

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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 Table Four.
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Vessel	Number	Obscured angles relative to ship's heading	
		Port	STBD
PELICAN	MHC 53	59.5° to 78.3°	281.7° to 300.5°

Dated: 24 July 1995.
 Approved:
 K.P. McMahon,
Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).
 [FR Doc. 95-27474 Filed 11-6-95; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

Tariff of Tolls

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 have jointly established and presently administer the St. Lawrence Seaway Tariff of Tolls. This Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the Corporation and the Authority. To improve the competitiveness of the Seaway, the Corporation and the Authority have established that the Tariff charges for the 1995 season under the Tariff Schedule are the same as for the 1994 season. In addition, the Corporation and the Authority have continued, for competitive purposes, the Incentive Tolls Program and revised the volume rebate to broaden the base years and clarify the reporting requirements for the volume rebate.

EFFECTIVE DATE: November 7, 1995.

FOR FURTHER INFORMATION CONTACT: Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 366-0091.

SUPPLEMENTARY INFORMATION: In an effort to improve the Seaway's

competitiveness, the section 402.8, the Schedule of Tolls, charges are continued for the 1995 at the 1994 season levels. Accordingly, no change is required to the Schedule as it now appears. The Corporation and the Authority also are continuing and revising, for competitive purposes, the Incentive Tolls Program. In section 402.9, the discount for new business, subsection (a) is amended to reflect its applicability to the 1995 navigation season and subsection (c) is amended in part to change the base years for calculating the discount from 1991 through 1993 to 1992 through 1994. In section 402.11, volume rebates, subsection (a) are amended to reflect its applicability to the 1995 navigation season and subsections (b) and (c) are amended to change the base years for calculating the rebate from three years, 1991 through 1993, to four years, 1991 through 1994. The base years for the subsection (c) proviso on mergers or take-overs are also changed from 1991 through 1994 to 1991 through 1995. Finally, subsection (d) is amended to change the submission date for the traffic history description for the purposes of calculating the rebate to the end of the 1995 season and to clarify what specific information is required, *i.e.*, the shipper's or receiver's Seaway traffic history for 1991, 1992, 1993, 1994, and 1995 by port, vessel name, transit date, commodity description, and tonnage.

An exchange of diplomatic notes between Canada and the United States approving this amendment occurred on October 18, 1995.

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 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 Tariff of Tolls relates 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 it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 402

Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation amends Part 402—Tariff of Tolls (33 CFR Part 402) as follows:

PART 402—[AMENDED]

1. The authority citation for 33 CFR Part 402 continues to read as follows:

Authority: 68 Stat. 93, 33 U.S.C. 981-990.

2. Section 402.9 is amended by revising paragraph (a) and the first sentence of paragraph (c) introductory text as follows:

§ 402.9 Incentive tolls.

(a) Notwithstanding anything contained in this Tariff, the portion of the composite toll related to charges per metric ton of cargo charged on new business shall be reduced by fifty percent for a Seaway transit beginning and ending during the 1995 navigation year.

* * * * *

(c) For the purposes of this section, "new business" means cargo that has not moved through a Seaway lock between an origin and a destination as defined in this paragraph (c) during the navigation seasons of 1992, 1993, and 1994 or cargo that has moved through a Seaway lock in quantities representing less than five percent of the average of Seaway traffic between an origin and a destination during the navigation seasons of 1992, 1993, and 1994. * * *

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3. Section 402.11 is amended by revising the first sentence of paragraph (a) and paragraphs (b), (c), and (d) as follows:

§ 402.11 Volume discount.

(a) A volume rebate shall be granted to a shipper of downbound cargo or to a receiver of upbound cargo at the end of the 1995 navigation season after

payment of the full toll specified in the schedule under the tariff in § 402.8 of this part if shipments of a particular commodity during 1995 exceed by a minimum of 25,000 tons the shipper's or receiver's highest tonnage for that particular commodity during 1991, 1992, 1993, or 1994 in the Seaway.

* * *

(b) Volume rebates shall be granted only with respect to commodities whose shipper and receiver have shipped or received the subject commodity in the years 1991, 1992, 1993, and 1994 and have not been subject of a merger or take-over during 1991, 1992, 1993, 1994, or 1995.

(c) The volume rebate shall be equal to a 50 percent reduction of the portion of the composite toll related to charges per metric ton of cargo paid for the shipments that surpass the shippers or receiver's highest tonnage for that commodity during 1991, 1992, 1993, or 1994. Payment of rebates will be made directly to the qualified receiver or shipper.

(d) A description of the shipper's or receiver's Seaway traffic history for 1991, 1992, 1993, 1994, and 1995 by port, vessel name, transit date, commodity description, and tonnage shall be submitted by the shipper or receiver prior to the end of 1995 and shall be subject to audit by the Authority.

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Issued at Washington, D.C. on October 27, 1995.

Saint Lawrence Seaway Development Corporation.

David G. Sanders,

Acting Administrator.

[FR Doc. 95-27482 Filed 11-6-95; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Part 514

[Docket No. 95-13]

Automated Tariff Filing and Information System

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This Final Rule amends the requirements of the Federal Maritime Commission ("Commission" or "FMC") pertaining to the Automated Tariff Filing and Information System ("ATFI") to clarify that no individual may file or retrieve ATFI data until he or she submits a User Registration Form and supporting documents, together with the proper fee, to the Commission and

receives a logon ID and password. The rule also makes it clear that this requirement cannot be circumvented by sharing, loaning or using logon IDs or passwords assigned to others. In addition, the rule permits the on-line downloading of daily subscriber data. Subscribers may request daily updates on tape provided by them in those instances where on-line downloading is not cost-effective. Full database tapes, weekly update tapes, and monthly update tapes will no longer be provided.

EFFECTIVE DATE: December 7, 1995.

FOR FURTHER INFORMATION CONTACT: Doris J. Spencer, Director, Office of Information Resources Management, Federal Maritime Commission, 800 North Capitol Street NW., Washington, D.C. 20573, (202) 523-5835.

SUPPLEMENTARY INFORMATION: The Commission's tariff filing rules at 46 CFR 514.8(f)(1) provide that the ATFI logon IDs and passwords are issued to individual users. Despite this provision, there have been numerous instances of logon IDs or passwords being shared with, loaned to or used by others. The Commission therefore issued a Notice of Proposed Rulemaking ("NPR") to amend § 514.8 to clarify that no individual may file or retrieve ATFI data until he or she submits a User Registration Form, supporting documents, and the proper fee, to the Commission and receives a logon ID and password. (60 FR 45126, Aug. 30, 1995).

Additionally, given the Commission's reduced level of funding, it is no longer feasible for the Commission to provide full database tapes, weekly update tapes and monthly update tapes. As an alternative, the Commission proposed to implement the capability for on-line downloading of daily subscriber data.

Four parties filed comments in response to the NPR: Rijnhaave Information Services, Inc. ("RIS"), D.X.I. Incorporated ("DXI"), Pacific Coast Tariff Bureau ("PCTB") and Effective Tariff Management Corporation ("ETM").

The only comment addressing the proposed password and user ID rule revision was filed by RIS. It is RIS's contention that user IDs and passwords are issued to the tariff publisher and not to a single individual within the tariff publisher's organization. In support of its position RIS cites 46 CFR 514.2 which states that: "Publisher (tariff) means an organization authorized to file or amend tariff information." RIS also refers to Commission News Release 93-11, Assignment of ATFI Access Privileges and Further Batch Filing Certification, August 4, 1993. The News Release states that if the carrier

authorizes the tariff publisher to maintain the carrier's organizational record, the publisher, not the carrier, will be the owner of the logon ID and password.

RIS's argument fails to distinguish between the authority to file and amend tariffs and the authority to amend the organizational record of the carrier. A tariff publisher may have authority to file and amend tariffs on behalf of a carrier without having a logon ID and password to access the carrier's organizational record. News Release 93-11 leaves no doubt that logon IDs and passwords are issued to individuals within an organization and not to the organization itself. The News Release states:

Each organization may identify only one person authorized to update the Organization Record, which is an ATFI component that reflects information about the organization. This person's Login ID has the authority to change information in the Organizational Record.

On the registration form ("form"), the person listed in block 8 will be the owner of the Login ID and password.

The portion of the News Release relied upon by RIS simply points out that, if a carrier authorizes the tariff publisher to maintain the carrier's organizational record, the carrier will not be issued a logon ID and password. That discussion does not contradict the statement quoted above which appears in the same news release. Accordingly, the Commission rejects RIS's comment and will adopt the proposed clarification of its rules pertaining to logon IDs and passwords.

All parties express a desire for the continuation of full database tapes subscriber data. Full database tapes are said to be necessary to audit and add new tariffs to their systems. ETM also opposes the elimination of the weekly subscriber tapes based on (1) the cost of daily data versus weekly update tapes, (2) the cost of higher speed communications equipment, and (3) prolonged on-line downloading time requiring additional lines and equipment to avoid work flow disruptions.

Due to reduced appropriations, the Commission has been forced to curtail purchases of equipment and services pursuant to its ATFI contract. As part of the Commission's efforts to reduce expenses, the position previously responsible for, among other things, developing weekly, monthly and full data base tapes has been eliminated from the contract. The Commission could not avoid cuts in the ATFI program by increasing user fees. User fees are payable to the U.S. Treasury