

58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require special OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

XII. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is 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, Food additive, Pesticides and pests, Reporting and record keeping requirements.

40 CFR Part 185

Environmental protection, Food additives, Pesticides and pests

Dated: October 31, 1997.

Stephen L. Johnson,

Acting Director, 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 348.
 - b. Section 180.501 is added to read as follows:

§ 180.501 Hydroprene; tolerances for residues.

(a) *General.* A tolerance of 0.2 part per million is established for residues of hydroprene [(S)-(Ethyl (2E,4E,7S)-3,7,11-trimethyl-2,4-dodecadienoate)], (CAS Reg. No. 65733-18-8) on all food items in food-handing establishments in accordance with the following prescribed conditions:

(1) Application shall be limited to spot, crack and crevice, perimeter and ultra low volume (ULV) fogging treatment in food storage or food-handling establishments, including warehouses, food service, manufacturing, and processing establishments such as restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants, and canneries where food and food products are held, processed, and served: Provided that the food is removed or covered prior to such use, and food-processing surfaces are covered during treatment or thoroughly cleaned before using, or in the case of point-source device treatments, devices must not come into direct contact with food preparation surfaces and must be in a minimum distance of 3 feet from exposed foods.

(2) To assure safe use of the insect growth regulator, the label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

(b) *Section 18 emergency exemptions.* [Reserved]

(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.

§ 185.3625 [Removed]

b. Section 185.3625 is removed.

[FR Doc. 97-30382 Filed 11-18-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 383

[Docket No R-156]

RIN 2133-AB16

Determination of Fair and Reasonable Guideline Rates for the Carriage of Less-Than-Shipload Lots of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Liner Vessels; Removal of Part

AGENCY: Maritime Administration, DOT.

ACTION: Final Rule.

SUMMARY: In connection with the President's Regulatory Reinvention Initiative, the Maritime Administration (MARAD), after having initiated a rulemaking with a notice of proposed rule-making (NPRM), has reviewed the subject regulations at 46 CFR part 383 and has determined to withdraw that rulemaking and remove the entire part. Part 383 has become unnecessary in view of the decline in the volume of U.S.-flag vessel liner service.

DATES: This rule is effective November 21, 1997.

FOR FURTHER INFORMATION CONTACT: Michael P. Ferris, Director, Office of Costs and Rates, Telephone: (202) 366-2324.

SUPPLEMENTARY INFORMATION: In administering the cargo preference program pursuant to the Cargo Preference Act of 1954, incorporated in section 901(b), Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1241(b)), MARAD provides guideline rates for the carriage of agricultural preference cargoes to the U.S. Department of Agriculture (USDA) and the Agency for International Development (AID) ("sponsoring agencies") for bagged and packaged agricultural commodities carried on bulk vessels. The methodology for calculating guideline rates is stated in regulations at 46 CFR part 382. Those sponsoring agencies requested that MARAD extend the scope of its regulations at 46 CFR part 383 to provide them with guideline rates for bagged and packaged agricultural commodities carried on liner vessels in less-than-shipload lots. Accordingly, MARAD published a NPRM (60 FR 20069; April 24, 1995) proposing to amend its regulations in part 383 to provide guideline rates for bagged or packaged agricultural commodities in parcels of 5,000 tons and greater on vessels in liner services.

After careful review of the methodology that was proposed in the NPRM and the comments received in response to that methodology, MARAD has concluded that the current rule, as well as the amendments that it proposed to that rule, cannot adequately apply to liner vessels the methodology used in determining guideline rates for bulk vessels due to the fundamental difference between bulk and liner vessels. MARAD's basic assumption that large liner cargo parcels take on significant aspects of bulk shipment was not supported by the comments. Several commenters pointed out that even when large parcels are carried to the same country or area, the cargo discharging is typically done at numerous ports in the region, subjecting the liner operators to much greater risk of delays than bulk operators, which typically unload in one or two ports. In addition, voyages in the liner preference trades typically involve multiple shippers and receivers, each with their own shipment terms. MARAD believes that expansion of the scope of part 383, which addresses less-than-shipload lots of bulk preference cargo on liner vessels, is not appropriate at this time and that it would be more fitting to remove the entire part. This conclusion is supported by the fact that the rule has not been utilized since 1995, and that, with the sharp decline in the number of U.S.-flag general cargo vessels operating in liner services, it is very unlikely that any future preference cargoes will fall within the purview of the regulations contained therein. In the absence of a regulation, MARAD can make an ad hoc determination, if such a shipment is made in the future, under its general authority to administer the cargo preference laws of the United States.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review); Department of Transportation (DOT) Regulatory Policies Procedures; Pub. L. 104-121.

This rulemaking has been reviewed under Executive Order 12866 and Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is not considered to be an economically significant regulatory action under section 3(f) of E.O. 12866, since it has been determined that it is not likely to result in a rule that may have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. It

is not considered to be a significant rule under the Department's Regulatory Policies and Procedures.

MARAD has determined that this rulemaking presents no substantive issue which it could reasonably expect would produce meaningful public comment since it is merely removing a rule that is obsolete, the retention of which could serve no useful purpose. Accordingly, pursuant to 5 U.S.C. 553 (c) and (d), the Administrative Procedure Act, MARAD finds that good cause exists to publish this as a final rule, without opportunity for public comment, and to make it effective in less than thirty days after the date of publication.

This rule has not been reviewed by the Office Management and Budget under Executive Order 12866.

Federalism

The Maritime Administration has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612, and has determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Maritime Administration certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities since MARAD has historically calculated guideline rates for only three operators in the liner trade.

Environmental Assessment

The Maritime Administration has considered the environmental impact of this rulemaking and has concluded that an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This rulemaking contains no reporting requirement that is subject to OMB approval under 5 CFR part 1320, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

This rule does not impose any unfunded mandates or requirements that will have an impact on the quality of the human environment.

List of Subjects in 46 CFR part 383

Agricultural commodities, Cargo vessels, Government procurement, Grant programs—foreign relations, Loan programs—foreign relations, Water transportation.

Accordingly, 46 CFR part 383 is hereby removed and reserved.

By Order of the Acting Maritime Administrator.

Dated: November 14, 1997.

Joel C. Richard,

Secretary, Maritime Administration.

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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; suspension of effectiveness.

SUMMARY: The Federal Maritime Commission is suspending the effectiveness of its final rule assessing fees on liner vessels operated by Japanese carriers, in light of agreements reached between the United States Government and the Government of Japan, and among affected commercial parties and the Government of Japan, addressing restrictive and unfavorable conditions affecting U.S. shipping in Japanese ports.

DATES: Effective November 13, 1997, 46 CFR 586.2 as published at 62 FR 9696, March 4, 1997, and amended at 62 FR 18532, April 16, 1997, is suspended.

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 February 26, 1997 (62 FR 9696, March 4, 1997), the Commission issued 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, in response to unfavorable conditions facing U.S. shipping in Japanese ports. On April 13, 1997 (62 FR 18533, April 16, 1997), the Commission postponed the effective date of the final rule (originally set for April 14, 1997) until September 4, 1997, to allow the Government of Japan and affected parties further opportunity to craft appropriate plans for addressing the unfavorable conditions identified in the final rule. On September 4, 1997, the Commission, having been presented