

work with other agencies to coordinate seafarer access and credentialing issues. These final rules will also ensure that vessel and facility owners and operators take an active role in deterring unauthorized access.

#### 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 Indian Tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. This final rule is exempted from assessing the effects of the regulatory action as required by the Act because it is necessary for the national security of the United States (2 U.S.C. 1503(5)). We did not receive comments regarding the Unfunded Mandates Reform Act.

#### Taking of Private Property

This final rule will 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. We did not receive comments regarding the taking of private property.

#### Civil Justice Reform

This final 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. We did not receive comments regarding Civil Justice Reform.

#### Protection of Children

We have analyzed this final rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. While this final rule is an economically significant rule, it does not create an environmental risk to health or risk to safety that may disproportionately affect children. We did not receive comments regarding the protection of children.

#### Indian Tribal Governments

This 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. We did not receive comments regarding Indian Tribal Governments.

#### Energy Effects

We have analyzed this final 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 final rule has a positive effect on the supply, distribution, and use of energy. The final 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. We did not receive comments regarding energy effects.

#### Environment

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

This final rule will not significantly impact the coastal zone. Further, the execution of this final 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 in 33 CFR Part 103

Facilities, Harbors, Maritime security, Ports, Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

■ Accordingly, the interim rule adding 33 CFR part 103, that was published at 68 FR 39284 on July 1, 2003, and

amended at 68 FR 41914 on July 16, 2003, is adopted as a final rule with the following changes:

#### PART 103—MARITIME SECURITY: AREA MARITIME SECURITY

■ 1. The authority citation for part 103 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. 70102, 70103, 70104, 70112; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise the heading to part 103 to read as shown above.

■ 3. In the Table of Contents, revise the entry for § 103.410 to read as follows:

#### § 103.410 Persons involved in the Area Maritime Security (AMS) Assessment.

■ 4. In § 103.305—

■ a. Revise paragraph (a) introductory text and paragraph (a)(5), to read as set out below;

■ b. Redesignate paragraph (b) as paragraph (c); and

■ c. Add new paragraph (b) to read as follows:

#### § 103.305 Composition of an Area Maritime Security (AMS) Committee.

(a) An AMS Committee will be composed of not less than seven members having an interest in the security of the area and who may be selected from—

\* \* \* \* \*

(5) Maritime industry, including labor;

\* \* \* \* \*

(b) At least seven of the members must each have 5 or more years of experience related to maritime or port security operations.

\* \* \* \* \*

#### § 103.500 [Amended]

■ 5. In § 103.500(b), remove the words “AMS Plans are sensitive security information and must be” and add, in their place, the words “Portions of the AMS Plan may contain sensitive security information, and those portions must be marked as such and”.

■ 6. In § 103.505—

■ a. Redesignate paragraphs (s), (t), and (u) as paragraphs (t), (u), and (v), respectively;

■ b. In newly redesignated paragraph (u), remove the word “and”;

■ c. In newly redesignated paragraph (v), remove the period and add, in its place, the word “; and”; and

■ d. Add new paragraphs (s) and (w) to read as follows:

#### § 103.505 Elements of the Area Maritime Security (AMS) Plan.

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