

## 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]

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## 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

Officer, will be prohibited from these zones. The activation and enforcement of these zones will be coordinated with the Secret Service.

### Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The size of the zones are the minimum necessary to provide adequate protection for the President. The entities most likely to be affected are individuals wishing to view the President and pleasure craft engaged in recreational activities. These individuals and vessels have ample space outside of the safety and security zones to engage in these activities and therefore they will not be subject to undue hardship. The safety and security zones may be adjusted if it becomes impracticable to keep the public 500 yards from the President. The zones may impact ferries or other commercial vessels if the President is onboard a vessel. In this case, vessels may be allowed to transit through the zones as necessary so as not to place undue hardships on these vessels, provided there is adequate protection for the President. Any hardships experienced by persons or vessels due to these zones are considered minimal compared to the national interest in protecting the President.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons outlined in the Regulatory Evaluation, the Coast Guard expects the impact to be minimal on all entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this

temporary rule, if adopted, will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

This temporary rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

### Federalism

The Coast Guard has analyzed this temporary rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this temporary rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

This temporary rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B, as revised in 59 FR 38654, July 29, 1994. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket and is available for inspection and copying at the address listed under ADDRESSES.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

### Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

### PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. A temporary section 165.T01–082 is added to read as follows:

#### **§ 165.T01–082 Safety and Security Zones: Presidential Visit; Martha's Vineyard, MA.**

(a) *Location.* The following area is a moving safety and a moving security zone: A 500 yard radius around the President of the United States at all times designated by the Captain of the Port or the Coast Guard Presidential Security Detail Senior Duty Officer during the President's vacation on Martha's Vineyard. The size of these zones may be expanded or reduced as necessary to protect the President.

(b) *Effective Date.* This regulation is effective during the President's vacation from August 17, 1997, to September 7, 1997, or for the duration of the President's visit to Martha's Vineyard. The security and safety zones established by this regulation will be activated by the Captain of the Port or the Coast Guard Presidential Security Detail Senior Duty Officer as necessary to protect the President. As appropriate, notice of the activation of this zone may be made via loud hailer, Channels 16 and 22 VHF, or through Safety Marine Information Broadcasts.

(c) *Regulations.* The general regulations governing safety and security zones in 33 CFR 165.23 and 165.33 apply. Entry into the zones is prohibited unless authorized by the Captain of the Port Providence or the Coast Guard Presidential Security Detail Senior Duty Officer.

Dated: August 12, 1997.

**Peter A. Popko,**

*Captain, U.S. Coast Guard, Captain of the Port, Providence, RI.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 165

[CGD01 97–085]

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 safety and security zones, with identical boundaries, off the south shore of Martha's Vineyard, Massachusetts, during the President of the United States' vacation at the Friedman residence on Oyster Pond, 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 needed to protect spectators and the President's entourage. Entry into these zones are 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