

§ 402.4

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

(m) *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.

(n) *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 or the Corporation.

§ 402.4 Tolls.

(a) Every vessel entering, passing through or leaving the Seaway shall pay a toll that is the sum of each applicable charge in §402.8. Each charge is calculated based upon the description set out in column 1 of §402.8 and the rate set out in column 2 or 3.

(b) The toll is assessed against the vessel, its cargo and its passengers for a complete or partial transit of the Seaway and covers a single trip in one direction.

(c) The toll is due from the representative of the vessel within 45 days after the day on which the vessel enters the first lock of a transit of the Seaway.

§ 402.5 Description and weight of cargo.

For the purposes of calculating applicable tolls:

(a) A cord of pulpwood is taken to weigh 1,450 kilograms (3,196.70 pounds); and

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

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§ 402.6 Post-clearance date operational surcharges.

(a) Subject to paragraph (b) of this section, a vessel that reports for its final transit of the Seaway from a place set out in column 1 of §402.9 within a period after the clearance date established by the Manager and the Corporation set out in column 2 of §402.9 shall pay operational surcharges in the amount set out in column 3 of §402.9, prorated on a per-lock basis.

(b) If surcharges are postponed for operational or climatic reasons, a vessel that reports for its final transit of the Seaway from a place set out in column 1 of §402.10 within a period after the clearance date established by the Manager and the Corporation set out in column 2 of §402.10 shall pay operational surcharges in the amount set out in column 3 of §402.10, prorated on a per-lock basis.

(c) A vessel that is authorized to transit the Seaway after the period of 96 hours after the clearance date established by the Manager and the Corporation shall pay, in addition to the operational surcharge, an amount equal to the incremental expenses incurred by the Manager to keep the Seaway open for the transit of the vessel.

§ 402.7 Coming into force.

In Canada, this Tariff and the tolls set forth herein come into force from the date on which this Tariff is filed with the Canadian Transportation Agency.

§ 402.8 Schedule of tolls.

Item	Column 1 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 in the United States or under the International Convention on Tonnage Measurement of Ships, 1969, as amended from time to time.	0.0866	0.1408.

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Item	Column 1 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)
	(2) a charge per metric ton of cargo as certified on the ship's manifest or other document, as follows:		
	(a) bulk cargo	0.8984	0.5953.
	(b) general cargo	2.1648	0.9526.
	(c) steel slab	1.9592	0.6820
	(d) containerized cargo	0.8984	0.5953.
	(e) government aid cargo	n/a	n/a.
	(f) grain	0.5520	0.5953.
	(g) coal	0.5304	0.5953.
	(3) a charge per passenger per lock	1.2773	1.2773.
	(4) a charge per lock for transit of the Welland Canal in either direction by cargo ships:		
	(a) loaded	n/a	475.42.
	(b) in ballast	n/a	351.26.
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.	15.92	15.92.
4.	A rebate applicable for the 2001 navigation season to the rates of item 1 to 3.	Rebate of 1.5%	Rebate of 1.5%.
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) is \$20 U.S. or \$30 Canadian per lock. The other amounts shown 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)).

§ 402.9 Operational surcharges—no postponements.

Item	Column 1 Place in Montreal-Lake Ontario section	Column 2 Period after clearance date	Column 3 Amount (\$) (5 locks) ¹
(a)	Cape Vincent (downbound) or Cap Saint-Michel (upbound).	(a) 24 hours	20,000
		(b) 24 hours or more but less than 48 hours	40,000
		(c) 48 hours or more but less than 72 hours	60,000
		(d) 72 hours or more but less than 96 hours	80,000
(b)	Port, dock or wharf within St. Lambert—Iroquois lock segment.	(a) 24 hours	n/a
		(b) 24 hours or more but less than 48 hours	20,000
		(c) 48 hours or more but less than 72 hours	40,000
		(d) 72 hours or more but less than 96 hours	60,000

¹Prorated on a per-lock basis.

§ 402.10 Operational surcharge after postponements.

Item	Column 1 Place in Montreal-Lake Ontario	Column 2 Period after clearance date	Column 3 Amount (\$) (5 locks) ¹
(a)	Cape Vincent (downbound) or Cape Saint-Michel (upbound):		
	(1) If the postponement is for 24 hours	(a) 24 hours or more but less than 36 hours	20,000
		(b) 36 hours or more but less than 48 hours	40,000
		(c) 48 hours or more but less than 72 hours	60,000
		(d) 72 hours or more but less than 96 hours	80,000
	(2) If the postponement is for 48 hours	(a) 48 hours or more but less than 56 hours	20,000
		(b) 56 hours or more but less than 64 hours	40,000
		(c) 64 hours or more but less than 72 hours	60,000
		(d) 72 hours or more but less than 96 hours	80,000
	(3) If the postponement is for 72 hours	(a) 72 hours or more but less than 78 hours	20,000
		(b) 78 hours or more but less than 84 hours	40,000
		(c) 84 hours or more but less than 90 hours	60,000
		(d) 90 hours or more but less than 96 hours	80,000
(b)	Port, dock or wharf within St. Lambert—Iroquois lock segment:		
	(1) If the postponement is for 24 hours	(a) 24 hours or more but less than 48 hours	n/a

Item	Column 1 Place in Montreal-Lake Ontario	Column 2 Period after clearance date	Column 3 Amount (\$) (5 locks) ¹
		(b) 48 hours or more but less than 60 hours (c) 60 hours or more but less than 72 hours (d) 72 hours or more but less than 96 hours	20,000 40,000 60,000
	(2) If the postponement is for 48 hours	(a) 48 hours or more but less than 72 hours (b) 72 hours or more but less than 80 hours (c) 80 hours or more but less than 88 hours (d) 88 hours or more but less than 96 hours	n/a 20,000 40,000 60,000
	(3) If the postponement is for 72 hours or more.	(a) 72 hours or more but less than 96 hours	n/a

¹ Prorated on a per-lock basis.

PART 403—RULES OF PROCEDURE OF THE JOINT TOLLS REVIEW BOARD

Sec.

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AUTHORITY: 68 Stat. 92-96, 33 U.S.C. 981-990; Agreement between the Governments of United States and of Canada dated March 9, 1959, 10 U.S.T. 323, unless otherwise noted.

SOURCE: 24 FR 9307, Nov. 18, 1959; 24 FR 10445, Dec. 23, 1959, unless otherwise noted.

§ 403.1 Purpose of the Joint Tolls Review Board. [Rule 1]

The Board shall hear complaints relating to the interpretation of the St. Lawrence Seaway Tariff of Tolls or allegations of unjust discrimination arising out of the operation of the said Tariff and shall conduct such other business as agreed to by the Board (Rule 1).

[47 FR 13805, Apr. 1, 1982]

§ 403.2 Scope of rules. [Rule 2]

These rules govern practice and procedure before the Joint Tolls Review Board unless the Board directs or per-

mits a departure therefrom in any proceeding [Rule 2].

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended; Agreement between the Governments of the United States and Canada finalized on March 20, 1978)

[43 FR 30539, July 17, 1978. Redesignated at 47 FR 13805, Apr. 1, 1982]

§ 403.3 Definitions. [Rule 3]

In these rules, unless the context otherwise requires:

- (a) *Application* includes complaint;
 (b) *Affidavit* includes a written affirmation;
 (c) *Board* means the Joint Tolls Review Board;
 (d) Words in the singular include the plural and words in the plural include the singular [Rule 3].

[24 FR 9307, Nov. 18, 1959; 24 FR 10445, Dec. 23, 1959, as amended at 43 FR 30539, July 17, 1978. Redesignated at 47 FR 13805, Apr. 1, 1982]

§ 403.4 Applications. [Rule 4]

(a) Every proceeding before the Board shall be commenced by an application made to it, which shall be in writing and signed by, or on behalf of, the applicant.

(b) An applicant shall file six copies of his application setting forth a clear and complete statement of the facts the grounds for the complaint, and the relief or remedy to which the applicant claims to be entitled.

(c) Applicants resident in Canada shall file their complaints with the St. Lawrence Seaway Joint Tolls Reviews Board, Tower "A", Place de Ville, 320 Queen Street, Ottawa, Ontario K1R 5A3. Applicants resident in the United States of America shall file their complaints with the St. Lawrence Seaway