

statutory authority to protect public safety, and thus is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A Temporary section, 100.T01-001 is added to read as follows:

§ 100.T01-001 New York National Championship Race, New York and New Jersey.

(a) *Regulated Area.* The regulated area includes all waters of the Lower Hudson River south of a line drawn between Pier 76 Manhattan and a point on the New Jersey shore at 40°45'52" N latitude 74°01'01" W longitude, and north of a line connecting the following points:

Latitude	Longitude
40°42'16.0" N	74°01'09.0" W
40°41'55.0" N	74°01'16.0" W
40°41'47.0" N	74°01'36.0" W
40°41'55.0" N	74°01'59.0" W, Then to shore at
40°42'20.5" N	74°02'06.0" W

(b) *Special Local Regulations.*

(1) Commander, U.S. Coast Guard Group New York reserves the right to delay, modify or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area during the effective period of regulation unless participating in the event as authorized by the sponsor or the Coast Guard. The Patrol Commander, as delegated by the Commander, Coast Guard Group New York, will attempt to minimize any delays for commercial vessels transiting the area and will monitor channel 16 VHF-FM.

(3) All persons and vessels shall comply with the instructions of the Commander, U.S. Coast Guard Group New York or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. Members of the Coast Guard Auxiliary may be present to inform vessel

operators of this regulation and other applicable laws.

(c) *Effective period.* This regulation is effective from 12 p.m. to 3 p.m. on October 4, 1992.

Dated: August 26, 1992.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 92-21101 Filed 9-1-92; 8:45 am]

BILLING CODE-4910-14-M

33 CFR Part 165

[CGD1 92-097]

Safety Zone: Lower East River, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary Final Rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for a fireworks display within all waters of the Lower East River south of the Brooklyn Bridge and north of a line drawn between slip 7 Manhattan and pier 5 Brooklyn. The fireworks display will take place on Sunday, September 6, 1992 from 8 p.m. to 10 p.m. with a rain date of September 7, 1992. Temporary closure of the waters surrounding the launching barges is needed to protect the boating public from the safety hazards associated with a pyrotechnic fireworks display in these waters.

EFFECTIVE DATES: This regulation is effective from 8 p.m. through 10 p.m. on September 6, 1992. (Raindate September 7, 1992.)

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) J.E. Peschel, Waterways Management Officer, Coast Guard Group New York (212) 668-7933.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LTJG J.E. Peschel, Captain of the Port, New York and LCDR J. Astley, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after *Federal Register* publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since the event takes place on a public holiday where immediate action is needed to respond to any potential hazards and sufficiently protect the boating public. Due to the date that this application was received, there was not sufficient time to publish

proposed rules in advance of the event or to provide for a delayed effective date.

Background and Purpose

The circumstances requiring this regulation result from the desire to protect the maritime public from possible dangers and hazards associated with a pyrotechnic fireworks display in the waters of the Lower East River. The safety zone will surround a barge based program directed over the waters of the Lower East River. This two hour zone allows time for Coast Guard personnel to clear vessels from the area both before and during the display, and ensure all pyrotechnics have been extinguished prior to reopening the area to maritime traffic. No vessel will be permitted to enter or move within the safety zone unless permitted to do so by Captain of the Port, New York.

Regulatory Evaluation

This regulation is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). Due to the limited duration of the display within this two hour window, and the extensive advisories made to the affected maritime community concerning this event, the impact of this regulation is expected to be minimal. The Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this regulation and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, it is an action under the Coast Guard's statutory authority to protect public safety, and thus is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, waterways.

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5, 49 CFR 1.46.

2. A temporary section, 165.T 01-097 is added to read as follows:

§ 165.T 01-097 South Street Seaport Labor Day Fireworks, Lower East River, New York.

(a) *Location.* The safety zone includes all waters bank to bank of the Lower East River south of the Brooklyn Bridge and north of a line drawn from Slip 7, Manhattan to Pier 5, Brooklyn.

(b) *Effective period.* This regulation is effective from 8 p.m. through 10 p.m. on September 6, 1992. (Rain date of September 7, 1992.)

(c) *Regulations.* (1) No person or vessel may enter, transit, or remain in the safety zone during the effective period of regulation unless participating in the event as authorized by the U.S. Coast Guard Captain of the Port (COTP), New York. The COTP will attempt to minimize any delays for commercial vessels transiting the area and will monitor channel 16 VHF-FM.

(2) All persons and vessels shall comply with the instructions of the COTP NY or the designated on scene personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon hearing five or more blasts

from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed.

Dated: August 27, 1992.

R.M. Larrabee,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 92-21012 Filed 9-1-92; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL49-1-5525; FRL-4157-8]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is approving a revision to the Illinois State Implementation Plan (SIP) for sulfur dioxide (SO₂). The revision pertains to the Peoria SO₂ nonattainment area plan. USEPA's action is based upon a revision request which was submitted by the State to satisfy the requirements of part D of the Clean Air Act for the Peoria/Tazewell SO₂ nonattainment area, which consists of portions of Peoria and Tazewell Counties. This action is being taken in light of Illinois' February 8, 1991, correction of several deficiencies in the SO₂ compliance test methodology. USEPA approved these corrections on June 26, 1992 (57 FR 28617).

DATES: This action will be effective November 2, 1992 unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the *Federal Register*.

ADDRESSES: Copies of the requested SIP revision, technical support documents and public comments received are available at the following address: U.S. Environmental Protection Agency, Region V, Air and Radiation Division, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the regulations being incorporated by reference in today's rule are available for inspection at: U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460.

Comments on this rulemaking should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (5AR-18J), United States Environmental

Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Fayette Bright (5AR-18J), Regulation Development Branch, United States Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6069.

SUPPLEMENTARY INFORMATION:

I. Background/Summary of State Submittal

On November 20, 1985, the Illinois Environmental Protection Agency (IEPA) submitted to USEPA Illinois Pollution Control Board (IPCB) Proposed Opinion and Order R84-28 (adopted October 10, 1985). On April 24, 1986, prior to completion of USEPA review of the proposal, Final Order R84-28 was adopted by the IPCB. IEPA resubmitted that Order, as adopted, to USEPA on June 9, 1986. The state's submittal is intended to satisfy an outstanding condition related to federal approval of Illinois' Part D SO₂ SIP for the Peoria/Tazewell nonattainment area. See 45 FR 62804 (September 22, 1980) and 50 FR 5246 (February 7, 1985). The Peoria/Tazewell SO₂ Part D plan will be complete following USEPA approval of IPCB Final Order R84-28. The information presented below summarizes the requested SIP revision and USEPA's action on it. A more detailed analysis of the State's submittal is contained in technical support documents dated February 13, 1986, and March 16, 1992, which are available from the Region V office listed above.

On May 31, 1972 (37 FR 10861), USEPA approved Illinois Rule 204(c)(1)(A) which established a 1.8 lbs (pounds SO₂ per million British Thermal Units)/MMBTU emission limit for existing fuel combustion sources in the Peoria, East St. Louis and Chicago major metropolitan area. This rule was to serve as the state's Part D SIP control strategy for the Peoria/Tazewell nonattainment area.

However, Rule 204(c)(1)(A) was invalidated by the Illinois Appellate Court on September 27, 1978. Through several SIP actions (see 47 FR 9479—March 5, 1982; 49 FR 31412—August 7, 1984; 49 FR 31687—August 8, 1984), SO₂ emission limits have been reestablished for all sources in the Peoria area with the exception of boilers at the Caterpillar Tractor Mapleton and East Peoria plants, Westinghouse Air Brake Co. (WABCO), Pabst, Archer Daniels Midland (ADM), and Central Illinois Light Company (CILCO) Edwards Station Units 1 and 3.

The SO₂ emission limits for existing solid fuel emission sources are contained in Part 214 Subpart C of Title 35 Chapter I Subchapter C of Illinois' rules. IPCB Final Order R84-28 revised limits contained in part 214. This revision establishes SO₂ emission limits for the above named sources as follows:

1. Section 214.141(c)—Caterpillar Tractor East Peoria boilers (with maximum rated capacity of 882 MMBTU/hr)—1.4 lbs/MMBTU
2. Section 214.141(d)—Caterpillar Tractor Mapleton Boilers 2-5 (with maximum rated capacity of 996 MMBTU/hr per Consent Decree with USEPA)—1.1 lbs/MMBTU
3. Section 214.141(b)—WABCO, Pabst and ADM boilers (with maximum rated capacities of 59 MMBTU/hr, 58 MMBTU/hr and 624 MMBTU/hr, respectively)—5.5 lbs/MMBTU. The 5.5 lb/MMBTU limit does not apply to sources in the City of Peoria with stacks less than 47 meters (m) high. This provision affects only WABCO which has a stack height less than 47m. Consequently, WABCO cannot emit more than 1.8 lbs/MMBTU with their current stack. If WABCO increased their stack height to 47m, they would be allowed to emit up to 5.5 lb/MMBTU
4. Section 214.561—Central Illinois Light Company (CILCO), E.D. Edwards Electric Generating Station Units 1 and 3 (with maximum rated capacity of 5461 MMBTU/hr)—6.6 lbs/MMBTU

IPCB Final Order R84-28 also creates Section 214.560 which provides Subpart X Utilities—This Subpart contains rules which modify the general emission rules of Subparts A through M as applied to a given industry or a given site.

II. Demonstration of Attainment

USEPA requires that State SIP submittals contain a demonstration that the provisions of the revised SIP will provide for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). In support of today's SIP revision for Peoria and Tazewell counties, IEPA has submitted several air quality modeling analyses, which combine to form IEPA's attainment demonstration. USEPA has reviewed these modeling studies, and has found them to be consistent with USEPA modeling guidelines and with USEPA's stack height regulations.

One of these modeling studies predicted violations of the SO₂ NAAQS at two receptors located on a bluff within the boundaries of the Caterpillar Tractor Mapleton plant. The bluff is on plant property and is not fully fenced to prevent public access. USEPA was concerned that the public might be able to gain access to the areas where violations were predicted. If this was in fact possible, the violations would have to be considered to be ambient violations, and therefore the emission

limits that Illinois had proposed for the Caterpillar Tractor Mapleton plant could not be shown to protect the NAAQS, and would not be approvable.

Illinois Environmental Protection Agency (IEPA) staff visited the site and determined that the bluff was indeed inaccessible to the public. The terrain is steep and overgrown in that area, and existing access roads are adequately fenced. Following discussions with IEPA and review of a map showing the fencing and terrain of the bluff area, USEPA accepted IEPA's determination. Therefore, the modeled violations at Caterpillar Tractor Mapleton are not considered ambient violations.

The modeling analyses submitted by IEPA adequately demonstrate that the SO₂ limits set forth in the SIP revision will provide for the attainment and maintenance of the SO₂ NAAQS in Peoria and Tazewell Counties.

III. Enforcement

When this rule submittal was received, Illinois' SO₂ compliance test methods (set forth in § 214.101), which are coupled with the emission limits in the Peoria/Tazewell SIP revision, were not consistent with Federal policy requirements intended to protect the short-term SO₂ NAAQS. Illinois was informed of the deficiencies in the compliance methodology and was asked to correct them. On February 8, 1991, Illinois submitted SO₂ compliance measurement method revisions to USEPA. USEPA approved the revision on June 26, 1992, (57 FR 28617) because the revisions have corrected the deficiencies previously identified by USEPA.

IV. Rulemaking Action

USEPA approves 35 IAC Sections 214.141 (b), (c), (d), 214.560 and 214.561 as revisions to the Illinois SO₂ SIP. The Part D plan for the Peoria/Tazewell SO₂ nonattainment area will be complete following today's action.

USEPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective November 2, 1992 unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public

is advised that this action will be effective November 2, 1992.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989, (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of 2 years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The Agency has reviewed this request for revision of the federally approved State Implementation Plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with these requirements irrespective of the fact that the submittal preceded the date of enactment.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 2, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, environmental protection, Sulfur oxides.

Note.—Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 10, 1992.
Valdas V. Adamkus,
Regional Administrator.

For the reasons set out in the preamble, chapter 1 of title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671(q).

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(8) to read as follows:

§ 52.720 Identification of plan.

(c) * * *
(88) On June 9, 1986, the State submitted revisions to its sulfur dioxide limitations in the form of a April 24, 1986, opinion and order of the Illinois Pollution Board in proceeding R84-28.

(i) Incorporation by reference.

(A) Title 35: Environmental Protection, Subtitle B: Air Pollution Chapter 1: Pollution Control Board Part 214 Sulfur Limitations, Subpart C: Existing Solid Fuel Combustion Emission Sources, § 214.141 Sources Located in Metropolitan Areas, paragraphs b), c) and d), and Subpart X: Utilities, § 214.560 Scope and § 214.561 E.D. Edwards Electric Generating Station effective May 20, 1986.

[FR Doc. 92-21064 Filed 9-1-92; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300256A; FRL-4073-4]

RIN 2070-AB78

Buffalo Gourd Root Powder; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of buffalo gourd root powder (*Cucurbita foetidissima* root powder) when used as an inert ingredient (gustatory stimulant) in pesticide formulations applied to growing crops only. This regulation was requested by the Microfolo Co.

EFFECTIVE DATE: This regulation becomes effective September 2, 1992.

ADDRESSES: Written objections, identified by the document control number, [OPP-300256A], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Connie Welch, Registration Support Branch, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 711L, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-7252.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 9, 1992 (57 FR 30454), EPA issued a proposed rule that gave notice that the Micorflo Co., 719 Second St., Suite 12, Davis, CA 95616, had submitted pesticide petition (PP) 2E4064 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for residues of Buffalo gourd root powder (*Cucurbita foetidissima* root powder) when used as an inert ingredient (gustatory stimulant) in pesticide formulations applied to growing crops only.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the exemption from the requirement of a tolerance will protect the public health. Therefore, the tolerance exemption is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after

publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 13, 1992.

Douglas D. Campit,
Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001(d) is amended by adding and alphabetically inserting the inert ingredient "Buffalo gourd root powder" to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

(d) * * *

Inert ingredients	Limits	Uses
Buffalo gourd root powder (<i>Cucurbita foetidissima</i> root powder).	No more than 2.5 lbs/acre/season (3.4 gm/acre/season of Cucurbitacin).	Gustatory stimulant

[FR Doc. 92-21029 Filed 9-1-92; 8:45 am]

BILLING CODE 5560-50-F

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[Docket No. 92-30]

Licensing of Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission amends its regulations which govern the licensing, duties and responsibilities of ocean freight forwarders, to reduce financial and regulatory burdens on the ocean freight forwarder industry. The final rule (1) removes the requirement that prior Commission approval be obtained for organizational changes involving the acquisition of one or more additional licensees by a licensee; (2) permits the processing fee for Commission approval of organizational changes to be paid by personal check; and (3) permits the licensee's name to appear before or after the shipper's name when the licensee's name appears in the shipper identification box on the bill of lading. (The final rule also includes technical changes to reflect the redesignation of the Commission's Bureau of Tariffs to the Bureau of Tariffs, Certification and Licensing.)

EFFECTIVE DATE: Effective on September 2, 1992, except the removal of § 510.19(a)(5), the redesignation of § 510.19(a)(6) and (7), and the addition of § 510.19(f) which are effective April 1, 1994.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification & Licensing, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-001, (202) 523-5796

or

Seymour Glanzer, Director, Bureau of Hearing Counsel, Federal Maritime

Commission, 1100 L Street, NW., Washington, DC 20573-0001, (202) 523-5783

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission ("Commission" or "FMC") initiated this proceeding by publishing a Notice of Proposed Rulemaking ("NPR") in the Federal Register on June 5, 1992 (57 FR 24004). The NPR solicited comments on a proposed rule to amend certain provisions of the freight forwarder regulations in order to reduce financial and regulatory burdens on the ocean freight forwarder industry.

The proposed rule would (1) remove the requirement that prior Commission approval be obtained for organizational changes involving the acquisition of one or more additional licensees by another licensee; (2) permit the processing fee for Commission approval of organizational changes to be paid by personal check; and (3) permit the licensee's name to appear before or after the shipper's name when the licensee's name appears in the shipper identification box on the bill of lading.

Comments

Comments were received from the National Customs Brokers and Forwarders Association of America, Inc. ("NCBFAA"); the Pacific Coast Council of Customs Brokers and Freight Forwarders Associations, Inc. ("Pacific Coast Council"); the New York Foreign Freight Forwarders and Brokers Association New York ("NYFFBA"); Hiram Walker & Sons, Inc. ("Hiram Walker"); and, jointly certain South America, Central America and Caribbean conferences and discussion agreements ("Conferences").¹

¹ Those conferences and discussion agreements are as follows: Venezuelan American Maritime Association; Atlantic and Gulf/West Coast South America Conference; United States/Central America Liner Association; Central America Discussion Agreement; United States Atlantic & Gulf/Hispaniola Steamship Freight Association; Hispaniola Discussion Agreement; United States Atlantic & Gulf/Southeastern Caribbean Steamship Freight Association; Southeastern Caribbean Discussion Agreement; Jamaica Discussion Agreement; United States/Panama Freight

NCBFAA opposes removing the requirement for prior Commission approval of licensee acquisitions at this time. Although it believes that "the Commission is on the right track" with this proposed rule, NCBFAA advises that the proposed rule is untimely.

The underpinning of NCBFAA's concern about timeliness is a petition pending before the Commission seeking relief, pursuant to section 19 of the Merchant Marine Act, 1920, 46 U.S.C. app. 876 from a proposed consortium allegedly sponsored by the Government of the Republic of Korea.² NCBFAA argues that removing the approval requirement at this time would facilitate the alleged proposed monopolization and controlled cargo practices in the U.S.-Korean trades by authorizing the acquisition of licensees for the projected consortium.

NCBFAA further believes that given the consortium issue the acquisition process should be scrutinized more closely, and suggests that the Commission require an appropriate

Association; PANAM Discussion Agreement; Puerto Rico/Caribbean Discussion Agreement; Caribbean and Central American Discussion Agreement; Sea-Land Service, Inc., a member of some of the foregoing conferences and agreements, did not participate in their comments.

² This petition, entitled Petition No. P3-92—Petition Of Korean Forwarders & Customs Brokers Association Of Southern California Pursuant To Section 19(b)(b) Of The Merchant Marine Act Of 1920 Regarding Conditions Unfavorable To Shipping In The Foreign Trade Between The United States And The Republic Of Korea, was dated June 16, 1992, and was filed by the Korean Forwarders and Customs Brokers Association of Southern California. The petition requested Commission action to prevent an agency of the Government of the Republic of Korea from allegedly sponsoring a consortium which plans to establish a transportation operation in the United States offering freight forwarding, non-vessel-operating common carrier, customs brokerage and other transportation services in the U.S.-Korean trade. In a Notice of Filing of Petition For Relief, served June 29, 1992, the Commission advised that Petition No. P3-92 would be held in abeyance because: (1) Bilateral talks between Korea and the United States were scheduled for July 1992; (2) the consortium in nonexistence; and (3) certain Commission action proposed in FMC Docket No. 92-42, *Actions To Adjust Or Meet Conditions Unfavorable To Shipping In The United States/Korea Trade*, could affect the consortium issue.