

February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary as the regulations only require minimum steaming speeds and do not limit the amount of incoming and outgoing vessels.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this 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).

The Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), that this rule will not have a significant impact on a substantial number of small entities as there are no limits imposed on the quantity of incoming or outgoing vessels.

#### Collection of Information

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

#### Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that the rulemaking does not have sufficient Federalism implication to warrant the preparation of a Federalism Assessment.

#### Environmental Analysis

The Coast Guard has considered the environmental impact of this action and has determined pursuant to figure 2-1, paragraph (34)(g) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist have been prepared and are available in the docket for inspection and copying.

#### List of Subjects in 33 CFR Part 165

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

#### Temporary Regulations

In consideration of the foregoing, the Coast Guard amends amend Subpart F

of Part 165 of Title 33, Code of Federal Regulations, 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. Add a new § 165.T07-023 to read as follows:

#### § 165.T07-023 Regulated Navigation Area; San Juan Harbor, San Juan, Puerto Rico.

(a) *Regulated Area.* The following is a Regulated Navigation Area: All the waters of San Juan Harbor bounded by the following geographic coordinates: Lighted Buoy #11 (LLNR 30805) in approximate position (18-27.31N, 066-07.01W; east to Puerto Rico Ports Authority Pier #3 in approximate position 18-27.40N, 066-06.43W; south to Lighted Buoy "A" (LLNR 30845) in approximate position 18-26.55N, 066-06.26W; west to Can Buoy "A" (LLNR 30815) in approximate position 18-27.01N, 066-06.59W; and thence north to the point of origin. All coordinates referenced use Datum: NAD 83.

(b) *Regulations.* (1) Unless otherwise authorized by the Captain of the Port, San Juan, Puerto Rico, all vessels operating in the regulated area must travel at no-wake speed. The general regulations in § 165.13 of this part apply.

(2) Violations of this regulated navigation area should be reported to the Captain of the Port, San Juan, PR.

(c) *Dates.* This section is effective from August 10, 1998 through August 10, 1999.

Dated: August 10, 1998.

**R.C. Olsen, Jr.,**

*Captain U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.*

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#### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### 33 CFR Part 165

[CGD01-98-115]

RIN 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, the public, and property 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.

**DATES:** This regulation is effective from August 17, 1998, through August 31, 1998.

**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, U.S. Coast Guard, Marine Safety Field Office, Cape Cod, MA, at (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 (NPRM) 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 the public interest since immediate action is needed to protect the President and the public.

#### Background and Purpose

From August 17, 1998, through August 31, 1998, President Clinton will be vacationing on Martha's Vineyard, MA. While vacationing, the President may be involved in myriad activities including boating or fishing trips, swimming, jogs along the beach, dinners at waterfront restaurants, golfing, all of which will place him on or in close proximity to the navigable waters of the United States. This temporary rule establishes moving safety and security

zones around the President extending 500 yards in all directions. The zones will be enforced when the President is on or near the waters of the United States.

The zones are needed for the safety and security of the President and to protect the public and adjacent areas from sabotage or other subversive acts, accidents, or other causes of a similar nature.

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 enforce these 500 yard safety and security zones in all directions around the President when necessary. 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 safety and security zones have identical boundaries. All persons, other than those approved 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 engaging in recreational activities. These individuals and vessels have ample space out side of the safety and security zones to engage in these activities and therefore they will not be subject to undue hardship. The zones may impact ferries or other commercial vessels if the President is onboard a vessel. If so, 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 and the public. Any hardships experienced by persons or vessels are considered minimal compared to the national interest in protecting the President and the public.

#### 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 businesses 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 certified 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 that Paperwork Reduction Act (44 U.S.C. 3501).

#### Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard has considered the environmental impact of these regulations and concluded that under figure 2-1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket and is available for inspection and copying at the address list 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 set out 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.T01-115 is added to read as follows:

#### § 165.T01-115 Safety and Security Zone: Presidential Visit; Martha's Vineyard, MA.

(a) *Location.* The following area is a moving safety zone and a moving security zone: All areas within a 500 yard radius from the President of the United States.

(b) *Effective Date.* This section is effective from August 17, 1998 through August 31, 1998. The security and safety zones established by this section will be enforced by the Captain of the Port or the Coast Guard Presidential Security Detail Senior Duty Officer as necessary to protect the President and the public. As appropriate, notice of the location 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 §§ 165.23 and 165.33 of this part 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 14, 1998.

**Peter A. Popko,**

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

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-98-114]

RIN AA97

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

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone and security zone, 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, the public and the area adjoining the Friedman residence from sabotage or other subversive acts,