

not a major rule as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 180

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

40 CFR Part 185

Environmental protection, Food additives, Pesticides and pests.

40 CFR Part 186

Environmental protection, Animal feeds, Pesticides and pests.

Dated: April 4, 1997.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. In part 180:
 - a. The authority citation for part 180 continues to read as follows:
Authority: 21 U.S.C. 346a and 371.
 - b. Section 180.431 is amended as follows:
 - i. In paragraph (a) by revising the introductory text, and adding new entries to the table.
 - ii. In paragraph (b) by removing the text, and adding a paragraph heading.
 - iii. In paragraph (c) by the redesignating the text as paragraph (b), by adding a new paragraph heading, and by reserving it.
 - iv. By adding paragraph (d) with a paragraph heading only and reserving it.

§ 180.431 Clopyralid; tolerances for residues.

(a) *General.* Tolerances are established for combined residues of the herbicide clopyralid (3,6-dichloro-2-pyridinecarboxylic acid) in or on the following commodities:

Commodity	Parts per million
* * * *	*
Corn, field, fodder	10.0
Corn, field, forage	3.0
Corn, field, grain	1.0
Corn, field, milling fractions	1.5
* * * *	*

(b) *Section 18 emergency exemptions.*

* * *

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

PART 185—[AMENDED]

2. In part 185:
 - a. The authority citation for part 185 continues to read as follows:
Authority: 21 U.S.C. 346a and 348.

§ 185.1100 [Removed]

- b. By removing § 185.1100 *Clopyralid*.

PART 186—[AMENDED]

3. In part 186:
 - a. The authority citation for part 186 continues to read as follows:
Authority: 21 U.S.C. 342, 348 and 701.

§ 186.1100 [Removed]

- b. By removing § 186.1100 *Clopyralid*.

[FR Doc. 97-9372 Filed 4-15-97; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Part 586

[Docket No. 96-20]

Port Restrictions and Requirements in the United States/Japan Trade

AGENCY: Federal Maritime Commission.

ACTION: Amendment to final rule.

SUMMARY: The Federal Maritime Commission is amending the final rule in this proceeding to provide that fees shall not be assessed on vessels for which fees have been assessed within the preceding seven days, or in the case of vessels calling at ports in Hawaii, within the preceding forty days.

DATES: *Effective Date:* April 14, 1997.

ADDRESSES: Requests for publicly available information or additional filings should be addressed to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573, (202) 523-5740.

SUPPLEMENTARY INFORMATION: On March 4, 1997, the Commission published a final rule in this proceeding assessing per-voyage fees, effective April 14, on Japanese liner carriers in response to restrictive and unfavorable requirements for the use of Japanese ports (62 FR 9696). On April 4, 1997, Nippon Yusen Kaisha (NYK), one of the three Japanese carriers subject to the imposition of fees, submitted a "Request for Clarification" of the final rule to the Commission's General Counsel. In its request, NYK

urges that the Commission make certain modifications to the final rule with regard to the assessment of fees. The request will therefore be treated as a petition for amendment of the Final Rule.

NYK's request centers on the application of the final rule as written to two particular NYK trans-Pacific service strings. The final rule, 46 CFR 586.2, states:

(c) Assessment of fees. A fee of one hundred thousand dollars is assessed each time a designated vessel is entered in any port of the United States from any foreign port or place.

NYK operates a weekly service with the rotation: Japan/Taiwan/Hong Kong/Los Angeles/Portland/Vancouver/Seattle/Japan. Under the final rule, vessels in this string would be subject to a \$100,000 fee first when they enter Los Angeles from Hong Kong, then another fee when they arrive at Seattle from Vancouver. NYK suggests that this sort of "double assessment" was not envisaged by the Commission when it promulgated the rule. It also states that such double assessments could lead NYK to drop a U.S. port from its rotation.

NYK also offers bi-monthly sailings to Honolulu in the following pattern: Far East/Honolulu/Central America/Honolulu/Far East. Under the rule, NYK would be subject to fees on both the eastbound and the westbound legs of this voyage. NYK indicates that this could cause it to drop one Hawaiian port call from its rotation. NYK points out that the Commission, in levying the fee, adopted an approach designed to "eliminate the concern that the fee could lead to lines dropping or consolidating port calls in the U.S." NYK suggests an amendment to the rule that would be in keeping with this intent, addressing the issues raised by the two above-described service strings. NYK proposed adding the following to paragraph (c):

provided that no fee is assessed against a designated vessel (1) if that vessel has previously been assessed a fee under this rule within the past ten days, or (2) for a vessel calling in the state of Hawaii, has previously been assessed a fee under this rule within the past forty-five days.

The proposed amendment is in keeping with the Commission's sensitivity to avoiding unnecessary adverse effects to U.S. ports and shippers. The proposed amendment would prevent NYK from being subjected to two fee assessments for one set of west coast port calls based on its unique service structure, heading off the

possibility of an unintended impact on service for the U.S. Pacific northwest. It would also take into account Hawaii's unique position and reliance on maritime commerce, ensuring that ports and commerce in that state are not disadvantaged by the rule. The proposed exceptions are narrowly crafted, and do not undermine the larger objectives of the rule, that is, addressing the restrictive and unfavorable conditions facing U.S. commerce and U.S. companies in Japan's ports which result from the laws and policies of the Government of Japan. It does not appear that service strings or vessel calls other than those listed above would be affected by this proposed language.

We would also note that, except with regard to the two NYK services noted above, further analysis by the Commission since the issuance of the final rule supports and reconfirms our earlier finding that carriers are unlikely to drop port calls or divert services in response to the Commission's fee. Moreover, it has been widely reported in the press that the Japanese carriers have informed their customers that their current services will continue without interruption. Therefore, we would reaffirm that the likelihood of any undue harm to U.S. ports and shippers from the Commission's action appears exceptionally low.

List of Subjects in 46 CFR Part 586

Cargo vessels, Exports, Foreign relations, Imports, Maritime carriers, Penalties, Rates and fares, Tariffs.

Therefore, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b), as amended, Reorganization Plan No. 7 of 1961, 75 Stat. 840, and 46 CFR part 585, part 586 of Title 46 of the Code of Federal Regulations is amended as follows:

PART 586—[AMENDED]

1. The authority citation for Part 586 continues to read as follows:

Authority: 46 U.S.C. app. 876(1)(b); 46 U.S.C. app. 876(5) through (12); 46 CFR Part 585; Reorganization Plan No. 7 of 1961, 26 FR 7315 (August 12, 1961).

2. In § 586.2, paragraph (c) is revised to read as follows:

§ 586.2 Conditions unfavorable to shipping in the United States/Japan trade.

* * * * *

(c) Assessment of fees. A fee of one hundred thousand dollars is assessed each time a designated vessel is entered in any port of the United States from any foreign port or place; provided, however, that no fee is assessed against a designated vessel if:

(1) That vessel has previously been assessed a fee under this section within the past seven days, or

(2) For a vessel calling in the state of Hawaii, that vessel has previously been assessed a fee under this section within the past forty days.

* * * * *

By the Commission.

Joseph C. Polking,

Secretary.

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FEDERAL MARITIME COMMISSION

46 CFR Part 586

[Docket No. 96-20]

Port Restrictions and Requirements in the United States/Japan Trade

AGENCY: Federal Maritime Commission.

ACTION: Final rule; delay of effective date, requirement for reporting, and request for comments.

SUMMARY: The Federal Maritime Commission is delaying the effective date of its final rule assessing fees on liner vessels operated by Japanese carriers, in light of recent commitments made by the Government of Japan addressing restrictive and unfavorable conditions for the use of Japanese ports.

DATES: Effective April 13, 1997, delay until September 4, 1997, the effective date of the rules published March 4, 1997 (62 FR 9696), as amended by the Commission April 11, 1997 in a rule to be published April 16, 1997. Status reports and comments are due July 1, 1997, and August 5, 1997.

ADDRESSES: Filings and requests for publicly available information should be addressed to:

Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573 (202)523-5725.

FOR FURTHER INFORMATION CONTACT: Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573, (202)523-5740.

SUPPLEMENTARY INFORMATION: On March 4, 1997, the Commission published a final rule pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b), to assess per-voyage fees on Japanese liner carriers, effective April 14, 1997, in response to restrictive and unfavorable requirements for the use of Japanese ports. An amendment to the final rule was issued by the Commission on April 11, 1997, providing that fees would not be assessed twice in a seven day period (or, for port calls in Hawaii, in a 40 day period). In light of commitments made by the Government of Japan in recent bilateral talks with the United States Government addressing the unfavorable conditions identified in the final rule, the Commission has decided to suspend the effective date of the rule.

The Commission issued its final rule after a comprehensive inquiry into restrictions and requirements facing U.S. carriers and U.S. commerce in Japanese ports. The fees were deemed necessary in light of the Commission's identification of a number of conditions unfavorable to shipping warranting action under section 19:

- Shipping lines in the Japan-U.S. trades are not allowed to make operational changes, major or minor, without the permission of the Japan Harbor Transportation Association ("JHTA"), an association of Japanese waterfront employers operating with the permission of, and under the regulatory authority and ministerial guidance of, the Japan Ministry of Transport ("MOT").

- JHTA has absolute and unappealable discretion to withhold permission for proposed operational changes by refusing to accept such proposals for "prior consultation," a mandatory process of negotiations and pre-approvals involving carriers, JHTA, and waterfront unions.

- There are no written criteria for JHTA's decisions whether to permit or disallow carrier requests for operational changes, nor are there written explanations given for the decisions.

- JHTA uses and has threatened to use its prior consultation authority to punish and disrupt the business operations of its detractors.

- JHTA uses its authority over carrier operations through prior consultation as leverage to extract fees and impose operational restrictions, such as Sunday work limits.

- JHTA uses its prior consultation authority to allocate work among its member companies, by barring carriers and consortia from freely choosing operators and by compelling shipping