

Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

The Coast Guard is committed to working with tribal governments to implement local policies to mitigate tribal concerns. Given the flexibility of the Temporary Final Rule to accommodate the special needs of mariners in the vicinity of AMHS vessels and the Coast Guard's commitment to working with the tribes, we have determined that AMHS vessel security and fishing rights protection need not be incompatible. Therefore, we have determined that this Temporary Final Rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation.

A draft "Environmental Analysis Check List" and a "Categorical Exclusion Determination" (CED) are

available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the pre-amble, the Coast Guard amends 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: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.

■ 2. From March 19, 2003, until September 19, 2003, temporary § 165.T17–014 is added to read as follows:

§ 165.T17–014 Security Zone Regulations, Alaska Marine Highway System High Capacity Passenger Vessel Security Zone, Southeast Alaska, Captain of the Port Zone.

(a) The following definitions apply to this section:

(1) *Alaska Law Enforcement Officer* means any General Authority Alaska Peace Officer, Limited Authority Alaska Peace Officer, or Specially Commissioned Alaska Peace Officer, as defined by Alaska State laws.

(2) *Alaska Marine Highway System high capacity passenger vessel* ("AMHS vessel") includes the following vessels; M/V Columbia, M/V Kennicott, M/V Malaspina and M/V Matanuska.

(3) *AMHS vessel security zone* is a regulated area of water, established by this section, surrounding an AMHS vessel for a 100-yard radius that is necessary to provide for the security of these vessels.

(4) *Federal Law Enforcement Officer* means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(5) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.05–25.

(6) *Navigation Rules* means the Navigation Rules, International-Inland.

(7) *Official Patrol* means those persons designated by the Captain of the Port to monitor an AMHS vessel security zone, permit entry into the zone, give legally enforceable orders to

persons or vessels within the zone and take other actions authorized by the Captain of the Port. Persons authorized to enforce this section are designated as the Official Patrol.

(8) *Public vessel* means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(b) *Location*. The following is the Alaska Marine Highway System high capacity passenger vessel ("AMHS vessel") security zone: All water and land areas within a 100-yard radius of an AMHS vessel when that vessel is located within the navigable waters of the United States, starting at 60 01.3' N. latitude, 142 00' W. longitude; thence northeasterly to the Canadian border at 60 18.7' N. latitude, 141 00' W. longitude; thence southerly and easterly along the United States-Canadian shoreside boundary to 54 40' N. latitude; thence westerly along the United States-Canadian maritime boundary to the outermost extent of the United States Exclusive Economic Zone (EEZ); thence northerly along the outer boundary of the EEZ to 142 00' W longitude; thence due north to the point of origin. [Datum: NAD 1983]

(c) An AMHS vessel security zone exists around the subject AMHS vessels at all times, whether the AMHS vessel is underway, anchored, or moored.

(d) The Navigation Rules shall apply at all times within an AMHS vessel security zone.

(e) All vessels authorized to be within an AMHS vessel security zone shall operate at the minimum speed necessary to maintain a safe course and shall proceed as directed by the on-scene official patrol or AMHS vessel master. No vessel or person is allowed within 100 yards of an AMHS vessel, unless authorized by the on-scene official patrol or AMHS vessel master.

(f) To request authorization to operate within an AMHS vessel security zone, contact the on-scene official patrol or AMHS vessel master on VHF–FM channel 16 or 13.

(g) When conditions permit, the on-scene official patrol or AMHS vessel master should:

(1) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of an AMHS vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(2) Permit commercial vessels anchored in a designated anchorage area to remain at anchor within 100 yards of a passing AMHS vessel; and

(3) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or