

The current language of §§ 1910.133, 1910.135, and 1910.136 contains requirements that employees wear the particular PPE addressed by those sections. However, there is no specific text in any of these sections that directly addresses the employer and the employer's responsibilities for compliance. OSHA compliance staff have dealt with this situation to date by grouping their citations for violations of §§ 1910.133, 1910.135, and 1910.136 with their citation under the general PPE requirement in § 1910.132. Each of these provisions was intended in the final rule to stand on its own, and the Agency has determined that a technical amendment is necessary to correct the problem.

This technical amendment inserts appropriate language into §§ 1910.133, 1910.135, and 1910.136 which states the employer's obligation to ensure that each affected employee wears the specified types of PPE under these sections as well as under § 1910.132, where the employer's responsibility in this area is already spelled out. It should also be noted that this technical amendment does not prevent the employer who is cited for a PPE violation from raising any affirmative defenses which would otherwise be applicable.

Under 5 U.S.C. 553 and 29 CFR 1911.5, this constitutes a minor rule change which does not require public notice and comment. As noted above, it clarifies an obligation under the specific PPE standards which already applies to employers under the general rule in § 1910.132, and implements determinations already made by the Agency in the preamble to the final rule. Accordingly, further public participation is not required. However, in order to allow enough time for information on the technical amendment to be distributed and implemented by employers, OSHA is making the amendment effective June 3, 1996.

List of Subjects in 29 CFR Part 1910

Eye protection; Face protection; Foot Protection; Hand protection; Footwear; Hard hats; Head protection; Occupational safety and health; Occupational Safety and Health Administration; Personal protective equipment; Safety glasses; Safety shoes.

Authority

This document has been prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

Accordingly, pursuant to sections 4, 6 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); 5 U.S.C. 553; Secretary of Labor's Order No. 1-90 (55 FR 9033), and 29 CFR Part 1911, 29 CFR part 1910 is amended as set forth below.

Signed at Washington, D.C., this 15th day of April, 1996.

Joseph A. Dear,
Assistant Secretary of Labor.

PART 1910—[AMENDED]

Subpart I—Personal Protective Equipment

1. The authority citation for subpart I of part 1910 is revised to read as follows:

Authority: Sections 4, 6 and 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), or 1-90 (55 FR 9033), as applicable.

Sections 1910.132, and 1910.138 also issued under 29 CFR part 1911.

Sections 1910.133, 1910.135, and 1910.136 also issued under 29 CFR part 1911 and 5 U.S.C. 553.

§ 1910.133 [Amended]

2. Paragraphs (a)(1), (a)(2), (a)(5) of § 1910.133 are amended by replacing the words "Each affected employee shall use" with the words "The employer shall ensure that each affected employee uses".

§ 1910.133 [Amended]

3. Paragraph (a)(3) of § 1910.133 is amended by removing the word "Each", adding the words "The employer shall ensure that each" in its place at the beginning of the paragraph, and by replacing the words "shall wear" with "wears" both places they appear in the paragraph.

§ 1910.135 [Amended]

4. Paragraph (a)(1) of § 1910.135 is amended by replacing the words "Each affected employee shall wear protective helmets" with the words "The employer shall ensure that each affected employee wears a protective helmet".

§ 1910.135 [Amended]

5. Paragraph (a)(2) of § 1910.135 is amended by replacing the words "Protective helmets" with the words "The employer shall ensure that a protective helmet", and by replacing the words "shall be worn" with the words "is worn."

§ 1910.136 [Amended]

6. Paragraph (a) of § 1910.136 is amended by replacing the words "Each affected employee shall wear" with the

words "the employer shall ensure that each affected employee used."

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BILLING CODE 4510-26-P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

RIN 2135-AA00

Seaway Regulations and Rules: Miscellaneous Amendments

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: The Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority of Canada publish joint Seaway Regulations. As a result of discussions with the Authority, it has been determined that a number of existing regulations need to be amended for clarification or simplification. In addition, several substantive changes are being made, specifically: changing the maximum allowable beam from 23.16 m (76 feet) to 23.8 m (78 feet), with certain, practical conditions applied; reducing the security deposit for certain vessels; requiring permanent fenders, with a phase-in period; and reducing some of the system's speed limits. The first two of these are intended to encourage increased usage of the Seaway, the third is intended to increase the safety for both the Corporation's and the Authority's locks and the vessels transiting, and the fourth is intended to increase both safety and environmental protection.

DATES: This rule is effective on June 3, 1996.

FOR FURTHER INFORMATION CONTACT: Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 366-6823.

SUPPLEMENTARY INFORMATION: As a result of discussions with the Saint Lawrence Seaway Authority of Canada, the Saint Lawrence Seaway Development Corporation is amending the Seaway Regulations and Rules in 33 CFR Part 401 as described in the following summary.

Section 401.3, "Maximum vessel dimensions", is amended by revising paragraph (a), removing paragraph (d)(1), and adding a new paragraph (e) to change the maximum allowable beam from 23.16 m (76 feet) to 23.8 m (78 feet)

and simplify the approval process for vessels exceeding 23.2 m., with practical conditions applied for such things as vessel configuration and weather conditions.

Section 401.6, "Markings", is amended by revising paragraphs (a) and (b) to round off the length requirements from 19.8 m to 20.0 m and from 117 m to 110 m, respectively, for simplification and consistency with the international collision regulations. To alleviate safety problems caused by portable fender usage, § 401.7, "Fenders", is revised to require, as a rule, permanent fenders of a specified type, with only occasional deployment of portable fenders allowed on a single transit basis, with a phase-in period until the beginning of the 1997 navigation season to ease transition. One comment suggested the elimination of permanent fenders because they can catch the lock gates and, at certain vessel drafts, can dig into the wooden fenders on the lock approach walls. The Corporation and the Authority are not adopting this suggestion. Permanent fenders are being required to avoid the situation where mooring wires may be crushed between the vessel's side and the lock wall, to prevent steel contact on vessels with hazardous cargo stored in side tanks, and, occasionally for certain vessels, to protect specific structures or provide adequate clearance off bascule bridges. The Authority and the Corporation review vessel plans to ensure that fenders are located as high on the hull as possible, have a maximum size stipulated, and are adequately tapered. If these plans are provided and concurred in before construction or retrofitting, the type of problem suggested by the comment should be avoided.

Section 401.9, "Radiotelegraph equipment", is amended by revising paragraph (a) to round off the length requirement for self-propelled vessels from 19.8 m to 20.0 m for simplification.

Section 401.10, "Mooring lines", is amended by revising paragraphs (B) and (c) to allow routinely synthetic lines since vessels now use them routinely and safely worldwide.

Section 401.13, "Hand lines", is amended by revising paragraph (b) to require hand lines to have a diameter of between 12 and 20 mm and a minimum length of 35 m with uniform thickness throughout to avoid jamming on the car haulers and bollards that has occurred because of splicing of uneven pieces.

Section 401.26, "Security for tolls", is amended by revising paragraph (d) to reduce the security required where a number of vessels, for each of which a preclearance application has been approved, are owned or controlled by

the same individual or company and have the same representative. Security for tolls for these vessels is not required if every toll account received in the preceding five years has been paid within forty-five days after the vessel enters the Seaway.

Section 401.42, "Passing hand lines", is amended by revising paragraph (a)(1) to change "linesmen" to "linehandlers" for gender neutrality.

Section 401.43, "Mooring table", is amended by deleting the unnecessary references to specific locations for simplification.

Section 401.45, "Emergency procedure", is amended to requiring the Master to be responsible for giving the signal in an emergency upon entering the locks to make the practice consistent in both Canadian and U.S. locks and, for safety purposes, by requiring mooring lines to be put out as quickly as possible.

Section 401.52, "Limited of approach to a bridge", is amended by revising paragraph (b) to change "Caughnawaga" to Kahnawake", as it is now commonly known.

Section 401.64, "Calling in", is amended by revising paragraph (e) to make the master solely responsible because it is his or her, not the pilot's responsibility.

Section 401.65, "Communication—ports, docks, and anchorages", is amended by revising paragraph (a)(1) to round off 0.87 of a nautical mile to 1 nautical mile for simplification and by removing that part of paragraph (c) that refers to dangerous cargo reporting and placing its substance in § 401.66, which is a more appropriate location.

Section 401.66, "Applicable laws", is amended by redesignating the current text as paragraph (a) and adding a new paragraph (b), which is the text removed from § 401.65(c) amended to change the dangerous cargo reporting and filing requirements to reflect the practice instituted by the Canadian Authority under Seaway Notice No. 2 of 1993.

Section 401.71, "Signals—explosive or hazardous cargo vessels", is amended by deleting paragraph (b) and revising current paragraph (a) to combine the requirements for explosive and hazardous vessels into one to be consistent with the international collision regulations.

Section 401.72, "Reporting—explosive and hazardous cargo vessels", is amended by adding new paragraphs (e), (f), (g), and (h) to require certain information on load plans concerning dangerous cargo to ensure enhanced safety, reflecting the practice instituted by the Authority under Seaway Notice No. 2 of 1993. In response to a comment

received by the Authority, the reference to "IMO" in subsection (e)(1) is changed to "IMDG", which is the correct designation for the International Dangerous Goods Code.

Subsection (g) is also changed in response to a comment received by the Authority. This change covers the situation where an actual Material Safety Data sheet for a cargo carried by a vessel is not on file with a Seaway Traffic Control Center, but the vessel carries sufficient information for its preparation. Either form of compliance will allow the vessel to continue transit through the system.

Section 401.75, "Payment of tolls", is amended to provide that every toll invoice shall be paid in Canadian or American funds within forty-five days after the vessel enters the Seaway and any adjustment of the amount payable shall be provided for in a subsequent invoice, which is consistent with the new policy on reduced security in revised § 401.26(d). To be consistent with the text of the Canadian version of these joint regulations, this revised § 401.75 text is redesignated as paragraph (a) and the current § 401.77 is redesignated as paragraph (b) of § 401.75 and revised by making non-substantive editorial changes.

Section 401.84, "Reporting of impairment or other hazard by vessels transiting within the Seaway", is amended by revising paragraph (c) to reflect that the reporting requirements cover the equipment listed in Schedule I as well.

Section 401.89, "Transit refused", is amended by revising paragraph (a)(1) to transit refusal may be based upon the equipment requirements in Schedule I as well when transiting Canadian waters.

Section 401.91, "Removal of obstructions", is amended to remove the words "take such action * * * as the Corporation or the Authority deem necessary" as superfluous.

Section 401.94, "Keeping copy of regulations", is amended to require that, in addition to a copy of the Regulations, a copy of the vessel's latest Ship Inspection Report, and Seaway Notices for the navigation year shall be kept on board each vessel, which reflects the routine requirement for this documentation for inspection and reference purposes.

Schedule I, "VESSELS TRANSITING U.S. WATERS", is amended by revising paragraph (d)(3) to require, for each vessel with a fixed propeller, a table of shaft revolutions per minute, for a representative range of speeds, and a notice showing any critical range of revolutions at which the engine

designers recommend that the engine not be operated on a continuous basis because this information is necessary for officers or pilots having conduct of the vessel.

It was proposed to amend Schedule II, "Table of Speeds", by revising item 4 to reduce the allowable speeds in the area covered, by revising item 6 to reduce the allowable speeds in the area covered and include the areas that have been covered by items 7 through 10 under item 6's allowable speed limits to eliminate varying speed areas, reduce speeding violations, and reduce vessel wake damages. Items 7 through 10 were to be removed and items 11 through 15 renumbered accordingly. Two comments, both from pilots, objected on the basis that it would increase transit time and thus increase pilot fatigue and stress, resulting in a decrease in the safety margin. They also stated that proffering wake damage as a basis for the change in all areas was unfounded. The Corporation and the Authority agree only in part. The Table of Speeds will now be amended as follows. The speed limit from Eisenhower to Iroquois Lock will be set at 11.5 knots. Presently, the limits for this section are divided into four separate speed zones: 11.5 knots from Eisenhower to Richard's Point Light #55 (5.34 nautical miles); 13.0 knots from Richards Point Light #55 to Doran Shoal Buoy 84 (9.08 nautical miles); 11.5 knots from Doran Shoal Buoy 84 to Ogden Island Buoy 99 (4.24 nautical miles); and 13.0 knots from Ogden Island Buoy 99 to Iroquois Lock (3.54 nautical miles). The speed limit between Richards Point and Doran Shoal will be reduced to 11.5 knots. This increases transit time by 5.5 minutes, not allowing for the time required to speed up or slow down in the original 13.0 knot zone. The speed limit from Buoy 99 to Iroquois Lock will be changed to 11.5 knots, which will have a negligible effect on transit time. This is a short area where a ship must be checked down before unbound entry into the lock or starting from rest while downbound in the lock with checking down required before entering the reduced speed area. The 11.5 knot speed zone presently in effect from 1/2 mile east of Buoy 162 to Light 186 will be extended to include the area between McNair Island Light 137 to Light 186. This extends the 11.5 knot zone eastward by 8.32 nautical miles and increases transit time by 5 minutes. The section from Iroquois Lock to McNair Island would remain at 13.0 knots. This change results in a lower speed limit for the Brockville Narrows, for which there have been numerous complaints and

significant safety concerns because of large ship wakes in close proximity to pleasure and tour boats. Overall, these changes increase transit time in the Snell Lock to Cape Vincent pilotage area by only 10.5 minutes, which should have no real effect on pilot stress and fatigue, while reducing safety and wake concerns in the Brockville Narrows, Mariatown, and Wilson Hill areas. The change from the original proposal is that, instead of maintaining an 11.5 knot limit from Eisenhower Lock to Light 186, a 13.0 knot zone will be retained through the Prescott anchorage, where traditionally vessels have the opportunity to overtake. The Corporation and the Authority believe that these changes are prudent and are justified by experience and observation. Speed limits traditionally are set to protect the shoreline, Seaway channels, and the boating public from damage or injury. Wake complaints are logged and vessel speed spot checks are made from shore positions, with the draw down and surge of each observed vessel measured and recorded. The Authority alone carried out approximately 875 speed checks in 1995. Speed limits are the best tool for controlling damaging wake by setting a standard for the navigation team on each vessel to follow.

Appendix I, "Vessel Dimensions", is amended by revising the second undesignated paragraph after paragraph (b) to round off "23.16 m" to "23.2 m" for simplification and conformity with the amendment to § 401.3.

There are some minor editorial changes to conform with the SLSA version approved under the Canadian regulatory review process that do not have any substantive impact, such as changing the word "upon" to "on" in § 401.3(e)(1).

Regulatory Evaluation

This final rule involves a foreign affairs function of the United States, and therefore, Executive Order 12866 does not apply. This final rule 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 final rule will 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 final rule 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 final rule under the principles and criteria in Executive Order 12612 and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 amends Part 401—Seaway Regulations and Rules (33 Part 401) as follows:

PART 401—[AMENDED]

1. The authority citation for Part 401 continues to read as follows:

Authority: 68 Stat. 93–96 (33 U.S.C. 981–990), as amended; Sec. 104, Pub. L. 92–340, 86 Stat. 424 (49 CFR 1.50a) (37 FR 21943), unless otherwise noted.

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

§ 401.3 Maximum vessel dimensions.

(a) Subject to paragraph (e) of this section, no vessel of more than 222.5 m in overall length or 23.8 m in extreme breadth shall transit.

* * * * *

(d) No vessel's hull or superstructure when alongside a lock wall shall extend beyond the limits of the lock wall, as illustrated in Appendix I of this Part.

(e) A vessel having a beam width in excess of 23.2 m and having dimensions that do not exceed the limits set out in the block diagram in Appendix I of this Part:

- (1) Shall, on application to the Authority, be considered for transit after review of the vessels drawings; and
- (2) If accepted, shall transit in accordance with directions issued by the Authority or Corporation.

3. Section 401.6 is amended by revising paragraphs (a) and (b) to read as follows:

§ 401.6 Markings.

(a) Vessels of more than 20.0 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 110 m in overall length shall be marked on both sides with midship draft markings.

* * * * *

4. Section 401.7 is revised to read as follows:

§ 401.7 Fenders.

(a) Where any structural part of a vessel protrudes so as to endanger Seaway installations, the vessel shall be equipped with fenders—

(1) That are made of steel, hardwood, or teflon or a combination of two or all of these materials, are of a thickness not exceeding 15 centimeters, with well tapered ends, and are located along the hull, close to the main deck level; and

(2) That by no later than the beginning of the 1997 navigation season are permanently attached to the vessel, except that portable fenders, other than rope hawsers, are allowed for a single transit basis if the portable fenders are—

(i) Made of a material that will float; and

(ii) Securely fastened and suspended from the vessel in a horizontal position by a steel cable or a fiber rope in such a way that they can be raised or lowered in a manner that does not damage Seaway installations.

5. Section 401.9 is amended by revising paragraph (a) to read as follows:

§ 401.9 Radiotelephone equipment.

(a) Self-propelled vessels, other than pleasure craft of less than 20.0 m in overall length, shall be equipped with VHF (very high frequency) radiotelephone equipment.

* * * * *

6. Section 401.10 is amended by revising paragraphs (b) and (c) to read as follows:

§ 401.10 Mooring lines.

* * * * *

(b) Unless otherwise permitted by an officer, only wire rope mooring lines with a breaking strength that complies with the minimum specifications set out in the table in this section shall be used for securing a vessel in lock chambers.

(c) Synthetic lines may be used for mooring at approach walls, tie-up walls and docks within the Seaway.

* * * * *

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

§ 401.13 Hand lines.

* * * * *

(b) Be of uniform thickness and have a diameter of not less than 12 mm and not more than 20 mm and a minimum length of 35 m.

8. Section 401.26 is amended by revising paragraph (d) to read as follows: **Security for tolls.**

* * * * *

(d) Notwithstanding paragraph (c) of this section, where a number of vessels, for each of which a preclearance has been given, are owned or controlled by the same individual or company and have the same representative, the security for tolls is not required if the individual, company, or representative has paid every toll invoice received in the preceding five years within the period set out in § 401.75.

* * * * *

§ 401.42 [Amended]

9. Paragraphs (a) (1) and (2) of section 401.42 are amended by removing the word “linesmen” and adding, in its place, the word “linehandlers”.

10. Section 401.43 is amended by revising the introductory text as follows:

§ 401.43 Mooring table.

Unless otherwise directed by an officer, vessels passing through the locks shall moor at the side of the tie-up wall or lock as shown in the table to this section.

* * * * *

11. Section 401.45 is revised to read as follows:

§ 401.45 Emergency procedure.

When the speed of 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 by the master and all mooring lines shall be put out as quickly as possible.

§ 401.52 [Amended]

12. Paragraph (b) of section 401.52 is amended by removing the word “Caughnawaga” and adding, in its place, the word “Kahnawake”.

§ 401.64 [Amended]

13. Paragraph (e) of section 401.64 is amended by removing the words “or pilot”.

14. Section 401.65 is amended by revising paragraphs (a) (1) and (2) and paragraph (c) to read as follows:

§ 401.65 Communication—ports, docks and anchorages.

(a) * * *

(1) For the lake ports of Toronto and Hamilton, 1 nautical mile outside the harbor limits; and

(2) For other lake ports, when crossing the harbor entrance.

* * * * *

(c) Every vessel departing from a port, dock or anchorage, shall report to the appropriate Seaway station its destination and the expected time of arrival at the next check point.

15. Section 401.66 is amended by redesignating the current text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 401.66 Applicable laws.

* * * * *

(b) Every vessel carrying dangerous cargo, as described in §§ 401.66 through 401.73, and all tankers carrying liquid cargo in bulk, shall file with the Corporation and the Authority a copy of the current load plan as described in § 401.72(e).

16. Section 401.71 is revised to read as follows:

§ 401.71 Signals—explosive or hazardous cargo vessels.

An explosive or hazardous cargo vessel shall display at the masthead or at an equivalent conspicuous position a “B” flag.

17. Section 401.72 is amended by adding new paragraphs (e), (f), (g), and (h) to read as follows:

§ 401.72 Reporting—explosive and hazardous cargo vessels.

* * * * *

(e) Every vessel carrying dangerous cargo, as defined in § 401.66, and all tankers carrying liquid cargo in bulk shall, before transiting any part of the Seaway, file with the Corporation and the Authority a copy of the current load plan that includes the following information:

(1) The name of the cargo, its IMO class and UN number as set out in the IMDG Code, if applicable, or, if the cargo is not classed by the IMO and does not have a UN number, the words “NOT CLASSED”;

(2) The weight in metric tonnes and the stowage location of each commodity;

(3) The approximate weight in metric tonnes or the approximate volume in cubic meters in each hold or tank;

(4) The flashpoint of the cargo, if applicable; and

(5) The estimated date of entry into the Seaway and the date and time that the load plan was last issued or amended.

(f) For tankers, the information required under this section 401.72 shall

be detailed on a plan showing the general layout of the tanks, and, if a tanker is so fitted, a midship cross-section showing double bottom tanks and ballast side tanks.

(g) If a Material Safety Data Sheet (MSDS) on a hazardous cargo that a vessel is carrying is not available in a Seaway Traffic Control Center, the vessel shall provide information enabling the preparation of an MSDS.

(h) Every vessel shall submit its load plan to the nearest Seaway Traffic Control Center and, if there are subsequent changes in stowage including loading and discharging during a transit, the vessel shall submit an updated plan before departing from any port between St. Lambert and Long Point.

18. Section 401.75 is revised to read as follows:

§ 401.75 Payment of tolls.

(a) Every toll invoice shall be paid in Canadian or American funds, as indicated on the invoice, within forty-five days after the vessel enters the Seaway, and any adjustment of the amount payable shall be provided for in a subsequent invoice.

(b) Tolls, established by agreement between Canada and the United States and known as 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.

§ 401.77 [Removed and Reserved]

19. Section 401.77 is removed and reserved.

20. Section 401.84 is amended by revising paragraph (c) to read as follows:

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

* * * * *

(c) Any malfunction on the vessel of equipment required by §§ 401.5 to 401.21 and subsections (e) through (j) of Schedule I of subpart A of this Part;

* * * * *

21. Section 401.89 is amended by revising paragraph (a)(1) to read as follows:

§ 401.89 Transit refused.

(a) An officer may refuse to allow a vessel to transit when,

(1) The vessel is not equipped in accordance with §§ 401.6 to 401.21 and subsections (e) to (j) of Schedule I of subpart A of this part when transiting the Canadian waters of the Seaway;

* * * * *

22. Section 401.91 is revised to read as follows:

§ 401.91 Removal of obstructions.

The Corporation or the Authority may, at the owner's expense, move any vessel, cargo, or thing that obstructs or hinders transit on any part of the Seaway.

23. Section 401.94 is revised to read as follows:

§ 401.94 Keeping copy of regulations.

A copy of these Regulations (subpart A of Part 401), a copy of the vessel's latest Ship Inspection Report, and Seaway Notices for the current navigation year shall be kept on board every vessel in transit.

24. Schedule I to subpart A, part 401 is amended by revising paragraph (d)(3) to read as follows:

Schedule I—Vessels Transiting U.S. Waters

(d) * * *

(3) For each vessel with a fixed propeller, a table of shaft revolutions per minute, for a representative range of speeds, and a notice showing any critical range of revolutions at which the engine designers recommend that the engine not be operated on a continuous basis.

* * * * *

25. Schedule II to subpart A, part 401 is revised to read as follows:

SCHEDULE II.—TABLE OF SPEEDS ¹

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	12	12.
5. Lake St. Francis, Buoy D49	Snell Lock	8.5 upb; 10.5 dnb	8 upb; 10.5 dnb.
6. Eisenhower Lock	Iroquois Lock	11.5	10.5.
7. Iroquois Lock	McNair Island, Lt. 137	13	10.5.
8. McNair Island, Lt. 137	Deer Island, Lt. 186	11.5	10.5.
9. Deer Island, Lt. 186..	Bartlett Point, Lt. 227..	8.5 upb; 10.5 dnb	8 upb; 10.5 dnb.
10. Bartlett Point, Lt. 227	Tibbetts Point	13	10.5.
11. 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.
12. Port Robinson	Ramey's Bend through the Welland Bypass	8	8.
13. 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.

26. Appendix I to subpart A, part 401 is amended by revising the first sentence of the second undesignated paragraph after paragraph (b) to read as follows:

Appendix I—Vessel Dimensions

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The limits in the block diagram are based on vessels with a maximum allowable beam of 23.2 m. * * *

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Issued at Washington, DC on April 25, 1996.

Saint Lawrence Seaway Development Corporation

Gail C. McDonald,

Administrator.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1228

RIN 3095-AA65

Disposition of Federal Records

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.