46'34.9" W, thence to 40°36'54.8" N, 073°46'26.7" W, thence to 40°37'14.1" N, 073°46'10.8" W, thence to 40°37'40.0" N, 073°45'55.6" W, thence to 40°38'02.8" N, 073°44'57.5" W, thence to 40°38'05.1" N, 073°45'00.3" W, (NAD 1983) thence along the shoreline to the point of origin.

When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the 200-yard zone in Jamaica Bay that lies outside of the waters described in the 100-yard zone. Authorization to enter the waters that lie between the outer boundaries of those two zones will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at <http://www.harborops.com>. This regulatory framework provides the Captain of the Port with both the authority to safeguard airport property