

**DEPARTMENT OF TRANSPORTATION****Saint Lawrence Seaway Development Corporation****33 CFR Part 401**

[Docket No. SLSDC–2011–0002]

RIN 2135–AA29

**Seaway Regulations and Rules: Periodic Update, Various Categories****AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.**ACTION:** Final rule.

**SUMMARY:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Seaway Regulations and Rules in various categories. The changes will update regulations concerning condition of vessels and preclearance and security for tolls. These amendments are necessary to take account of updated procedures and will enhance the safety of transits through the Seaway. Several of the amendments are merely editorial or for clarification of existing requirements.

**DATES:** The final rule is effective March 20, 2011.

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

**SUPPLEMENTARY INFORMATION:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Regulations and Rules in various categories. The amendments update the following sections of the Regulations and Rules: Condition of Vessels, and Preclearance and Security for Tolls. These changes are necessary to take account of updated procedures which will enhance the safety of transits

through the Seaway. Many of these changes are to clarify existing requirements in the regulations. Where new requirements or regulations are being made, an explanation for such a change is provided below.

The joint regulations are effective in Canada on March 20, 2011. For consistency, because these are joint regulations under international agreement, and to avoid confusion among users of the Seaway, the SLSDC finds that there is good cause to make the U.S. version of the amendments effective on the same date.

**Regulatory Notices**

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

The Notice of Proposed Rulemaking was published in the **Federal Register** on January 28, 2011 (76 FR 5104). No comments were received.

The SLSDC is amending two sections of the Condition of Vessels portion of the joint Seaway regulations. Under section 401.8, "Landing booms", the SLSDC is clarifying that no more than 4 mooring lines will be handled by Seaway personnel as part of the tie-up service. In addition, the change clarifies that tie-up service does not include let go service. In section 401.24, "Application for preclearance", the SLSDC is requiring that preclearance applications must be received by the SLSMC between 08:00–16:00 hours Monday through Friday and at least 24 hours prior to the vessel's arrival.

The other changes to the joint regulations are merely editorial or to clarify existing requirements.

**Regulatory Evaluation**

This regulation involves a foreign affairs function of the United States and therefore Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

**Regulatory Flexibility Act Determination**

I certify this regulation will not have a significant economic impact on a substantial number of small entities.

The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

**Environmental Impact**

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

**Federalism**

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

**Unfunded Mandates**

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

**Paperwork Reduction Act**

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

**List of Subjects in 33 CFR Part 401**

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

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

**PART 401—SEAWAY REGULATIONS AND RULES****Subpart A—Regulations**

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

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

■ 2. In § 401.8, revise paragraph (c) to read as follows:

**§ 401.8 Landing booms.**

\* \* \* \* \*

(c) Vessels not equipped with or not using landing booms must use the Seaway's tie-up service at approach walls using synthetic mooring lines only. Maximum of 4 lines will be handled by Seaway personnel and the service does not include let go service.

■ 3. In § 401.11, revise paragraph (a) introductory text to read as follows:

**§ 401.11 Fairleads.**

(a) Mooring lines shall:

\* \* \* \* \*

■ 4. In § 401.12 revise paragraphs (a)(1) introductory text, (a)(1)(i), and (a)(2) to read as follows:

**§ 401.12 Minimum requirements—mooring lines and fairleads.**

(a) \* \* \*

(1) Vessels of more than 100 m but not more than 150 m in overall length shall have three mooring lines—wires or synthetic hawsers, which shall be independently power operated by winches, capstans or windlasses. All lines shall be led through closed chocks or fairleads acceptable to the Manager and the Corporation.

(i) One shall lead forward and one shall lead astern from the break of the bow and one lead astern from the quarter.

\* \* \* \* \*

(2) Vessels of more than 150 m in overall length shall have four mooring lines—wires, independently power operated by the main drums of adequate power operated winches as follows:

(i) One mooring line shall lead forward and one mooring line shall lead astern from the break of the bow.

(ii) One mooring line shall lead forward and one mooring line shall lead astern from the quarter.

\* \* \* \* \*

■ 5. Revise § 401.24 to read as follows:

**§ 401.24 Application for preclearance.**

The representative of a vessel may, on a preclearance form obtained from the Manager, St. Lambert, Quebec, or downloaded from the St. Lawrence Seaway Web site (<http://www.greatlakes-seaway.com>), apply for preclearance, giving particulars of the ownership, liability insurance and physical characteristics of the vessel and guaranteeing payment of the fees that may be incurred by the vessel. The preclearance application must be received by the St. Lawrence Seaway between 08:00–16:00 hours Monday

through Friday excluding holidays and at least 24 hours prior to arrival.

■ 6. In § 401.39, revise paragraph (a) as follows:

**§ 401.39 Preparing mooring lines for passing through.**

\* \* \* \* \*

(a) Winches shall be capable of paying out and heaving in at a minimum speed of 46 m per minute; and

\* \* \* \* \*

■ 7. In § 401.40, revise paragraph (a) to read as follows:

**§ 401.40 Entering, exiting, or position in lock.**

(a) Unless directed by the Manager and the Corporation, no vessel shall proceed into a lock in such a manner that the stem passes the stop symbol on the lock wall nearest the closed gates.

\* \* \* \* \*

■ 8. In § 401.51, revise paragraph (b) to read as follows:

**§ 401.51 Signaling approach to a bridge.**

\* \* \* \* \*

(b) The signs referred to in paragraph (a) of this section are placed at distances varying between 550 m and 2990 m upstream and downstream from moveable bridges at sites other than lock sites.

\* \* \* \* \*

■ 9. In § 401.57, revise paragraph (c) to read as follows:

**§ 401.57 Disembarking or boarding.**

\* \* \* \* \*

(c) Persons disembarking or boarding shall be assisted by a member of the vessel's crew under safe conditions.

■ 10. In § 401.65, revise paragraph (c) to read as follows:

**§ 401.65 Communication—ports, docks and anchorages.**

\* \* \* \* \*

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

\* \* \* \* \*

Issued at Washington, DC, on March 3, 2011. Saint Lawrence Seaway Development Corporation

**Collister Johnson, Jr.,**  
Administrator.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[EPA-HQ-SFUND-2010-0072, 0073, 0075, 0634, 0636, 0638, 0639, 0643, 0645, 0646; RL-9277-8]

RIN 2050-AD75

**National Priorities List, Final Rule No. 51**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA” or “the Act”), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (“NPL”) constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (“EPA” or “the Agency”) in determining which sites warrant further investigation. These further investigations will allow EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule adds ten sites to the NPL, all to the General Superfund Section.

**DATES:** *Effective Date:* The effective date for this amendment to the NCP is April 11, 2011.

**ADDRESSES:** For addresses for the Headquarters and Regional dockets, as well as further details on what these dockets contain, see section II, “Availability of Information to the Public” in the **SUPPLEMENTARY INFORMATION** portion of this preamble.

**FOR FURTHER INFORMATION CONTACT:** Terry Jeng, *phone:* (703) 603-8852, *e-mail:* [jeng.terry@epa.gov](mailto:jeng.terry@epa.gov), Site Assessment and Remedy Decisions Branch; Assessment and Remediation Division; Office of Superfund Remediation and Technology Innovation (mail code 5204P); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue, NW.; Washington, DC 20460; or the Superfund Hotline, phone (800) 424-9346 or (703) 412-9810 in the Washington, DC, metropolitan area.

**SUPPLEMENTARY INFORMATION:**