

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. Revise § 117.272 to read as follows:

§ 117.272 Boot Key Harbor.

The draw of the Boot Key Harbor drawbridge, mile 0.13, between Marathon and Boot Key, will open as necessary on the hour between the hours of 7 a.m. to 7 p.m. At all other times, the bridge will open following a one hour notification to the bridge tender by calling the posted cell phone

number. The draw shall open on demand and as soon as practicable for the passage of tugs with tows, public vessels of the United States and vessels whereby a delay would endanger life or property.

Dated: March 9, 2006.

D.B. Peterman,

*RADM, U.S. Coast Guard, Commander,
Seventh Coast Guard District.*

[FR Doc. 06–2874 Filed 3–23–06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

[Docket No. SLSDC 2006–23839]

RIN 2135–AA23

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 levied by the SLSMC in Canada starting in the 2006 navigation season, which are effective only in Canada. An amendment to increase the minimum charge per lock for those vessels that are not pleasure craft or subject in Canada to tolls under items 1 and 2 of the Tariff for full or partial transit of the Seaway will apply in the U.S. (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 March 24, 2006.

FOR FURTHER INFORMATION CONTACT:

Craig H. Middlebrook, Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–0091.

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 (Schedule of Fees and Charges in Canada) 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 33 CFR 402.8, “Schedule of Tolls”, to reflect the fees and charges levied by the SLSMC in Canada beginning in the 2006 navigation season. Additionally, the SLSDC is revising 33 CFR 402.3, “Interpretation”, and 33 CFR 402.4, “Tolls”, to provide interpretations of two charges for vessels carrying new cargo on the Welland Canal and the MLO Section of the Seaway. With one exception, the changes affect the tolls for commercial vessels and are applicable only in Canada. The collection of tolls by the SLSDC on commercial vessels transiting the U.S. locks is waived by law (33 U.S.C. 988a(a)). Accordingly, no notice or comment was necessary on these amendments.

The SLSDC is amending 33 CFR 402.8, “Schedule of Tolls”, to increase the minimum charge per vessel per lock for full or partial transit of the Seaway from \$20.00 to \$20.40. This charge is for vessels that are not pleasure craft or subject in Canada to the tolls under items 1 and 2 of the Tariff. This increase is due to higher operating costs at the locks. Since this amendment would be applicable in the United States, interested parties were afforded an opportunity to comment on it in a Notice of Proposed Rulemaking published on February 14, 2006 (71 FR 7701). No comments were received.

Regulatory Notices

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

Regulatory Evaluation

This regulation involves a foreign affairs function of the United States and therefore Executive Order 12866 does not apply and evaluation under the

Department of Transportation's Regulatory Policies and Procedures is not required.

Regulatory Flexibility Act Determination

I certify this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

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

Federalism

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and has determined that this proposal 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 402.3 is amended by redesignating paragraphs (k) through (n) as (m) through (p) and revising newly designated paragraphs (m) through (p), and by adding new paragraphs (k) and (l) to read as follows:

§ 402.3 Interpretation.

* * * * *
 (k) *New cargo—MLO Section* means either containerized cargo or cargo which has not moved through the MLO Section in an average annual amount, over the navigation seasons 2001–2002–2003, greater than 10,000 metric tons.

(l) *New cargo—Welland Canal* means either containerized cargo or cargo which has not moved through the Welland Canal in an average annual amount, over the navigation seasons 2001–2002–2003, greater than 10,000 metric tons.

(m) *Passenger* means a person being transported through the Seaway who has paid a fare for passage.

(n) *Pleasure craft* means a vessel, however propelled, that is used exclusively for pleasure and does not carry passengers.

(o) *Seaway* includes all facilities and services authorized under Public Law 358, 83rd Congress, May 13, 1954, enacted by the Congress of the United States, as amended, (33 U.S.C. 981, *et seq.*) and the meaning ascribed to it under the Canada Marine Act.

(p) *Vessel* (“ship” in Canada) means every type of craft used as a means of transportation on water, except a vessel owned or employed by the Manager or the Corporation.

■ 3. Section 402.4 is amended by adding paragraphs (d) through (f) to read as follows:

§ 402.4 Tolls.

* * * * *

(d) As part of the fees applicable under the New Cargo—Welland Canal and the New Cargo—MLO Section, once a cargo has qualified as new cargo, it will remain qualified for the navigation seasons 2006 and 2007.

(e) For a transit to be accepted under the New Cargo—Welland Canal or the New Cargo—MLO Section, more than 50% of the cargo carried on that transit for each section must qualify as new cargo.

(f) Barges transiting the Welland Canal together as one unit pulled by the same tug or tugs shall, for the purpose of calculating lockage fees, be deemed to be a combination unit and will pay lockage fees as a single barge.

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

§ 402.8 Schedule of tolls.

Column 1 Item—Description of charges	Column 2 Rate (\$) Montreal to or from Lake Ontario (5 locks)	Column 3 Rate (\$) Welland Canal—Lake Ontario to or from Lake Erie (8 locks)
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 or under the International Convention on Tonnage Measurement of Ships, 1969, as amended from time to time.	0.0947	0.1537.
(2) a charge per metric ton of cargo as certified on the ship's manifest or other document, as follows:		
(a) bulk cargo	0.9816	0.6504.
(b) general cargo	2.3651	1.0408.
(c) steel slab	2.1405	0.7451.
(d) containerized cargo	0.9816	0.6504.
(e) government aid cargo	N/A	N/A.
(f) grain	0.6030	0.6504.
(g) coal	0.5795	0.6504.
(3) a charge per passenger per lock	1.3954	1.3954.

Column 1 Item—Description of charges	Column 2 Rate (\$) Montreal to or from Lake Ontario (5 locks)	Column 3 Rate (\$) Welland Canal—Lake Ontario to or from Lake Erie (8 locks)
(4) a charge per lock for transit of the Welland Canal in either direction by cargo ships:		
(a) loaded	N/A	519.40.
(b) in ballast	N/A	383.75.
2. Subject to item 3, for partial transit of the Seaway	20 per cent per 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.	20.40	20.40.
4. A rebate applicable to the rates of item 1 to 3	N/A	N/A.
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.
6. Subject to item 3, in lieu of item 1(4), for vessel carrying new cargo on the Welland Canal or returning ballast after carrying new cargo on the Welland Canal, a charge per gross registered ton of the ship, the gross registered tonnage being calculated according to item 1(1):		
(a) loaded	N/A	0.1530.
(b) in ballast	N/A	0.1122.
7. Subject to item 3, in lieu of item 1(1), for vessel carrying new cargo on the MLO section or returning ballast after carrying new cargo on the MLO Section, a charge per gross registered ton of the ship, the gross registered tonnage being calculated according to item 1(1).	0.0000	N/A.

¹ The applicable charge at the Saint Lawrence Seaway Development Corporation's locks (Eisenhower, Snell) for pleasure craft is \$25 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 March 17, 2006.
 Saint Lawrence Seaway Development Corporation.
Albert S. Jacques,
Administrator.
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BILLING CODE 4910-61-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1260
RIN 3095-AB38

Declassification of National Security Information

AGENCY: National Archives and Records Administration (NARA).
ACTION: Final rule.

SUMMARY: This rule updates NARA's regulations related to declassification of classified national security information in records transferred to NARA's legal custody. The rule incorporates changes resulting from amendments to Executive Order 12958, Classified National Security Information, as amended. These changes include establishing procedures for the automatic declassification of records in NARA's legal custody and revising requirements for reclassification of information to meet the provisions of EO 12958, as

amended. This rule will affect members of the public and Federal agencies.

DATES: Effective April 24, 2006.
FOR FURTHER INFORMATION CONTACT: Jennifer Davis Heaps at 301-837-1801.
SUPPLEMENTARY INFORMATION: The proposed rule was originally published in the August 12, 2005, *Federal Register* (70 FR 47161) for a sixty day comment period. We notified several researcher organizations about the proposed rule and posted a notice about it on our Web site, <http://www.archives.gov>. NARA received eight responses to the proposed rule. Two were from individuals, one was from a public interest group, and the others were from government agencies. Two of the responses from government agencies were no comments.

One individual expressed concern about actions of the George W. Bush administration, including that an Executive Order (EO) has been used to permanently seal records of the two Bush presidencies. This issue is beyond the purview of EO 12958, as amended. The other individual's comment objected to the provisions in subpart E regarding reclassification. He stated that there is no urgent need for alteration of current processes available to the agencies involved in the safeguarding of our nation's security interests. However, this rule brings NARA policy into conformity with provisions of EO

12958, as amended, and therefore, his comments cannot be accepted.

Two comments questioned the concept of "integral file block." One commenter asked if the term was new or had been used previously in a records management environment. The other commenter was concerned that an integral file block could contain records spanning an indefinite period of time—possibly decades—and this would effectively prevent the timely declassification of historically significant information that would otherwise be eligible for release. The commenter recommended that NARA adopt regulations that would provide for review of integral file blocks that span more than eight years to determine whether the integral file block could be broken up for the purpose of declassification while maintaining the integrity of the records.

Integral file blocking is a long standing practice in records management. The concept was introduced into the EO to promote better, more efficient reviews. For example, rather than review records in any one box multiple times on a year by year basis, an agency can review all records in the box at one time. Records are handled less frequently and are reviewed in relationship to each other, enhancing the possibility of contextual decisions. Most records are reviewed by the originating agencies and NARA