

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 proposed rule and concluded that, under figure 2-1, paragraph (34)(g), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation because it establishes a security zone. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

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 proposes to amend 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; 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. 0170.1.

2. In § 165.169, add a new paragraph (a)(7), revise paragraph (b), and add new paragraph (c) to read as follows:

§ 165.169 Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone.

(a) * * *

(7) *Approaches to New York, Atlantic Ocean.* The following area is a security zone: All waters of the Atlantic Ocean between the Ambrose to Hudson Canyon Traffic Lane and the Barnegat to Ambrose Traffic Lane bound by the following points: 40°21'29.9" N, 073°44'41.0" W, thence to 40°21'04.5" N, 073°45'31.4" W, thence to 40°15'28.3" N, 073°44'13.8" W, thence to 40°15'35.4" N, 073°43'29.8" W, thence to 40°19'21.2" N, 073°42'53.0" W, thence to the point of origin.

(b) *Regulations.* (1) Entry into or remaining in a safety or security zone is prohibited unless authorized by the Coast Guard Captain of the Port, New York.

(2) Persons desiring to transit the area of a safety or security zone may contact the Captain of the Port at telephone number 718-354-4088 or on VHF channel 14 (156.7 MHz) or VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(3) Vessels not actively engaged in authorized vessel to facility transfer operations shall not stop or loiter within that part of a commercial waterfront facility safety and security zone extending into the navigable channel, described in paragraph (a)(3) of this section, without the express permission of the Coast Guard Captain of the Port or his or her designated representative, including on-scene patrol personnel.

(4) The zone described in paragraph (a)(7) of this section is not a Federal Anchorage Ground. Only vessels directed by the Captain of the Port or his or her designated representative to enter this zone are authorized to anchor here.

(5) Vessels do not need permission from the Captain of the Port to transit the area described in paragraph (a)(7) of this section during periods when that security zone is not being enforced.

(c) *Enforcement.* Enforcement periods for the zone in paragraph (a)(7) of this section will be announced through marine information broadcast or other appropriate method of communication. The Coast Guard is enforcing the zone whenever a vessel is anchored in the security zone or a Coast Guard patrol vessel is on-scene.

Dated: November 12, 2003.

C.E. Bone,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 03-29026 Filed 11-19-03; 8:45 am]

BILLING CODE 4910-15-P

POSTAL SERVICE

39 CFR Part 501

Authorization To Manufacture and Distribute Postage Meters

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Only manufacturers and distributors authorized by the Postal Service are allowed to manufacture and/or distribute postage meters. This proposed rule notifies them that the Postal Service may revoke or suspend, wholly or in part, their authorization to distribute postage meters if they make or distribute false and misleading

statements about actions or proposed actions of the Postal Service regarding the postage meter program.

DATES: The Postal Service must receive your comments on or before December 22, 2003.

ADDRESSES: Mail or deliver written comments to Manager, Postage Technology Management, 1735 N Lynn Street, Room 5011, Arlington, VA 22209-6370. You can view and copy all written comments at the same address between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Wayne Wilkerson, manager of Postage Technology Management, at 703-292-3691 or by fax at 703-292-4073.

SUPPLEMENTARY INFORMATION: The intentional dissemination of false and misleading communications, advertising, or promotional materials that misrepresent actions or proposed actions of the Postal Service is misleading and confusing to customers of the Postal Service. These false and misleading statements are often made to encourage customers to change from one postage meter or postage meter supplier to another. If the Postal Service identifies such practices, it will take appropriate action to notify law enforcement agencies concerned with false and misleading advertising practices and will take action to publish the deceptive communications or advertising with appropriate corrective statements. In addition, by the proposed rule, the Postal Service is providing notice to authorized postage meter manufacturers and distributors that their approval to distribute meters throughout the United States or any part thereof may be jeopardized if the Postal Service determines that they or their employees, agents, or dealers have engaged in such false and misleading communication or advertising practices. If an authorized manufacturer or distributor is in doubt as to the accuracy of any proposed representation concerning actions or proposed actions of the Postal Service, they are invited to verify the accuracy of the representation with the office of Postage Technology Management.

We will review any public comments and will issue a final rule amending these sections.

Notice and Comment

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed amendments