



**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

**[Docket Number USCG-2024-1098]**

**RIN 1625-AA87**

**Security Zones; Tampa Bay: Big Bend, Boca Grande, Crystal River, East Bay, Hillsborough Bay, MacDill Air Force Base, Manbirtee Key, Old Port Tampa, Port Manatee, Port Tampa, Port St. Petersburg, Port Sutton, Rattlesnake, and Weedon Island, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

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**SUMMARY:** The Coast Guard is proposing to disestablish the existing security zone for Rattlesnake, Tampa, FL in old Tampa Bay, including on land portions of the Chemical Formulators Chlorine Facility. Since the implementation of the regulation, the facility has permanently ceased operations making the provisions of the security zone no longer applicable. This proposed action would remove existing regulations that restrict vessel movement through the area. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comments identified by docket number USCG-2024-1098 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice

of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email Lieutenant Ryan McNaughton. Sector St. Petersburg, Ports & Waterways Branch Chief, U.S. Coast Guard; telephone (813) 228-2191 ext. 8142, email [Ryan.A.McNaughton@uscg.mil](mailto:Ryan.A.McNaughton@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR	Code of Federal Regulations
COTP	Captain of the Port Sector St. Petersburg
DHS	Department of Homeland Security
FR	<b>Federal Register</b>
NPRM	Notice of proposed rulemaking
§	Section
U.S.C.	United States Code

**II. Background, Purpose, and Legal Basis**

In February 2024, the Coast Guard was notified that Chemical Formulators Chlorine Facility was no longer in operation. The purpose of this rulemaking is to disestablish a security zone described in 33 CFR 165.703(a)(1)(i); in certain waters of Old Tampa Bay, Tampa, FL. With the closure of Chemical Formulators Chlorine facility, the security zone is no longer necessary. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

**III. Discussion of Proposed Rule**

The Coast Guard is proposing to disestablish the security zone for facilities and structures; Rattlesnake, Tampa, FL in § 165.703(a)(1)(i). The regulation places unnecessary restrictions on vessel movement in Old Tampa Bay. The regulatory text we are proposing appears at the end of this document.

**IV. Regulatory Analyses**

We developed this proposed rule after considering numerous statutes and

Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

*A. Regulatory Planning and Review*

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the need to align the regulations with the current arrangements of the port as the waterfront facility safety zone is no longer required.

*B. Impact on Small Entities*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rulemaking would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act

of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

*C. Collection of Information*

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

*D. Federalism and Indian Tribal Governments*

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have Tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

*E. Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires

Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

#### *F. Environment*

We have analyzed this proposed rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves disestablishing a security zone. Normally such actions are categorically excluded from further review under paragraph L60(b) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

### **V. Public Participation and Request for Comments**

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

*Submitting comments.* We encourage you to submit comments through the

Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG-2024-1098 in the search box and click "Search." Next, look for this document in the "Search Results" column, and click on it. Then click on the "Comment" option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

*Viewing material in docket.* To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select "Supporting & Related Material" in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions webpage. Also, if you click on the Dockets tab and then the proposed rule, you should see a "Subscribe" option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

*Personal information.* We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

### **List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

2. Revise § 165.703 to read as follows:

**§ 165.703 Security Zones; Tampa Bay: Big Bend, Boca Grande, Crystal River, East Bay, Hillsborough Bay, MacDill Air Force Base, Manbirtee Key, Old Port Tampa, Port Manatee, Port Tampa, Port St. Petersburg, Port Sutton, Rattlesnake, and Weedon Island, FL.**

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

- (1) *Security zones for facilities and structures—(i) Old Port Tampa, Tampa, FL.*

All waters, from surface to bottom, in Old Tampa Bay encompassed within the following points: 27°51.62' N, 082°33.14' W; thence to 27°51.71' N, 082°32.5' W; thence to 27°51.76' N, 082°32.5' W; thence to 27°51.73' N, 082°33.16' W; thence to 27°51.62' N, 082°33.14' W, closing off the Old Port Tampa Channel.

- (ii) *Sunshine Skyway Bridge, FL.* All waters in Tampa Bay, from surface to bottom, in Cut “A” channel beneath the bridge's main span encompassed within the following points: 27°37.30' N, 082°39.38' W; 27°37.13' N, 082°39.26' W; and the bridge

structure columns, base and dolphins. This zone is specific to the bridge structure and dolphins and does not include waters adjacent to the bridge columns or dolphins outside of the bridge's main span. Any vessel may transit through this zone but, may not loiter, anchor, or conduct operations, including dredging, dive operation, surveying, or maintenance, unless otherwise directed by the Captain of the Port. Anyone wanting to conduct these operations must submit a request via email to [WWM Tampa@uscg.mil](mailto:WWM Tampa@uscg.mil) or contact the Sector Command Center after hours at 727.824.7506.

(iii) *Manbirtee Key, Port of Manatee, FL.* All waters, from surface to bottom, surrounding, surrounding Manbirtee Key, Tampa Bay, FL extending 500 yards from the island's shoreline, in all directions, not to include the Port Manatee Channel.

(iv) *MacDill Air Force Base, Tampa Bay, FL.* All waters encompassed within the following coordinates: 27°51.88' N, 082°29.31' W; thence to 27°52.01' N, 082°28.85' W; thence to 27°51.48' N, 082°28.17' W; thence to 27°51.02' N, 082°27.76' W; thence to 27°50.72' N, 082°27.61' W; thence to 27°50.33' N, 082°27.59' W; thence to 27°49.65' N, 082°27.73' W; thence to 27°49.34' N, 082°27.79' W; thence to 27°49.10' N, 082°27.88' W; thence to 27°48.88' N, 082°28.10' W; thence to 27°48.76' N, 082°28.54' W; thence to 27°48.87' N, 082°29.44' W; thence to 27°49.06' N, 082°30.39' W; thence to 27°48.75' N, 082°31.17' W; thence to 27°49.16' N, 082°32.41' W; thence to 27°49.64' N, 082°33.04' W; thence to 27°49.95' N, 082°32.75' W; thence to 27°50.09' N, 082°32.81' W; thence to 27°50.56' N, 082°32.75' W; thence to 27°50.71' N, 082°32.18' W.

(v) *Piers, seawalls, and facilities, Port of Tampa and Port Sutton, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall, and piers around facilities in Port Sutton within the Port of Tampa encompassed by a line connecting the following points: 27°54.15' N, 082°26.06' W; thence to; 27°54.46' N, 082°25.71' W; closing off all Port Sutton Channel.

(vi) *Piers, seawalls, and facilities, Port of Tampa, on the western side of Hooker's Point, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall, and piers around facilities on Hillsborough Bay northern portion of Cut "D" Channel, Sparkman Channel, Ybor Turning Basin, and Ybor Channel within the Port of Tampa encompassed by a line connecting the following points: 27°54.74' N, 082°26.47' W; thence to 27°55.25' N, 082°26.73' W; thence to 27°55.60' N, 082°26.80' W; thence to 27°56.00' N, 082°26.75' W; thence to 27°56.58' N, 082°26.53' W; thence to 27°57.29' N, 082°26.51' W; thence to 27°57.29' N, 082°26.61' W; thence to 27°56.65' N, 082°26.63' W; thence to 27°56.58' N, 082°26.69' W; thence to 27°56.53' N, 082°26.90' W.

(vii) *St. Petersburg Harbor, FL.* All waters, from surface to bottom, extending 50 yards from the seawall and around all moorings and vessels in St. Petersburg Harbor (Bayboro Harbor), commencing on the north side of the channel at day beacon "10" (LLNR 24995) in approximate position 27°45.56' N, 082°37.55' W, and westward along the seawall to the end of the cruise terminal in approximate position 27°45.72' N, 082°37.97' W. The zone will also include the Coast Guard south moorings in St. Petersburg Harbor. The zone will extend 50 yards around the piers commencing from approximate position 27°45.51' N, 082°37.99' W; to 27°45.52' N, 082°37.57' W. The southern boundary of the zone is shoreward of a line between the entrance to Salt Creek easterly towards day beacon "11" (LLNR 24990).

(viii) *Crystal River Nuclear Power Plant.* All waters, from surface to bottom, around the FL, Power Crystal River Nuclear Power Plant located at the end of the Florida Power Corporation Channel, Crystal River, Florida, encompassed by a line connecting the following points: 28°56.87' N, 082°45.17' W; thence to 28°57.37' N, 082°41.92' W; thence to 28°56.79' N, 082°45.13' W; thence to 28°57.32' N, 082°41.92' W.

(ix) *Crystal River Demory Gap Channel*. All waters, from surface to bottom, in the Demory Gap Channel in Crystal River, Florida, encompassed by the following points: 28°57.61' N, 082°43.42' W thence to; 28°57.55' N, 082°41.88' W thence to; 28°57.58' N, 082°43.42' W thence to; 28°57.51' N, 082°41.88' W.

(x) *Big Bend Power Plant, FL*. All waters of Tampa Bay, from surface to bottom, adjacent to the Big Bend Power Facility, and within an area bounded by the following points: 27°48.08' N, 082°24.88' W; thence to 27°48.15' N, 082°24.96' W; thence to; 27°48.10' N, 082°25.00' W; thence to 27°47.85' N, 082°25.03' W; thence to 27°47.58' N, 082°24.89' W; thence to 27°47.58' N, 082°24.06' W; thence to; 27°47.62' N, 082°24.04' W; thence to 27°47.63' N, 082°24.71' W; thence to 27°48.03' N, 082°24.70' W; thence to 27°48.08' N, 082°24.88' W, closing off entrance to Big Bend Power Facility and the attached cooling canal.

(xi) *Weedon Island Power Plant, FL*. 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 the following points: 27°51.52' N, 082°35.82' W; thence along the shore to; 27°51.54' N, 082°35.78' W; thence to 27°51.89' N, 082°35.82' W; thence to 27°51.89' N, 082°36.14' W, closing off the entrance to both canals.

(2) *Vessel specific security zones* —(i) *Moving security zones for Cruise Ships and vessels carrying Especially Hazardous Cargos*. The following security zones and procedures are established for all waters, from surface to bottom, within a 500-yard radius, as outlined below:

(A) For inbound vessels commencing at Egmont Channel Lighted Buoys “9” (LLNR 22270) and “10” (LLNR 22275) through to berth.

(B) For shifting vessels from their departure berth to destination berth.

(C) For outbound vessels commencing at berth through to Egmont Channel Lighted Buoys “9” (LLNR 22270) and “10” (LLNR 22275).

(D) All subject vessels operating in the Captain of the Port St. Petersburg Zone shall follow the reporting requirements in 33 CFR part 160, subpart C.

(E) Any vessel desiring to enter or transit the security zone shall obtain permission from the Captain of the Port St. Petersburg or a designated representative. If permission is granted, all persons and vessels must comply with any given instructions.

(ii) *Fixed security zones for moored cruise ships and moored vessels carrying especially hazardous cargos.* A security zone is established for all waters, from surface to bottom, within a 200-yard radius around moored cruise ships and moored vessels carrying especially hazardous cargos, as outlined below:

(A) All subject vessels operating in the Captain of the Port St. Petersburg Zone shall follow reporting requirements in 33 CFR part 160, subpart C.

(B) Any vessel desiring to enter or transit the security zone shall obtain permission from the Captain of the Port St. Petersburg or a designated representative. If permission is granted, all persons and vessels must comply with any given instructions.

(C) No vessel may loiter, anchor, or conduct maintenance operations within the security zone, unless otherwise directed by the Captain of the Port St. Petersburg or a designated representative. This includes, but is not limited to dredging operations, dive operations, and surveying. Anyone wanting to conduct these operations must submit a request via email to [WWM Tampa@uscg.mil](mailto:WWM Tampa@uscg.mil) or contact the Sector Command Center after hours at 727.824.7506.

(b) *Definitions.* As used in this section:

*Ammonium nitrate* means ammonium nitrate and ammonium nitrate based fertilizers listed as Division 5.1 (oxidizing) materials as defined in 33 CFR 172.101 except when carried as CDC residue.

*Captain of the Port (COTP)* for the purpose of this section means the Commanding Officer of Coast Guard Sector St. Petersburg.

*Captain of the Port St. Petersburg Zone* as defined in 33 CFR 3.35-35.

*Certain dangerous cargo* includes *Division 1.5D* blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of Research and Special Programs Administration exemption. This includes ammonium nitrate fuel oil mixture.

*Commercial vessels* means any tank, bulk, container, cargo, cruise ships, pilot vessels, or tugs. This definition excludes fishing vessels, salvage vessels, dead ship tow operations.

*Cruise Ship* means the same as defined 33 CFR 101.105.

*Designated representative* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and Federal, State, and local officers designated by or assisting the COTP, in the enforcement of regulated navigation areas, safety zones, and security zones.

*Especially hazardous cargo* means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance, material, or group or class in a particular amount and form that the Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.

(c) *Regulations.* (1) Entry into or remaining on or within the zones described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port St. Petersburg or a designated representative.

(2) Any changes to the requirements for these regulated areas will be given by Broadcast Notice to Mariners on VHF-FM Channel 22A.

Note to § 165.703(c)(2): A graphical representation of all fixed security zones will be made available through nautical charts via the Coast Pilot.

(3) The Captain of Port St. Petersburg has provisions for escorting especially hazardous cargos as described in this section, but reserves the right to establish additional provisions for any potentially hazardous cargos.

(4) *Enforcement.* Under § 165.33, no person may authorize the operation of a vessel in the security zones contrary to the provisions of this section.

(d) *Waivers.* The Captain of the Port St. Petersburg may waive any of the requirements of this subpart for any vessel, facility, or structure upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety and security or environmental safety.

Dated: March 7, 2025.

**Michael P. Kahle,**  
*Captain, U.S. Coast Guard,*  
*Captain of the Port St. Petersburg.*