

sections 1503 and 1504 of Pub. L. 108-11, exports to Iraq are subject to the policy specified in paragraph (f) of § 126.1.

Regulatory Analysis and Notices: This amendment involves a foreign affairs function of the United States and therefore, is not subject to the procedures required by 5 U.S.C. 553 and 554. It is exempt from review under Executive Order 12866 but has been reviewed internally by the Department to ensure consistency with the purposes thereof. This rule does not require analysis under the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

This amendment/rule has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Act of 1996. It will not have substantial direct effects on the States, the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this rule does not have sufficient federalism implications to warrant application of the consultation provisions of Executive Orders 12372 and 13132.

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

■ Accordingly, for the reasons set forth above, title 22, chapter I, subchapter M, part 126, is amended as follows:

PART 126—GENERAL POLICIES AND PROVISIONS

■ 1. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42, and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); 22 U.S.C. 2778; E.O. 11958, 42 FR 4311; 3 CFR, 1977 Comp., p. 79; 22 U.S.C. 2658; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899.

■ 2. Section 126.1 is amended by revising paragraph (f) to read as follows:

§ 126.1 Prohibited exports and sales to certain countries.

* * * * *

(f) *Iraq.* It is the policy of the United States to deny licenses, other approvals, exports and imports of defense articles, destined for or originating in Iraq except, if determined to be in the national interest of the United States and subject to the notification requirements of section 1504 of Public Law 108-11, exports may be authorized of nonlethal military equipment and, in the case of lethal military equipment, only that which is designated by the

Secretary of State (or designee) for use by a reconstituted (or interim) Iraqi military or police force, and of small arms designated by the Secretary of State (or designee) for use for private security purposes.

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Dated: March 23, 2004.

John R. Bolton,

Under Secretary, Arms Control and International Security, Department of State.

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DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

[Docket No. SLSDC 04-17202]

RIN 2135-AA19

Tariff of Tolls

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 Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC. The SLSDC is revising its regulations to reflect the fees and charges charged by the SLSMC in Canada starting in the 2004 navigation season, which are effective only in Canada. The SLSDC also is amending the regulations to increase the minimum charge per lock transited for full or partial transit of the Seaway to be charged by the SLSDC for transit through the U.S. locks of vessels that are not pleasure craft or vessels subject in Canada to the tolls under items 1 and 2 of the Tariff. Since this latter proposed amendment would be of applicability in the United States, comments were invited only on this. (*See SUPPLEMENTARY INFORMATION.*) The Tariff of Tolls is in effect in Canada. For consistency, because these are, under international agreement, joint regulations, and to avoid confusion among users of the Seaway, the SLSDC finds that there is good cause to make this U.S. version of the amendments effective upon publication.

DATES: This rule is effective on April 9, 2004.

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

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 Tariff of Tolls in their respective jurisdictions. (The Tariff is called the Schedule of Fees and Charges in Canada.) The amendments are described in the following summary.

The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC. The SLSDC is revising § 402.8, "Schedule of Tolls," to reflect the fees and charges charged by the SLSMC in Canada starting in the 2004 navigation season. With one exception, the changes affect the tolls for commercial vessels and are applicable only in Canada as the collection of the U.S. portion of tolls for commercial vessels is waived by law (33 U.S.C. 988a(a)). Accordingly, no notice and comment was necessary on these amendments. The SLSDC also is amending the regulations to increase the minimum charge per lock transited for full or partial transit of the Seaway to be charged by the SLSDC for transit through the U.S. locks of vessels that are not pleasure craft or vessels subject in Canada to the tolls under items 1 and 2 of the Tariff. Since only this latter proposed amendment would be of applicability in the United States, comments were invited only on this. A Notice of Proposed Rulemaking was published on March 2, 2004 (69 FR 9774). Interested parties have been afforded an opportunity to participate in the making of the amendment applicable in the United States. No comments were received. That amendment is described in the following summary.

The specific change is the amendment of § 402.8, "Schedule of Tolls", to increase the per lock charge for transit through a U.S. lock from \$16.44 to \$16.77. This increase is due to higher operating costs at the locks.

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

The Saint Lawrence Seaway Development Corporation certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Tariff of Tolls primarily relates 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 reg.*) because it is not a major federal action significantly affecting the quality of 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 it 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 402

Vessels, Waterways.

■ Accordingly, the Saint Lawrence Seaway Development Corporation is amending 33 CFR part 402, Tariff of Tolls, as follows:

PART 402—TARIFF OF TOLLS

■ 1. The authority citation for part 402 continues to read as follows:

Authority: 33 U.S.C. 983(a), 984(a)(4), and 988, as amended; 49 CFR 1.52.

■ 2. Section 402.8 is revised to read as follows:

§ 402.8 Schedule of tolls.

Item	Description of chargers Column 1	Rate (\$) Montreal to or from Lake Ontario (5 locks) Column 2	Rate (\$) Welland Canal— Lake Ontario to or from Lake Erie (8 locks) Column 3
1.	Subject to item 3, for complete transit of the Seaway, a composite toll, comprising: (1) a charge per gross registered ton of the ship, applicable whether the ship is wholly or partially laden, or is in ballast, and the gross registered tonnage being calculated according to prescribed rules for measurement in the United States or under the International Convention on Tonnage Measurement of Ships, 1969, as amended from time to time. (2) a charge per metric ton of cargo as certified on the ship's manifest or other document, as follows: (a) bulk cargo (b) general cargo (c) steel slab (d) containerized cargo (e) government aid cargo (f) grain (g) coal (3) a charge per passenger per lock (4) a charge per lock for transit of the Welland Canal in either direction by cargo ships: (a) loaded (b) in ballast	0.0912 0.9461 2.2795 2.0630 0.9461 N/A 0.5812 0.5585 1.3449 N/A N/A	0.1482. 0.6268. 1.0031. 0.7181. 0.6268. N/A. 0.6268. 0.6268. 1.3449. 500.61. 369.87.
2.	Subject to item 3, for partial transit of the Seaway	20 per cent lock of the applicable charge under items 1 (1) and (2) plus the applicable charge under items 1 (3) and (4).	13 per cent per lock of the applicable charge under items 1 (1) and (2) plus the applicable charge under items 1 (3) and (4).
3.	Minimum charge per ship per lock transited for full or partial transit of the Seaway.	16.77	16.77.
4.	A rebate applicable for the 2004 navigation season to the rates of item 1 to 3.	Rebate of 0%	Rebate of 0%.

Item	Description of chargers Column 1	Rate (\$) Montreal to or from Lake Ontario (5 locks) Column 2	Rate (\$) Welland Canal— Lake Ontario to or from Lake Erie (8 locks) Column 3
5.	A charge per pleasure craft per lock transited for full or partial transit of the Seaway, including applicable federal taxes ¹ .	20.00	20.00.

¹ The applicable charge at the Saint Lawrence Seaway Development Corporation's locks (Eisenhower, Snell) for pleasure craft is \$20 U.S. or \$30 Canadian per lock. The applicable charge under item 3 at the Saint Lawrence Seaway Development Corporation's locks (Eisenhower, Snell) will be collected in U.S. dollars. The other amounts are in Canadian dollars and are for the Canadian share of tolls. The collection of the U.S. portion of tolls for commercial vessels is waived by law (33 U.S.C. 988a(a)).

Issued at Washington, DC on April 6, 2004.
Saint Lawrence Seaway Development Corporation.

Albert S. Jacques,
Administrator.

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

RIN 0596-AC16

Sale and Disposal of National Forest System Timber; Timber Sale Contracts, Modification of Contracts

AGENCY: Forest Service, USDA.

ACTION: Interim final rule; request for comments.

SUMMARY: The Forest Service is adopting an interim final rule at part 223, subpart B, of Title 36, Code of Federal Regulations, § 223.112. This interim final rule authorizes timber sale contracting officers to modify contracts to provide a redetermination of stumpage rates and deposits to reflect significant timber market declines. This rule applies to existing timber sale contracts awarded after October 1, 1995, that have been suspended for more than 90 days, during the normal operating season because of administrative appeals or litigation, through no fault of the timber purchaser. Comments received on this interim final rule will be considered in adoption of a final rule.

DATES: This interim final rule is effective April 9, 2004. Comments must be received in writing by June 8, 2004.

ADDRESSES: Send written comments to the Director of Forest and Rangeland Management, via the U.S. Postal Service to MAIL STOP 1105, Forest Service, USDA, 1400 Independence Avenue, SW., Washington, DC 20250-0003; via e-mail to *wo timber sale contract rate*

redetermination@fs.fed.us; or via facsimile to 202-205-1045. Comments also may be submitted via the World Wide Web/Internet Web site at: *http://www.regulations.gov*. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received on this interim final rule in the office of the Director of Forest and Rangeland Management, Third Floor, Northwest Wing, Yates Building, 201 14th Street, SW., Washington, DC. Visitors are encouraged to call ahead to (202) 205-0893 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Richard Fitzgerald, Forest and Rangeland Management, (202) 205-1753.

SUPPLEMENTARY INFORMATION:

Background

The suspension of a timber sale purchaser's operations because administrative appeals or litigation, through no fault of the timber purchaser often can result in economic hardship to the purchaser, if after a period of time, the timber market decreases substantially. Not only may the purchaser face economic loss, but the government can be faced with potential claims or additional litigation relating to the delays. When timber markets rise, during the suspension, this problem does not occur.

The regulations at 36 CFR part 223.33 currently provide for a stumpage rate redetermination on sales of 7 years duration on a predetermined schedule. These regulations also provide for stumpage rate redeterminations when a purchaser has diligently performed a contract and seeks an extension (36 CFR 223.115) if, at the time of the scheduled contract termination, at least 75 percent of the contract volume has been removed, and all specified road construction completed. However, the current regulations do not give authority to the contracting officer to provide for

a stumpage rate redetermination to reflect changed market conditions when, at no fault of the purchaser, an existing timber sale contract was suspended because of administrative appeals or litigation. A rate redetermination would provide relief for purchasers in this situation.

Before 1990, very few timber sales were suspended because of administrative appeals or litigation. Now, with much less timber volume under contract, purchasers have limited opportunities to adjust operations to other sales, and thus minimize the economic impact. More recently, the suspension of sales has led to increased contract claims and litigation for damages resulting from the delays caused by the suspension. In the Consolidated Appropriations Act, 2004 (Pub. L. 108-199), Congress provided economic relief to certain timber contracts in Alaska that were sold after 1995, because of changed timber market conditions.

A notice with request for comment on proposed revisions to timber sale contract Forms FS-2400-6, for scaled sale procedures, and FS-2400-6T, for tree measurement sale procedures, was published in the **Federal Register** on December 19, 2003 (68 FR 70758). That notice included a proposed contract provision which would provide relief for future timber sale purchasers by allowing modification of stumpage rates in contracts suspended for more than 90 days, due to administrative appeals or environmental litigation. The Forest Service currently is considering comments received from the public and anticipates issuing the final revised contracts in the near future.

Good Cause Statement

This interim final rule amends the current regulation at 36 CFR 223.112 to authorize redetermination of existing contract stumpage rates to provide economic relief to timber sale purchasers for remaining unharvested volume in timber sales awarded after October 1, 1995. This rule will authorize