

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

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 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This 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.

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. 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.

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. This rule establishes a 6-month security zone.

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 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; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.

■ 2. Add § 165.T05–072 to read as follows:

§ 165.T05–072 Security Zone: Bogue Sound and North Carolina State Port Authority Terminal, Morehead City, NC.

(a) *Location.* The following area is a security zone: All waters and grounds within the North Carolina State Port Authority Terminal south of Highway 70; and all waters of Beaufort Inlet and Bogue Sound encompassed by a line connecting the following points: beginning at 34°42′53″ N, 076°41′12″ W (Point 1); extending north along the western shore of Radio Island to 34°43′24″ N, 076°41′9″ W (Point 2); extending westward 2300 yards to 34°43′16″ N, 076°42′48″ W (Point 3); extending approximately 400 yards west to 34°43′8″ N, 076°43′ W (Point 4); extending south approximately 760 yards to 34°42′74″ N, 076°83′ W (Point 5); extending southeast approximately 2450 yards to 34°41′94″ N, 076°41′68″ W

(Point 6); and extending northeast approximately 1000 yards to 34°42′53″ N, 076°41′12″ W (Point 1).

(b) *Captain of the Port.* For the purposes of this section, *Captain of the Port* means the Commanding Officer of the Marine Safety Office Wilmington, NC, or any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on her behalf.

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones in 33 CFR 165.33.

(2) Persons or vessels requiring entry into or passage within the zone must first request authorization from the Captain of the Port or her designated representative. The Captain of the Port's representative enforcing the zone can be contacted on VHF marine band radio, channel 16. The Captain of the Port can be contacted at (910) 231–1847.

(3) The operator of any vessel within this security zone must:

(i) stop the vessel immediately upon being directed to do so by the Captain of the Port or her designated representative.

(ii) proceed as directed by the Captain of the Port or her designated representative.

(d) *Effective period.* This section is in effect from 8 a.m. EST on June 13, 2003, to 11:59 p.m. EST on December 13, 2003.

Dated: June 13, 2003.

Jane M. Hartley,

Captain, Coast Guard, Captain of the Port, Wilmington, North Carolina.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–03–074]

RIN 1625–AA00

Security Zone; Military Ocean Terminal Sunny Point, Cape Fear River, Brunswick County, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone for the Military Ocean Terminal Sunny Point, North Carolina. This action is necessary to provide security for the facility during a military operation. The security zone will prevent access to unauthorized persons who may attempt to enter the secure area via the Cape