

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 rule under Commandant Instruction M16475.ID, 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 final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" (CED) will be available in the docket where indicated under **ADDRESSES**.

### 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 preamble, 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. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; Pub. L. 107–295, 116 Stat. 2064; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. From June 17, 2003, until September 22, 2003, temporary § 165.T17–019 is added to read as follows:

#### § 165.T17–019 Security Zone Regulations, High Capacity Passenger Vessel Protection Zone, Prince William Sound, Alaska, Captain of the Port Zone.

(a) *Definitions.* The following definitions apply to this section:

*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.

*Captain of the Port, Prince William Sound Zone* means the area of land and water as defined in 33 CFR 3.85–20, which comprises the area within a boundary which starts at Cape Puget at 148°26' W. longitude, 59°56.06' N. latitude, and proceeds northerly to 61°30' N. latitude; thence easterly to the United States-Canadian boundary; thence southerly along the United States-Canadian boundary to 60°18.7' N. latitude; thence southwesterly to the sea at 60°01.3' N. latitude, 142°00' W. longitude; thence southerly along 142°00' W. longitude to the outermost boundary of the EEZ; thence along the outermost boundary of the EEZ to 148°26' N. longitude; thence northerly along 148°26' W. longitude to the place of origin at Cape Puget at 59°56.06' N. latitude.

*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.

*High capacity passenger (HCP) vessel* means a vessel of U.S. or foreign registry certificated to carry 500 or more passengers for hire.

*High capacity passenger (HCP) vessel security zone* is a regulated area of land and water, established by this section, surrounding for a 100 yard radius HCP vessels, that is necessary to provide for the security of these vessels.

*Navigable waters of the United States* means those waters defined as such in 33 CFR part 2 and includes those waters described in 33 U.S.C. 1222(5) and 50 U.S.C. 195(2).

*Navigation Rules* means the Navigation Rules, International-Inland.

*Official patrol* means those persons designated by the Captain of the Port to monitor a HCP 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.

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

(b) *Applicability.* This section applies to any vessel or person in or adjacent to the navigable waters of the United States within the Captain of the Port, Prince William Sound Zone.

(c) *Location.* A HCP security zone is established and extends for a 100-yard radius around all HCP vessels when those vessels are located in the navigable waters of the United States and within the Captain of the Port, Prince William Sound Zone, whether the HCP vessel is underway, anchored, or moored.

(d) *Navigation Rules.* The Navigation Rules shall apply at all times within a HCP vessel security zone.

(e) *Regulations.* All vessels authorized to be within a HCP 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 HCP vessel master. No vessel or person is allowed within 100 yards of a HCP vessel, unless authorized by the on-scene official patrol or HCP vessel master.

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

(g) *Authorization.* When conditions permit, the on-scene official patrol or HCP vessel master should:

(1) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of a HCP 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 HCP vessel; and

(3) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored HCP vessel with minimal delay consistent with security.

(h) *Exemption.* Public vessels as defined in paragraph (a) above are exempt from complying with paragraphs (b), (c), (e), (f), (g), (i), and (j), of this section.

(i) *Enforcement.* Any Coast Guard commissioned, warrant or petty officer may enforce the rules in this section. When immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effective control in the vicinity of a HCP vessel, any Federal