

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 proposed 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 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 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 because this rule is not expected to result in any significant environmental impact as described in NEPA. A draft "Environmental Analysis Check List" and a draft "Categorical Exclusion Determination" 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 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 147 as follows:

### PART 147—SAFETY ZONES

1. The authority citation for part 147 continues to read as follows:

**Authority:** 14 U.S.C. 85; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

2. Add § 147.831 to read as follows:

#### § 147.831 Holstein Safety Zone.

(a) *Description.* Holstein, Green Canyon 645 (GC 645), located at position 27°19'17" N, 90°32'08" W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon North American Datum 1983.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel;

(2) A vessel under 100 feet in length overall not engaged in towing; or

(3) A vessel authorized by the Commander, Eighth Coast Guard District.

Dated: August 19, 2003.

**J.W. Stark,**

*Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 151

[USCG–2001–10486]

#### Standards for Living Organisms in Ship's Ballast Water Discharged in U.S. Waters

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of intent with request for comments.

**SUMMARY:** The Coast Guard announces its intent to prepare and circulate a Programmatic Environmental Impact Statement (PEIS) for the proposed regulatory action to establish a ballast water discharge standard. The intent of this standard is to establish the required level of environmental protection in preventing introductions and the spread of nonindigenous species from ballast water discharges. The Coast Guard is seeking public and agency input to develop the scope of this PEIS. The U.S. Environmental Protection Agency, U.S. Department of Interior's Fish and Wildlife Service, and U.S. Department of Commerce's National Marine Fisheries Service will be participating in the development of this PEIS as a Cooperating Agencies in accordance with Title 40, Code of Federal Regulations, § 1501.6.

**DATES:** Comments and related material must reach the Docket Management Facility on or before December 26, 2003.

**ADDRESSES:** To make sure your comments and related material are not

entered more than once in the docket, please submit them by only one of the following means:

- (1) By mail to the Docket Management Facility (USCG–2001–10486), U.S. Department of Transportation, room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001.
- (2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.
- (3) By fax to the Docket Management Facility at 202–493–2251.
- (4) Electronically through the Web site for the Docket Management System at <http://dms.dot.gov>.

In choosing among these means, please give due regard to the recent difficulties and delays associated with the delivery of mail through the U.S. Postal Service to Federal facilities. Delivery methods 2–4 of those listed above are the preferred methods because security measures taken by the USPS and the USCG mail reception facilities may seriously damage or render unreadable comments sent via regular mail.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket at the following Web site address: <http://dms.dot.gov>.

Electronic forms of all comments received into any of our dockets can be searched by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor unit, etc) and is open to the public without restriction. You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit <http://dms.dot.gov/>.

**FOR FURTHER INFORMATION CONTACT:** For information concerning this PEIS, call Mr. Brad McKittrick, Office of Standards Evaluation and Development (G–MSR), U.S. Coast Guard, telephone 202–267–0995 or via e-mail [bmckitrick@comdt.uscg.mil](mailto:bmckitrick@comdt.uscg.mil). If you have any questions on viewing or submitting