

2. Each test subject shall wear his respirator for at least 10 minutes before starting the fit test.

3. The test subject shall don the enclosure while wearing the respirator selected in section A above. This respirator shall be properly adjusted and equipped with a particulate filter cartridge.

4. The test subject may not eat, drink (except plain water), or chew gum for 15 minutes before the test.

5. A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

6. The fit test solution is prepared by adding 83 grams of sodium saccharin to 100 cc of warm water.

7. As before, the test subject shall breathe through the open mouth with tongue extended.

8. The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure and the fit test solution is sprayed into the enclosure using the same technique as for the taste threshold screening and the same number of squeezes required to elicit a taste response in the screening. (See B 10 above).

9. After generation of the aerosol the test subject shall be instructed to perform the following exercises for one minute each.

- i. Normal breathing.
- ii. Deep breathing. Be certain breaths are deep and regular.
- iii. Turning head from side-to-side. Be certain movement is complete. Alert the test subject not to bump the respirator on the shoulders. Have the test subject inhale when his head is at either side.
- iv. Nodding head up-and-down. Be certain motions are complete. Alert the test subject not to bump the respirator on the chest. Have the test subject inhale when his head is in the fully up position.
- v. Talking. Talk aloud and slowly for several minutes. The following paragraph is called the Rainbow Passage. Reading it will result in a wide range of facial movements, and thus be useful to satisfy this requirement. Alternative passages which serve the same purpose may also be used.

Rainbow Passage

When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond his reach, his friends say he is looking for the pot of gold at the end of the rainbow.

10. Every 30 seconds, the aerosol concentration shall be replenished using one-half the number of squeeze as initially (C8).

11. The test subject shall so indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

12. If the saccharin is detected the fit is deemed unsatisfactory and a different respirator shall be tried.

13. Successful completion of the test protocol shall allow the use of the tested respirator in contaminated atmospheres up to 10 times the PEL. In other words this protocol may be used assign protection factors no higher than ten.

III. Irritant Fume Protocol

A. Respirator selection.

Respirators shall be selected as described in section IB above, except that each respirator shall be equipped with high efficiency-acid gas-organic vapor cartridges.

B. Fit test.

1. The test subject shall be allowed to smell a weak concentration of isoamyl acetate and of the irritant smoke to familiarize him with the characteristic odor of each.

2. The test subject shall properly don the respirator selected as above, and wear it for at least 10 minutes before starting the fit test.

3. The test conductor shall review this protocol with the test subject before testing.

4. The test subject shall perform the conventional positive pressure and negative pressure fit checks. Failure of either check shall be cause to select an alternate respirator.

5. A simplified isoamyl acetate based fit test shall be performed using ampules of IAA such as the Norton Respirator Fit Test Ampules or equivalent. Pass the ampule around the perimeter of the respirator at the junction of the facepiece and face. If leakage is detected, readjust the respirator. If leakage persists the respirator is rejected.

6. If no odor of IAA is detected the irritant smoke test shall be administered.

7. Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach a short length of tubing to one end of the smoke tube. Attach the other end of the smoke tube to a low pressure air pump set to deliver 200 milliliters per minute.

8. Advise the test subject that the smoke can be irritating to the eyes and instruct him to keep his eyes closed while the test is performed.

9. The test conductor shall direct the stream of irritant smoke from the tube towards the facepiece area of the test subject. He shall begin at least 12 inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

10. The following exercises shall be performed while the respirator seal is being challenged by the smoke. Each shall be performed for one minute.

- i. Normal breathing.
- ii. Deep breathing. Be certain breaths are deep and regular.
- iii. Turning head from side-to-side. Be certain movement is complete. Alert the test subject not to bump the respirator on the shoulders. Have test subject inhale when his head is at either side.
- iv. Nodding head up-and-down. Be certain motions are complete. Alert the test subject not to bump the respirator on the chest. Have the test subject inhale when his head is in the fully up position.
- v. Talking—slowly and distinctly, count backwards from 100.
- vi. Normal breathing.

11. If the irritant smoke produces an involuntary reaction (cough) by the test subject, the test conductor shall stop the test. In this case the tested respirator is rejected and another respirator shall be selected.

12. Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube to determine whether he reacts to the smoke. Failure to evoke a response shall void the fit test.

13. Steps B4, B9, B10 of this protocol shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agents (IAA, irritant smoke).

14. Respirators successfully tested by the protocol may be used in contaminated atmospheres up to ten times the PEL. In other words this protocol may be used to assign protection factors not exceeding ten.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655), 29 CFR 1911: 41 U.S.C. 35, 38; Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C. this 8th day of November 1982.

Thorne G. Auchter,
Assistant Secretary of Labor.

[FR Doc. 82-31116 Filed 11-10-82; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

Seaway Regulations; Miscellaneous Amendments

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: The Saint Lawrence Seaway Development Corporation and its counterpart agency, the St. Lawrence Seaway Authority of Canada, have completed their periodic review of joint Seaway Regulations and have agreed that several sections are in need of revision. The Seaway Corporation therefore proposes to amend 33 CFR Part 401—Subpart A in order (1) to insure its consistency with actual operating procedures, (2) to clarify several existing regulations, and (3) to complete the conversion of certain measurements to the metric system.

EFFECTIVE DATE: November 12, 1982.

FOR FURTHER INFORMATION CONTACT:
Frederick A. Bush, General Counsel,
(315) 764-3245.

SUPPLEMENTARY INFORMATION:

Background

On April 29, 1982, the Seaway Corporation published in the *Federal Register* (47 FR 18375) proposed amendments to the Seaway Regulations which had been developed jointly with the Canadian Seaway Authority for the reasons set forth in the summary.

No comments were submitted in response to the notice of proposed rulemaking.

Since publication of the notice of proposed rulemaking the Seaway Corporation and the Canadian Seaway Authority have had further negotiations concerning the proposed amendments and have agreed to make a few minor technical and editorial changes, none of which affected the substance of the amendments, together with a revision of §§ 401.96 and 401.97 to bring the Seaway Regulations into conformity with the present closing procedures.

In 1977, the Saint Lawrence Seaway Development Corporation converted to the metric system of measurement, but at that time retained the English measurements during the transition period. As a final step in the metric conversion, all references to English measurements have been eliminated in the 1982 Seaway Regulations. However, in a number of cases, the measurements have been further refined in order to promote simplicity of administration without imposing additional costs upon the Seaway user. Various minor editorial changes have also been made.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

The Table of Contents has been amended to reflect changes in various sections.

In §§ 401.3, 401.4, 401.6, 401.8, 401.9, 401.10, 401.12, 401.13, 401.14, 401.15, 401.22, 401.28, 401.29, 401.31, 401.42, 401.48, 401.51, 401.65, 401.68, 401.69, 401.74, 401.82, 401.84 and Schedule II, all measurements will be stated in metric only. In addition to these changes, the following changes have been made:

In § 401.6 (c), the phrase "Effective April 1, 1981" has been dropped since the regulation is already in effect.

In § 401.12, a new paragraph (a)(5) has been added because breakage of mooring wires is a common problem, and the requirement for each vessel to have a minimum of two spare mooring

wires available will assist in safe and expeditious operations.

The heading of § 401.17 has been changed from "Pitch indicators" to "Pitch indicators and alarms". A new paragraph (b) will be added noting that effective April 1, 1984, visible and audible pitch alarms in the wheelhouse and engine room will be required. The indicator and alarm will alert the master of wrong pitch so that immediate action can be taken to prevent a serious accident in a lock.

Section 401.20 has been deleted and reserved since oily water extractors do not exist, and discharges are adequately covered in § 401.59.

In § 401.26, (b)(1) and (b)(2) have been revised to indicate the correct financial security for the payment of Seaway tolls as a result of an increase in the Tariff of Tolls.

Section 401.35 has been deleted and reserved since this material is covered in § 401.3 and § 401.33.

In § 401.37, a reference to Eisenhower and Snell Locks has been dropped so that crew members will be aware this regulation applies at all tie-up walls.

In § 401.39, paragraph (a) has a new phrase added to it which makes the procedure of drawing mooring lines off the winch drums a safer procedure.

In § 401.40, paragraph (b) has been reworded and a new paragraph (c) added. This will result in a ban on the use of vessel thrusters when passing a lock gate and thereby prevent damage to lock gates and vessels.

In § 401.42, paragraph (a)(1) has a new phrase added to it which will provide for the use of a bowline knot, and will make this section compatible with § 401.42 (a)(2) which also specifies the required knot.

The present § 401.45 has been reworded to designate the persons responsible for signaling in the Canadian Locks and in Eisenhower and Snell Locks in case of an emergency. This will correct a safety problem at the Canadian Locks.

In § 401.47, a new paragraph (c) has been added. This will ban the use of vessel thrusters when passing a lock gate, and will prevent damage to lock gates.

In the Table of § 401.48, 2. (c), reference to "Bridge 12" has been deleted since the Bridge no longer exists, and the correct area is designated.

In § 401.64, paragraph (c) has been reworded to clarify calling in procedures. Paragraph (g) has also been reworded because it was redundant.

In § 401.68, paragraph (c) has been reworded, deleting the titles of persons at the Saint Lawrence Seaway

Development Corporation and the St. Lawrence Seaway Authority, so that should titles change, it will be unnecessary to revise the Seaway Regulations.

In § 401.69, a new paragraph (c)(10) has been added which incorporates direct reduced iron (DRI) in the hazardous cargo category of vessels.

A new § 401.77, Pleasure Craft Tolls, has been added to reflect the fact that tolls shall be paid by pleasure craft in Canadian or American funds for the transit of each Seaway lock. This section was previously reserved.

In § 401.80, paragraphs (a) and (b) have been reworded in order to add IMCO classification as an item to be reported. In addition to this, in paragraph (b), the master who takes on explosive or hazardous cargo, while in the Seaway System, must report that fact prior to commencing transit from a port, dock or wharf. This is a safety requirement.

In § 401.83 (c)(2), a typographical error has been corrected.

In § 401.96, the former definitions have been reworded. In addition, a definition for "wintering vessel" has been added.

In § 401.97, the opening paragraph has been deleted.

In § 401.97, paragraph (a) has been amended. This section provides that a wintering vessel wishing to return downbound through the Montreal-Lake Ontario Section of the Seaway in the same navigation season in which it entered the Seaway must have authorization from the Corporation and the Authority.

In § 401.97, paragraph (b) has been amended to stipulate conditions a vessel must meet in order to transit the Montreal-Lake Ontario Section of the Seaway during the closing period.

In § 401.97, paragraph (c) has been amended to define the calling in point.

In § 401.97, paragraph (d) has been amended to provide that vessels wishing to transit the Montreal-Lake Ontario Section of the Seaway after the period of 96 hours referred to in paragraph (b)(2) will not be allowed to do so unless the transit is authorized by the Corporation and the Authority.

In § 401.97, paragraph (e) has been amended to outline the conditions vessels must comply with if entering or departing the Montreal-Lake Ontario Section of the Seaway, upbound or downbound from any port, dock, wharf or anchorage.

In § 401.97, paragraph (f) has been amended to state the requirements vessels must meet when ice conditions

restrict navigation during the closing period.

In § 401.97, paragraph (g) has been deleted.

In Schedule I, paragraph (d)(4) has been revised to correct an error.

In Schedule II, Table of Speeds, several editorial changes have been made due to the renumbering of navigational aids, and all references to mph will be dropped in the speed limit table.

In Schedule III, Calling-In-Table, a number of changes in vessel reporting procedures for dangerous goods and procedures for Great Lakes Pilotage Authority relating to inland vessels have been made in order to make the information consistent with operating procedures now in effect.

This proposed regulation involves a foreign affairs function of the United States; therefore Executive Order 12291 does not apply to this rulemaking. The Saint Lawrence Seaway Development Corporation certifies that, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), this proposed rule will not have a significant impact on a substantial number of small entities. The Seaway Regulations relate to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators, and therefore any resulting costs will be borne primarily by foreign vessels. On the other hand, the economic benefits derived from a safe and efficiently operated St. Lawrence Seaway are considerable. Finally, the Corporation has determined that this rulemaking is not a major Federal action affecting the quality of the human environment under the National Environmental Policy Act, and therefore an environmental impact statement is not required.

For the stated reasons, Seaway Regulations are amended as follows:

1. The table of contents to the Seaway Regulations is amended by revising the section headings of §§ 401.17, 401.20, 401.35 and 401.77.

PART 401—SEAWAY REGULATIONS AND RULES

Subpart A—Regulations

Sec.

* * * * *

401.17 Pitch indicators and alarms.

* * * * *

401.20 [Reserved].

* * * * *

401.35 [Reserved].

* * * * *

401.77 Pleasure craft tolls.

* * * * *

2. Section 401.3 is amended by revising paragraphs (a) and (b) and paragraph (d)(1) to read as follows:

§ 401.3 Maximum vessel dimensions.

(a) No vessel of more than 222.5 m in overall length or 23.16 m in extreme breadth, shall transit.

(b) No vessel shall transit if any part of the vessel or anything on the vessel extends more than 35.5 m above water level.

* * * * *

(d) * * *

(1) A vessel having a beam width less than 23.16 m and having dimensions exceeding the limits of the block diagram illustrated in Appendix I shall not transit a lock except in accordance with a permit to transit issued by the Authority.

3. Section 401.4 is revised to read as follows:

§ 401.4 Maximum length and weight.

No vessel of less than 6 m in overall length or 900 kg in weight shall transit.

4. Section 401.6 is revised to read as follows:

§ 401.6 Markings.

(a) Vessels of more than 19.8 m in overall length shall be correctly and distinctly marked and equipped with draft markings on both sides at the bow and stern.

(b) In addition to the markings required by paragraph (a) of this section, vessels of more than 107 m in overall length shall be marked on both sides with midship draft markings.

(c) Where a vessel's bulbous bow extends forward beyond her stem head, a symbol of a bulbous bow shall be marked above the 79.2 dm mark in addition to a "+" symbol followed by a number indicating the total length in meters by which the bulbous bow projects beyond the stem.

5. Section 401.8 is revised to read as follows:

§ 401.8 Landing booms.

Vessels of more than 50 m in overall length shall be equipped with at least one adequate landing boom on each side.

6. Section 401.9 is amended by revising paragraph (a) and (b)(1) to read as follows:

§ 401.9 Radiotelephone equipment.

(a) Self-propelled vessels, other than pleasure craft of less than 19.8 m shall be equipped with VHF (very high frequency) radio-telephone equipment.

(b) The radio transmitters on a vessel shall:

(1) Have sufficient power output to enable the vessel to communicate with Seaway stations from a distance of 48 km; and

* * * * *

7. Paragraph (a)(2) of § 401.10 and the table in paragraph (c) of § 401.10 are revised to read as follows:

§ 401.10 Mooring lines.

(a) * * *

(2) Be fitted with a spliced eye not less than 2.4 m long;

* * * * *

(c) * * *

Ship's overall length	Length of mooring line	Breaking strength
40 m to 60 m.....	110 m.....	89 kN.
61 m to 90 m.....	110 m.....	134 kN.
91 m to 120 m.....	110 m.....	178 kN.
121 m to 180 m.....	110 m.....	250 kN.
181 m to 222.5 m.....	110 m.....	300 kN.

8. In § 401.12, paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) introductory text, paragraph (b) and the table are revised, and paragraph (a)(5) is added to read as follows:

§ 401.12 Minimum requirements—mooring lines and fairleads.

(a) * * *

(1) Vessels of 40 m or less in overall length shall have at least two mooring lines or hawsers that may be led through closed chocks and be hand held, one of which shall lead from the break of the bow and the other shall lead from the quarter.

(2) Vessels of more than 40 m but not more than 60 m in overall length shall have four mooring lines, two of which shall be power operated by winches, capstans or windlasses and shall be led through a type of fairlead acceptable to the Corporation and the Authority, of which two mooring lines.

* * * * *

(3) The other two mooring lines required on vessels of more than 40 m but not more than 60 m may be led through closed chocks and may be hand held;

(4) Vessels of more than 60 m in overall length shall have four mooring lines, two of which shall lead from the break of the bow and two of which shall lead from the quarter, and

* * * * *

(5) Every vessel shall have a minimum of two spare mooring wires available and ready for immediate use.

(b) The following table sets out the requirements for the location of

fairleads for vessels of 60 m or more in overall length:

TABLE

Overall length of vessels	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
60 m to 90 m	Between 10 m and 25 m from the stem.	Between 10 m and 25 m from the stem.
90 m to 120 m	Between 12 m and 30 m from the stem.	Between 15 m and 35 m from the stem.
120 m to 150 m	Between 12 m and 35 m from the stem.	Between 15 m and 40 m from the stem.
150 m to 180 m	Between 15 m and 40 m from the stem.	Between 20 m and 45 m from the stem.
180 m to 222.5 m	Between 20 m and 50 m from the stem.	Between 20 m and 50 m from the stem.

9. Section 401.13 is amended by revising paragraph (b) to read as follows:

§ 401.13 Hand lines.

(b) Have a minimum diameter of 12.7 mm and a minimum length of 30 m.

10. Section 401.14 is revised to read as follows:

§ 401.14 Anchor marking buoys.

An orange colored anchor marking buoy of a type approved by the Corporation and the Authority, fitted with 22 m of suitable line, shall be secured directly to each anchor so that the buoy will mark the location of the anchor when the anchor is dropped.

11. Section 401.15 is revised to read as follows:

§ 401.15 Stern anchors.

Every vessel of more than 110 m, the keel of which is laid after January 1st, 1975, shall be equipped with a stern anchor.

12. Section 401.17 is revised to read as follows:

§ 401.17 Pitch indicators and alarms.

Every vessel of 1600 gross registered tons or more equipped with a variable pitch propeller shall be equipped with

(a) A pitch indicator in the wheelhouse and the engine room; and
(b) Effective April 1, 1984, visible and audible pitch alarms in the wheelhouse and engine room to indicate wrong pitch.

13. Section 401.20 will be removed and reserved.

§ 401.20 [Reserved].

14. Paragraphs (a) and (b) introductory text of § 401.22 is revised to read as follows:

§ 401.22 Preclearance of vessels.

(a) No vessel, other than a pleasure craft of 317.5 tonnes or less in weight

shall transit until an application for preclearance has been made, pursuant to § 401.24, to the Corporation or the Authority by the vessel's representative and the application has been approved by the Corporation or the Authority pursuant to § 401.25.

(b) No vessel shall transit while its preclearance is suspended or has terminated by reason of

15. In § 401.26, paragraphs (b)(1), (b)(2) and (c)(2) are revised to read as follows:

§ 401.26 Security for tolls.

(b) ***

(1) On the Seaway between Montreal and Lake Ontario, at \$1.75 per ton for transit each way or at \$3.50 per ton for a round trip;

(2) On the Welland Canal, at \$1.40 per ton for transit each way or at \$2.75 per ton for a round trip;

(c) ***

(2) Have the same representative, the security for the tolls may be provided in an amount estimated by the representative to be equal to \$2.55 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

16. Section 401.28 is amended by revising paragraph (a) to read as follows:

§ 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 shore property, and in no event shall such a vessel proceeding in an area between the place set out in Column I of an item of Schedule II and the place set out in Column II of that item exceed the speed set out in Column III or Column IV of that item, whichever is designated by the Corporation and the Authority from time to time as being appropriate to existing water levels.

17. In § 401.29, footnote ¹ of paragraph (a), and paragraph (b) are revised to read as follows:

§ 401.29 Maximum draft.

(b) The draft of a vessel shall not, in any case, exceed 79.2 dm or the maximum permissible draft designated by the Corporation or the Authority for

the part of the Seaway in which a vessel is passing.

¹ The main channels between the Port of Montreal and Lake Erie have a controlling depth of 8.23 m.

18. In § 401.31, paragraph (c)(2) is revised to read as follows:

§ 401.31 Meeting and passing.

(c) ***

(2) Within 600 m of a canal or lock entrance;

19. Section 401.35 is removed and reserved.

§ 401.35 [Reserved].

20. Section 401.37(b) is revised to read as follows:

§ 401.37 Mooring at tie-up walls.

(b) Crew members being put ashore on landing booms and handling mooring lines on tie-up walls shall wear life jackets.

21. Section 401.39(a) is revised to read as follows:

§ 401.39 Preparing mooring lines for passing through.

(a) Unless winches can pay out at a minimum speed of 46 m per minute, sufficient lengths of mooring lines to reach the mooring posts on the lock walls shall be drawn off the winch drums and laid out on the deck; and

22. Section 401.40 is amended by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 401.40 Entering a lock.

(b) Every vessel proceeding into a lock shall be positioned and moored as directed by the officer in charge of the mooring operation.

(c) Thrusters shall not be used when passing a lock gate.

23. In § 401.42, paragraphs (a)(1) and (a)(2) are revised to read as follows:

§ 401.42 Passing hand lines.

(a) ***

(1) A downbound vessel shall use its own hand lines, secured to the eye at the end of the mooring lines, by means of a bowline, which hand lines shall be passed to the linesmen at the lock as soon as the vessel passes the open gates;

(2) Hand lines shall be passed to upbound vessels by the linesmen as soon as the vessel passes the open gates, and secured, by means of a clove

hitch, to the mooring lines 60 cm behind the splice of the eye; and

24. Section 401.45 is revised to read as follows:

§ 401.45 Emergency procedure.

When a vessel entering a lock chamber has to be checked in an emergency, a signal consisting of five blasts on a horn shall be given,

(a) In Canadian locks by the master and,

(b) In Eisenhower and Snell Locks by the master or the officer in charge of the mooring operation, and all mooring lines shall be put out as quickly as possible.

25. Section 401.47 is amended by adding a new paragraph (c) as follows:

§ 401.47 Leaving a lock.

(c) Thrusters shall not be used when passing a lock gate.

26. In the table to § 401.48, items 2.(a), (b), (c), (d) are revised and (e) is amended to read as follows:

§ 401.48 Turning basins.

2. ***

(a) Turning Basin No. 1—Opposite St. Catharines Wharf for vessels up to 107 m.

(b) Turning Basin No. 2—Between Lock 7 and Guard Gate for vessels up to 180 m.

(c) Turning Basin No. 3—Immediately south of Port Robinson (Mile 13).

(d) Turning Basin No. 4—North of Lock No. 8 for vessels up to 170 m.

(e) For vessels up to 80 m:

27. Section 401.51 is revised to read as follows:

§ 401.51 Signalling approach to a bridge.

Unless a vessel's approach has been recognized by a flashing signal, the master shall signal the vessel's presence to the bridgmaster by VHF radio when it comes abreast of any of the bridge whistle signs, which signs shall be placed at distances varying between 670 m and 1500 m upstream and downstream from movable bridges at sites other than lock sites.

28. In § 401.64, paragraphs (c) and (g) are revised to read as follows:

§ 401.64 Calling in.

(c) A downbound vessel in St. Lambert Lock shall switch to channel 10 (156.5 MHz) for a traffic report from Montreal Vessel Traffic Management Center.

(g) In the event of an expected meeting of vessels between the downstream end of the lower approach

wall and C.I.P. 2, the downbound vessel shall remain on channel 14 (156.7 MHz) until the meeting has been completed.

29. Section 401.65(a)(1) is revised to read as follows:

§ 401.65 Communication—ports, docks and anchorages.

(a) ***

(1) Toronto and Hamilton—.87 of a nautical mile outside of harbor limits; and

30. In § 401.68, paragraphs (a) (1), (2), (3), (4) and (c) are revised to read as follows:

§ 401.68 Explosives permit.

(a) ***

(1) For all vessels carrying any quantity of explosives with a mass explosive risk, up to a maximum of 2 tonnes (IMCO Class 1, Division 1.1);

(2) For all vessels carrying more than 10 tonnes and up to a maximum of 50 tonnes of explosives that do not explode en masse (IMCO Class 1, Division 1.2);

(3) For all vessels carrying more than 100 tonnes and up to a maximum of 500 tonnes of explosives having a fire hazard without explosive effect (IMCO Class 1, Division 1.3); and

(4) For all vessels carrying more than 100 tonnes and up to a maximum of 500 tonnes of safety explosives and shop goods (IMCO Class 1, Divisions 1.4 and 1.5).

(c) A written application for a Seaway Explosives Permit showing that the cargo is packed, marked, labelled, described, certified, stowed and otherwise conforms with all relevant regulations of the country in which it was loaded and of Canada and the United States may be made to the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662 or to the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario, K6J 3P7.

31. In § 401.69, paragraphs (c) (1), (2), (3), (4) and (7) are revised, and a new paragraph (c)(10) is added.

§ 401.69 Hazardous cargo vessels.

(c) ***

(1) In excess of 50 tonnes of gases, compressed, liquified or dissolved under pressure (IMCO Class 2),

(2) In excess of 50 tonnes of flammable liquids having a flashpoint below 61°C (IMCO Class 3),

(3) In excess of 50 tonnes of flammable solids, spontaneously combustible material or substances

emitting combustible gases when wet (IMCO Class 4),

(4) In excess of 50 tonnes of oxidizing substances or organic peroxides (IMCO Class 5),

(7) In excess of 50 tonnes of corrosive substances (IMCO Class 8),

(10) Any quantity of direct reduced iron (DRI).

32. In § 401.74, paragraph (a) is revised to read as follows:

§ 401.74 Transit declaration.

(a) The Seaway Transit Declaration Form (Cargo and Passenger), which may be obtained from the Corporation, Massena, New York, or from the Authority, Cornwall, Ontario, shall be forwarded to the Corporation or the Authority by the representative of every vessel, other than a pleasure craft of not more than 317.5 tonnes, within fourteen days after the vessel first enters the Seaway on any upbound or downbound voyage.

33. Section 401.77 which was formerly reserved is added to read as follows:

§ 401.77 Pleasure craft tolls.

Tolls, in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft in Canadian or American funds for the transit of each Seaway lock.

34. In § 401.80, paragraphs (a) and (b) are revised to read as follows:

§ 401.80 Reporting dangerous cargo.

(a) The master of any explosive vessel or hazardous cargo vessel shall report to a Seaway station, the nature, quantity and IMCO classification of the dangerous cargo and where it is stowed on the vessel.

(b) The master of any vessel, that takes on explosive or hazardous cargo while in the Seaway shall report to the nearest Seaway station at least four hours prior to commencing transit from a port, dock or wharf, the nature, quantity and IMCO classification of the dangerous cargo and where it is stowed on the vessel.

35. Section 401.82 is revised to read as follows:

§ 401.82 Reporting mast height.

A vessel, any part of which extends more than 33.5 m above water level shall not transit any part of the Seaway until precise information concerning the height of the vessel has been furnished to the Seaway station.

36. In § 401.84, paragraph (g) is revised to read as follows:

§ 401.84 Reporting of impairment or other hazard by vessels transiting within the Seaway.

(g) Any location where visibility is less than one nautical mile.

37. Paragraph (c)(2) of § 401.88 is revised to read as follows:

§ 401.88 Power of sale for toll arrears.

(c) * * *

(2) The fine or penalty imposed on conviction, shall be deducted from the proceeds of a sale pursuant to paragraph (b) of this section, and the balance shall be paid to the owner of the vessel or cargo or the mortgagee thereof, as the case may be.

38. In § 401.96, paragraphs (a), (b), (c) and (d) are revised and a new paragraph (e) is added to read as follows:

Navigation Closing Procedures

§ 401.96 Definitions.

In § 410.97:

(a) "Clearance date" means the date designated in each year by the Corporation and the Authority as the date by which vessels must report at the applicable calling in point referred to in § 401.97(c) for final transit of the Montreal-Lake Ontario Section of the Seaway;

(b) "Closing date" means the date designated in each year by the Corporation and the Authority as the date on which the Seaway is closed to vessels at the end of the navigation season;

(c) "Closing period" means the period that commences on the date designated in each year by the Corporation and the Authority as the date on which the closing procedures in § 401.97 apply and that ends on the closing date;

(d) "Montreal-Lake Ontario Section of the Seaway" means the portion of the Seaway between the Port of Montreal and mid-Lake Ontario;

(e) "Wintering vessel" means a vessel that enters the Seaway upbound after a date designated each year by the Corporation and the Authority and transits above Port Colborne.

39. Section 401.97 is revised to read as follows:

§ 401.97 Closing procedures.

(a) No wintering vessel shall return downbound through the Montreal-Lake Ontario Section of the Seaway in the same navigation season in which it entered the Seaway unless the transit is authorized by the Corporation and the Authority.

(b) No vessel shall transit the Montreal-Lake Ontario Section of the Seaway during the closing period in a navigation season unless

(1) It reports at the applicable calling in point referred to in paragraph (c) of this section on or before the clearance date in that navigation season; or

(2) It reports at the applicable calling in point referred to in paragraph (c) of this section within a period of 96 hours after the clearance date in that navigation season, has furnished the applicable operational surcharge pursuant to the St. Lawrence Seaway Tariff of Tolls and the transit is authorized by the Corporation and the Authority.

(c) For the purposes of paragraph (b) of this section, the calling in point is,

(1) In the case of an upbound vessel, Cape St. Michel; and

(2) In the case of a downbound vessel, Cape Vincent.

(d) No vessel shall transit the Montreal-Lake Ontario Section of the Seaway after the period of 96 hours

referred to in paragraph (b)(2) of this section unless the transit is authorized by the Corporation and the Authority.

(e) Every vessel that, during a closing period, enters the Montreal-Lake Ontario Section of the Seaway, upbound or downbound, or departs upbound from any port, dock, wharf or anchorage in that Section shall,

(1) At the same time of such entry or departure, report to the nearest Seaway station the furthestmost destination of the vessel's voyage and any intermediate destinations within that Section; and

(2) At the time of any change in those destinations, report such changes to the nearest Seaway station.

(f) Where ice conditions restrict navigation during a closing period,

(1) No upbound vessel that has a power to length ratio of less than 24:1 (kW/meter) and a forward draft of less than 50 dm, and

(2) No downbound vessel that has a power to length ratio of less than 15:1 (kW/meter) and a forward draft of less than 25 dm shall transit between the St. Lambert Lock and the Iroquois Lock of the Montreal-Lake Ontario Section of the Seaway.

40. In Schedule I, item (d)(4) is revised to read as follows:

SCHEDULE I.—VESSELS TRANSITING U.S. WATERS

(d) * * *

(4) For each vessel that is fitted with a controllable pitch propeller, a table of control settings for a representative range of speeds;

41. Schedule II, "Table of Speeds", is revised to read as follows:

SCHEDULE II.—TABLE OF SPEEDS¹

From—	To—	Maximum speed over the bottom, knots	
		Col. III	Col. IV
1. Upper Entrance South Shore Canal.....	Lake St. Louis Buoy A13.....	10.5.....	10.5.....
2. Lake St. Louis Buoy A13.....	Lower Entrance Lower Beauharnois Lock.....	16.....	16.....
3. Upper Entrance Upper Beauharnois Lock.....	Lake St. Francis Buoy D3.....	9 upb; 10.5 dnb.....	9 upb; 10.5 dnb.....
4. Lake St. Francis Buoy D3.....	Lake St. Francis Buoy D49.....	16.....	16.....
5. Lake St. Francis Buoy D49.....	Snell Lock.....	8.5 upb; 10.5 dnb.....	8 upb; 10.5 dnb.....
6. Eisenhower Lock.....	Richards Point Lt. 55.....	11.....	10.5.....
7. Richards Point Lt. 55.....	Morrisburg Buoy 84.....	13.....	10.5.....
8. Morrisburg Buoy 84.....	Ogden Island Buoy 99.....	11.....	10.5.....
9. Ogden Island Buoy 99.....	Blind Bay ½ mile east of Buoy 162.....	13.....	10.5.....
10. Blind Bay ½ mile east of Buoy 162.....	Deer Island Lt. 186.....	11.....	10.5.....
11. Deer Island Lt. 186.....	Bartlett Point Lt. 227.....	8.5 upb; 10.5 dnb.....	8 upb; 10.5 dnb.....
12. Bartlett Point Lt. 227.....	Tibbetts Point.....	13.....	10.5.....
13. Junction of Canadian Middle Channel and Main Channel abreast of Ironsides Island.....	Open Waters between Wolfe and Howe Islands through the said Middle Channel.....	9.5.....	9.5.....
14. Port Robinson.....	Ramey's Bend through the Welland Bypass.....	8.....	8.....
15. All other canals.....		6.....	6.....

¹ Maximum speeds at which a vessel may travel in identified areas in both normal and high water conditions are set forth in this schedule. The Corporation and the Authority will, from time to time, designate the set of speed limits which is in effect.

42. Schedule III, "Calling-In-Table", is amended by revising Items 1, 3, 19, 29, 35, 36, 43, 48, 52 and 53 to read as follows:

SCHEDULE III.—CALLING-IN-TABLE

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
1. C.I.P. 2—Entering Sector 1 (order of passing through established):		
(a) Vessels transiting from the Lower St. Lawrence River.....	Seaway Beauharnois Ch. 14.....	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Manifested dangerous cargo—nature and quantity; IMCO classification; location where dangerous cargo is stowed. 7. Pilot requirement—Lake Ontario. 8. Confirm pilot requirement—Upper Beauharnois Lock (inland vessels only).
(b) Vessels in Montreal Harbor, dock, berth or anchorage:		
(i) Before getting under way.....	Seaway Beauharnois Ch. 14.....	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Manifested dangerous cargo—nature and quantity; IMCO classification; location where dangerous cargo is stowed. 7. Pilot requirement—Lake Ontario. 8. Confirm pilot requirement—Upper Beauharnois Lock (inland vessels only).
(ii) C.I.P. 2— Entering Sector 1 (order of passing through established).	Seaway Beauharnois Ch. 14.....	1. Name of Vessel. 2. Location.
3. Exiting Upper Beauharnois Lock.....	Seaway Beauharnois Ch. 14.....	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 7. 4. Confirm pilot requirement—Snell Lock (inland vessels only).
19. Mid Lake Ontario—Entering Sector 5.....	Seway Newcastle Ch. 11.....	1. Name of Vessel. 2. Location. 3. Manifested dangerous cargo—nature and quantity; IMCO classification; location where dangerous cargo is stowed.
DOWNBOUND VESSELS		
29. Long Point—Entering Sector 7.....	Seaway Long Point Ch. 11.....	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 16. 4. Manifested dangerous cargo—nature and quantity; IMCO classification; location where dangerous cargo is stowed.
35. Mid Lake Ontario—Entering Sector 4.....	Seaway Sodus Ch. 13.....	1. Name of Vessel. 2. Location. 3. Manifested dangerous cargo—nature and quantity; IMCO classification; location where dangerous cargo is stowed.
36. Sodus Point.....	Seaway Sodus Ch. 13.....	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Updated ETA Cape Vincent or Lake Ontario Port. 7. Confirm river pilot requirement—Cape Vincent. 8. Pilot requirement—Snell Lock and/or Upper Beauharnois Lock (inland vessels only).
43. Exiting Iroquois Lock.....	Seaway Iroquois Ch. 11.....	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 10. 4. Harbor or river pilot requirement—St. Lambert. 5. Confirm pilot requirement—Smeil Lock (inland vessels only).
48. Buoy D47 Lake St. Francis.....	Seaway Eisenhower Ch. 12.....	1. Name of vessel. 2. Location. 3. Confirm pilot requirement—Upper Beauharnois Lock (inland vessels only).
52. Exiting Lower Beauharnois Lock.....	Seaway Beauharnois Ch. 14.....	1. Name of Vessel. 2. Location. 3. Confirm harbor or river pilot requirement—St. Lambert. 4. Montreal Harbor Berth number (if applicable).
53. St. Nicholas Island.....	Seaway Beauharnois Ch. 14.....	1. Name of Vessel. 2. Location.

[68 Stat. 93-96, 33 U.S.C. 981-990, as amended and Secs. 4, 5, 6, 7, 8, 12 and 13 of Sec. 2 of Pub. L. 95-474, 92 Stat. 1471]

Issued at Washington, D.C., on November 4, 1982.
Saint Lawrence Seaway Development Corporation.

D. W. Oberlin,
Administrator.

[FR Doc. 82-31111 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-61-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 50

National Capital Parks Regulations;
Vietnam Veterans Memorial;
Demonstrations

AGENCY: National Park Service, Interior.

ACTION: Interim rule with request for comments.

SUMMARY: The National Park Service is issuing an interim rule to amend its National Capital Parks Regulations in § 50.19 on demonstrations and special events in National Capital Parks to list the "Vietnam Veterans Memorial" as a site where demonstration activities will not be permitted. Official annual Memorial Day and Veterans Day Commemorative ceremonies however will be authorized.

DATES: This interim rule is effective November 12, 1982, and will remain in effect until revoked, replaced, or modified by a final rulemaking publication. Written comments, suggestions, or objections regarding this interim rule will be accepted until December 13, 1982.

ADDRESSES: Written comments should be sent to Manus J. Fish, Jr., Regional Director, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242.

FOR FURTHER INFORMATION CONTACT: Sandra Alley, Associate Regional Director, Public Affairs, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242, telephone (202) 426-6700; Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4338.

SUPPLEMENTARY INFORMATION: The following persons participated in the writing of this rule: Richard G. Robbins and Patricia S. Bangert, Office of the Solicitor, Department of the Interior.

Background

The Act of July 1, 1980 (94 Stat. 872) authorized the Vietnam Veterans Memorial Fund, Inc., to establish a memorial in honor and recognition of the men and women of the Armed Forces of the United States who served

in the Vietnam War. The legislation specified that the memorial was to be located on National Park Service lands in Constitution Gardens, in West Potomac Park in the District of Columbia.

The Vietnam Veterans Memorial was conceived by its sponsors as a vehicle for all Americans, whether or not they supported the national policy in Vietnam, to express their acknowledgement of the sacrifices of those men and women who served there. It was further intended to be a means whereby the healing and reconciliation of a country divided by the Vietnam War could be promoted. Finally, the memorial was intended to further the psychological readjustment of the veterans of the war, who have received little recognition for their honorable service.

The memorial itself was designed to harmonize with and enhance the existing landscape on which it stands. For that reason, the memorial is comprised of the memorial wall, a sculpture, and a flag and pole, integrated into a two-acre garden design. The memorial was designed to be an inviting, hospitable but, nevertheless, peaceful and reflective location in which to contemplate the courage and sacrifice of the Americans who served in Vietnam.

Because the National Capital Region of the National Park Service has responsibility for regulating the use of this area, the Region now makes effective this interim rule regarding demonstration activity and special events in the area of the memorial.

Proposed Regulation Changes

The interim rule amends 36 CFR 50.19(a) by adding a new paragraph (a)(10) which defines the term "Vietnam Veterans Memorial." The new definition includes the memorial wall, the sculpture, the flagpole and adjacent acreage into which the structures are integrated. As indicated above, the memorial was intended and designed to encompass not just the structures, but to include the structures in a carefully landscaped setting.

The interim rule also amends 36 CFR 50.19(c)(2) by adding a new (c)(2)(v). This section sets out park areas, other than the White House area, where no permits for demonstrations or special events will be issued. It includes the

Jefferson and Lincoln Memorials, the Kennedy Center and the Washington Monument. The interim rule will add the Vietnam Veterans Memorial to this list. As a further aid in understanding the interim rule, a diagram of the location where demonstrations and special events are not permitted appears at the conclusion of this section.

The Department believes that there is a substantial government interest in protecting legitimate park value concerns. After careful consideration, the Department has determined that included in these interests is the maintenance of an atmosphere of calm, tranquility, and reverence in the vicinity of the major memorials, which now includes the Vietnam Veterans Memorial. Maintenance of such an atmosphere will substantially enhance the visitor's park experience and does not place an unreasonable limitation on First Amendment activity, especially in light of the abundance of available nearby and adjacent park areas in which demonstrations and special events may occur.

The Department believes that these considerations are especially relevant to the Vietnam Veterans Memorial. Designed and conceived as a vehicle for reconciliation after a decade of division resulting from the Vietnam war, the Vietnam Veterans Memorial is especially unsuitable as a location for activity. In addition, the memorial was intended to be a location where the visitor could quietly contemplate and acknowledge the thousands of Americans who served in Vietnam in an atmosphere of tranquility and reverence. Demonstration and special event activity on the memorial grounds would preclude thousands of visitors from utilizing the memorial in this intended fashion.

The interim rule would, however, allow official annual Memorial Day and Veterans Day commemorative ceremonies to be held at the Vietnam Veterans Memorial. The Department believes that these ceremonies are consistent with and promote the intended purposes of the memorial, as outlined above. Further, the interim rule is not intended to prohibit ceremonies dedicating the memorial or its component parts.

Public Participation

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the interim rule to the address noted at the beginning of the rulemaking.

Impact Analysis

The National Park Service has determined that this document is not a major rule requiring preparation of a Regulatory Impact Analysis under Executive Order 12291. The National Park Service has also determined that the interim rule will not have a significant economic impact on a substantial amount of small entities and, therefore, does not require a small entity flexibility analysis under Pub. L. 96-354. The interim rule merely defines the term "Vietnam Veterans Memorial" and prohibits demonstrations and special events on the memorial grounds, except for official annual Memorial Day and Veterans Day commemorative

ceremonies. It will have no substantial impact on any aspect of the economy.

The National Park Service has further determined that this interim rule is not a major Federal action significantly affecting the quality of the human environment.

List of Subjects in 36 CFR Part 50

District of Columbia, National Parks, National Capital Parks.

Dated: October 21, 1982.

S. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

PART 50—NATIONAL CAPITAL PARKS REGULATIONS

In consideration of the foregoing, § 50.19(a) and (c)(2) of Title 36 of the Code of Federal Regulations are accordingly amended.

1. The authority citation for Part 50 is revised to read as follows:

Authority: Sec. 6 of the Act of July 1, 1898 (30 Stat. 571); secs. 1-3 of the Act of August 25, 1916 (39 Stat. 535, as amended); Sec. 16 of the Act of March 3, 1925 (43 Stat. 1126, as

amended); Act of March 17, 1948 (62 Stat. 81); Act of August 8, 1953 (67 Stat. 495); Act of July 1, 1980 (94 Stat. 872); 16 U.S.C. 1-3; D.C. Code 8-137 (1981); D.C. Code 40-721 (1981).

2. A new paragraph (a)(10) is added to § 50.19 before the "Note," to read as follows:

(a) * * *

(10) The term "Vietnam Veterans Memorial" means the structures and adjacent areas extending to and bounded by the inner edge of the surrounding paved curvilinear paths and the center line of 21st Street, N.W., extended, known as the Vietnam Veterans Memorial.

3. A new paragraph (v) is added to § 50.19(c)(2) before the "Note," to read as follows:

* * * * *

(c) * * *

(2) * * *

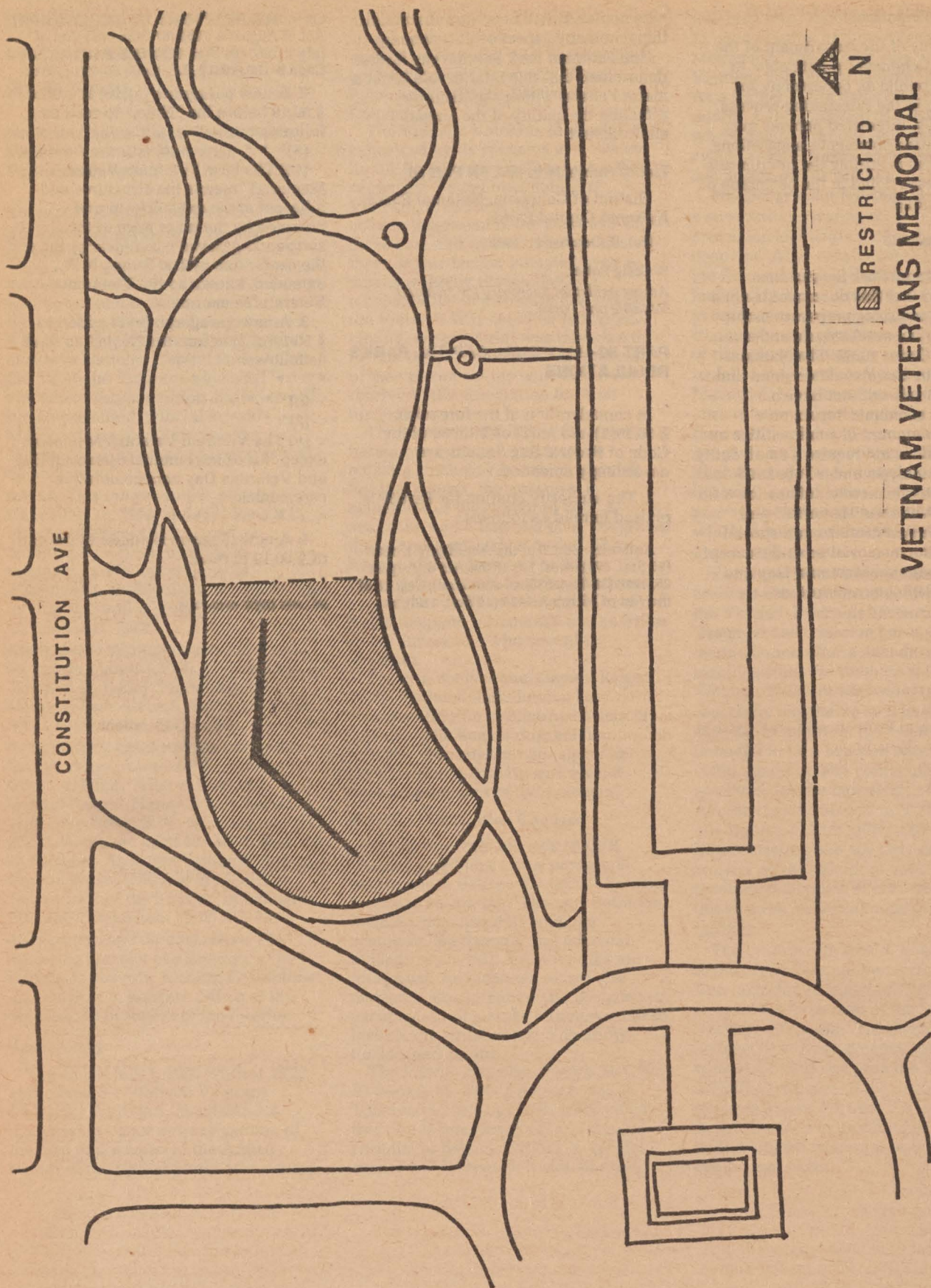
(v) The Vietnam Veterans Memorial, except for official annual Memorial Day and Veterans Day commemorative ceremonies.

* * * * *

4. A new diagram is added to the end of § 50.19 to read:

* * * * *

BILLING CODE 4310-70-M



ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[A-1-FRL 2229-5]

Approval and Promulgation of Implementation Plans; Connecticut Revision—Sulfur-in-Fuel Regulations**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: EPA is approving a revision to the State Implementation Plan (SIP) for the State of Connecticut which was received on June 2 and July 16, 1982. The revision will allow the Sikorsky Aircraft Division (Stratford, Connecticut) of United Technologies Corporation to use fuel oil containing 1.0 percent sulfur by weight under specific operating conditions during nine months of the year. The intended effect is to promulgate this change as required under Section 110 of the Clean Air Act.

EFFECTIVE DATE: November 12, 1982.

ADDRESSEES: Copies of the Connecticut document which is incorporated by reference are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2312, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C.; the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. and the Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut 06115.

FOR FURTHER INFORMATION CONTACT: Sarah Simon, Air Management Division, Room 2312, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-2533.

SUPPLEMENTARY INFORMATION: On September 11, 1981 EPA proposed approval (46 FR 45378) of revisions to the Connecticut State Implementation Plan (SIP) proposed by the Connecticut Department of Environmental Protection (DEP). A final 1% sulfur-in-oil revision approval was published in the Federal Register for most sources on November 18, 1981 (46 FR 56612), and no action was taken on several others. Our action today supplements our November action by approving the new 1% sulfur-in-oil limit for one source, Sikorsky Aircraft in Stratford, not previously approved. EPA received this SIP revision for this source from the Commissioner of the

Connecticut DEP on June 2 and July 16, 1982.

A thorough discussion of the 1% sulfur oil-in-SIP revision, its technical support, EPA's rulemaking procedures, and EPA's reasons for approval were presented in the Notice of Proposed Rulemaking and will not be fully repeated here. Briefly, the original screening analyses did not demonstrate compliance with the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide for 17 sources. Therefore, EPA proposed to approve the revision allowing those sources to use 1.0 % sulfur oil *provided that* the revision submittal was expanded to include further modeling demonstrations or enforceable source operating restrictions that would ensure NAAQS compliance.

Further state review of the Sikorsky facility, using VALLEY modeling with operating conditions imposed, has demonstrated compliance with the NAAQS when burning 1 % sulfur oil. The source will use this 1% sulfur-in-oil variance from March through November, but comply with its existing SIP Limit of 0.5% sulfur oil the rest of the year so that it may use the full existing steam capacity in the winter months when it may be needed. Operating restrictions for the source have been specified in a state order approving the new fuel limitation and are incorporated into the SIP as part of this rulemaking.

After evaluation of the state's submittal, the Administrator has determined that this Connecticut revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, it is approved as a revision to the Connecticut SIP.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

The Agency finds that good cause exists for making this action effective immediately since this implementation plan revision is already in effect under state law and EPA approval imposes no additional regulatory burden.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This Action may *not* be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Hydrocarbons, Carbon Monoxide.

(Sec. 110(a) and Sec. 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601)

Dated: November 3, 1982.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart H—Connecticut

1. Section 52.370, paragraph (c) is amended by adding subparagraph (24) as follows:

§ 52.370 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(24) Revision for Sikorsky Aircraft Division of United Technologies received from the Commissioner of the Connecticut Department of Environmental Protection on June 2 and July 16, 1982. This provision supersedes a portion of the revisions identified under (c)(18).

2. Section 52.380, paragraph (d) is amended by removing and reserving subparagraph (9)(iii), as follows:

§ 52.380 Rules and regulations.

(d) * * *

(9) * * *

(iii) [Reserved]

[FR Doc. 82-30778 Filed 11-10-82; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL 2223-8]

Approval and Promulgation of Implementation Plans; Indiana**AGENCY:** Environmental Protection Agency.**ACTION:** Final rulemaking.

SUMMARY: On May 10, 1982, the Indiana Air Pollution Control Board submitted revisions to the total suspended particulate (TSP), volatile organic compound (VOC), nitrogen dioxide (NO₂) and sulfur dioxide (SO₂) portions of its State Implementation Plan (SIP). The revisions are in the form of source specific emission limits contained in

operating permits for the Bunge Corporation, Globe Industries, Skyline Corporation, and Dubois County Farm Bureau Co-op Association, Inc. EPA is approving these source specific emission limits as complying with the requirements of the Clean Air Act. Further information on these revisions is provided below.

DATE: This action will be effective January 11, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of these revisions to the Indiana SIP are available for inspection at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revisions and other materials relating to this rulemaking are available for inspection at the following addresses:

Environmental Protection Agency,
Public Information Reference Unit, 401
M Street SW., Washington, D.C.
20460.

Environmental Protection Agency, Air
Programs Branch, Region V, 230 South
Dearborn Street, Chicago, Illinois
60604

Indiana Air Pollution Control Division,
Indiana State Board of Health, 1330
West Michigan Street, Indianapolis,
Indiana 46206.

Comments on this action should be
addressed to: Gary Gulezian, Chief,
Regulatory Analysis Section, Air
Programs Branch, Region V,
Environmental Protection Agency,
Region V, 230 South Dearborn Street,
Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:
Toni Lesser, (312) 886-6037.

SUPPLEMENTARY INFORMATION: On May
10, 1982, Indiana submitted revisions to
its SIP in the form of operating permits
for the following four facilities:

1. Bunge Corporation, Clymers
2. Globe Industries, Lowell
3. Skyline Corporation, Elkhart
4. Dubois County Farm Bureau Co-op
Association, Huntingburg

The operating permits require that the
sources meet both Indiana's general
regulations, i.e., 325 IAC Articles 1
through 12, and certain source specific
emission limitations. EPA is rulemaking
today only on these source specific
emission limitations. EPA either has or
will in the future rulemake on each
general regulation referenced in the
permits.

Bunge Corporation

On March 12, 1982, the State of
Indiana issued to the Bunge Corporation

Permit No. 09-02-86-0133. Bunge
Corporation is located in Cass County,
which is an attainment area for TSP,
SO₂, and NO_x. This permit applies to
Bunge Corporation's boilers among
other emission points at Bunge.

The boiler emissions for the Bunge
Corporation are limited to the levels in
Indiana's general regulations and the
following:

a. Limit of 6.62×10^6 gal/yr of a 50/50
mix of #5-500/#2 fuel oil having an
average sulfur content of 0.48%.

b. When burning fuel oil, particulate
emissions shall be limited to: 0.02 lbs/
MMBTU, 1.34 lbs/hr and 5.85 tons/yr.

c. When burning fuel oil, sulfur
dioxide emissions shall be limited to:
0.95 lbs/MMBTU, 57.1 lbs/hr and 250
tons/yr.

d. When burning natural gas, nitrogen
oxides emissions shall be limited to: 0.34
lbs/MMBTU, 20.53 lbs/hr and 89.66 tons
per year.

e. The 90 MMBTU/HR standby boiler
will be limited to 240 hrs of operation
burning natural gas and/or a 50/50 mix
of #5-500/#2 fuel oil having an average
sulfur content of 0.48%.

EPA is approving the source specific
emission limits in (a) through (e) above
as additions to the SIP for Bunge
Corporation. These limitations are
essentially status quo.

Globe Industries, Inc.

On February 15, 1982, the State of
Indiana issued to Globe Industries, Inc.
Permit No. 45-12-85-0373. Globe
Industries is located in Lake County,
which is a nonattainment area for
ozone. The operating permit was
granted for the company's automotive
sound deadening production facilities in
Lowell, Indiana. In addition to requiring
the source to meet the emission limits in
Indiana's general regulations, the permit
limits the facility to VOC emissions of
1.39 lbs/hr and 2.67 tons/yr. EPA is
approving the VOC source specific
emissions.

Skyline Corporation

On February 15, 1982, the State of
Indiana issued to the Skyline
Corporation Permit No. 20-11-85-0604.
Skyline Corporation is located in Elkhart
County, which is classified as
nonattainment for ozone. The permit
requires the source to meet the
requirement of Indiana's general
regulations and a 48 tons/year annual
VOC emission limitation. EPA is
approving the 48 tons/year VOC cap
emission limit for Skyline Corporation.
This emission limit is essentially status
quo.

Dubois County Farm Bureau Co-op Assn., Inc.

On March 10, 1982, the State of
Indiana issued to the Dubois County
Farm Bureau Co-op, Inc. (DCFBCI)
Permit No. 10-11-85-0225. The DCFBCI
grain elevator is located in the TSP
nonattainment portion of Dubois County
and handles approximately 2,150,000
bushels of grain per year. The permit
requires the source to meet the
requirements of the general regulations
and to meet an overall particulate
emission limit of 31 tons per year. EPA
believes the essentially status quo 31
tons/year particulate emission limit cap
meets the requirements of the Clean Air
Act and, therefore, is approving it.

Other Applicable Regulations

As can be seen, several of these
facilities are located in areas designated
for the pollutant in question as
nonattainment (40 CFR 81.315). Part D of
the Clean Air Act requires the State to
submit plans for these areas to attain
the primary National Ambient Air
Quality Standards (NAAQS) by 1982.
(Under certain conditions the attainment
date for ozone and carbon monoxide
nonattainment areas can be extended
until no later than 1987.) One of the
requirements of Part D is that
reasonably available control technology
(RACT) must be required in all areas not
attaining the NAAQS.

For TSP the State did submit such
plans for certain counties, including
Dubois where DCFBCI is located. EPA
conditionally approved these plans as
meeting the Part D requirements,
including RACT, on July 16, 1982 (47 FR
30972). These plans only require specific
TSP emission limitations for grain
elevators of greater than one billion
bushel capacity, however, they do
require good housekeeping and good
maintenance procedures for all
elevators. The TSP emission limit which
EPA is approving today for DCFBCI is in
addition to those Part D RACT
requirements EPA approved on July 16,
1982, and therefore, should contribute to
the attainment and maintenance of the
TSP NAAQS in the Dubois County.

The current status of the Indiana Part
D ozone plan is considerably more
complex. The State has not submitted a
complete Part D VOC SIP for Elkhart
County (Skyline Corporation). The State
has submitted, but EPA has not yet
approved, a Part D SIP for Lake County
(Globe Industries).

EPA policy does not require RACT
regulations¹ for less than 100 tons/yr

¹RACT I regulation are applicable to VOC
sources for which control technique guidelines

sources for which applicable CTG's have not been published. (46 FR 7182, January 22, 1981) Globe Industries is such a source and, therefore, is not required to have VOC emission limitations to meet the requirements of Part D. Globe Industries remains subject, however, to EPA's approved SIP VOC regulation APC 15, as promulgated by the State in 1972 and approved by EPA on May 14, 1973 (38 FR 12698).

EPA's approval of the VOC emission limitation on Skyline Corporation will place an emission cap on a source where none now exists. EPA's approval today of the source specific emission limits for both Globe Industries and Skyline Corporation will not affect EPA's ultimate action on the VOC plans as a whole for Lake and Elkhart Counties nor does it affect the growth restrictions in these areas required by Section 110(a)(2)(I) of the Clean Air Act.

In summary, EPA is approving source specific emission limitations contained in the operating permits issued to the Bunge Corporation, Globe Industries, Skyline Corporation, and Dubois County Farm Bureau Co-op Assn., Inc. as revisions to the Indiana SIP. EPA believes that the limits incorporated into the permits developed by the State are acceptable because the limits are in addition to those in the SIP and should assist the areas where the sources are located in attaining and maintaining the appropriate national ambient air quality standards. In addition, the emission limits that EPA is approving today are not inconsistent with the required RACT level of control, where applicable. If the State should in the future adopt other emission limits in its operating permits for these sources, it must then submit them to EPA as revisions to the SIP.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on (60 days from the date of this notice). However, if we receive notice by (30 days from the date of this notice) that someone wishes to submit critical comments, then EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

(CTG's were published on January 1978. RACT II regulations are applicable to VOC sources for which CTG's were published between January 1978 and January 1979.

Under 5 U.S.C. § 605(b), I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subject in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxides, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

(Secs. 110 and 172, Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: November 3, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

Section 52.770 is amended by adding paragraph (c)(37) to read:

§ 52.770 Identification of plan.

(c) * * *

(37) On May 10, 1982, Indiana submitted source specific emission limits contained in operating permits for the Bunge Corporation, Globe Industries, Skyline Corporation, and Dubois County Farm Bureau Co-op Assn., Inc. as revisions to the Indiana SIP.

[FR Doc. 82-31107 Filed 11-10-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-8-FRL 2235-8]

Approval and Promulgation of State Implementation Plans; North Dakota

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice approves several minor revisions to the North Dakota State Implementation Plan (SIP) which were submitted by the Governor on May 6, 1982. A provision is added requiring

all flares to meet a 20 percent opacity standard, fees for new sources construction permits are increased from \$25.00 to \$75.00, and fees are established for obtaining an annual permit to operate which will allow the State to cover the costs of issuing and enforcing the permits. The permit to operate fees range in cost from \$100.00 to \$1,500.00, depending on the size of the facility.

DATES: This action will be effective on January 11, 1983, unless notice is received by December 13, 1982, that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following offices:

Environmental Protection Agency,
Region VIII, Air Programs Branch,
1860 Lincoln Street, Denver, Colorado
80295

Environmental Protection Agency,
Public Information Reference Unit,
Waterside Mall, 401 M Street SW.,
Washington, D.C. 20460
The Office of the Federal Register, 110 L
Street NW., Room 8401, Washington,
D.C. 20408

FOR FURTHER INFORMATION CONTACT:

Dale M. Wells, Air Programs Branch,
Environmental Protection Agency, 1860
Lincoln Street, Denver, Colorado 80295,
(303) 837-3763.

SUPPLEMENTARY INFORMATION: On May 6, 1982, the Governor of North Dakota submitted several minor revisions to the SIP: (1) The addition of a new section, 33-15-03-04, which requires that all flares meet a 20 percent opacity standard. Section 33-15-07 is amended to remove the word "smokeless" when referring to flares (since they are allowed 20 percent opacity), and requirement is added that flares be equipped with automatic ignitors or pilots; (2) the permit fees in Chapter 33-15-14 for construction of new sources are raised from \$25.00 to \$75.00 to account for rising costs, and fees for an annual permit to operate to cover costs of issuing and enforcing the permit are added.

EPA has determined that these revisions are consistent with the requirements of Section 110 of the Clean Air Act and therefore is approving these revisions.

The public is advised that this action will be effective January 11, 1983. However, if we receive written notice by 30 days from date of publication that someone wishes to submit adverse or

critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw this final action and another will begin a new rulemaking by announcing a proposal of this action and establishing a comment period.

Also submitted on May 6, 1982, were revisions to New Source Performance Standards (NSPS) and Emission Standards for Hazardous Air Pollutants which are not part of the SIP. These revisions pertain only to EPA's delegation of authority to the State to enforce these programs pursuant to Sections 111 and 112 of the Clean Air Act and 40 CFR Parts 60 and 61.

Under section 307(b)(1) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 11, 1983. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: November 3, 1982.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of North Dakota was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart JJ—North Dakota

In 52.1820, paragraph (a)(12) is added as follows:

§ 52.1820 Identification of plan.

(a) * * *

(12) A revision requiring flares to meet 20% opacity and have automatic ignitors or pilots, increasing construction permit fees to \$75.00 and establishing annual permit to operate fees was submitted on May 6, 1982 by the Governor.

[FR Doc. 82-31108 Filed 11-10-82; 8:45 am]

BILLING CODE 5560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Ch. II

[Great Falls 084385]

Public Land Order; Montana; Order Providing for Opening of Public Lands

November 2, 1982.

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening Order.

SUMMARY: This order restores certain lands acquired by the United States under the reverter provisions of an Act of Congress to the operation of the public land laws and makes some of those lands available only for an exchange under the provisions of the Federal Land Policy and Management Act of 1976, to resolve a longstanding title/occupancy problem.

EFFECTIVE DATE: December 6, 1982.

FOR FURTHER INFORMATION CONTACT: Jack McIntosh, District Manager, Butte District Office, 106 North Parkmont, P.O. Box 3388, Butte, Montana 59702 (406-494-5059)

SUPPLEMENTARY INFORMATION:

1. In accordance with the provisions of the Act of March 5, 1931, (46 Stat. 2162), and Patent No. 1055819 dated June 23, 1932, title to the following described lands has reverted to the United States:

Principal Meridian

T. 2 S., R. 9 W.,
Sec. 5, Lot 2.

The area described contains 40.15 acres.

2. The lands described in paragraph 1 are in both Beaverhead and Silver Bow Counties near Maiden Rock on the Big Hole River. Lot 2 sits in the foothills of the Pioneer Mountains and is bisected by the river which also denotes the county line. Vegetation consists primarily of sagebrush-grasslands and scattered timber. A portion of the SE¼ of Lot 2 is occupied by mineral material sorting, crushing, and loading equipment and maintenance buildings all owned by the Stauffer Chemical Company. The remainder of the lot is utilized primarily by recreationists in association with the river and as wildlife habitat.

3. At 8 a.m. on December 6, 1982, the lands shall be open to the public land laws generally subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law except for the SE¼ of Lot 2 which, for a period of 2 years is made available only for an exchange with the Stauffer Chemical Company under

Section 206 of the Act of October 21, 1976, 43 U.S.C. 1716 (1976).

4. Mineral rights have always been owned by the Government.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-31077 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 55 (Sub-53)]

Motor Carrier Consolidation Procedures; General Policy Statement

AGENCY: Interstate Commerce Commission.

ACTION: Final policy statement.

SUMMARY: This final policy statement discusses the criteria to be applied in motor carrier consolidation proceedings before the Commission. The final policy statement rejects the interpretation announced in the proposed policy statement (issued October 19, 1981). The proposed policy statement would have applied the pre-Staggers Act criteria to all motor carrier consolidations. In light of recent Congressional action, the final policy statement states that we will apply: (1) The competition analysis of 49 U.S.C. 11344(d) and the public interest standard of 49 U.S.C. 11344(c) in motor carrier of property consolidations, and (2) the four criteria of 49 U.S.C. 11344(b)(2) and the public interest standard of 49 U.S.C. 11344(c) in motor carrier of passenger consolidations.

EFFECTIVE DATE: November 12, 1982.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275-7245

or

Karen A. Osterloh, (202) 275-7483.

SUPPLEMENTARY INFORMATION: On October 19, 1981, the Commission issued a proposed policy statement discussing the criteria to be considered in motor carrier consolidation proceedings.¹ See

¹ Under 49 U.S.C. 11343(a), Commission approval is necessary for any regulated carrier to:

(1) Purchase, lease, or enter into a contract to operate the properties of another carrier; (2) consolidate or merge with another carrier; or (3) acquire control of another carrier through stock ownership, management, or otherwise.

See 49 U.S.C. 11343(a)(1)-(3). Moreover, under sections 11343(a)(4-5), Commission approval is—under certain circumstances—required even where a noncarrier seeks to acquire control of a carrier.

For ease of reference, we will refer to all these transactions as consolidations.