

## PART 151—EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

■ 5. The general authority citation for part 151 continues to read, and a specific authority citation for § 151.11 is added to read, as follows:

**Authority:** 19 U.S.C. 66, 1202 (General Notes 3(i) and 3(j), Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

Section 151.11 also issued under 21 U.S.C. 381;

\* \* \* \* \*

■ 6. Section 151.11 is amended as follows:

- a. In the first sentence, the words “Customs custody” are removed and replaced with the words “CBP custody”;
- b. In the second sentence, the words “Customs custody” are replaced with the words “CBP custody”; and
- c. After the second sentence, a third sentence is added, to read as follows:

**§ 151.11 Request for samples or additional examination packages after release of merchandise.**

\* \* \* For purposes of determining admissibility, representatives of the Food and Drug Administration may obtain samples of any food, drug, device, or cosmetic, the importation of which is governed by section 801 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 381).

**Deborah J. Spero,**

*Acting Commissioner, Customs and Border Protection.*

Approved: January 25, 2007.

**Timothy E. Skud,**

*Deputy Assistant Secretary of the Treasury.*  
[FR Doc. 07–408 Filed 1–30–07; 8:45 am]

**BILLING CODE 9111–14–P**

---

## DEPARTMENT OF TRANSPORTATION

### Saint Lawrence Seaway Development Corporation

#### 33 CFR Part 402

[Docket No. SLSDC 2006–26584]

RIN 2135–AA25

#### 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 2007 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. Also, the SLSDC is changing the toll charged per pleasure craft using the U.S. locks from \$25 U.S. or \$30 Canadian to \$30 U.S. or \$30 Canadian. Several minor editorial corrections are being made in § 402.3, “Interpretation.” and § 402.6, “Description and weight of cargo.” (See **SUPPLEMENTARY INFORMATION.**)

**DATES:** This rule is effective March 2, 2007.

**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 2007 navigation season. 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 \$20.40 to \$25.00. 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.

The SLSDC is modifying its practice regarding the collection of pleasure craft tolls by allowing pleasure craft operators to pay the toll for transiting the U.S. locks, Eisenhower and Snell, in either \$30 U.S. or \$30 Canadian. Currently the toll is payable in \$25 U.S. or \$30 Canadian; however, this has resulted in confusion to pleasure craft operators when transiting both Canadian and U.S. locks. With almost eighty (80) percent of the tolls for pleasure crafts being paid in Canadian dollars and little disparity between the U.S. and Canadian exchange rates, the SLSDC is streamlining the pleasure craft toll collection process by allowing for payment in either \$30 U.S. or \$30 Canadian. Additionally, the SLSDC is making several minor editorial changes to 33 CFR 402.3 and 33 CFR 402.5. Interested parties have been afforded an opportunity to comment; however 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 Tariff of Tolls 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 revising paragraph (a)(5), (b)(1) and (f) to read as follows

**§ 402.3 Interpretation.**

\* \* \* \* \*

(a) \* \* \*

(5) Ores and minerals (crude, screened, sized or concentrated, but not otherwise processed) loose or in sacks,

including alumina, bauxite, gravel, phosphate rock, sand, stone and sulphur;

\* \* \* \* \*

(b) \* \* \*

(1) Empty containers or the tare weight of loaded containers;

\* \* \* \* \*

(f) *General cargo* means goods other than bulk cargo, grain, government aid cargo, steel slabs and coal.

\* \* \* \* \*

■ 3. Section 402.5 is amended by revising paragraph (b) to read as follows:

**§ 402.5 Description and weight of cargo.**

\* \* \* \* \*

(b) The cargo tonnage shall be rounded to the nearest 1,000 kilograms (2,204.62 pounds.)

■ 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.	0.0966 .....	0.1568
(2) a charge per metric ton of cargo as certified on the ship's manifest or other document, as follows:		
(a) bulk cargo .....	1.0012 .....	0.6634
(b) general cargo .....	2.4124 .....	1.0616
(c) steel slab .....	2.1833 .....	0.7600
(d) containerized cargo .....	1.0012 .....	0.6634
(e) government aid cargo .....	n/a .....	n/a
(f) grain .....	0.6151 .....	0.6634
(g) coal .....	0.5911 .....	0.6634
(3) a charge per passenger per lock .....	1.4233 .....	1.4233
(4) a charge per lock for transit of the Welland Canal in either direction by cargo ships:		
(a) loaded .....	n/a .....	529.79
(b) in ballast .....	n/a .....	391.43
2. Subject to item 3, for partial transit of the Seaway .....	20 percent per lock of the applicable charge under items 1(1) and (2) plus the applicable charge under items 1(3) and (4).	13 percent 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.	25.00 .....	25.00
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> .	25.00 .....	25.00
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 .....	0.1561
(b) in ballast .....	n/a .....	0.1144

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

Issued at Washington, DC on January 22, 2007.  
 Saint Lawrence Seaway Development Corporation.  
**Collister Johnson, Jr.,**  
*Administrator.*  
 [FR Doc. E7-1535 Filed 1-30-07; 8:45 am]  
**BILLING CODE 4910-61-P**

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

**36 CFR Part 1280**

[NARA-06-0005]

RIN 3095-AB55

**Use of NARA Facilities; Correction**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Correcting amendment.

**SUMMARY:** The National Archives and Records Administration (NARA) published a final rule in the **Federal Register** on December 20, 2006 (71 FR 76166), revising NARA's rules relating to use of NARA property. In the heading to a paragraph within a section, the rule misidentified the National Archives Southeast Region as the National Archives Southwest Region. This document corrects the identification error.

**EFFECTIVE DATE:** Effective on January 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Laura McCarthy at 301-837-3023 or fax number 301-837-0319.

**SUPPLEMENTARY INFORMATION:** In addition to revising 36 CFR Part 1280 provisions on the inspection of personal property, the final rule identified those properties that had come under the control of the Archivist since the last revision of the regulation. Although the

<sup>1</sup> The applicable charge at the Saint Lawrence Seaway Development Corporation's locks (Eisenhower, Snell) for pleasure craft is \$30 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)).

final rule incorrectly used "*The National Archives Southwest Region*" as the heading to 36 CFR 1280.2(d), the rule did correctly identify the physical location of the property as the National Archives Southeast Region in Morrow, Georgia, as specified in 36 CFR 1253.7(e).

**List of Subjects in 36 CFR Part 1280**

Archives and records.  
 ■ For the reason stated in the preamble, 36 CFR part 1280 is corrected by making the following correcting amendment:

**PART 1280—USE OF NARA FACILITIES**

■ 1. The authority citation for part 1280 continues to read as follows:

**Authority:** 44 U.S.C. 2104(a).

■ 2. Revise § 1280.2 (d) to read as follows:

**§ 1280.2 What property is under the control of the Archivist of the United States?**

\* \* \* \* \*

(d) *The National Archives Southeast Region.* The National Archives Southeast Region in Morrow, Georgia, as specified in 36 CFR 1253.7(e).

\* \* \* \* \*

Dated: January 23, 2007.

**Allen Weinstein,**  
*Archivist of the United States.*  
 [FR Doc. E7-1498 Filed 1-30-07; 8:45 am]  
**BILLING CODE 7515-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R05-OAR-2006-0547; FRL-8274-4]

**Approval and Promulgation of Air Quality Implementation Plans; Michigan; Control of Gasoline Volatility**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Michigan on

May 26, 2006, and July 14, 2006, establishing a lower Reid Vapor Pressure (RVP) fuel requirement for gasoline distributed in the Southeast Michigan area which includes Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties. Michigan has developed these fuel requirements to reduce emissions of volatile organic compounds (VOC) in accordance with the requirements of the Clean Air Act (CAA). EPA is approving Michigan's fuel requirements into the Michigan SIP because EPA has found that the requirements are necessary for Southeast Michigan to achieve the 8-hour ozone National Ambient Air Quality Standard (NAAQS). On August 15, 2006, the EPA published a Notice of Proposed Rulemaking (NPRM) proposing to approve the SIP revision. During the comment period EPA received adverse comments from one commenter.

This document summarizes the comments received, EPA's responses, and finalizes the approval of Michigan's SIP revision to establish a RVP limit of 7.0 pounds per square inch (psi) for gasoline sold in Southeast Michigan.

**DATES:** This final rule is effective on March 2, 2007.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2006-0547. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Francisco J. Acevedo, Environmental