

PART 946—VIRGINIA

1. The authority citation for Part 946 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 946.15 is amended in the table by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

§ 946.15 Approval of Virginia regulatory program amendments.

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Original amendment submission date	Date of final publication	Citation/description
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November 17, 1998	December 13, 1999	Policy clarification for implementing 4 VAC 25–130–774.13(d).

[FR Doc. 99–32210 Filed 12–10–99; 8:45 am]

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DEPARTMENT OF DEFENSE**Corps of Engineers, Department of the Army****33 CFR Part 207****St. Marys Falls Canal and Locks, Michigan; Use, Administration and Navigation**

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers is amending its regulations on procedures to navigate the St. Marys Falls Canal and Soo Locks at Sault St. Marie, Michigan to incorporate changes in navigation procedures published in Notice to Navigation Interests over the last three years. The St. Marys Falls Canal and Locks navigation regulation is amended to change the location where up bound vessels seeking passage through the Soo Locks request lock dispatch. This regulation also establishes the minimum number of line handlers that vessels should have while locking through the Soo Locks, place a restriction on the use of bow/stern thrusters while transiting through the Soo Locks, add a procedure for vessels departing from the MacArthur and Poe Locks simultaneously or at approximately the same time, and add a tug assist procedure for self-powered vessels.

DATES: The final rule is effective January 12, 2000.

ADDRESSES: U.S. Army Corps of Engineers, ATTN: CECW–OD, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Hilton, Dredging and Navigation Branch (CECW–OD) at (202) 761–8830 or Mr. Michael O'Bryan, Assistant Chief, Construction-Operations Division, Detroit District at (313) 226–6444.

SUPPLEMENTARY INFORMATION: The notice of proposed rulemaking was published on Tuesday, August 31, 1999, vol. 64, No. 168, pages 47462–47464.

Pursuant to its authority in Section 4 of the Rivers and Harbors Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 1), the Corps is amending the regulations in 33 CFR 207.440(c), (e), (f), (h), and (r). The regulation governing the operation of the St. Marys Falls Canal and Locks, 33 CFR 207.440 was adopted on November 27, 1945 (10 FR 14451) and has been amended at various times.

Paragraph (c) is amended to formally establish the call-in location and change in call sign currently being utilized by vessel owners. The call sign was changed due to the realignment of the Corps of Engineers Division Offices and was published in a Notice to Navigation Interests on November 25, 1997. Amending paragraph (c) responds to a request from users of the Soo Locks to further formalize the up bound call-in point by changing the regulation for operating the locks.

Paragraph (e) is amended to establish a requirement for vessels passing through the locks to provide line handlers. Over the past decade, the number of line handlers provided by the Government has decreased. On April 19, 1996, the Corps Detroit District published a Notice to Navigation Interests indicating that the Government would no longer provide pier line handlers. This amendment adds a requirement that vessels provide line handlers for passage through the locks and delineates the number of line handlers required based on weather and vessel conditions.

Paragraph (f) is amended to restrict the use of bow and stern thrusters while the vessel is in the locks to reduce the negative effects caused by the currents and water movement created by use of thrusters that may damage the locks walls and gates.

Paragraph (h) is amended to establish a procedure for the order of departure for vessels attempting to leave the MacArthur and Poe Locks simultaneously. This procedure is a

safety measure to prevent two vessels from being in the lock canal at the same time.

Paragraph (r) is amended to establish a tug-assist requirement for vessels without bow and stern thrusters and for other types of powered vessels that may have difficulty maneuvering in close quarters while navigating at low speed. High winds, changing currents and inclement weather may affect a vessel's ability to maneuver within close quarters while at low speeds.

This final rule is not a major rule for the purposes of Executive Order 12866. As required by the Regulatory Flexibility Act, the Corps of Engineers certifies that this final rule will not have a significant impact on small business entities.

Comments on the Proposed Rule

One comment was received to the August 31, 1999, **Federal Register** notice and the August 31, 1999, Public Notice issued by the Corps of Engineers Detroit District. The commenter's association represents eleven U.S.-flag Great Lakes fleets that have a combined total of 61 vessels. The association supports the changes, but recommended two changes in the navigation procedures. First, they recommend that § 207.440(e)(1) reflect the changes in manning levels, duty assignments and designation of personnel and automated systems currently in use. The manning levels currently in use by most domestic and foreign vessels 400 gross tons or over navigating the canal under their own power have the following ship's personnel: In the pilot house, on the bridge, the master. One mate and one able body seaman shall be on watch and available to assist; in the engine room, the engineering watch officer. The chief engineer shall be available to assist. The second recommendation is to amend § 207.440(h)(2)(i) to add a new § 207.440(h)(2)(i)(C) and delete § 207.440(h)(ii)(B). The recommended new paragraph would read "If two masters agree to a different departure scheme they both shall notify the lockmaster and request a change to the

above." This would allow the master of each vessel that arrived simultaneously or at approximately the same time, at the McArthur Lock and the Poe Lock to negotiate their departure sequence during the locking operation. We agree there are situations when one vessel may need to leave the lock out of sequence with the established departure scheme. The recommended paragraph allows the two vessels captains to reach agreement while the locking operation is under way. As proposed, each vessel master would notify the lockmaster and request a change to the established departure scheme. We concur with the proposed language, except both vessel masters must contact the Chief Lockmaster rather than the lockmaster, since only the Chief Lockmaster has the authority to allow vessels to deviate from the established departure scheme. Having each vessel master contact the Chief Lockmaster, avoids any possible misunderstanding between each vessel master. We, therefore, do not concur with deleting § 207.440(h)(2)(ii)(B), which provide for the Chief Lockmaster to deviate from the departure scheme on a case by case basis, since the Chief Lockmaster has the overall responsibility for navigation vessel safety while vessels transit the St. Marys Falls Canal and Soo Locks. Section 207.440(h)(2)(ii)(B) is, however, renumbered to § 207.440(h)(2)(iv) and the suggested language becomes part of this new paragraph. The paragraph is renumbered, since a deviation of the lockage scheme applies to all departure procedures, not just when a 1,000-foot vessel is ready to depart. Section 207.440(h)(2)(ii)(A) is renumbered to § 207.440(h)(2)(iii), to clarify that all vessels are to remain in radio contact with each other and with the lockmaster at all times until clear of the lock area, not just when a 1,000-foot vessel is ready to depart.

List of Subjects in 33 CFR Part 207

Navigation (Water), Vessels, Water Transportation

For reasons set out in the preamble, Title 33, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 207—NAVIGATION REGULATIONS

1. The authority citation for part 207 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1).

2. Section 207.440 is amended by revising paragraphs (c), (e), (f), (h) and (r) to read as follows:

§ 207.440 St. Marys Falls Canal and Locks, Mich.; use, administration, and navigation.

(c) *Approach requirements.* Upon approaching the canal, vessel masters shall request lock dispatch by radiotelephone to the Corps of Engineers Chief Lockmaster at St. Marys Falls Canal dispatch tower (Radio Call WUE-21). Every up bound vessel requiring lock transit shall request lock dispatch immediately before initiating the turn at Mission Point at the intersection of Course 1, Bayfield Channel, and Course 2, Little Rapids Cut. Every down bound vessel shall call when approximately one-half mile downstream from Big Point.

(e) (1) *Manning requirements.* On all vessels of 400 gross tons or over navigating the canal under their own power, the following ship's personnel shall be on duty. In the pilot house, on the bridge, the master. One mate and one able seaman shall be on watch and available to assist; in the engine room, the engineering watch officer. The chief engineer shall be available to assist. During transit of the locks, all vessels of 400 gross tons or over equipped with power operated mooring deck winches shall have, in addition to the winch operators, mates or signalman at the forward and after ends of the vessel to direct operations from points providing maximum vision of both the winch operators and canal linesmen.

(2) *Linehandlers.*—(i) *Cargo vessels equipped with bow thrusters and friction winches.* Two line handlers from the vessel are required on the piers under normal weather conditions. Lockmasters can ask for three persons under severe weather conditions. If a vessel is experiencing mechanical problems or in extreme severe weather situations, the lockmaster may require four vessel-supplied line handlers on the pier.

(ii) *Vessels with non-friction winches or lack of both bow and stern thrusters.* Four vessel-supplied line handlers are required on the pier at all times.

(f) *Vessel restrictions.*—(1) *Speed limits.* Within the limits of the canal, vessels approaching the locks shall not navigate at a speed greater than 2½ miles per hour, and vessels leaving the locks shall not navigate at a speed greater than 6 miles per hour. Tugs assisting vessels in passing through the locks may be authorized by the District Engineer or his authorized agents to navigate at a higher speed when considered necessary to expedite canal operations.

(2) *Use of bow/stern thrusters.* Bow and/or stern thruster use shall be kept

to a minimum while transiting the Soo Locks. Thrusters shall not be used while the thrusters are opposite lock gates. They may be used sparingly for short durations within the lock to maintain the ship position near the mooring wall or in an emergency. Thrusters shall be at zero thrust during the period the ship is stopped and moored to the wall with all lines out, and during raising and lowering of pool levels within the chamber.

(h) *Vessel lockage order.*—(1) *Arrival.* All registered vessels will be passed through the locks in the order of their arrival at the dispatch point unless otherwise directed by the District Engineer or his authorized agents. When a vessel that has stopped on its own business is ready to proceed, it is not entitled to precedence over other vessels already dispatched.

(2) *Departure.* The following order of departure procedure will apply to vessels leaving the MacArthur Lock and Poe Lock simultaneously or at approximately the same time:

(i) The first vessel to leave will be the vessel in the lock which is ready for vessel release first. The vessel in the other lock will be restrained by the gates remaining closed and the wire rope fender remaining in the down position.

(A) On down bound passages, the vessel retained shall not leave the lock until such time as the bow of the vessel leaving first reaches the end of the East Center pier.

(B) On up bound passages, the vessel retained shall not leave the lock until such time as the bow of the vessel leaving first reaches the railroad bridge.

(ii) When a 1,000 foot vessel is ready to depart the Poe Lock and a vessel has left the MacArthur Lock already, the 1,000 foot vessel may start to leave once the bow of the other vessel reaches the end of the respective nose pier.

(iii) Vessels will remain in radio contact with each other and with the Chief Lockmaster at all times until clear of the lock area.

(iv) The need for a deviation from the procedures set forth in paragraph (h)(2)(i) of this section will be determined on a case by case basis by the Chief Lockmaster. If two vessels masters agree to a different departure scheme, they both shall notify the Chief Lockmaster and request a change.

(r) *Tug assist procedure.*—(1) *Self-powered vessels.* Mariners are advised that often times adverse local weather conditions, i.e., high winds, current conditions and/or inclement weather, exists as vessels approach, enter and/or

depart the Soo Locks. These conditions combined with close quarters slow speed maneuvering, particularly with large vessels not equipped with bow or stern thrusters, may cause control difficulties for certain classes of vessels. Therefore, any vessel requesting lockage which in the opinion of the vessel master in consultation with the pilot on board, where applicable may experience severe control problems due to the above conditions, must request assistance by one or more tugs to ensure full control over the vessel at all times. Vessel masters and pilots must consult with the lockmaster concerning local conditions well in advance of arrival at the lock to allow tug assistance to be arranged if necessary. These guidelines apply to all vessels.

(2) *Non self-powered vessels.* All barges or other vessels navigating within the canal and not operating under their own power, whether approaching or leaving the locks, are required to be assisted by one or more tugs of sufficient power to ensure full control at all times.

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Dated: December 7, 1999.

Eric R. Potts,

Colonel, U.S. Army, Executive Director of Civil Works.

[FR Doc. 99-32037 Filed 12-10-99; 8:45 am]

BILLING CODE 3710-08-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 236-0197; FRL-6481-8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution Control District, Project XL Site-specific Rulemaking for Imation Corp. Camarillo Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on September 8, 1999. The revisions concern Rule 37 "Project XL" from the Ventura County Air Pollution Control District (VCAPCD). This approval action will incorporate this rule into the Federally approved SIP. The intended effect of approving this rule is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act)

and to facilitate implementation of the XL Project at Imation Corp. in Camarillo, CA. Such implementation will result in superior environmental performance and, at the same time, provide Imation with greater operational flexibility. EPA is finalizing the approval of this revision into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on January 12, 2000.

ADDRESSES: Copies of the rule and EPA's evaluation report for the rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule are available for inspection at the following locations:

- (1) EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105
- (2) California Air Resources Board, 2020 L Street, Sacramento, CA 95814
- (3) Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT:

David Albright, Permits Office, [AIR-3], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. Telephone: (415) 744-1627. E-mail: albright.david@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rule being approved into the California SIP is VCAPCD Rule 37 (Project XL). This rule was submitted by the California Air Resources Board to EPA on October 29, 1999.

II. Background

On September 8, 1999 in 64 FR 48739, EPA proposed to approve VCAPCD Rule 37 into the California SIP. A detailed discussion of the background of this rule is provided in the proposed rule cited above.

EPA has evaluated VCAPCD Rule 37 for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements. EPA has found that the rule meets the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in the proposed rule and in the technical support document (TSD), dated August 23, 1999, which is available at EPA's Region IX office.

III. Response to Public Comments

A 30-day public comment period was provided in 64 FR 48739. One set of comments was submitted to EPA during the comment period, which ended on October 8, 1999. The comments were submitted by the Environmental Coalition (EC) of Ventura County. A summarization of the EC's comments on the proposed rule and EPA's responses is provided below.

The Environmental Coalition made three recommendations in their submitted comments. Their first recommendation involves a concern raised by the EC that Imation will receive emission reduction credits (ERCs) for banking based on a reduction in their plantwide applicability limit (PAL) for reactive organic compounds (ROC). The EC recommends that any ERCs granted to Imation for an ROC PAL reduction should be forfeited if Ventura County does not meet its 2005 ozone attainment date.

EPA agrees that any banking of emission reduction credits must be done in accordance with the District's Banking Rule (Ventura County APCD Rule 26.4), which would not allow Imation to bank ERCs by reducing their ROC PAL to a lower level, unless Imation were emitting at the level of their PAL at the time of the banking request. Ventura County APCD Rule 37 (Project XL) specifically states at E.2 that "Emission banking shall be conducted pursuant to Rule 26." Further, Imation's draft title V permit contains the following condition: "If the permittee proposes to reduce the level of the PAL, any emissions banking shall be conducted pursuant to Rule 26, New Source Review. Emission reduction credits shall be determined from emission reduction calculations using the definition of actual emissions in Rule 26, at the time of the banking request." EPA believes that the Rule 37 and title V permit language is clear and that it will prevent any inappropriate banking of ERCs based on a reduction in Imation's ROC PAL.

The second recommendation of the Environmental Coalition is to add a fair and affordable appeal hearing process into Rule 37. The EC's underlying concern is that for certain types of permitting appeals, the Ventura County APCD rules require an upfront payment of fees by the appellant. According to the Environmental Coalition, this requirement precludes public participation due to the high costs involved, without any assurance of recovering the money even if the appeal is upheld.