

Actions	Compliance	Procedures
(2) For crew seat bucket assemblies without a recline system, P/Ns 959.30.01.131, 959.30.01.132, 959.30.01.133, and 959.30.01.134 (or FAA-approved equivalent P/Ns), replace the backrest tubes.	Initially replace upon the accumulation of 10,000 hours TIS or within the next 100 hours TIS after the effective date of this AD, whichever occurs later. Thereafter, replace the backrest tubes upon the accumulation of 10,000 hours TIS (the life limit established in this AD).	As specified in Pilatus PC12 Maintenance Manual Temporary Revision No. 04-13, dated June 15, 2005. Replace following the procedures in the CMM.
(3) Do not install: (i) Any crew seat bucket assembly with a recline system, P/N 959.30.01.111, 959.30.01.112, 959.30.01.121, and 959.30.01.122 (or FAA-approved equivalent P/Ns), with unknown hours TIS or which has accumulated 5,000 or more hours TIS; or (ii) Any crew seat bucket assembly without a recline system, P/N 959.30.01.131, 959.30.01.132, 959.30.01.133, and 959.30.01.134 (or FAA-approved equivalent P/Ns), with unknown hours TIS or which has accumulated 10,000 or more hours TIS.	As of the effective date of this AD. The life limits specified in paragraphs (e)(1) and (e)(2) of this AD apply to all parts installed as spares.	Not Applicable.
(4) 14 CFR 21.303 allows for replacement parts through parts manufacturer approval (PMA). The phrase "or FAA-approved equivalent part number" in this AD is intended to signify those parts that are PMA parts approved through identity to the design of the part under the type certificate and replacement parts to correct the unsafe condition under PMA (other than identity). If parts are installed that are identical to the unsafe parts, then the corrective actions of the AD affect these parts also. In addition, equivalent replacement parts to correct the unsafe condition under PMA (other than identity) may also be installed provided they meet current airworthiness standards, which include those actions cited in this AD.	Not Applicable .....	Not Applicable.
(5) You must contact the type certificate holder any time a modification or repair is done that affects the parts listed in paragraphs (e)(1), (e)(2), and (e)(3) of this AD to determine the effect, if any, the modification or repair may have on the life limits established in this AD.	As of the effective date of this AD .....	Not Applicable.

**Note:** Return all replaced backrest tubes to Pilatus Aircraft Ltd., Structural Analysis Group ECE, CH-6371 Stans, Switzerland. Include the following information: crew seat P/N and serial number, aircraft manufacturer serial number, aircraft flying hours, number of flights, and replacement date of the replaced backrest tubes.

**May I Request an Alternative Method of Compliance?**

(f) The Manager, Standards Office, Small Airplane Directorate, FAA, has the authority to approve alternative methods of compliance for this AD, if requested using the procedures found in 14 CFR 39.19. For information on any already approved alternative methods of compliance or for information pertaining to this AD, contact Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

**Is There Other Information That Relates to This Subject?**

(g) Swiss AD Number HB-2005-470, Effective Date: December 30, 2005, also addresses the subject of this AD.

**May I Get Copies of the Documents Referenced in This AD?**

(h) To get copies of the documents referenced in this AD, contact Pilatus Aircraft Ltd., Customer Support Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 6208; facsimile: +41 41 619 7311; or Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465-9099; facsimile: (303) 465-6040. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC, or on the Internet at <http://dms.dot.gov>. The docket number is Docket No. FAA-2004-19220; Directorate Identifier 2004-CE-27-AD.

Issued in Kansas City, Missouri, on February 7, 2006.

**Steven W. Thompson,**  
*Acting Manager, Small Airplane Directorate,  
Aircraft Certification Service.*  
[FR Doc. E6-2020 Filed 2-13-06; 8:45 am]  
**BILLING CODE 4910-13-P**

**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:** Notice of proposed rulemaking.

**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.**)

**DATES:** Any party wishing to present views on the proposed amendment may file comments with the Corporation on or before March 16, 2006.

**ADDRESSES:** You may submit comments [identified by DOT DMS Docket Number SLSDC 2005-20518] by any of the following methods:

- Web Site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Instructions:* All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under *Regulatory Notices*.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5

p.m., Monday through Friday, except Federal Holidays.

**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 proposing to revise 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 proposing to revise 33 CFR 402.3 and 33 CFR 402.4 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 is necessary on these amendments.

The SLSDC is proposing to amend 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.

*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 proposed 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 proposed 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 proposed 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 proposed 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 proposed 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 proposed 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 proposes to amend 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 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 a paid fare for passage.

(n) *Pleasure craft* means a ship, 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.
(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 <sup>1</sup> .	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.

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)
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.

<sup>1</sup> 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 February 2, 2006.

Saint Lawrence Seaway Development Corporation.

**Albert S. Jacques,**  
Administrator.

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**BILLING CODE 4910-61-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 261

[SW FRL-8031-5]

#### Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule and request for comment.

**SUMMARY:** EPA is proposing to grant a petition submitted by Bayer Material Science LLC (Bayer) to exclude (or delist) a certain solid waste generated by its Baytown, Texas, facility from the lists of hazardous wastes.

EPA used the Delisting Risk Assessment Software (DRAS) in the evaluation of the impact of the petitioned waste on human health and the environment.

EPA bases its proposed decision to grant the petition on an evaluation of waste-specific information provided by the petitioner. This proposed decision, if finalized, would exclude the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

If finalized, EPA would conclude that Bayer's petitioned waste, spent carbon, is non-hazardous. The spent carbon from the facility's waste water treatment plant, before treatment, would be listed under the hazardous waste codes K027, K104, K111, and K112. Long- and short-term threats to human health and the environment from the spent carbon as generated are minimized.

**DATES:** EPA will accept comments until March 16, 2006. EPA will stamp comments received after the close of the comment period as late. These late comments may not be considered in formulating a final decision. Your requests for a hearing must reach EPA by March 1, 2006. The request must contain the information prescribed in 40 CFR 260.20(d) (hereinafter all CFR cites refer to 40 CFR unless otherwise stated).

**ADDRESSES:** Please send three copies of your comments. You should send two copies to the Chief, Corrective Action and Waste Minimization Section (6PD-C), Multimedia Planning and Permitting Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202. You should send a third copy to the Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78712. Identify your comments at the top with this regulatory docket number: R6-TXDEL-FY06-Bayer-Spent Carbon. You may submit your comments electronically to Michelle Peace at [peace.michelle@epa.gov](mailto:peace.michelle@epa.gov). You may also submit your comments through <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

You should address requests for a hearing to Ben Banipal, Chief, Corrective Action and Waste Minimization Section (6PD-C), Multimedia Planning and Permitting Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202.

**FOR FURTHER INFORMATION CONTACT:** Michelle Peace (214) 665-7430.

**SUPPLEMENTARY INFORMATION:** The information in this section is organized as follows:

- I. Overview Information
  - A. What action is EPA proposing?
  - B. Why is EPA proposing to approve this delisting?
  - C. How will Bayer manage the waste if it is delisted?
  - D. When would the proposed delisting exclusion be finalized?
  - E. How would this action affect states?
- II. Background

- A. What is the history of the delisting program?
- B. What is a delisting petition, and what does it require of a petitioner?
- C. What factors must EPA consider in deciding whether to grant a delisting petition?
- III. EPA's Evaluation of the Waste Information and Data
  - A. What waste did Bayer petition EPA to delist?
  - B. Who is Bayer and what process do they use to generate the petition waste?
  - C. What information did Bayer submit to support this petition?
  - D. What were the results of Bayer's analysis?
  - E. How did EPA evaluate the risk of delisting this waste?
  - F. What did EPA conclude about Bayer's analysis?
  - G. What other factors did EPA consider in its evaluation?
  - H. What is EPA's evaluation of this delisting petition?
- IV. Next Steps
  - A. With what conditions must the petitioner comply?
  - B. What happens, if Bayer violates the terms and conditions?
- V. Public Comments
  - A. How may I as an interested party submit comments?
  - B. How may I review the docket or obtain copies of the proposed exclusion?
- VI. Statutory and Executive Order Reviews

#### I. Overview Information

##### A. What action is EPA proposing?

EPA is proposing to grant the delisting petition submitted by Bayer to have its spent carbon (K027, K104, K111, and K112 listed hazardous waste) excluded, or delisted, from the definition of a hazardous waste.

##### B. Why is EPA proposing to approve this delisting?

Bayer's petition requests a delisting for the spent carbon derived from the treatment of hazardous waste water listed as K027, K104, K111, and K112 be delisted. Bayer does not believe that the petitioned waste meets the criteria for which EPA listed it. Bayer also believes no additional constituents or factors could cause the waste to be hazardous. EPA's review of this petition included