

allow sufficient time to receive comments prior to the effective date of the closure. The decision to proceed directly to a final temporary regulation was considered because of the urgent need for bridge repairs and the fact that the boating season has concluded. The waterway is generally frozen during the months that this temporary regulation will be in effect.

Discussion of Amendments

The temporary regulations will revise the current regulations for seventy five (75) days and allow the bridge to remain in the closed position at all times beginning at 7 a.m. on January 16, 1995 and ending at 7 a.m. on April 1, 1995. The temporary regulations are issued pursuant to 33 CFR 117.35. The VAOT requested the closure to remove and replace the electrical and mechanical systems of the bridge. The closure of the bridge will prevent vessel transits except for those low clearance vessels which can pass under the closed span. In 1993 there was only one bridge opening prior to May 15. There were 3,645 openings between May 15 and October 15 and four openings after October 15.

An auxiliary motor will be provided during the closure to allow the bridge to open for emergency situations.

Regulatory Evaluation

This 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 final temporary regulation to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This opinion is based upon the fact that the closure will be accomplished outside the peak boating season and when the waterway is generally frozen. This final temporary regulation will not prevent the passage of vessels that are able to pass under the closed span.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this final temporary regulation would 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). Because of the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under 5 U.S.C. 605(b) that this final temporary regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this final temporary regulation and concluded that, under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, Stat. 5039.

2. In § 117.797, from 7 a.m., January 16, 1995 through 7 a.m., April 1, 1995, paragraph (b) is suspended and a new paragraph (e) is added to read as follows:

§ 117.797 Lake Champlain.

* * * * *
(e) The draw of the US2 bridge, mile 91.8 between Sandy Island and North Hero Island need not open for the passage of any vessel.

3. In § 117.993, from 7 a.m., January 16, 1995 through 7 a.m., April 1, 1995, paragraph (b) is suspended and a new paragraph (e) is added to read as follows:

§ 117.993 Lake Champlain.

* * * * *
(e) The draw of the US2 bridge, mile 91.8 between Sandy Island and North Hero Island need not be opened for the passage of any vessel.

* * * * *

Dated: December 30, 1994.

J.L. Linnon,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

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33 CFR Part 161

[CGD09-94-036]

RIN 2115-AF01

Temporary Speed Limits for the St. Marys River

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Commander of the Ninth Coast Guard District is making a temporary amendment to the speed limits for the St. Marys River during the 1994-95 icebreaking season. This amendment reduces the speed limit by 2 miles per hour through that part of the system, between Munuscong Lake Lighted Buoy 8 and Lake Nicolet Light 80 upbound and between Lake Nicolet Light 80 and Munuscong Lake light 9 downbound. These temporary changes to the speed regulations are a precautionary measure to minimize any possible damage to the environment due to movement of large commercial vessels through the ice.

EFFECTIVE DATE: This regulation is effective from December 29, 1994, through April 15, 1995.

FOR FURTHER INFORMATION CONTACT: Scott J. Smith, Lieutenant, U.S. Coast Guard, Aids to Navigation and Waterways Management Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199-2060, (216) 522-3990.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of 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 damage to the environment. Additionally, the Coast Guard issued this temporary rule for the 1993-94 icebreaking season and no comments were received. Therefore, nothing would apparently be gained by pre-publication.

Discussion of Regulations

In a letter received on February 26, 1993, the Michigan Department of Natural Resources advised the Commander of the Ninth Coast Guard District of concerns over the environmental impact of ship transits through the St. Marys River during the period of March 21 to April 1. March 25 is the fixed date for the opening of the locks at Sault St. Marie, which allows large commercial shipping access to the St. Marys River from Lake Superior. In accordance with an agreement reached on June 29, 1993, with the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the Michigan Department of Natural Resources, the Commander of the Ninth Coast Guard District is making this temporary change to the speed regulations during periods when icebreaking is being conducted in the vicinity of Neebish Island, St. Mary's River, Michigan, as a precautionary measure to minimize any possible damage to the environment. The speed limit is being reduced by 2 statute miles per hour in the area between Munuscong Lake Lighted Buoy 8 and Lake Nicolet Light 80, upbound, and between Lake Nicolet Lighted Buoy 80 and Munuscong Lake Light 9, downbound. The Light 9 checkpoint has been added to extend the reduced speed limit area past Winter Point, thereby protecting the sensitive environment between Winter Point and Light 9. Speed limits apply to the average speed between established reporting points.

Drafting Information

The drafters of this regulation are Byron D. Willeford, Lieutenant Junior Grade, U.S. Coast Guard, Project Officer, Aids to Navigation & Waterways Management Branch and Karen E. Lloyd, Lieutenant, U.S. Coast Guard, Project Attorney, Ninth Coast Guard District Legal Office.

Federalism Implications

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 implications to warrant the preparation of a Federalism Assessment.

Environment

A recent environmental impact study by the United States Army Corps of

Engineers indicated that March 21 is the optimal opening date. (see U.S. Army Corps of Engineers Draft Environmental Impact Statement, Opening Operations of the Lock Facilities on March 21 (February 1993), Supplement III to the Final Environmental Impact Statement, Operations, Maintenance, and Minor Improvements of the Federal Facilities at Sault Ste. Marie, Michigan (July 1977)). The same study by the Corps of Engineers indicates that there is no significant impact on fish populations due to movement of large commercial vessels through the ice. However, the Michigan Department of Natural Resources asserts that there may be such an impact during the early period of March 21 to April 1.

The Ninth Coast Guard District has adopted the U.S. Army Corps of Engineers EIS, EIS Supplements, and EIS studies on Operations, Maintenance, and Minor Improvements of the Federal Facilities at Sault Ste. Marie, Michigan. In addition, the Coast Guard is preparing a supplement for the 1974 Ninth Coast Guard District EIS regarding icebreaking activity on the Great Lakes.

Economic Assessment and Certification

This regulation 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of the DOT is unnecessary.

Collection of Information

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

List of Subjects in 33 CFR Part 161

Harbors, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

Regulations

In consideration of the foregoing, the Coast Guard temporarily amends part 161 of Title 33, Code of Federal Regulations, as follows:

PART 161—VESSEL TRAFFIC MANAGEMENT

1. The authority citation for 33 CFR part 161 continues to read as follows:

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

2. From December 29, 1994 through April 15, 1995, § 161.880 is suspended and a new § 161.881 is added to read as follows:

§ 161.881 Maximum speed limits.

(a) The following speed limits indicate the average speed over the ground between reporting points:

The speed limit between	Speed limit	
	Miles/hr	Knots
De Tour Reef Light and Sweets Point Light	14	12.2
Round Island Light and Point Aux Frenes Light 21	14	12.2
Munuscong Lake Lighted Buoy 8 and Everts Point	10	8.7
Everts Point and Reed Point	7	6.0
Reed Point and Lake Nicolet Lighted Buoy 62	8	7.0
Lake Nicolet Lighted Buoy 62 and Lake Nicolet Light 80	10	8.7
Lake Nicolet Lighted Buoy 80 and Munuscong Lake Light 9 (downbound, West Neebish Channel)	8	7.0
Lake Nicolet Light 80 and Winter Point (West Neebish Channel)	8	7.0
Lake Nicolet Light 80 and Six Mile Point Range Rear Light	10	8.7
Six Mile Point Range Rear Light and lower limit of the St. Marys Falls Canal:		
Upbound	8	7
Downbound	10	8.7
Upper limit of the St. Marys Falls Canal and Point Aux Pins Main Light	12	10.4

(b) *Effective date.* This section is effective from 8 a.m. (EDST) December 29, 1994, through 8 a.m. (EDST) on April 15, 1995, unless otherwise terminated by the Ninth Coast Guard District Aids to Navigation Branch.

Dated: December 29, 1994.

Paul J. Pluta,

Captain, Coast Guard, Commander, Ninth Coast Guard District, Acting.

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