

special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the Chief of the Marine Safety Division of the Coast Guard District in which the vessel is being built or operated, and include the following information:

(1) The name, address, and telephone number of the applicant.

(2) The identification of the vessel by its—

- (i) Official number;
- (ii) Shipyard hull number;
- (iii) Hull identification number; or
- (iv) State number, if the vessel does not have an official number or hull identification number.

(3) Vessel name and home port, if known.

(4) A description of the vessel's area of operation.

(5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:

(i) The 72 COLREGS Rule or Annex section number for which the Certificate of Alternative Compliance is sought;

(ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and

(iii) A statement of how full compliance would interfere with the special function of the vessel.

(6) A description of the alternative installation that is in closest possible compliance with the applicable 72 COLREGS Rule or Annex section.

(7) A copy of the vessel's plans or an accurate scale drawing that clearly shows—

(i) The required installation of the equipment under the 72 COLREGS,

(ii) The proposed installation of the equipment for which certification is being sought, and

(iii) Any obstructions that may interfere with the equipment when installed in—

- (A) The required location; and
- (B) The proposed location.

(b) The Coast Guard may request from the applicant additional information concerning the application.

4. By revising § 81.9 to read as follows:

§ 81.9 Certificate of Alternative Compliance: Contents.

The Chief of the Marine Safety Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with its special function. This Certificate includes—

(a) Identification of the vessel as supplied in the application under § 81.5(a)(2);

(b) The provision of the 72 COLREGS for which the Certificate authorizes alternative compliance;

(c) A certification that the vessel is unable to comply fully with the 72 COLREGS lights, shape, and sound signal requirements without interference with its special function;

(d) A statement of why full compliance would interfere with the special function of the vessel;

(e) The required alternative installation;

(f) A statement that the required alternative installation is in the closest possible compliance with the 72 COLREGS without interfering with the special function of the vessel;

(g) The date of issuance;

(h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

§ 81.13 [Removed]

5. By removing and reserving § 81.13.

6. By revising § 81.17 to read as follows:

§ 81.17 Certificate of Alternative Compliance: Termination.

The Certificate of Alternative Compliance terminates if the information supplied under § 81.5(a) or the Certificate issued under § 81.9 is no longer applicable to the vessel.

§ 81.17 [Amended]

7. By removing the note following § 81.17.

8. By revising § 81.18 to read as follows:

§ 81.18 Notice and record of certification of vessels of special construction or purpose.

(a) In accordance with 33 U.S.C. 1605(c), a notice is published in the *Federal Register* of the following:

(1) Each Certificate of Alternative Compliance issued under § 81.9; and

(2) Each Coast Guard vessel determined by the Commandant to be a vessel of special construction or purpose.

(b) Copies of Certificate of Alternative Compliance and documentation concerning Coast Guard vessels are available for inspection at Coast Guard Headquarters, Office of Navigation, 2100 Second Street S.W., Washington, D.C. 20593.

(c) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or

a certified copy of that Certificate is on board the vessel and available for inspection by Coast Guard personnel.

Appendices A and B [Removed]

9. By removing Appendices B and C. (Sec. 8, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(n)(11))

Dated: February 16, 1982.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-6832 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 89

[CGD 80-157]

Inland Navigation Rules Certificates of Alternative Compliance

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations establish producers concerning Certificates of Alternative Compliance for vessels of special construction or purpose which cannot fully comply with the technical navigation light and sound signal appliance requirements of the new Inland Navigation Rules. These regulations implement Rule 1(e) contained in the Inland Navigational Rules Act of 1980.

EFFECTIVE DATE: This regulation is effective on May 3, 1982.

FOR FURTHER INFORMATION CONTACT:

Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593, (202) 245-0108.

SUPPLEMENTARY INFORMATION: On May 14, 1981, the Coast Guard published these amendments as a proposed rule (46 FR 26661). Interested persons were given until June 19, 1981 to submit comments. Comments were received from four sources.

OMB control No. 2115-0074.

Paperwork Reduction Act: Information collection and recordkeeping requirements contained in this regulation (§§ 89.5 and 89.18) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2115-0074.

Drafting Information: The principal persons involved in drafting this rulemaking are Mr. Chris Llana, Project Manager, Office of Navigation, and

Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of comments: One commenter objected to the delegation of the application reviewing function to the District level, saying that the decentralization would lead to non-uniform policies in the determination of permitted alternative compliance with the navigation light, shape, and sound signal requirements. The Coast Guard's experience with 72 COLREGS Certificates of Alternative Compliance indicates that this will not likely become a problem. At least 95% of the applications for Certificates of Alternative Compliance have been for offshore supply vessels (used in the oil and gas industry). These vessels are built almost exclusively in the Eight Coast Guard District which is directed from New Orleans. For that type of vessel policy would be administered by a single source. Other vessels involved are usually very specialized and uncommon, such that each application must be decided on a case-by-case basis, rather than on the basis of established policy. The probability that uneven policy application will develop is therefore very low. In any event, Coast Guard Headquarters will be available to advise on policy or to decide appeals. For these reasons, the comment is not adopted.

The same commenter was concerned that a list of vessels receiving Certificates of Alternative Compliance be available to ship operators, and that the source of that list be published. The regulations state that copies of Certificates issued may be inspected at Coast Guard Headquarters, Office of Navigation. A list of the names or hull numbers of vessels granted Certificates would not be useful to a mariner because the vessels could not be identified at night and underway until it was extremely close, in which case the fact that a Certificate had been granted would not be useful information. The Coast Guard has no record of any requests for a list of vessels receiving 72 COLREGS Certificates of Alternative Compliance since 72 COLREGS went into effect in 1977. The comment has not been adopted.

Section 81.9(h) says "A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the Certificate is issued." One of the commenters suggested that the words ". . . or when the vessel is altered in a manner affecting the alternate installation" be added to the end. Although the addition might be worthwhile from an

enforcement official's viewpoint, the uncertainty inherent in such a condition would outweigh any benefit achieved. The suggestion was not adopted.

One commenter suggested that the words "class or type" of vessel be included to indicate that Certificates could be granted for a class of vessel or type of vessel. Certificates may be granted for a *class of identical* vessels, but identifying information must be provided in the application for each vessel. Certificates will not be granted for a vessel *type* as this is not authorized by the Navigation Rules or by legislation.

The remainder of the comments suggested various criteria for determining if a Certificate of Alternative Compliance should be granted. The criteria to be used are set out in Rule 1(e) and were not the subject of this rulemaking, which establishes the administrative procedures for application for and granting of Certificates.

Regulatory Analysis: These regulations have been determined to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The basis for this determination and for the Regulatory Flexibility Act certification was published in the Notice of Proposed Rulemaking found at 46 FR 26661, May 14, 1981.

Under the criteria established in Section 1 of Executive Order 12291, these final amendments have been determined to be non-major. The regulations ease the previous reporting requirements and will speed the certification process. No additional costs are imposed and the regulations will have no adverse effect on competition, employment, investment, productivity, innovation, or the ability of American enterprises to compete in foreign or domestic markets.

These regulations contain an information collection request as defined by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Pursuant to the requirements of the Act, this request was submitted to the Office of Management and Budget for comment. No comments were received and the OMB Control No. 2115-0074 was granted.

Accordingly, a new Part 89—*Inland Navigation Rules: Implementing Rules*, Title 33, Code of Federal Regulations, is added to read as follows:

PART 89—INLAND NAVIGATION RULES: IMPLEMENTING RULES

Sec.

89.1 Definitions.

89.3 General.

89.5 Application for a certificate of alternative compliance.

89.9 Certificate of alternative compliance; Contents.

89.17 Certificate of alternative compliance; Termination.

89.18 Record of certification of vessels of special construction or purpose.

Authority: Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

§ 89.1 Definitions.

As used in this part:

"Inland Rules" refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Public Law 96-591) and the technical annexes established under that act.

"A vessel of special construction or purpose" means a vessel designed or modified to perform a special function and whose arrangement is thereby made relatively inflexible.

"Interference with the special function of the vessel" occurs when installation or use of lights, shapes, or sound-signaling appliances under the Inland Rules prevents or significantly hinders the operation in which the vessel is usually engaged.

§ 89.3 General.

Vessels of special construction or purpose which cannot fully comply with the light, shape, and sound signal provisions of the Inland Rules without interfering with their special function may instead meet alternative requirements. The Chief of the Marine Safety Division in each Coast Guard District Office makes this determination and requires that alternative compliance be as close as possible with the Inland Rules. These regulations set out the procedure by which a vessel may be certified for alternative compliance. The information collection and recordkeeping requirements in §§ 89.5 and 89.18 have been approved by the Office of Management and Budget under OMB control number 2115-0074.

§ 89.5 Application for a certificate of alternative compliance.

(a) The owner, builder, operator, or agent of a vessel of special construction or purpose who believes the vessel cannot fully comply with the Inland Rules light, shape, or sound signal provisions without interference with its special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the

Chief of the Marine Safety Division of the Coast Guard District in which the vessel is being built or operated, and include the following information:

(1) The name, address, and telephone number of the applicant.

(2) The identification of the vessel by its—

- (i) Official number;
- (ii) Shipyard hull number;
- (iii) Hull identification number; or
- (iv) State number, if the vessel does not have an official number or hull identification number.

(3) Vessel name and home port, if known.

(4) A description of the vessel's area of operation.

(5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:

- (i) The Inland Rules Rule or Annex section number for which the Certificate of Alternative Compliance is sought;
- (ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and
- (iii) A statement of how full compliance would interfere with the special function of the vessel.

(6) A description of the alternative installation that is in closest possible compliance with the applicable Inland Navigation Rules Rule or Annex section.

(7) A copy of the vessel's plans or an accurate scale drawing that clearly shows—

- (i) The required installation of the equipment under the 72 COLREGS,
- (ii) The proposed installation of the equipment for which certification is being sought, and
- (iii) Any obstructions that may interfere with the equipment when installed in—

- (A) The required location; and
- (B) The proposed location.

(b) The Coast Guard may request from the applicant additional information concerning the application.

§ 89.9 Certificate of alternative compliance: Contents.

The Chief of the Marine Safety Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with Inland Rules light, shape, and sound signal provisions without interference with its special function. This Certificate includes—

(a) Identification of the vessel as supplied in the application under § 89.5(a)(2);

(b) The provision of the Inland Rules for which the Certificate authorizes alternative compliance;

(c) A certification that the vessel is unable to comply fully with the Inland Rules light, shape, and sound signal requirements without interference with its special function;

(d) A statement of why full compliance would interfere with the special function of the vessel;

(e) The required alternative installation;

(f) A statement that the required alternative installation is in the closest possible compliance with the Inland Rules without interfering with the special function of the vessel;

(g) The date of issuance;

(h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

§ 89.17 Certificate of alternative compliance: Termination.

The Certificate of Alternative Compliance terminates if the information supplied under § 89.5(a) or the Certificate issued under § 89.9 is no longer applicable to the vessel.

§ 89.18 Record of certification of vessels of special construction or purpose.

(a) Copies of Certificates of Alternative Compliance and documentation concerning Coast Guard vessels are available for inspection at Coast Guard Headquarters, Office of Navigation, 2100 Second Street SW., Washington, D.C. 20593.

(b) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or a certified copy of that Certificate is on board the vessel and available for inspection by Coast Guard personnel.

(Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071; 49 CFR 1.46(n)(14))

Dated: February 16, 1982.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-6633 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD 80-094]

Safety Zone; Snake Island, Texas City, Tex.; Mooring and Fleeting of Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone prohibiting all vessels from mooring or anchoring, and all barges from fleeting, grounding, or

stopping on the west or northwest shore of Snake Island and adjacent waters to the west except in an emergency. Because of the particularly hazardous cargoes regularly laden aboard vessels in Texas City Channel, the safe operation of all vessels in this area is of critical importance. This regulation will help eliminate potentially dangerous situations and help to relieve congestion in the Texas City Channel.

EFFECTIVE DATE: This regulation is effective April 1, 1982.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander David L. Edwards, Project Manager, Office of Marine Environment and Systems (G-WWM-2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-4958.

SUPPLEMENTARY INFORMATION: On July 13, 1981, the Coast Guard published a notice of proposed rulemaking (46 FR 35941) concerning this amendment. Interested persons were given until August 27, 1981 to submit comments. Two comments were received. No public hearing was held.

Drafting information: The principal persons involved in drafting this document are: Lieutenant Commander David L. Edwards, Office of Marine Environment and Systems, Project Manager, and Lieutenant Michael Tagg, Office of the Chief Counsel, Project Attorney.

Discussion of the comments: Two comments were received. One comment opposed this regulation, stating that the area was already under the control of the Houston-Galveston Vessel Traffic Service and the Captain of the Port, Galveston. Although VTS Houston-Galveston and the COTP Galveston overlap in this area, VTS Houston-Galveston has no authority to establish safety zones, and COTP orders are generally of a temporary nature only. The only way to permanently solve the barge fleeting problem is to issue a permanent safety regulation.

One comment supported the proposed regulation, believing that it will enhance navigation safety in the Snake Island area.

Economic evaluation: This regulation has been evaluated under Executive Order 12291 and the Coast Guard has determined that this is not a major regulation. This regulation has also been evaluated under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations" dated May 22, 1980 and has been determined to be nonsignificant. An economic evaluation has not been

conducted since its impact is expected to be minimal. These regulations have been in effect as a temporary COTP order since March 9, 1977 and no additional costs were imposed on towboat operators by the order. Since that time, all parties concerned in the rulemaking have accommodated themselves to the regulation. The tow boat operators vary greatly in size of operations, but none of them dominates the field. No complaints or comments about unequal or excessive impact of the COTP order have been received by the COTP since the COTP order was first issued, and none of the comments addressed such a problem. For these reasons, pursuant to section 605(b) of the regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96-354) it is certified that these regulations will not have a significant economic impact on a substantial number of small entities.

PART 165—SAFETY ZONES

In consideration of the above, Part 165 of Chapter I of Title 33, Code of Federal Regulations is amended by adding § 165.760 to read as follows:

§ 165.760 Snake Island, Texas City, Tex.; mooring and fleeting of vessels.

(a) The following is declared a Safety Zone:

(1) The west and northwest shores of Snake Island;

(2) The Turning Basin west of Snake Island;

(3) That portion of the Texas City Channel west of a line extended 000° true from the northwesternmost point of Snake Island.

(b) All vessels are prohibited from mooring, anchoring, or otherwise stopping in the Safety Zone, except in case of an emergency.

(c) Barges are prohibited from fleeting or grounding in the zone.

(d) In an emergency, vessels shall advise the Captain of the Port, Galveston of the nature of the emergency via the most rapid means available.

(Sec. 6, 12, Pub. L. 95-474; 92 Stat. 1475-77 (33 U.S.C. 1225, 1231); 49 CFR 1.46(n)(4))

Dated: March 22, 1982.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 82-8828 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-14-M

Saint Lawrence Seaway Development Corporation

33 CFR Parts 402 and 403

Revision of Tariff of Tolls and Rules of Procedure of the Joint Tolls Review Board

Note—This document originally appeared in the *Federal Register* for March 30, 1982. It is reprinted in this issue to meet requirements for publication on the Monday, Thursday schedule assigned to the Saint Lawrence Seaway Development Corporation, Department of Transportation.

AGENCY: Saint Lawrence Seaway Development Corporation, Transportation.

ACTION: Final rule.

SUMMARY: The tariff of tolls for the use of the St. Lawrence Seaway which is established and administered jointly by the Saint Lawrence Seaway Development Corporation, United States, and the St. Lawrence Seaway Authority, Canada, was formally revised on March 18, 1982, by means of an international agreement in the form of an exchange of diplomatic notes between the Government of the United States and the Government of Canada. This agreement further amended the agreement between the governments dated March 9, 1959.

The effect of this revision is to raise the level of tolls assessed on all commodities and vessels which transit the Montreal to Lake Ontario section of the Seaway and to reestablish lockage fees at the Welland Canal section. Increases have been scheduled for both the 1982 and the 1983 navigation seasons and are necessary because of the increased costs being encountered by Seaway agencies in both countries, over the past few years.

Under the terms of the March 18, 1982 exchange of notes, the United States Corporation will continue to receive 29% of revenues generated on the Montreal to Lake Ontario section.

Additionally, the rules of procedure of the Joint Tolls Review Board have been revised and clarified.

EFFECTIVE DATE: This rule is effective March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Robert D. Kraft, Director of Plans and Policy Development, Saint Lawrence Seaway Development Corporation, Department of Transportation, 800 Independence Avenue, SW., Washington, D.C. 20591, 202/426-2884.

SUPPLEMENTARY INFORMATION: On September 10, 1981, the Saint Lawrence Seaway Development Corporation published in the *Federal Register* (46 FR

45318) a notice of proposed changes in the rates of tolls for the use of the St. Lawrence Seaway prescribed in 33 CFR Part 402.

The proposed action was to raise the level of Seaway tolls on the Montreal to Lake Ontario section and reestablish lockage fees on the all-Canadian Welland Canal section. The proposal included levels of tolls to be assessed during both the 1982 and 1983 navigation seasons.

In the notice of September 10, 1981, interested parties were invited to submit written views and data regarding the proposal on or before October 23, 1981, and to present oral testimony at a public hearing held in Washington, D.C., on October 2, 1981. As a result, several comments were received from users of the Seaway regarding the proposed revision to the Joint Tariff of Tolls.

After consideration of the proposal, the comments of interested parties, the views of the Advisory Board of the Saint Lawrence Seaway Development Corporation and other relevant material, the Administrator of the Corporation and the President of the Canadian Authority held further discussions. These discussions led to an agreement between the Saint Lawrence Seaway Development Corporation of the United States and the St. Lawrence Seaway Authority of Canada on November 30, 1981, in which the two Seaway agencies recommended to their respective governments that the Joint Tariff of Tolls for the St. Lawrence Seaway be modified as proposed in the September 10, 1981 notice.

As a result of the increases, the average charge for moving a metric ton of cargo through the Montreal to Lake Ontario Section of the Seaway will increase about 15 percent in 1982; the average charge per metric ton through the Welland Canal Section, approximately 21 percent; with a resulting increase for traffic transiting both sections of about 18 percent per metric ton. In 1983 the average charge per metric ton will increase an additional 8 percent on the Montreal to Lake Ontario Section and 14 percent on the Welland Canal Section, or about 10 percent for combined transit.

The Joint Tolls Review Board is a United States-Canada panel which was established pursuant to the March 9, 1959 agreement between the governments. Originally known as the Joint Tolls Advisory Board, its name was changed and it was given the additional responsibility of periodically reviewing the sufficiency of tolls to meet the needs of the two Seaway agencies as result of the 1978 amendment to that

agreement. The amendments to the rules of procedure are not part of the formal agreement between the governments, but were developed during the course of the discussions leading to the revision of the Tariff of Tolls. The amendments clarify the purpose of the rules, reduce the number of copies of written material which must be submitted to the Joint Tolls Review Board, and correct the addresses of the two Seaway agencies.

This regulation involves a foreign affairs function of the United States, therefore Executive Order 12291 does not apply to this rulemaking and formal notice and public procedure thereon are unnecessary and it may be made effective upon publication in the **Federal Register**. The Saint Lawrence Seaway Development Corporation certifies that, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), this rule will not have a significant impact on a substantial number of small entities. 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.

In consideration of the foregoing, Parts 402 and 403 of Chapter IV of Title 33, Code of Federal Regulations, are amended as follows:

PART 402—TARIFF OF TOLLS

Part 402 is revised to read as follows:

Sec.	
402.1	Purpose.
402.2	Title.
402.3	Interpretation.
402.4	Tolls.
402.5	Security for payment.
402.6	Description and weight of cargo.
402.7	Post-clearance date operational surcharges.
402.8	Schedule of tolls.

Authority: 68 Stat 92-96, 33 U.S.C. 981-990. Agreement between Governments of the United States and Canada dated March 9, 1959, as amended in 1964, 1967, 1972, 1978, 1980 and most recently on March 18, 1982.

§ 402.1 Purpose.

This regulation prescribes the charges to be assessed for the full or partial transit of the St. Lawrence Seaway between Montreal, Quebec and Lake Erie.

§ 402.2 Title.

This tariff may be cited as the St. Lawrence Seaway Tariff of Tolls.

§ 402.3 Interpretation.

In this tariff.

(a) "Authority" means The St. Lawrence Seaway Authority;

(b) "Bulk cargo" means such goods as are loose or in mass and generally must be shovelled, pumped, blown, scooped or forked in the handling and, without limiting the generality of the term or otherwise affecting its meaning, shall be deemed to include:

- (1) Cement, loose or in sacks;
- (2) Coke and petroleum coke, loose or in sacks;
- (3) Domestic package freight;
- (4) Liquids carried in ships' tanks;
- (5) Ores and minerals (crude, screened, sized or concentrated, but not otherwise processed) loose or in sacks, including alumina, bauxite, coal, gravel, phosphate rock, sand, stone and sulphur;
- (6) Pig iron, scrap metals;
- (7) Pulpwood, poles and logs, loose or bundled;
- (8) Raw sugar, flour, loose or in sacks;
- (9) Woodpulp, loose or in bales;

(c) "Cargo" means all goods aboard a vessel whether carried as revenue or non-revenue freight, or carried for the vessel owner, *except*: empty containers and the tare weight of loaded containers, all such containers having a capacity of 18 cubic meters (635.665 cubic feet) or more; ships' fuel, ballast or stores, or crew or passenger's personal effects, and intransit cargo that is carried both upbound and downbound in the course of the same voyage which shall be reported in the Seaway Transit Declaration Form but is deemed to be ballast and not subject to toll assessment;

(d) "Containerized cargo" means any general cargo shipped in an enclosed, permanent, reusable, nondisposable, weathertight shipping conveyance having a capacity of 18 cubic meters (635.665 cubic feet) or more and fitted with a minimum of one hinged door;

(e) "Corporation" means the Saint Lawrence Seaway Development Corporation;

(f) "Domestic package freight" means cargo, the shipment of which originates at one Canadian point and terminates at another Canadian point, or which originates at one United States point and terminates at another United States point, but shall not include any import or export cargo designated at the point of origin for transshipment by water at a point in Canada or in the United States;

(g) "Feed grains" means barley, corn, oats, flaxseed, rapeseed, soybeans and other oilseeds, grain screenings, and mill feed containing not more than 35% of ingredients other than grain or grain products;

(h) "Food grains" means buckwheat, dried beans, dried peas, rye, and wheat;

(i) "General cargo" means all goods not included in the definitions under paragraphs (b), (g), (h), and (j);

(j) "Government aid cargo" means processed food products which have been donated by or the purchase of which has been financed on concessional terms by the Federal government of either the United States or Canada for the purposes of nutrition, economic development, emergency, or disaster relief programs;

(k) "Metric ton" means, unless otherwise stated, a metric unit of weight of 1,000 kilograms (2204.62 pounds);

(l) "Passenger" means any person being transported through the Seaway who has paid a fare for passage;

(m) "Pleasure craft" means a vessel, however propelled, that is used exclusively for pleasure and does not carry passengers;

(n) "St. Lawrence Seaway" includes all facilities and services authorized under the St. Lawrence Seaway Authority Act, Chapter 242, Revised Statutes of Canada, 1952, as amended, and under Pub. L. 358, 83rd Congress, May 13, 1954, enacted by the Congress of the United States, as amended, and including the Welland Canal, which facilities are under the control and administration or immediate financial responsibility of either the Authority or the Corporation;

(o) "Seaway" means the St. Lawrence Seaway;

(p) "Tolls" means the total assessment levied against a vessel, its cargo and passengers for complete or partial transit of the Seaway covering a single trip in one direction;

(q) "Vessel" means every type of craft used as a means of transportation on water, except a vessel of or employed by the Authority or the Corporation.

§ 402.3 Tolls.

(a) The tolls shall be as set forth in the Schedule hereto, and the toll level reached in 1983 shall remain in effect thereafter until modified.

(b) The tolls under this tariff are due from the representatives of each vessel as soon as they are incurred, and upon demand of either the Authority or the Corporation payment shall be made within fourteen days of the date of such demand.

(c) The tolls for the section between Montreal and Lake Ontario shall be paid 71 percent in Canadian dollars and 29 percent in United States dollars. Payments for transit through locks in Canada only shall be in Canadian dollars, and payments for transit through locks in the United States only shall be in United States dollars.

(d) the tolls for transit of the Welland Canal shall be paid in Canadian dollars and shall accrue to the Authority.

§ 402.5 Security for payment.

A representative of each vessel shall provide the Authority or the Corporation with security, satisfactory to the Authority or the Corporation, for payment of tolls.

§ 402.6 Description and weight of cargo.

(a) A cord of pulpwood shall be deemed to weigh 1,450 kilograms (3196.70 pounds).

(b)(1) 1,000 f.b.m. of sawn softwood lumber with less than 15% moisture content shall be deemed to weigh 770 kilograms (1697.56 pounds).

(2) 1,000 f.b.m. of sawn softwood lumber with 15% moisture content or over shall be deemed to weigh 950 kilograms (2094.39 pounds).

(3) 1,000 f.b.m. of sawn hardwood lumber with less than 15% moisture content shall be deemed to weigh 1,135 kilograms (2502.24 pounds).

(4) 1,000 f.b.m. of sawn hardwood lumber with 15% moisture content or over shall be deemed to weigh 1,405 kilograms (3097.49 pounds).

(c) The tonnage used in the assessment of tolls shall be calculated to the nearest 1,000 kilograms (2204.62 pounds).

§ 402.7 Post-clearance date operational surcharges

(a) If the Authority and the Corporation so determine, they may establish a clearance date for the transit of the Montreal-Lake Ontario section. Each vessel which does not comply with the conditions announced by the Authority and the Corporation in establishing the clearance date may be required to pay in dollars an operational surcharge as follows:

(1) Vessels reporting during the 24 hour period immediately following the clearance date: 20,000.00

(2) Vessels reporting more than 24 hours late, but less than 48 hours after the clearance date: 40,000.00

(3) Vessels reporting more than 48 hours late, but less than 72 hours after the clearance date: 60,000.00

(4) Vessels reporting more than 72 hours late, but less than 96 hours after the clearance date: 80,000.00

(b) The operational surcharge assessed vessels already at a port, dock or wharf within the St. Lambert-Iroquois Lock segment of the Montreal-Lake Ontario section at the clearance date shall be \$20,000 less than the amount otherwise applicable.

(c) Each vessel which reports more than 96 hours after the clearance date

may transit only if a prior written agreement authorizing such transit has been entered into among the owner or agent of the vessel and the Authority and the Corporation. Such agreement may provide for additional operational surcharges.

(d) Assessed operational surcharges will be prorated on a per lock basis.

§ 402.8 Schedule of tolls.

	Tolls			
	Montreal to or from Lake Ontario		Lake Ontario to or from Lake Erie (Welland Canal)	
	1982	1983	1982	1983
(a) For transit of the Seaway, a composite toll, comprising:				
(1) A charge in dollars per gross registered ton, according to national registry of the vessel, applicable whether the vessel is wholly or partially laden, or is in ballast. (All vessels shall have an option to calculate gross registered tonnage according to prescribed rules for measurement in either Canada or the United States.....)	0.075	0.08	0.07	0.07
(2) A charge in dollars per metric ton of cargo as certified on ship's manifest or other document, as follows:				
—Bulk cargo.....	0.79	0.85	0.31	0.31
—General cargo.....	1.91	2.06	0.50	0.50
—Containerized cargo.....	0.79	0.85	0.31	0.31
—Government aid cargo.....	0.48	0.52	0.31	0.31
—Food grains.....	0.48	0.52	0.31	0.31
—Feed grains.....	0.48	0.52	0.31	0.31
(3) A charge in dollars per passenger per lock: A charge in dollars per lock for complete or partial transit of the Welland Canal in either direction by cargo or passenger vessels, which may be shared by vessels in tandem.....	1.00	1.00	1.00	1.00
(i) Loaded: Per lock.....	NA	NA	150.00	250.00
(ii) In ballast: Per lock.....	NA	NA	75.00	187.50
(b) For partial transit of the Seaway:				
(1) Between Montreal and Lake Ontario, in either direction 15 percent per lock of the applicable toll.				
(2) Between Lake Ontario and Lake Erie, in either direction, (Welland Canal), 13 percent per lock of the applicable toll.				
(c) Minimum charge in dollars per vessel per lock transited for full or partial transit of the Seaway:				
—Pleasure craft.....	5.00	5.00	5.00	5.00
—Other vessels.....	10.00	10.00	10.00	10.00

PART 403—RULES OF PROCEDURE OF THE JOINT TOLLS REVIEW BOARD

2. Part 403 is amended as follows:

A. The Table of Contents to Part 403—Rules of Procedure of the Joint Tolls Review Board is amended by adding a new § 403.1 and redesignating the remaining sections and rule numbers as indicated in paragraph B below.

Sec.

403.1 Purpose of the Joint Tolls Review Board. (Rule 1).

§§ 403.1 (Rule 1)—403.10 (Rule 10) [Redesignated as §§ 403.2 (Rule 2)—403.11 (Rule 11)].

B. Section 403.1 (Rule 1) through Section 403.10 (Rule 10) are redesignated as §§ 403.2 (Rule 2) through 403.11 (Rule 11), and a new § 403.1 (Rule 1) is added as follows:

§ 403.1 Purpose of the Joint Tolls Review Board. (Rule 1)

The Board shall hear complaints relating to the interpretation of the St. Lawrence Seaway Tariff of Tolls or allegations of unjust discrimination arising out of the operation of the said Tariff and shall conduct such other business as agreed to by the Board (Rule 1).

3. Redesignated § 403.4 is further amended by revising (b) and (c) as follows:

§ 403.4 Applications. (Rule 4)

* * * * *

Surcharges representing transit through United States locks will be for the account of the Corporation and payable in United States funds and surcharges representing transit through Canadian locks will be for the account of the Authority and will be payable in Canadian funds.

(b) An applicant shall file six copies of his application setting forth a clear and complete statement of the facts the grounds for the complaint, and the relief or remedy to which the applicant claims to be entitled.

(c) Applicants resident in Canada shall file their complaints with the St. Lawrence Seaway Joint Tolls Reviews Board, Tower "A", Place de Ville, 320 Queen Street, Ottawa, Ontario K1R 5A3. Applicants resident in the United States of America shall file their complaints with the St. Lawrence Seaway Joint Tolls Review Board, 800 Independence Ave., SW., Washington, D.C. 20591. Other applicants may file their complaints with the Board at either address.

Issued in Washington, D.C., on March 24, 1982.

D. W. Oberlin,
Administrator.

[FR Doc. 82-8375 Filed 3-25-82; 12:26 pm]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-6269]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency
Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plan management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C

Street Southwest, Donohoe Building—
Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since

identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Arkansas: Ashley	Hamburg, city of	050005B	Oct. 18, 1974, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	May 17, 1974 and Oct. 10, 1975.	Apr. 1, 1982.
Florida: Lake	Unincorporated areas	120421B	Dec. 21, 1978, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	May 26, 1978	Do.
Illinois: Williamson	Johnston City, city of	170718C	July 25, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	June 28, 1974, Apr. 2, 1976, and Sept. 28, 1979.	Do.
Douglas	Tuscola, city of	170195C	Oct. 17, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Nov. 30, 1973, July 9, 1976, and Sept. 12, 1980.	Do.
Indiana: Porter	Unincorporated areas	180425B	Sept. 5, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Apr. 14, 1978	Do.
Kansas: Pottawatomie and Riley	Manhattan, city of	200300C	Jan. 30, 1974, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Mar. 8, 1974, Dec. 13, 1974, and May 24, 1977.	Do.