(3) Accompanied by a statement that the delay was unintentional. The statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. The Commissioner may require additional information where there is a question whether the delay in payment was unintentional; and

(4) Filed either:

(i) Within one year of the date on which the patent lapsed; or

(ii) Within three months of the date of the first decision on a petition under paragraph (b) of this section which was filed within one year of the date on which the patent lapsed.

(d) Any petition pursuant to paragraph (b) of this section not filed within six months of the date of lapse of the patent, must be accompanied by a terminal disclaimer with fee under § 1.321 dedicating to the public a terminal part of the term of the patent equivalent to the period of lapse of the patent.

(e) Any request for reconsideration or review of a decision refusing to accept the delayed payment upon petition filed pursuant to paragraphs (b) or (c) of this section, to be considered timely, must be filed within two months of the decision refusing to accept the delayed payment or within such time as set in the decision.

(f) The time periods set forth in this section cannot be extended, except that the three-month period set forth in paragraph (c)(4)(ii) and the time period set forth in paragraph (e) of this section may be extended under the provisions of § 1.136.

7. Section 1.378, paragraphs (a), (b), (c) and (e) are revised to read as follows:

§ 1.378 Acceptance of delayed payment of maintenance fee in expired patent to reinstate patent.

(a) The Commissioner may accept the payment of any maintenance fee due on a patent after expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Commissioner to have been unavoidable (paragraph (b) of this section) or unintentional (paragraph (c) of this section) and if the surcharge required by § 1.20(i) is paid as a condition of accepting payment of the maintenance fee. If the Commissioner accepts payment of the maintenance fee upon petition, the patent shall be considered as not having expired, but will be subject to the conditions set forth in 35 U.S.C. 41(c)(2).

(b) Any petition to accept an unavoidably delayed payment of a maintenance fee filed under paragraph (a) of this section must include:

(1) The required maintenance fee set forth in § 1.20 (e) through (g);

(2) The surcharge set forth in § 1.20(i)(1); and

(3) A showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

(c) Any petition to accept an unintentionally delayed payment of a maintenance fee filed under paragraph (a) of this section must be filed within twenty-four months after the six-month grace period provided in § 1.362(e) and must include:

(1) The required maintenance fee set forth in § 1.20 (e) through (g);

(2) The surcharge set forth in § 1.20(i)(2); and

(3) A statement that the delay in payment of the maintenance fee was unintentional.

* * * * *

(e) Reconsideration of a decision refusing to accept a maintenance fee upon petition filed pursuant to paragraph (a) of this section may be obtained by filing a petition for reconsideration within two months of, or such other time as set in, the decision refusing to accept the delayed payment of the maintenance fee. Any such petition for reconsideration must be accompanied by the petition fee set forth in § 1.17(h). After decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner. If the delayed payment of the maintenance fee is not accepted, the maintenance fee and the surcharge set forth in § 1.20(i) will be refunded following the decision on the petition for reconsideration, or after the expiration of the time for filing such a petition for reconsideration, if none is filed. Any petition fee under this section will not be refunded unless the refusal to accept and record the maintenance fee is determined to result from an error by the Patent and Trademark Office.

Dated: August 11, 1993.

Michael K. Kirk,

Acting Assistant Secretary and Acting Commissioner of Patents and Trademarks.

[FR Doc. 93–20074 Filed 8–19–93; 8:45 am]

BILLING CODE 3510–16–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300287A; FRL–4635–4]

RIN 2070–AB78

Boric Acid and Its Salts, Borax (Sodium Borate Decahydrate), Disodium Octaborate Tetrahydrate, Boric Oxide (Boric Anhydride), Sodium Borate and Sodium Metaborate; Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes exemptions from the requirement of a tolerance for residues of boric acid and its salts, borax (sodium borate decahydrate), disodium octaborate tetrahydrate, boric oxide (boric anhydride), sodium borate, and sodium metaborate, in or on raw agricultural commodities when used as an active ingredient in insecticides, herbicides, or fungicides preharvest or postharvest in accordance with good agricultural practices. This regulation was requested by Bushwacker Associates, Galveston, TX. The tolerance exemptions supersede the tolerances for boron established under 40 CFR 180.271; therefore, the document also removes § 180.271.

EFFECTIVE DATE: This regulation becomes effective August 20, 1993.

ADDRESSES: Written objections, identified by the document control number, [OPP-300287A], 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: Robert A. Forrest, Product Manager (PM 14), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 219, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-6600.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 30, 1993 (58 FR 34972), EPA issued a proposed rule that gave notice that Bushwacker Associates, Inc., Division of Bethurum Research & Development, Inc., P.O. Box 3436, Galveston, TX, had submitted a pesticide petition, (PP) 2F4132, 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 part 180 by establishing exemptions from the requirement of a tolerance for residues of boric acid and its salts, borax (sodium borate decahydrate), disodium octaborate tetrahydrate, boric oxide (boric anhydride), sodium borate, and sodium metaborate in or on raw agricultural commodities when used as an active ingredient in insecticides, herbicides, or fungicides preharvest or postharvest in accordance with good agricultural practices.

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 tolerance exemptions will protect the public health. Therefore, the tolerance exemptions are 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 food additive regulations or raising tolerance levels or food additive regulations 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 9, 1993.

Douglas D. Campt,

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.

§ 180.271 [Removed]

2. In subpart C, § 180.271 *Boron; tolerances for residues* is removed.

3. In subpart D, by adding new § 180.1121, to read as follows:

§ 180.1121 Boric acid and its salts, borax (sodium borate decahydrate), disodium octaborate tetrahydrate, boric oxide (boric anhydride), sodium borate and sodium metaborate; exemptions from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the pesticidal chemical boric acid and its salts, borax (sodium borate decahydrate), disodium octaborate tetrahydrate, boric oxide (boric anhydride), sodium borate and sodium metaborate, in or on raw agricultural commodities when used as an active ingredient in insecticides, herbicides, or fungicides preharvest or postharvest in accordance with good agricultural practices.

[FR Doc. 93–20199 Filed 8–19–93; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Parts 315 and 331

[Docket No. R–138]

RIN 2133–AA91

Agency Agreements and Appointment of Agents; Authority and Responsibility of the Operator To Undertake To Decommission and Deliver Ships to Reserve Fleets

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: The National Shipping Authority (NSA) of the Maritime Administration (MARAD) is issuing this final rule to revise its regulations on Agency Agreements by expanding their scope to include the appointment of Agents as Ship Managers and to incorporate therein other regulatory provisions that have been removed in other rulemaking actions or are being removed by this rulemaking. This rulemaking states MARAD's policy and procedure for appointing Agents and administering Service Agreements and Ship Manager Contracts. The change in the citizenship requirements that was proposed in the Notice of Proposed Rulemaking (NPRM) is not being adopted.

EFFECTIVE DATE: September 20, 1993.

FOR FURTHER INFORMATION CONTACT: Tim Roark, Chief, Division of Marine Acquisition, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, Tel. (202) 366–1943.

SUPPLEMENTARY INFORMATION: The NSA is a continuing entity within MARAD, and the Maritime Administrator serves as the Director. In peacetime, the authority of the Director is delegated to the Associate Administrators, respectively, for Shipbuilding and Ship Operations, and for Marketing. NSA regulations are published at 46 CFR parts 315 through 340, and 345 through 347. These regulations govern the appointment and activities of General Agents, Berth Agents, Ship Managers and Federal Port Controllers in emergency ship operation and other related activities, as well as in the control and utilization of ports during national emergencies.

The existing regulations at 46 CFR part 315 set forth the terms of Agency Agreements (Service Agreements), either in the form of a General Agency Agreement or a Berth Agency Agreement, between the United States, acting by and through the Director, NSA, and private business organizations. Under these Agreements, the private organizations act as either General Agent or Berth Agent. Part 316, which prescribed requirements for an applicant to become a General Agent or Berth Agent, and Part 319, which defined the duties of Berth Agents and General Agents, have been removed by another rulemaking action of the Department of Transportation (57 FR 60725; December 22, 1992). Part 331, which sets forth the responsibilities of an operator (Agent) to strip and deactivate MARAD-owned ships preparatory to permanent layup in the National Defense Reserve Fleet (NDRF) is being removed by this rulemaking. Pertinent subject matter that appeared in former parts 316, 319 and 331 are being merged into this revised Part 315.

NPRM and Comments

On February 19, 1993, MARAD published a notice of proposed rulemaking (NPRM), at 58 FR 9135, that proposed to formalize its revised procedure for appointing Agents and administering Service Agreements and Ship Manager Contracts. Pursuant to a Service Agreement, the United States appoints a General Agent, as its Agent, and not as an independent contractor, to manage and conduct the business of one or more vessels, of which the Government is owner or owner *pro hac vice*, as may, from time to time, be assigned to the General Agent for urgent and compelling reasons. A Berth Agent must meet the same criteria to conduct the shoreside business of vessels assigned to a General Agent, at one or more specified locations, while operating in one or more specific services or trades under the terms of a Service Agreement. Pursuant to a Ship Manager Contract, the United States appoints a Ship Manager, as its Agent, for purposes of operating one or more vessels of which the Government is owner or owner *pro hac vice*, and as an independent contractor in some limited areas of vessel management, e.g., in accomplishing vessel repairs.

These agreements incorporate pertinent clauses contained in the Federal Acquisition Regulation (48 CFR chapter 1) and Department of Transportation Acquisition Regulation (48 FR chapter 12). MARAD has also adopted an Application for Appointment as General Agent, which is included in the procedures referred to in section 315 of the NPRM with respect to the appointment of Agents.

The NPRM also proposed to change MARAD's longstanding policy that only United States citizens, within the meaning of 46 App. U.S.C. 802 ("section 2"), may be appointed as Agents. This would have allowed a U.S. corporation that is foreign-controlled (more than 50 percent foreign ownership) to be appointed as an Agent. It would have eliminated the ownership requirement for being a section 2 Citizen of the United States, applicable to corporations partnerships and other entities. That is a requirement that a controlling interest be owned by Citizens of the United States (a majority interest, 75 percent where a vessel is being operated in the coastwise trade).

MARAD received 13 comments on the NPRM. The commenters are ship operators which now operate vessels in the Ready Reserve Fleet component of the NDRF, as General Agents and/or Ship Managers, trade associations and/or others representing U.S.-flag operators, maritime labor organizations and a foreign-owned vessel operator. These commenters have commented only on the issue of MARAD's proposed change of policy that would no longer require Agents to be section 2 U.S. citizens. All of the commenters, except the foreign-owned vessel operator, expressed strong opposition to this proposed change of policy, which according to a commenter, "would permit foreign shipping companies to set up 'Shell' U.S. corporations to manage ships owned by the Maritime Administration, just as the Paris, France, based Van Ommeren Tankers and the Danish company, Maersk manage ships for the U.S. Navy's Military Sealift Command."

The common thread of all comments in opposition was that the proposed policy change is totally inconsistent with the Department's previously pronounced intent to submit a major maritime revitalization package intended to strengthen the U.S.-flag fleet for economic as well as national defense purposes.

Commenters criticized MARAD's failure to state in the NPRM discussion any justification for the proposed policy change other than that it would harmonize with the policy of the Department of Defense (DOD), and failure to allege that the Government will derive any cost benefits from the proposed policy change or that competent U.S. Citizen vessel operators are not available to accept assignment of vessels as agents. In fact, it was stated that U.S. operators have proved their capability and have offered to operate additional RRF vessels at a time when competition among U.S. citizen operators "is so keen that the addition of U.S. subsidiaries of foreign corporations would not lower the cost, unless, of course, the new competitors were subsidized directly or indirectly." It was argued that U.S operators need the work, which work was referred to by a commenter as "a U.S taxpayer government-supported national defense program."

It was further stated, "For a U.S. Government agency to propose opening it up to foreign bidders at a time when U.S. shipping companies need more work, not less, is truly to stand common sense on its head." A commenter accused MARAD of "busily assisting foreign companies in the operation of and management of U.S. Government owned ships while the U.S.-flag merchant marine is dying." Another criticism was that this proposed change in the citizenship requirement "has the further effect of sending defense-related funds, which flow to the ship managers/agents, outside the United States."

Commenters also questioned the wisdom of relying on vessel operators "that are controlled by foreign governments, who at any given time may be unsympathetic or even antagonistic to U.S. policy in time of national emergency." One commenter stated that it was certain that "the United States Department of Defense drew considerable comfort from the knowledge that during Operation Desert Shield and Desert Storm the entire National Defense Reserve Fleet and Ready Reserve Fleet were in the hands of American companies and American crews." Accordingly, it is the belief of these commenters that if any harmonizing of Federal Agency policy is necessary, the interests of our Merchant Marine and the national defense dictate that DOD harmonize its policy with MARAD's existing policy.

One commenter stated that funds received by U.S. operators under MARAD's Ship Management Program help achieve the same objectives in support of the Merchant Marine as statutory promotional programs, i.e., the Jones Act (46 App. U.S.C. 883) and the cargo preference program (46 App. U.S.C 1241).

The only commenter supporting the proposed change in MARAD policy, a noncitizen vessel operator, states that MARAD "is vested with sufficient discretion to ensure that applicants for NDRF agency positions are qualified from a national security perspective. The deletion of the section 2 citizenship requirement will broaden the pool of applicants * * *." This rationale is countered by a comment that "the whole point of having a National Defense Reserve Fleet is to insure that the United States can support its military in time of war or national emergency. Why then allow the ships to be managed by non-citizens whose interests may not be the same as that of the United States. This proposed action seems at cross purposes with the very reason for having a National Defense Reserve Fleet."

MARAD has carefully considered each of the comments received. It has concluded that the arguments against the proposed change in policy to allow noncitizens to become General Agents and Ship Managers of NDRF vessels are persuasive, especially in light of the current severe plight of the U.S. maritime industry, and that no compelling reason exists, at this time, to initiate this policy change. It is undisputed that U.S. citizen vessel operators have the requisite capability and vessel operational capacity to act as Agents. Also, MARAD is unaware of any significant cost benefit realized by the DOD in utilizing noncitizen vessel operators. We believe that there could be some potential risk to the national interest from relying on noncitizen operators whose governments may not be totally sympathetic to the position of the United States in time of war or national emergency, which is sufficient to militate against adoption of the policy change proposed in the NPRM.

Accordingly, MARAD is not adopting in this final rule the proposed policy change that would have allowed noncitizen Agents to operate NDRF vessels. The requisite section 2 U.S. citizen requirement has been retained and clarified to conform to that recently articulated in 46 CFR part 221.

Rulemaking Analyses and Notice

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

This rulemaking has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule.

It will not result in an annual effect on the economy of $100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies, or geographic regions. Furthermore, it will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking does not involve any change in important Departmental policies, and it is considered nonsignificant under the DOT regulatory policies and procedures (44 FR 11034, February 25, 1979). Since the magnitude of the economic impact will be minimal, further regulatory evaluation is unnecessary.

Federalism

MARAD has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has determined that these regulations do not have sufficient federal implication to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

MARAD certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Environmental Assessment

The Maritime Administration has considered the environmental impact of this rulemaking and has concluded that there is no environmental impact and that an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This rulemaking contains no reporting requirements that require approval by the Office of Management and Budget pursuant to provision of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*).

List of Subjects in 46 CFR Part 315

Government contracts, Vessels.

Accordingly, MARAD hereby removes 46 CFR part 331 and revises 46 CFR part 315 to read as follows:

PART 315—AGENCY AGREEMENTS AND APPPOINTMENT OF AGENTS

Sec.

Authority: 50 U.S. C. App. 1744; 49 CFR 1.66.

§ 315.1 Purpose.

This part summarizes the procedures governing the award and administration of Agency Agreements in the form of Service Agreements and Ship Manager Contracts entered into between the United States of America, acting by and through the Director, National Shipping Authority (NSA) of the Maritime Administration (MARAD), Department of Transportation, and Agents which will manage or otherwise conduct the business of one or more vessels owned, controlled or time-chartered by the United States, which vessel(s) may be assigned to Agents from time to time pursuant to the specific provisions of a Service Agreement or Ship Manager Contract.

§ 315.3 Definitions.

(a) *Agent* includes a General Agent, Berth Agent and Ship Manager, designated as such under a standard form of Service Agreement or Ship Manager Contract to manage and conduct the business of vessels of which the United States is owner, owner *pro hac vice* or time charterer.

(b) *Citizen of the United States* means a person (including receivers, trustees and successors or assignees of such Persons as provided in 46 App. U.S.C. 803), including any Person (stockholder, partner or other entity) who has a controlling interest in such person, any person whose stock or equity is being relied upon to establish the requisite U. S. citizen ownership, and any parent corporation, partnership or other entity of such Person at all tiers of ownership, who, in both form and substance at each tier of ownership, satisfies the following requirements—

(1) An individual who is a Citizen of the United States, by birth, naturalization or as otherwise authorized by law;

(2) A corporation organized under the laws of the United States or of a State, the controlling interest of which is owned by and vested in Citizens of the United States and whose president or chief executive officer, chairman of the board of directors and all officers authorized to act in the absence or disability of such persons are Citizens of the United States, and no more of its directors than a minority of the number necessary to constitute a quorum are noncitizens;

(3) A partnership organized under the laws of the United States or of a State, if all general partners are Citizens of the United States and a controlling interest in the partnership is owned by Citizens of the United States;

(4) An association organized under the laws of the United States or of a State, whose president or other chief executive officer, chairman of the board of directors (or equivalent committee or body) and all officers authorized to act in their absence or disability are Citizens of the United States, no more than a minority of the number of its directors, or equivalent, necessary to constitute a quorum are noncitizens, and a controlling interest in which is vested in Citizens of the United States;

(5) A joint venture, if it is not determined by the Maritime Administrator to be in effect an association or partnership, which is

organized under the laws of the United States or of a State, if each conventurer is a Citizen of the United States. If a joint venture is in effect an association, it will be treated as is an association under paragraph (b)(4) of this section, or, if it is in effect a partnership, will be treated as is a partnership under paragraph (b)(3) of this section.

(c) *Director, National Shipping Authority, or Director* means the Maritime Administrator. It also means the Associate Administrator for Shipbuilding and Ship Operations, or the Associate Administrator for Marketing, respectively, when the NSA is operating under authority delegated by the Maritime Administrator.

(d) *NDRF* means a National Defense Reserve Fleet site.

(e) *United States* means the States of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Commonwealth of the northern Mariana Islands and any other territory or possession of the United States.

§ 315.5 Appointment of agents.

(a) *Eligibility.* The Director shall restrict the appointment as Agent to qualified applicants. Each applicant shall establish that eligibility according to procedures that may be obtained from MARAD and shall:

(1) Be a Citizen of the United States, as defined in § 315.3(b) of this part;

(2) Demonstrate the necessary ability, experience and resources as an operator of vessels or ports, or shoreside husbander of vessels; and

(3) Continue to meet all such requirements throughout the term of the appointment.

(b) *Procedures.* Information about procedures for appointment as General Agent, Berth Agent or Ship Manager may be obtained from, and inquiries and other written communications shall be submitted to, the Maritime Administration, Attn: Office of Acquisition, MAR–383, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, tel. (202)366–1943. Inquiries should be made during normal business hours.

(c) *Approval.* After final approval of an Agent by MARAD, the contracting office shall transmit the Service Agreement or Ship Manager contract to the Agent for execution and return to MARAD.

(d) *Agreements.* The standard text of the Service Agreement and Ship Manager Contract may be obtained from the Office of Acquisition at the address appearing in paragraph (b) of this section, by mail or in person during normal business hours.

§ 315.7 Administration of agency agreements.

(a) *Amendments.* The MARAD contracting office shall prepare modifications to all Service Agreements and Ship Manager Contracts that are required due to changes in the Federal Acquisition Regulation or Transportation Acquisition Regulation, or changes in MARAD policy or procedure.

(b) *Annual review of General Agent representations and certifications.* The contracting office shall require that each General Agent certify annually that all representations and certifications incorporated in a Service Agreement are current, complete and accurate, or provide new representations and certifications.

§ 315.9 Duties of agents.

The Agent shall perform all duties prescribed in the Service Agreement or Ship Manager Contract and shall be guided by such directions, orders or regulations as may be issued by MARAD.

§ 315.11 Vessel deactivation procedure.

When an Agent is responsible as vessel operator to decommission and deliver a vessel to the NDRF, that Agent shall observe all the procedures and requirements prescribed by MARAD contained in instructions which may be obtained from the MARAD Division of Reserve Fleet (MAR–743) at the address specified in § 315.5(b) of this part. Tel. (202) 366–5752.

By Order of the Director, National Shipping Authority.

Dated: August 17, 1993.

Joel C. Richard,

Assistant Secretary, Maritime Administration.

[FR Doc. 93–20173 Filed 8–19–93; 8:45 am]

BILLING CODE 4910–81–P

FEDERAL MARITIME COMMISSION

46 CFR Part 586

[Petition No. P2–92; Docket No. 92–42]

Actions To Adjust or Meet Conditions Unfavorable To Shipping in the United States/Korea Trade

AGENCY: Federal Maritime Commission.

ACTION: Amended rule.

SUMMARY: The Federal Maritime Commission amends the final rule, issued in this proceeding pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, to extend for 60 days the suspension of the effective date of sanctions imposed on Korean, non-U.S. citizen, owned or controlled ocean freight forwarders and non-vessel-operating common carriers.

EFFECTIVE DATES: This rule amendment is effective August 20, 1993, except §§ 586.4(b), (c), and (d) are effective November 1, 1993.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523–5740.

SUPPLEMENTARY INFORMATION: Section 19 of the Merchant Marine Act, 1920, 46 U.S.C. app. 876, as amended by Public Law No. 101–595, 104 Stat. 2979 ("Section 19"), authorizes the Federal Maritime Commission ("Commission" or "FMC") to take regulatory action to correct unfavorable shipping conditions in U.S. foreign oceanborne commerce. Specifically, paragraph (1)(b) of Section 19 directs the Commission—

> [t]o make rules and regulations affecting shipping in the foreign trade not in conflict with law in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, whether in any particular trade or upon any particular route or in commerce generally, including intermodal movements, terminal operations, cargo solicitation, forwarding and agency services, non-vessel-operating common carrier operations and other activities and services integral to transportation systems, and which arise out of or result from foreign laws, rules, or regulations or from competitive methods or practices employed by owners, operators, agents or masters of vessels of a foreign country.

46 U.S.C. app. 876(1)(b).

On November 13, 1992 the Commission issued a final rule in this proceeding in response to a petition for relief ("Petition") filed pursuant to Section 19 by Direct Container Line, Inc. ("DCL") alleging conditions unfavorable to shipping in the United States-Korea trade ("Trade"). DCL, a California corporation operating as a non-vessel-operating common carrier ("NVOCC") in the outbound Trade, had averred that it has been prevented by Korean law from establishing a branch office in Korea and from operating in the inbound Trade. The final rule, published at 57 FR 54311 (November 18, 1992), found that conditions unfavorable to shipping did exist in the Trade as a result of the Korean Maritime Transportation Business Act ("Korean Act"), a statute of the Republic of Korea ("ROK").

In order to meet or adjust the unfavorable conditions found, the final rule imposes sanctions on certain Korean-owned entities operating in the Trade. The final rule provides that the license of any FMC-licensed ocean freight forwarder which is majority