and (2) an inability to address issues involving exemptions for small entities and the builders of high-volume, low cost boats, such as canoes, kayaks, and inflatables. For these reasons, we are terminating further rulemaking under docket number CGD 92–065.

We are initiating a study to gather data on the costs and benefits of an expanded HIN format and potential adverse impacts on small entities. We will review the results of the study and decide whether or not to open a new regulatory project in the future.


Terry M. Cross,
Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 401
[Docket No. SLSDC 2000–7543]
RIN 2135–AA11

Seaway Regulations and Rules: Miscellaneous Amendments

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation of Canada (SLSMC) publish joint Seaway Regulations. The SLSDC and the SLSMC have determined that a number of existing regulations need to be amended. Only four of the amendments in this proposal are substantive and of applicability in both U.S. and Canadian waters. Accordingly, comments are invited on only these four proposed amendments. (See SUPPLEMENTARY INFORMATION.)

The remaining amendments are merely editorial, ministerial, for clarification without substantive change in interpretation, or applicable only in Canada. The Canada Marine Act has abolished the Saint Lawrence Seaway Authority of Canada and replaced it with the SLSMC, made changes in the manner in which the SLSMC conducts or may conduct its operations as compared to the Authority, and made minor changes in some of the terminology used in the Canadian law applicable to the Seaway. Accordingly, most of the amendments in this proposal are strictly editorial, reflect procedures undertaken unilaterally by the SLSMC, or otherwise are applicable only in Canada because of unilateral action by the SLSMC or Canadian law. Accordingly, the SLSDC is not requesting comments on these amendments, even though they appear in this proposal. The principal change of this type is wherever the terms “Saint Lawrence Seaway Authority”, “Authority”, etc. appears, they are replaced with “Saint Lawrence Seaway Management Corporation”, “Manager”, etc. Another change is the term “vessel” is referred to as “ship” in the Canadian Act and the regulations will so note. Similarly, the SLSMC now refers to the “Tariff of Tolls” as the “Schedule of Tolls” and to “tolls and charges” as “fees”, both of which also are to be noted in the regulations. Finally, the SLSMC now refers to these regulations as “Practices and Procedures” and that is so noted.

There are a number of changes that merely reflect current Canadian practice
in their procedures for clearances and tolls collection, and similar matters, such as adding a requirement for 3 copies of applications for preclearance in section 401.24 or the type of bonding they will accept in paragraph 401.26(a)(5). Some administrative provisions, such as paragraphs 401.26(b), 401.54(a), and 401.59(c) and section 401.33, have been rewritten simply for clarity with no substantive change. In addition, where the Canadian SLSMC is solely handling the administrative aspect of the Seaway’s operations, such as in section 401.26 for security for tolls, references to the SLSDC are being removed.

Other changes are due strictly to Canadian circumstances or unilateral action include: removal of the reference to Bridges 20 and 21 in paragraph 401.52(b) is removed because the bridges no longer exist; removal of references to the Canadian entity in the rules on detention and sale, sections 401.86, 401.87, and 401.88, which the SLSMC will no longer use, but which remain of current and prospective use by the SLSDC. Finally, new paragraphs (b) and (c) are being added to section 401.90, “Boarding for inspection”, which are only applicable on Canadian property.

Regulatory Evaluation

This proposed regulation involves a foreign affairs function of the United States, and therefore, Executive Order 12866 does not apply. This proposed regulation has also been evaluated under the Department of Transportation’s Regulatory Policies and Procedures and the proposed regulation is not considered significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Regulatory Flexibility Act Determination

The Saint Lawrence Seaway Development Corporation certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This proposed regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, et seq.) because it is not a major federal action significantly affecting the quality of human environment.

Federalism

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, Dated August 4, 1999, and has determined that it will not have a substantial, direct effect on the States or on the distribution of power and responsibilities among various levels of government. The rule will not limit the policymaking discretion of the States. Nothing in it would directly preempt any State law or regulation. Because the rule will have no significant effect on State or local governments, no consultations with those governments on this rule were necessary.

Paperwork Reduction Act

This proposal has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Radio reporting and record keeping requirements, Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation proposes to amend Part 401—Seaway Regulations and Rules (33 CFR Part 401) as follows:

PART 401—[AMENDED]

1. The authority citation for part 401, subpart A, would be revised to read as follows:

Authority: 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.50a, unless otherwise noted.

§ 401.1 [Amended]

2. Section 401.1 would be amended by adding the parenthetical phrase “(the Practices and Procedures in Canada)” after the words “Seaway Regultions”.

3. Section 401.2 would be amended as follows:

a. Remove paragraph (a).

b. Redesignate paragraphs (b) and (c) as paragraphs (a) and (b).

c. Add a new paragraph (c).

d. Redesignate current paragraphs (m) through (p) as paragraphs (o) and (r).

e. Add new paragraphs (m) and (n).

f. In newly redesignated paragraph (q), add the parenthetical phrase “(ship in Canada)” after the word “Vessel”.

g. In newly redesignated paragraph (q), add the parenthetical phrase “(ship traffic controller in Canada)” after the word “controller”.

The additions read as follows:

§ 401.2 Interpretation.

§ 401.3 Maximum vessel dimensions.

(e) A vessel having a beam width in excess of 23.2 m, but not more than 23.8 m, and having dimensions that do not exceed the limits set out in the block diagram in appendix I of this part or overall length in excess of 222.5 m, but not more than 225.5 m, shall, on application to the Manager or Corporation, be considered for transit in accordance with directions issued by the Manager and Corporation.

§ 401.10 Mooring lines.

(a) * * *

(b) Have a diameter not greater than 28mm;

§ 401.13 Hand lines.

(b) Be of uniform thickness and have a diameter of not less than 15 mm and not more than 17 mm and a minimum length of 30 m.

§ 401.22 [Amended]

7. Section 401.22 would be amended by removing the words “the Corporation or” the first time they appear in paragraph (a).

§ 401.24 [Amended]

8. Section 401.24 would be amended by adding the parenthetical phrase “(3 copies)” after the word “form”.

4. Section 401.3 would be amended by revising paragraph (e) to read as follows:

§ 401.10 Mooring lines.

(a) * * *
§ 401.25 [Amended]
9. Section 401.25 would be amended by removing the words “in writing” in paragraph (a).
10. Section 401.26 would be revised to read as follows:

§ 401.26 Security for tolls.
(a) Before transit by a vessel to which the requirement of preclearance applies, security for the payment of tolls in accordance with the “St. Lawrence Seaway Tariff of Tolls” as well as security for any other charges, shall be provided by the representative by means of:
(1) A deposit of money with the Manager;
(2) A deposit of money to the credit of the Manager with a bank in the United States or a member of the Canadian Payments Association, a corporation established by section 3 of the Canadian Payments Association Act, or a local cooperative credit society that is a member of a central cooperative credit society having membership in the Canadian Payments Association;
(3) A deposit with the Manager of negotiable bonds of the Government of the United States or the Government of Canada; or
(4) A letter of guarantee to the Manager given by an institution referred to in paragraph (a)(2) of this section.

§ 401.28 Speed limits.
(a) The maximum speed over the bottom for a vessel of more than 12 m in overall length shall be regulated so as not to adversely affect other vessels or the shore property, and in no event shall such a vessel proceed in any area between the place set out in Column I of an item of Schedule II to this part and a place set out in Column II of that item exceed the speed set out in Column III or Column IV of that item, whichever speed is designated by the Corporation and the Manager in a Seaway Notice from time to time as being appropriate to existing water levels.

§ 401.29 Maximum draft.
(a) The draft of a vessel shall not, in any case, exceed 7.92 dm or the maximum permissible draft designated in a Seaway Notice by the Corporation and the Manager for the part of the Seaway in which a vessel is passing.
13. Section 401.33 would be revised to read as follows:

§ 401.33 Special instructions.
No vessel of unusual design, vessel, or part of a vessel under tow, or vessel whose dimensions exceed the maximum vessel dimensions § 401.3 shall transit the Seaway except in accordance with special instructions of the Corporation or the Manager given on the application of the representative of the vessel.

§ 401.37 [Amended]
14. Section 401.37 would be amended by inserting the words “U.S. Coast Guard or Canadian approved” after the word “wear”.

§ 401.52 [Amended]
15. Section 401.52 would be amended by removing the phrase “or at Bridges 20 and 21 on the Welland Canal”.

§ 401.54 [Amended]
16. Section 401.54 would be amended by removing the words “moored to” in paragraph (a) and adding in their place the words “used as moorings”.

§ 401.59 [Amended]
17. Section 401.59 would be amended by adding the words “by the vessel” after the word “kept” in paragraph (c).

§ 401.68 [Amended]
18. Section 401.68 would be amended by removing the word “Authority” and adding in its place the words “Management Corporation” in paragraph (c).

§ 401.74 [Amended]
19. Section 401.74 would be amended by revising paragraphs (a), (e), (f) and (g) to read as follows:

§ 401.74 Transit declaration.
(a) A Seaway Transit Declaration Form (Cargo and Passenger) shall be forwarded to the Manager by the representative of a vessel, for each vessel that has an approved preclearance except non-cargo vessels within fourteen days after the vessel enters the Seaway on any upbound or downbound transit. The form may be obtained from the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662, or the St. Lawrence Seaway Management Corporation, 202 Pitt Street, Cornwall, Ontario K6J 3P7.

(e) Where a Seaway Transit Declaration Form is found to be inaccurate concerning the destination, cargo or passengers, the representative shall immediately forward to the Manager a revised Declaration Form.

(f) Seaway Transit Declaration Forms shall be used in assessing toll charges in accordance with the St. Lawrence Seaway Tariff of Tolls and toll accounts shall be forwarded in duplicate to the representative or its designated agent.

§ 401.75 [Amended]
10. Section 401.75 would be amended by changing the word “any” to “each” in paragraphs (a), (b) and (c).
§ 401.75 [Amended]
20. Section 401.75 would be amended by removing the phrase “Or American funds, as indicated on the invoice,” and adding in their place the word “funds” in paragraph (a).
21. Section 401.81 would be amended by revising paragraph (a) to read as follows:

§ 401.81 Reporting an accident.
(a) Where a vessel on the Seaway is involved in an accident, the master of the vessel shall report the accident to the nearest Seaway station immediately or as soon as the vessel can make radio contact with the station.

§ 401.84 [Amended]
22. Section 401.84 would be amended by removing the number “401.21” and adding in its place the number “401.19” in paragraph (c).

§§ 401.86, 401.87, and 401.88 [Amended]
23. In Sections 401.86, 401.87, and 401.88, remove the words “or the Authority” wherever they appear in the following places:
   a. Section 401.86(a), (b), and (c).
   b. Section 401.87(c), (d), and (d)(3).
   c. Section 401.88(a)(2) and (b).

§ 401.89 [Amended]
24. Section 401.89 would be amended by removing the number “401.6” and adding in its place the number “401.5” and removing the number “401.21” and adding in its place the number “401.19” in paragraph (a)(1).
25. Section 401.90 would be revised to read as follows:

§ 401.90 Boarding for inspections.
(a) For the purpose of enforcing these Regulations in this part in both Canadian and U.S. waters, an officer may board any vessel and:
   (1) Examine the vessel and its cargo; and
   (2) Determine that the vessel is adequately manned.
   (b) In addition to § 401.90(a)(1) and (2) in Canadian waters, a Manager’s officer may also:
   (1) Require any person appearing to be in charge of the vessel to produce for inspection, or for the purpose of making copies or extracts, any log book, document or paper; and
   (2) In carrying out an inspection:
    (i) Use or cause to be used any computer system or data processing system on the vessel to examine any data contained in, or available to, the system;
    (ii) Reproduce any record, or cause it to be reproduced from the data, in the form of a print-out or other intelligible output and remove the print-out or other output for examination or copying; and
    (iii) Use or cause to be used any copying equipment in the vessel to make copies of any books, records, electronic data or other documents.
   (c) In Canadian waters, the owner or person who is in possession or control of a vessel that is inspected, and every person who is found on the vessel, shall:
      (1) Give the officer all reasonable assistance to enable the officer to carry out the inspection and exercise any power conferred by the Canada Marine Act; and
      (2) Provide the officer with any information relevant to the administration of these practices and procedures that the officer may reasonably require.

§ 401.93 [Amended]
26. Section 401.93 would be amended by adding the words “or its successor” after the words “Shore Traffic Regulations” in paragraph (b).

§ 401.94 [Amended]
27. The heading for § 401.94 would be amended by removing the word “copy” and adding in its place the word “copies”.

Schedule III to Subpart A [Amended]
28. Schedule III to subpart A, part 401 would be amended as follows:
   a. Amend item 5 by removing items 3, 4, and 5 in the third column, under the heading “Message Content”, and redesignating item 6 in that column as item 3.
   b. Amend item 8 by removing the words “and call sign” from item 1 in the third column, under the heading “Message Content”, by removing items 5 and 6 in that column, and adding a new item 5 in that column to read as follows, “5. All ports of call”.
   c. Amend item 19 by removing items 3, 4, 5, and 6 in that column, and adding a new item in that column as item 3.
   d. Amend item 35 by removing item 3 in the third column, under the heading “Message Content”.
   e. Amend item 36 by removing items 3, 4, and 5 in the third column, under the heading “Message Content”, and redesignating items 6 and 7 in that column as items 3 and 4.
   f. Amend item 40 by removing items 3, 4, and 5 in the third column, under the heading “Message Content”.
   §§ 401.2, 401.12, 401.13, 401.22, 401.24, 401.25, 401.31, 401.34, 401.54, 401.59, 
   401.66, 401.72, 401.78, 401.91, 401.92, 401.93, 401.96, 401.97, and Schedule II to subpart A [Amended]

PART 401—[AMENDED]
29. In addition to the amendments set forth above, in 33 CFR part 401 remove the word “Authority” and add in its place the word “Manager” in the following places:
   a. Section 401.2(d), (e), (h), (j), and (k);
   b. Section 401.12(a)(2) and (a)(4)(ii);
   c. Section 401.13(a);
   d. Section 401.22(a);
   e. Section 401.24;
   f. Section 401.25;
   g. Section 401.31(b);
   h. Section 401.34;
   i. Section 401.54(b);
   j. Section 401.59(d);
   k. Section 401.66(b);
   l. Section 401.72(e);
   m. Section 401.78(b);
   n. Section 401.91;
   o. Section 401.92;
   p. Section 401.93(a) and (b);
   q. Section 401.96(a), (b), (c), and (e);
   r. Section 401.97(a), (b)(2), and (d);
   s. Footnote 1 to Schedule II to subpart A, “Table of Speeds”.

Saint Lawrence Seaway Development Corporation.
Marc C. Owen,
Chief Counsel.
[FR Doc. 00–16409 Filed 6–28–00; 8:45 am]
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DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17
RIN 1018–AF32
Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for the Coastal California Gnatcatcher

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of availability of draft economic analysis.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability of the draft economic analysis for the proposed designation of critical habitat for the coastal California gnatcatcher (Polioptila californica californica). We are also providing notice of the