



## DEPARTMENT OF TRANSPORTATION

### Saint Lawrence Seaway Development Corporation

#### 33 CFR Part 401

#### RIN 2135-AA45

### Seaway Regulations and Rules: Periodic Update, Various Categories

**AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Seaway Regulations and Rules in various categories. The changes update the following sections of the Regulations and Rules: Seaway Navigation; and, Information and Reports. These amendments are merely editorial or for clarification of existing requirements. The joint regulations will become effective in Canada on March 30, 2019. For consistency, because these are joint regulations under international agreement, and to avoid confusion among users of the Seaway, the SLSDC finds that there is good cause to make the U.S. version of the amendments effective on the same date.

**DATES:** This rule is effective on March 30, 2019.

**ADDRESSES:** *Docket:* For access to the docket to read background documents or comments received, go to <http://www.Regulations.gov>; or in person at the Docket Management Facility;

U.S. Department of Transportation, 1200 New Jersey Avenue S.E., West Building Ground Floor, Room W12-140, Washington, D.C. 20590-001, between 9 am and 5 pm, Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** Carrie Mann Lavigne, Chief Counsel, Saint Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, New York 13662; 315/764-3200.

**SUPPLEMENTARY INFORMATION:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Regulations and Rules in various categories. The changes update the following sections of the Regulations and Rules: Seaway Navigation; and, Information and Reports. These changes are to clarify existing requirements in the regulations.

**Regulatory Notices:** Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://www.Regulations.gov>.

The joint regulations will become effective in Canada on March 30, 2019.

### **Regulatory Evaluation**

This regulation involves a foreign affairs function of the United States and

therefore, Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

### **Regulatory Flexibility Act Determination**

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of who are foreign vessel operators.

Therefore, any resulting costs will be borne mostly by foreign vessels.

### **Environmental Impact**

This 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 the human environment.

### **Federalism**

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and have determined that this proposal does not have sufficient federalism implications to warrant a Federalism Assessment.

### **Unfunded Mandates**

The Corporation has analyzed this rule under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

### **Paperwork Reduction Act**

This regulation 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), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation is amending 33 CFR part 401 as follows:

**PART 401 – SEAWAY REGULATIONS AND RULES**

**Subpart A – Regulations**

1. The authority citation for subpart A of part 401 continues to read as follows:

**Authority:** 33 U.S.C. 983(a) and 984(a) (4), as amended; 49 CFR 1.52, unless otherwise noted.

2. In § 401.29, revise paragraph (c)(2)(iv) to read as follows:

**§ 401.29 Maximum draft.**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(iv) In every navigation season, a vessel intending to use an approved DIS to transit the System must submit a completed confirmation checklist found at [www.greatlakes-seaway.com](http://www.greatlakes-seaway.com) to the Manager or the Corporation prior to its initial transit of the season.

\* \* \* \* \*

3. In § 401.50, revise paragraph (e), redesignate paragraphs (f) and (g) as paragraphs (g) and (h), respectively, and add a new paragraph (f) to read as follows:

**§ 401.50 Anchorage areas.**

\* \* \* \* \*

(e) Prescott, Union Park and Carleton Island (St. Lawrence River).

(f) Off Tibbetts point (Lake Ontario).

\* \* \* \* \*

4. In § 401.58, revise paragraph (b) to read as follows:

**§ 401.58 Pleasure craft scheduling.**

\* \* \* \* \*

(b) Every pleasure craft seeking to transit Canadian locks shall stop at a pleasure craft dock and arrange for transit by contacting the lock personnel using the direct line.

5. In § 401.78, add paragraph (c) to read as follows:

**§ 401.78 Required information.**

\* \* \* \* \*

(c) When a Declaration of Security (DoS) is required between a vessel and the St. Lawrence Seaway, it shall be completed prior to entry into the first lock and will remain in effect until the vessel exits the St. Lawrence Seaway at the St. Lambert Lock or the Welland Canal at Port Colborne.

\* \* \* \* \*

Issued at Washington, D.C. on March 7, 2019.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

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