

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 162****[CGD 09-97-021]****RIN 2115-AE84****Inland Waterways Navigation Regulations—Temporary Reduction in Speed Limits on the St. Clair River, Great Lakes****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary Final Rule with Request for Comments.

**SUMMARY:** The Coast Guard is making a temporary reduction in the speed limits on the St. Clair River in order to reduce the possibility of wake or surge damage due to unusually high water.

**DATES:** This regulation becomes effective July 25, 1997, and terminates on December 15, 1997. Comments must be received on or before October 28, 1997.

**ADDRESSES:** Comments and supporting materials should be mailed or delivered to Commander Eric Reeves, Chief, Marine Safety Analysis and Policy Branch, Ninth Coast Guard District, Room 2069, 1240 E. Ninth Street, Cleveland, Ohio, 44199-2060, emailed to EReeves@D9.uscg.mil, or telefaxed to (216) 902-6059. Please reference the name of the proposal and the docket number in the heading above. If you wish receipt of your mailed comment to be acknowledged, please include a stamped self-addressed envelope or postcard for that purpose. Comments and materials received will be available for public inspection at the above location from 9 a.m. to 3 p.m. Monday through Friday except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Benjamin Smith, Port Operations Officer, Marine Safety Office Detroit, at (313) 568-9580, or Commander Eric Reeves, Chief, Marine Safety Analysis and Policy Branch, Ninth Coast Guard District, at (216) 902-6049.

**SUPPLEMENTARY INFORMATION:****Notice**

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay in the effective date would be contrary to the public interest because immediate action is necessary to prevent possible loss of life, injury, or damage to

property which could result from the wakes and surges generated along the St. Clair River during this period of unusually high water. Although this regulation is being published as a final rule without prior notice because of the emergency created by high water, public comment is desirable so that the Coast Guard may consider appropriate amendments to the regulation during the remainder of the 1997 navigation season. Persons wishing to comment may do so by submitting written comments to the office listed under **ADDRESSES** in this preamble. Commenters should include their names and addresses, phone numbers, fax numbers, and email addresses if available, identify the docket number for the regulations (CGD 09-97-021), and provide the reasons for their comments. Based on the comments received, the regulation may be changed.

**Background and Purpose**

The St. Clair River is the connecting channel between Lake Huron and Lake St. Clair, and is a relatively narrow commercial channel cut through areas of low and sensitive shoreline. The local communities have long been concerned about wake or surge damage caused by both recreational and commercial vessels, and there have been repeated requests for the U.S. Coast Guard to consider reductions in the commercial speed limits. The U.S. Coast Guard conducted two detailed reviews of the speed limits in 1983 and 1995. The last review in 1995 tentatively concluded that it was not necessary to make permanent reductions in the existing limit of 12 miles per hour, but that temporary reductions would be appropriate, especially for upbound vessels, during periods of unusually high water. At this time, water levels in Lake Huron and Lake St. Clair are approximately 18 and 24 inches above normal, and approximately 6 inches below all-time historic highs. These high water levels create a situation in which damaging and even dangerous waves can be produced by the surges from large commercial vessels which are operating within the established speed limit of 12 miles per hour. The U.S. Coast Guard Marine Safety Office in Detroit, which monitors navigation in this area, has received an unusually high number of complaints about wakes from residents along the river in recent months. Although high wakes are also created by recreational vessels not governed by these regulations operating at high speeds (a problem which is being addressed separately) it is clear that significant surges can be created by

large commercial vessels operating at relatively low speeds in the narrow channel simply because of the amount of water displaced, the confines of the channel, and the height of the water. These surges can cause property damage by impact on the shoreline and even personal injury by unexpected waves washing over seawalls and roadways. The residents have expressed a special concern about the danger to children who may be caught by waves on the seawalls. Information from the U.S. Army Corps of Engineers, which monitors lake levels, indicates that these high levels are likely to continue throughout the remainder of the 1997 navigation season. The U.S. Coast Guard has consulted with other authorities and interests in the local maritime community, including representatives of the Transport Canada Marine Safety Office Sarnia, which has jurisdiction over the Canadian waters of the St. Clair River, the Canadian Coast Guard Vessel Traffic Service Sarnia, the U.S. Army Corps of Engineers, the Lake Carriers' Association, Canadian shipping companies, U.S. and Canadian pilots associations, and the International Shipmasters Association. Based upon that consultation, the U.S. Coast Guard believes that there is a serious problem created by the current high water conditions, and that some temporary reduction in speeds for upbound commercial vessels in part of the river is required. The reduction will affect upbound vessels only, because vessel moving downbound with the current produce less disturbance. The reduction will be from 12 miles per hour to 10 miles per hour in the section from Harsens Island Rear Range Light to Buoy 42, a length of approximately 11.5 statute miles from the southern end of Harsens Island to Marine City, in the lower half of the St. Clair River (where shorelines are lowest and most sensitive). The delay imposed on upbound commercial vessels will be approximately 12 minutes. Any delay in the movement of a large commercial vessel is costly, but the relative effect of this 12 minute delay on both foreign and domestic vessels, which typically take days in transit between major ports in the Great Lakes, applied across the board to all vessels and their competitors, should have a minimal economic impact. This regulation was drafted in consultation with the Canadian authorities, and it is expected that they will make corresponding changes to speed limits on the Canadian side of the international line running along the river.

## Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation, and has so certified in the docket file.

## Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. As indicated by the permanent regulations being temporarily amended, the regulation of commercial vessel speed in this binational navigation channel is traditionally regulated by the U.S. Coast Guard.

## Regulatory Evaluation

This regulation is considered to be nonsignificant under Executive Order 12866 on Regulatory Planning and Review and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034 of February 26, 1979), and is expected to have minimal, economic impact for the reasons given in the "Background and Purpose" section above.

## Collection of Information

This regulation will impose no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

## Authority

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231, as set out in the authority section for all of Part 162.

## List of Subjects in 33 CFR Part 162

Harbors, Marine Safety, Navigation (water), Security measures, Vessels, Waterways.

**Regulations:** In consideration of the foregoing, part 162 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 162 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 49 CFR 1.46.

2. Amend section 162.138 by temporarily suspending paragraph (a)(1)(i) from July 25 to December 15, 1997 and adding a new paragraph (a)(1)(iv) to read as follows:

### § 162.138 Connecting waters from Lake Huron to Lake Erie; speed rules.

(a) \* \* \*

(1) \* \* \*

(iv) 12 statute miles per hour (10.4 knots) between Fort Gratiot Light and St. Clair Canal Light 2, subject to a limit of 10 statute miles per hour (8.7 knots) for upbound vessels between Harsens Island Rear Range Light to the charted position of Buoy number 42 from July 25, 1997 to December 15, 1997 except when waived or terminated by the Coast Guard Captain of the Port Detroit or the Commander of the Ninth Coast Guard District;

\* \* \* \* \*

Dated: August 12, 1997.

**J.F. McGowan,**

*Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.*

[FR Doc. 97-23068 Filed 8-28-97; 8:45 am]

BILLING CODE 4910-14-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 165

[CGD01-97-082]

RIN 2115-AA97

### Safety and Security Zones; Presidential Visit, Martha's Vineyard, MA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary moving safety and security zones, with identical boundaries, around the President of the United States during his vacation on Martha's Vineyard, Massachusetts. The security zone is needed to safeguard the President from sabotage or other subversive acts, accidents, or other causes of a similar nature. The safety zone is necessary to protect the spectators and the President's entourage. Entry into the zones is prohibited unless authorized by the Captain of the Port, Providence, Rhode Island or the Coast Guard Presidential Security Detail Senior Duty Officer.

**EFFECTIVE DATE:** This regulation is effective from August 17, 1997, to September 7, 1997, or for the duration of the President's visit, unless terminated sooner by the Captain of the Port.

**ADDRESSES:** Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Marine Safety Office Providence, 20 Risho Avenue, East Providence, RI 02914. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

## FOR FURTHER INFORMATION CONTACT:

Lt. Ronald Cantin, Marine Safety Field Office, Cape Cod, MA, (508) 968-6556.

## SUPPLEMENTARY INFORMATION:

**Drafting Information:** The principal person involved in drafting this document is Lt. R.J. Cantin, Project Manager.

## Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Due to the sensitive and unpredictable nature of the President's schedule, the Coast Guard received insufficient notice to publish proposed rules in advance of the event. Publishing a NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to protect the President.

## Background and Purpose

From August 17, 1997, to September 7, 1997, President Clinton will be vacationing on Martha's Vineyard, MA. While vacationing, the President may be involved in a myriad of activities including boating or fishing trips, swimming, jogs along the beach, dinners at waterfront restaurants, golfing, etc.

This temporary rule establishes moving safety and security zones around the President which extend 500 yards in all directions. The zones are needed for the safety and security of the President, as well as spectators and the President's entourage.

It is not possible to predict the President's exact movements on Martha's Vineyard. Accordingly, the Coast Guard Captain of the Port or the Coast Guard Presidential Security Detail Senior Duty Officer will activate these 500 yard safety and security zones in all directions around the President when necessary to protect the President. Notice of the exact location of the safety and security zones will be given via loudhailer, channels 16 and 22 VHF, or through Safety Marine Information Broadcasts, as appropriate. The zones will be activated when the President is on or near the waters of the United States and may be expanded or reduced as necessary to protect the President.

The safety and security zones have identical boundaries. Both are necessary since a civil penalty as authorized by 33 USC 1232(b)(1) cannot be assessed for security zone violations but can be for safety zone violations. All persons, other than those authorized by the Captain of the Port or the Coast Guard Presidential Security Detail Senior Duty