

Protection of Children from Environmental Health Risks and Safety Risks. While this interim rule is an economically significant rule, it does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This interim 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 interim 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. Although it is a "significant regulatory action" under Executive Order 12866, it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

This interim rule has a positive effect on the supply, distribution, and use of energy. The interim rule provides for security assessments, plans, procedures, and standards, which will prove beneficial for the supply, distribution, and use of energy at increased levels of maritime security.

Trade Impact Assessment

The Trade Agreement Act of 1979 (19 U.S.C. 2501–2582) prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the U.S. Legitimate domestic objectives, such as safety and security, are not considered unnecessary obstacles. The Act also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. We have assessed the potential effect of this interim rule and have determined that it would likely create obstacles to the foreign commerce of the U.S. However, because these regulations are being put in place in order to further a legitimate domestic objective, namely to increase

the security of the U.S., any obstacles created by the regulation are not considered unnecessary obstacles.

Environment

We have considered the environmental impact of this interim rule and concluded that under figure 2–1, paragraph (34)(a), (34)(c) and (34)(d), of Commandant Instruction M16475.1D, this interim rule is categorically excluded from further environmental documentation. This interim rule concerns security assessments, plans, training, and the establishment of security positions that will contribute to a higher level of marine safety and security for vessels and U.S. ports. A "Categorical Exclusion Determination" is available in the docket where indicated under ADDRESSES or SUPPLEMENTARY INFORMATION.

This rulemaking will not significantly impact the coastal zone. Further, the rulemaking and the execution of this interim rule will be done in conjunction with appropriate state coastal authorities. The Coast Guard will, therefore, comply with the requirements of the Coastal Zone Management Act while furthering its intent to protect the coastal zone.

List of Subjects

33 CFR Part 104

Incorporation by reference, Maritime security, Reporting and recordkeeping requirements, Security measures, Vessels.

33 CFR Part 160

Administrative practice and procedure, Harbors, Hazardous material transportation, Marine safety, Navigation (water), Reporting and recordkeeping requirement, Vessels, Waterways.

46 CFR Part 2

Marine safety, Maritime security, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 31

Cargo vessels, Inspection and certification, Maritime security.

46 CFR Part 71

Inspection and certification, Maritime security, Passenger vessels.

46 CFR Part 91

Cargo vessels, Inspection and Certification, Maritime security.

46 CFR Part 115

Fire prevention, Inspection and certification, Marine safety, Maritime

security, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 126

Cargo vessels, Inspection and certification, Marine safety, Maritime security, Reporting and recordkeeping requirements.

46 CFR Part 176

Fire prevention, Inspection, Marine safety, Maritime security, Reporting and recordkeeping requirements, Vessels.

■ For the reasons discussed in the preamble, the Coast Guard adds 33 CFR part 104 and amends 33 CFR part 160 and part 165, and 46 CFR parts 2, 31, 71, 91, 115, 126, and 176 as follows:

■ 1. Add part 104 to subchapter H of chapter I title 33 of the CFR to read as follows:

PART 104—VESSEL SECURITY

Subpart A—General

Sec.

- 104.100 Definitions.
- 104.105 Applicability.
- 104.110 Exemptions.
- 104.115 Compliance dates.
- 104.120 Compliance documentation.
- 104.125 Noncompliance.
- 104.130 Waivers.
- 104.135 Equivalents.
- 104.140 Alternative Security Programs.
- 104.145 Maritime Security (MARSEC) Directive.
- 104.150 Right to appeal.

Subpart B—Vessel Security Requirements

- 104.200 Owner or operator.
- 104.205 Master.
- 104.210 Company Security Officer (CSO).
- 104.215 Vessel Security Officer (VSO).
- 104.220 Company or vessel personnel with security duties.
- 104.225 Security training for all other vessel personnel.
- 104.230 Drill and exercise requirements.
- 104.235 Vessel recordkeeping requirements.
- 104.240 Maritime Security (MARSEC) Level coordination and implementation.
- 104.245 Communications.
- 104.250 Procedures for interfacing with facilities and other vessels.
- 104.255 Declaration of Security (DoS).
- 104.260 Security systems and equipment maintenance.
- 104.265 Security measures for access control.
- 104.270 Security measures for restricted areas.
- 104.275 Security measures for handling cargo.
- 104.280 Security measures for delivery of vessel stores and bunkers.
- 104.285 Security measures for monitoring.
- 104.290 Security incident procedures.
- 104.292 Additional requirements—passenger vessels and ferries.
- 104.295 Additional requirements—cruise ships.
- 104.297 Additional requirements—vessels on international voyages.