

**Subpart C—Application for a Presidential Permit****§ 153.15 Who shall apply.**

(a) *Applicant.* Any person proposing to construct, operate, maintain, or connect facilities at the borders of the United States and Canada or Mexico, for the export or import of natural gas to or from those countries, or to amend an existing Presidential Permit, shall file with the Commission an application for a Presidential Permit under subpart C of this part and Executive Order 10485, as amended by Executive Order 12038.

(b) *Cross-reference.* Any person applying under paragraph (a) of this section for a Presidential Permit for the construction and operation of border facilities must also simultaneously apply for authorization under subpart B of this part.

**§ 153.16 Contents of application.**

(a) *Cross-reference.* The submission of information under §§ 153.7 and 153.8 of subpart B of this part shall be deemed sufficient for purposes of applying for a Presidential Permit or an amendment to an existing Presidential Permit under subpart C of this part for the construction and operation of border facilities.

(b) *Amendment not proposing construction.* An applicant proposing to amend the article(s) of an existing Presidential Permit (other than facilities aspects) must file information pursuant to § 153.7(a) and a summary and justification of its proposal.

**§ 153.17 Effectiveness of Presidential Permit.**

A Presidential Permit, once issued by the Commission, shall not be effective until it has been accepted by the highest authority of the Permittee, as indicated by Permittee's execution of a Testimony of Acceptance, and a certified copy of the accepted Presidential Permit and the executed Testimony of Acceptance has been filed with the Commission.

**Subpart D—Paper Media and Other Requirements****§ 153.20 General rule.**

(a) *Number of copies.* Applications under subpart B of this part must be submitted to the Commission in an original and 7 conformed paper copies. Applications under subpart C of this part must be submitted to the Commission in an original and 9 conformed paper copies.

(b) *Certification.* All applications must be signed in compliance with § 385.2005 of this chapter.

(1) The signature on an application constitutes a certification that: The

signer has read the filing signed and knows the contents of the paper copies; and, the signer possesses the full power and authority to sign the filing.

(2) An application must be signed by one of the following:

(i) The person on behalf of whom the application is made;

(ii) An officer, agent, or employee of the governmental authority, agency, or instrumentality on behalf of which the filing is made; or,

(iii) A representative qualified to practice before the Commission under § 385.2101 of this chapter who possesses authority to sign.

(c) *Where to file.* The paper copies and an accompanying transmittal letter must be submitted in one package to: Office of the Secretary, Federal Energy Regulatory Commission, Washington, DC 20426.

**§ 153.21 Conformity with requirements.**

(a) *General Rule.* Applications under subparts B and C of this part must conform with the requirements of this part.

(b) *Rejection of applications.* If an application does not conform to the requirements of this part, the Director of the Office of Pipeline Regulation will notify the applicant of all deficiencies. Deficient applications not amended within 20 days of the notice of deficiency, or such longer period as may be specified in the notice of deficiency, will be rejected by the Director of the Office of Pipeline Regulation as provided by § 385.2001(b) of this chapter. Copies of a rejected application will be returned. An application which relates to an operation, service, or construction concerning which a prior application has been filed and rejected, shall be docketed as a new application. Such new application shall state the docket number of the prior rejected application.

**§ 153.22 Amendments and withdrawals.**

Amendments to or withdrawals of applications must conform to the requirements of §§ 385.215 and 385.216 of this chapter.

**§ 153.23 Reporting requirements.**

Each person authorized under this part 153 that is not otherwise required to file information concerning the start of construction or modification of import/export facilities, the completion of construction or modification, and the commencement of service must file such information with the Commission within 10 days after such event. Each person, other than entities without pipeline capacity, must also report by March 1 of each year the estimated peak

day capacity and actual peak day usage of its import/export facilities.

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**DEPARTMENT OF THE TREASURY****Customs Service****19 CFR Part 24**

[T.D. 97-45]

RIN 1515-AA57

**Update of Ports Subject to the Harbor Maintenance Fee**

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Interim regulation; solicitation of comments.

**SUMMARY:** Commercial vessels transporting cargo at certain ports are subject to a harbor maintenance fee pursuant to the Water Resources Development Act of 1986 and interim Customs Regulations regarding the harbor maintenance fee. This document amends the list of ports subject to the fee. This amendment is made to further clarify the port descriptions and to update the list as to locations which are exempt from the fee.

**DATES:** Effective June 4, 1997. Written comments must be received by July 7, 1997.

**ADDRESSES:** Written comments (preferably in triplicate) may be submitted to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Franklin Court, 1301 Constitution Avenue, NW, Washington, DC 20229, and may be inspected at Franklin Court, 1099 14th Street, NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Patricia Barbare, Office of Finance, U.S. Customs Service, 202-927-0034.

**SUPPLEMENTARY INFORMATION:****Background**

The Water Resources Development Act of 1986 (Pub. L. 99-662) established a Harbor Maintenance Trust Fund to be used for improving and maintaining ports and harbors in the U.S. Pursuant to the Act, this fund is supported by a harbor maintenance fee assessed on port use by vessels carrying waterborne commercial cargo. By assessing a charge for port use, the Act causes those shippers, exporters and importers who benefit from the maintenance of a Federal port or harbor to share in the cost of that maintenance.

The Act defines port generally as any channel or harbor or component thereof

in the U.S. which is not an inland waterway, is open to public navigation, and at which Federal funds have been used since 1977 for construction, maintenance or operation.

Customs published T.D. 87-44 in the **Federal Register** (52 FR 10198) on March 30, 1987, establishing interim regulations for the collection of the harbor maintenance fee. The regulations are set forth in § 24.24, Customs Regulations (19 CFR 24.24). When drafting T.D. 87-44, Customs, in conjunction with the U.S. Army Corps of Engineers, took the definition of port in the Act and established a list of ports in § 24.24(b)(1), Customs Regulations (19 CFR 24.24(b)(1)). The list of ports includes in the descriptions and notations column the description of movements which are considered intraport; pursuant to the Act and § 24.24(d)(1) of the regulations, the fee is not to be assessed on the mere movement of commercial cargo within a port. Commercial ports with depths of less than 14 feet were not included on the list. Customs stated in T.D. 87-44 that the list is subject to change and will be amended, if necessary, to reflect money spent by the U.S. Army Corps of Engineers for construction, maintenance or operation of any port not on the original list. The list of ports which are subject to the HMF was amended in T.D. 92-7.

Since the publication of T.D. 92-7, there has been some modification of ports on which there is relevant Corps of Engineers activity. In order to provide the shipping public with the best available information on which ports the HMF will be assessed, Customs has decided to publish this revised list of HMF ports.

Litigation is ongoing regarding the constitutionality of the HMF as it is applied to port use associated with exports. However, the fee is still being collected for all purposes pending the outcome of the litigation and will most likely continue to be collected on port use not associated with exports

regardless of the outcome of the litigation.

In this document, Customs again is amending the interim regulations on the harbor maintenance fee to clarify the listing in § 24.24(b)(1) of ports subject to the HMF. A document finalizing the interim regulations on the HMF will be published once the litigation involving the constitutionality of the fee has been completed.

**Comments**

It is noted that the harbor maintenance fee regulations are still interim. While the comment period has expired on the main portion of the interim regulations (see 52 FR 20593, dated June 2, 1987; extension of comment period on interim regulations to August 28, 1987), Customs will give consideration any written comments (preferably in triplicate) timely submitted relating to the description of the ports set forth in this document. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m., at the Regulations Branch, 1099 14th Street, NW., Suite 4000, Washington, DC.

**Inapplicability of Notice and Delayed Effective Date**

The statutory effective date of the harbor maintenance fee was April 1, 1987. Because these amendments merely clarify the interim regulations that implement the statutory provision and do not impose any additional burdens on, or take away any existing rights or privileges from the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure is impracticable and unnecessary. Similarly, pursuant to 5 U.S.C. 553(d)(1)(3), a delayed effective date is not provided. These amendments

are effective as of the date of publication in the **Federal Register**.

**Executive Order 12866 and Regulatory Flexibility Act**

This amendment does not meet the criteria for a "significant regulatory action" under E.O. 12866. Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

**Drafting Information:**

The principal author of this document was Peter T. Lynch, Regulations Branch, Office of Regulations and Rulings, U. S. Customs Service. However, personnel from other offices participated in its development.

**List of Subjects in 19 CFR Part 24**

Accounting, Customs duties and inspection, Imports, Taxes.

**Amendment to the Regulations**

Part 24, Customs Regulations (19 CFR part 24) is amended as set forth below:

**PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE**

1. The general authority for part 24, Customs Regulations (19 CFR part 24) and the specific relevant authority for § 24.24 Customs Regulations (19 CFR 24.24), continue to read as follows:

**Authority:** 5 U.S.C. 301, 19 U.S.C. 58a-58c, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1624; 31 U.S.C. 9701.

\* \* \* \* \*

Section 24.24 also issued under 26 U.S.C. 4461, 4462;

\* \* \* \* \*

2. The list of ports subject to the harbor maintenance fee set forth in § 24.24(b)(1), Customs Regulations (19 CFR 24.24(b)(1)) is revised to read as follows:

**§ 24.24 Harbor Maintenance Fee.**

\* \* \* \* \*  
 (b) Definitions. \* \* \*  
 (1) \* \* \*

**PORT CODES, NAMES, AND DESCRIPTIONS OF PORTS SUBJECT TO HARBOR MAINTENANCE FEE**

[Section 1402 of PL 99-662, as amended]

Port code, port name and state	Port descriptions and notations
<b>Alabama</b>	
1901—Mobile	
<b>Alaska</b>	
3126—Anchorage .....	Includes Seldovia Harbor, and Homer. Movements between these points are intraport.
3106—Dalton Cache .....	Includes Haines Harbor.
3101—Juneau .....	Includes only Hoonah Harbor. Fee does not apply to Juneau Harbor.
3102—Ketchikan .....	Includes Metlakatla Harbor. Fee does not apply to Wades Cove.
3127—Kodiak	

PORT CODES, NAMES, AND DESCRIPTIONS OF PORTS SUBJECT TO HARBOR MAINTENANCE FEE—Continued  
 [Section 1402 of PL 99-662, as amended]

Port code, port name and state	Port descriptions and notations
3112—Petersburg .....	Includes Wrangell Narrows.
3125—Sand Point .....	Includes Humboldt, King Cove and Iliuliuk Harbor. Fee does not apply to Dutch Harbor.
3115—Sitka .....	Includes Sergius-Whitstone Narrows.
—St. Paul	
<b>California</b>	
2802—Eureka .....	Includes Crescent City.
Los Angeles/Long Beach Ports .....	Includes Ventura, Port Hueneme, Channel Islands Harbor, Santa Barbara, Marina Del Ray, Los Angeles and Long Beach. Movements between these points are intraport.
2709—Long Beach Harbor	
2704—Los Angeles	
2713—Port Hueneme	
2712—Ventura	
2805—Monterrey	
2719—Moro Bay .....	Includes only Moro Bay.
2501—San Diego .....	Includes San Diego River and Mission Bay, and Oceanside Harbor.
2707—San Luis	
San Francisco Bay Area Ports * .....	Includes all points inshore of the Golden Gate Bridge on the bays and the straits and on the Napa, Sacramento and San Joaquin Rivers, and on the deep water channels to Sacramento and Stockton. Movements between points above Suisun Bay (Longitude 122 degrees West at Port Chicago) are intraport. Movements between points below Longitude 122 degrees West and the Golden Bridge are all intraport. All other movements are interport.
2813—Alameda	
2830—Carquinez Strait	
2815—Crockett	
2820—Martinez	
2811—Oakland	
2821—Redwood City	
2812—Richmond	
2816—Sacramento	
2809—San Francisco	
2828—San Joaquin	
2829—San Pablo Bay	
2827—Selby	
2810—Stockton	
2831—Suisun Bay	
<b>Connecticut</b>	
0410—Bridgeport .....	Includes Housatonic River, and Stamford Harbor, and Wilson Point Harbor. Movements between these points are intraport.
0411—Hartford .....	Includes all points on the Connecticut River between Hartford and Long Island Sound. Movements within this area are intraport.
0412—New Haven	
0413—New London .....	Includes all points on the Thames River from the mouth to, and including Norwich, CT. Also includes Groton, CT.
<b>Delaware</b>	
Delaware River Ports, DE, NJ, PA * .....	Includes all points on the Delaware River from Trenton to the sea at a line between Cape Henlopen and Cape May, all points on the four miles of the Christina River, Delaware, and all points on the lower six miles of Schuylkill River, Pennsylvania. Fee applies to all movements on the Chesapeake and Delaware Canal east of U.S. Highway 13. Includes Absecon Inlet (Atlantic City) and Cold Spring Inlet. Movements within this area are intraport.
1102—Chester, PA	
1107—Camden, NJ	
1113—Gloucester, NJ	
1118—Marcus Hook, PA	
1105—Paulsboro, NJ	
1101—Philadelphia, PA	
1103—Wilmington, DE	
<b>District of Columbia</b>	
Potomac River Ports, DC, D, VA * .....	Includes all points on the Potomac River (see Chesapeake Bay Ports map) from a line between Point Lookout and the Little Wicomico River at Chesapeake Bay to and including Washington and Alexandria. Movements between these points are intraport.
5402—Alexandria, VA	
5401—Washington, DC	
<b>Florida</b>	
1807—Boca Grande	
1805—Fernandina Beach	
5205—Fort Pierce	
1803—Jacksonville	
5202—Key West	
5201—Miami	
1818—Panama City .....	For HMF purposes, also includes Carrabelle and Port St. Joe.
1819—Pensacola	
1816—Port Canaveral	
5203—Port Everglades	

PORT CODES, NAMES, AND DESCRIPTIONS OF PORTS SUBJECT TO HARBOR MAINTENANCE FEE—Continued  
 [Section 1402 of PL 99-662, as amended]

Port code, port name and state	Port descriptions and notations
Tampa Bay Ports * ..... 1814—St Petersburg 1801—Tampa	Includes Alafia River, Port Manatee, Port Sutton, Port Tampa Weedon Island, and all other points on or approached using the Tampa Harbor Channel inshore of the Sunshine Skyway Bridge. Movements between these points are intraport.
5204—West Palm Beach	
<b>Georgia</b>	
1701—Brunswick ..... 1703—Savannah	Includes St. Marys River.
<b>Hawaii</b>	
3202—Hilo .....	Includes Kawaihae.
3201—Honolulu .....	Includes Barbers Point Harbor.
3203—Kahului .....	Includes Kaunakakai Harbor.
3204—Nawiliwili-Port Allen .....	Includes both Nawiliwili and Port Allen.
<b>Illinois</b>	
Southern Lake Michigan Ports ..... 3901—Chicago, IL 3902—East Chicago, IN 3905—Gary, IN	Includes Waukegan Harbor, IL, Indiana Harbor (East Chicago, IN) Calumet Harbor, the Chicago River (up to the North Avenue Bridge) and the Chicago Harbor. Fee applies at the ports of Michigan City and Burns Waterway Harbor, IN. Fee does not apply at Buffington Harbor or Gary Harbor. Movements within an area from Waukegan, IL to Michigan City, IN are intraport.
<b>Indiana</b>	
Southern Lake Michigan Ports ..... 3901—Chicago, IL 3904—East Chicago, IN 3905—Gary, IN	Includes Waukegan Harbor, IL, Indiana Harbor (East Chicago, IN) Calumet Harbor, the Chicago River (up to the North Avenue Bridge) and the Chicago Harbor. Fee applies at the ports of Michigan City and Burns Waterway Harbor, IN. Fee does not apply at Buffington Harbor or Gary Harbor. Movements within an area from Waukegan, IL to Michigan City, IN are intraport.
<b>Louisiana</b>	
2017—Lake Charles .....	Includes all points on the Calcasieu River and Pass. Also includes Mermentau River from Catfish Point Control Structure to the Gulf.
Mississippi River Ports/Baton Rouge and Vicinity * ..... 2004—Baton Rouge 2010—Gramercy	Includes all river points from River Mile 115 Above Head of Passes (AHP) at the St. Charles Parish-Jefferson Parish line, to River Mile 233.9 AHP at Baton Rouge. Includes Destrehan, Good Hope, and St. Rose. Movements between these points are intraport.
Mississippi River Ports/New Orleans and Vicinity * ..... 2002—New Orleans 2005—Port Sulphur	Includes all river points from River mile 115 Above Head of Passes (AHP) to Mile 21.6 Below Head of Passes (BHP) via Southwest Pass and to Mile 14.7 BHP via South Pass. Also includes all points on the Inner Harbor Navigation Canal, Avondale, and the Mississippi River Gulf Outlet. Movements between these points are intraport.
2001—Morgan City * .....	Includes Atchafalaya River from Morgan City to the Gulf. Includes all points on the Houma Navigation Canal, and points on the Gulf Intra-coastal Waterway between Mile 49.8 West and Mile 107.0 West. Movements between these points are intraport.
<b>Maine</b>	
0102—Bangor 0111—Bath 0131—Portsmouth, NH 0132—Belfast .....	Includes all Penobscot River points (Bucksport and Winterport), and Georges River. Fee does not apply at Belfast, Searsport, Sandy Point, or Castine Harbor.
0101—Portland	
<b>Maryland</b>	
Chesapeake Bay Ports, MD * ..... 1303—Baltimore 1302—Cambridge 1301—Annapolis	Includes all Maryland points on the Chesapeake Bay and its tributary waters except for the Potomac River. Also includes the Waterway from the Delaware River to the Chesapeake Bay west of U.S. 13 highway bridge. Movements between these points are intraport. (Also see Chesapeake Bay Ports: VA.)
<b>Massachusetts</b>	
0401—Boston .....	Includes all of the Port of Boston inshore of Castle Island on the Inner Harbor and Chelsea and Mystic River and all points on the Weymouth Fore, and Town and Black Rivers, and Dorchester Bay. Also includes Plymouth Harbor. Movements between points on the Saugus River in the North and Plymouth Harbor in the South are intraport.
0404—Gloucester	

PORT CODES, NAMES, AND DESCRIPTIONS OF PORTS SUBJECT TO HARBOR MAINTENANCE FEE—Continued  
 [Section 1402 of PL 99-662, as amended]

Port code, port name and state	Port descriptions and notations
0407—Fall River	
<b>Michigan</b>	
3843—Alpena ..... Monroe/Detroit/Harbor Beach 3801—Detroit 3802—Port Huron	Fee does not apply to Stoneport. Includes Monroe, Detroit, and the Detroit River, St. Clair River, Port Huron and all points on the Rouge and Black Rivers. Fee also applies at Harbor Beach, MI. All movements within this area between Monroe and Harbor Beach, MI are intraport.
3803—Escanaba .....	Fee applies at all points on the little Bay de Noc above Escanaba, including Gladstone and Kipling. Movements within an area from Escanaba to the Mackinac Bridge are intraport. Fee does not apply at Escanaba.
South Central Lake Superior Ports ..... 3809—Marquette 3842—Presque Isle	Includes Ontonagon Harbor, all points on the Harbor, all points on the Keweenaw Waterway, Presque Isle Harbor and Marquette and Grand Marais. Movements between all Michigan ports on Lake Superior are intraport.
Eastern Lake Michigan Ports ..... 3815—Muskegon 3816—Grand Haven 3844—Ferrysburg	Fee applies at Charlevoix, Frankfort, Portage Lake, Manatee, Ludington, Pentwater Harbor, Ferrysburg, White Lake Harbor, Muskegon, Grand Haven, and South Haven, Holland, and St. Joseph/Benton Harbor, MI. All movements between Eastern Lake Michigan ports are intraport.
Upper Lake Huron Ports ..... 3803—Sault Ste. Marie 3804—Saginaw-Flint-Bay City 3843—Alpena	Includes all points on the St. Mary's River, the ports of Cheyboygan, Alpena, Bay City, and Saginaw River. Does not include Alabaster, Cacit, Port Dolomite, Port Inland, Port Gypsum or Stoneport. Movements within an area from Sault Ste. Marie and the Saginaw River are intraport.
<b>Minnesota</b>	
Duluth/Superior Area Ports ..... 3601—Duluth 3602—Ashland 3608—Superior 3614—Silver Bay	Fee applies at Two Harbors and Duluth, MN, and Superior, WI. Fee also applies at Ashland and Port Wing, WI and Grand Marais, MN. Fee does not apply at Taconite, or Silver Bay, MN. All movements between Silver Bay, MN and Ashland, WI are considered intraport.
<b>Mississippi</b>	
1902—Gulfport ..... 1903—Pascagoula	Does not include Bienville.
<b>New Hampshire</b>	
0131—Portsmouth, NH	
<b>New Jersey</b>	
Delaware River Ports, DE, NJ, PA * ..... 1102—Chester, PA 1107—Camden, NJ 1113—Gloucester, NJ 1118—Marcus Hook, PA 1105—Paulsboro, NJ 1101—Philadelphia, PA 1103—Wilmington, DE	Includes all points on the Delaware River from Trenton to the sea at a line between Cape Henlopen and Cape May, all points on the lower four miles of the Christina River, Delaware, and all points on the lower six miles of the Schuylkill River, PA. Fee applies to all movements on the Chesapeake and Delaware Canal east of U.S. Highway 13. Includes Absecon Inlet (Atlantic City) and Cold Spring Inlet. Movements between these points are intraport.
1003—Newark .....	See New York Harbor.
1004—Perth Amboy .....	See New York Harbor.
<b>New York</b>	
New York Harbor, NY, NJ * ..... 1001—New York 1003—Newark 1004—Perth Amboy	Includes all points in New York and New Jersey with the Port of New York on the waters inshore of a line between Sandy Hook and Rockaway Point and south of Tappan Zee Bridge on the Hudson and west of Throgs Neck Bridge of the East River. Movements between these and all points within the New York Port District boundaries described in New York Code (Chapter 154, Laws of New York, 1921), are intraport.
1002—Albany * .....	Includes all points on the Hudson River between Tappan Zee Bridge and the Troy Lock and Dam. Movements between points within this area are intraport.
0901—Buffalo-Niagara Falls .....	Includes Buffalo Harbor, Black Rock Channel and Tonawanda Harbor, and all points on Cattaraugus Creek, and Dunkirk Harbor. Movements between these points are intraport.
0706—Cape Vincent 0701—Ogdensburg 0904—Oswego 0903—Rochester 0905—Sodus Point .....	Includes Little Sodus Bay Harbor, and Great Sodus Bay Harbor.

PORT CODES, NAMES, AND DESCRIPTIONS OF PORTS SUBJECT TO HARBOR MAINTENANCE FEE—Continued  
 [Section 1402 of PL 99-662, as amended]

Port code, port name and state	Port descriptions and notations
<b>North Carolina</b>	
1511—Beaufort-Morehead City .....	Includes Ocracoke Inlet. Movements within this area are intraport.
1501—Wilmington .....	Includes all points on the Cape Fear and Northeast Cape Fear Rivers inshore of the Atlantic Ocean entrance. Movements within this area are intraport.
<b>Ohio</b>	
Lake Erie Ports .....	Includes Toledo, Sandusky, Huron, Lorain, Cleveland, Fairport, Ash-tabula, Conneaut and Erie. Movements between these points are intraport. Fee does not apply at Marblehead.
4108—Ashtabula	
4101—Cleveland	
4109—Conneaut	
4106—Erie, PA	
4111—Fairport	
4117—Huron	
4121—Lorain	
4105—Toledo-Sandusky	
<b>Oregon</b>	
Columbia River Ports, OR, WA .....	Includes all points on the Columbia River downstream of Bonneville Dam, and all points on the Willamette River downstream of River Mile 21. Includes the Multnoma Channel, the Skipanon Channel, and Oregon Slough. Movements between points within this area are intraport.
2901—Astoria, OR	
2904—Portland, OR	
2909—Kalama, WA	
2905—Longview, WA	
2908—Vancouver, WA	
2903—Coos Bay .....	Includes Port Orford, the Siuslaw River, and Umpaqua River. Move-ments between these points are intraport.
2902—Newport .....	Includes Tillamook Bay, and Yaguina Bay and Harbor.
<b>Pennsylvania</b>	
Delaware River Ports, DE, NJ, PA * .....	Includes all points on the Delaware River from Trenton to the sea at a line between Cape Henlopen and Cape May, all points on the lower four miles of the Christina River, Delaware, and all points on the lower six miles of the Schuylkill River, Pennsylvania. Fee applies to all movements on the Chesapeake and Delaware Canal east of U.S. Highway 13. Includes Absecon Inlet (Atlantic City) and Cold Spring Inlet. Movements between these points are intraport.
1102—Chester, PA	
1107—Camden, NJ	
1113—Gloucester, NJ	
1118—Marcus Hook, PA	
1105—Paulsboro, NJ	
1101—Philadelphia, PA	
1103—Wilmington, DE	
<b>Puerto Rico</b>	
4907—Mayaguez	
4908—Ponce .....	Does not include Guayanilla and Tallaboa.
4909—San Juan .....	Includes Arecibo.
<b>Rhode Island</b>	
0502—Providence .....	Federal project limit: Providence River East of Prudence Island just above Dyer Island and ending at Hurricane Barrier at Fox Point. The areas west of Prudence Island, including Quonset Point, Patience Is-land, Warwick Neck and Greenwich Bay are not subject to the fee.
<b>South Carolina</b>	
1601—Charleston .....	Includes the Ashley River, Cooper River, Shipyard River, and Port Royal Harbor. Movements within this area are intraport.
1602—Georgetown	
<b>Texas</b>	
2301—Brownsville .....	Includes Port Isabel and Brazos Island Harbor. Movements between these points are intraport.
5312—Corpus Christi	
5311—Freeport	
Galveston Bay Ports * .....	Includes Port Bolivar and all points on Galveston Bay in Galveston County. Movements between points within this area are intraport.
5301—Houston * .....	Includes Bayport, Baytown, and all other points on or accessed via the Houston Ship Channel from the Liberty/Chambers county line on the north to the Chambers/Galveston county line to the south. Move-ments within this area are intraport.
5313—Port Lavaca .....	Includes Matagorda Ship Channel.
Sabine Ports * .....	Includes Port Neches, Sabine Pass and all other points on the Sabine-Neches Waterway. Movements between these points are intraport.
2104—Beaumont	
2103—Orange	
2101—Port Arthur	
2102—Sabine	

PORT CODES, NAMES, AND DESCRIPTIONS OF PORTS SUBJECT TO HARBOR MAINTENANCE FEE—Continued

[Section 1402 of PL 99-662, as amended]

Port code, port name and state	Port descriptions and notations
<b>Virginia</b>	
Potomac River Ports, DC, MD, VA* ..... 5402—Alexandria, VA 5401—Washington, DC	Includes all points on the Potomac River (see Chesapeake Bay Ports map) from a line between Point Lookout and the Little Wicomico River at Chesapeake Bay to and including Washington and Alexandria. Movements between these points are intraport.
Chesapeake Bay Ports, VA* ..... 1406—Cape Charles 1402—Newport News 1401—Norfolk	Includes all Virginia points on the Chesapeake Bay inshore of a line from Cape Henry to Cape Charles, and tributary waters including the ports of Hampton Roads. Does not include the Potomac River or the James River above the James River Bridge at Newport News. Movements between points within this area are intraport. (Also see Chesapeake Bay Ports, MD.)
James River Ports, VA ..... 1408—Hopewell 1404—Richmond/Petersburg	Includes all points on the James River above the James River Bridge at Newport News. Movements between these points are intraport.
<b>Washington</b>	
3003—Aberdeen .....	Includes Grays Harbor and Yaguina Bay and Harbor. Movements between these points are intraport.
Puget Sound Ports, WA* ..... 3005—Bellingham 3006—Everett 3007—Port Angeles 3001—Seattle 3002—Tacoma 3026—Olympia	Fee applies only at ports listed. Bellingham includes all of Bellingham Bay and tributary waters north of Chuchanut Bay on the east, and Portage Island on the west. Port Everett includes all of Port Dardner (an arm of Possession Sound) between Elliott Point on the south to, and including, the Snahomish River on the north. The port of Olympia includes all points on Budd Inlet extending from Cooper and Dofflemeyer Point on the north to, and including, the city of Olympia on the south. The fee applies to all points within the Inner Harbor of the Port of Seattle, including Salmon Bay, Lakes Union and Washington, the Lake Washington Ship Canal, and Kenmore Navigation Channel. Includes all points on Elliott Bay and tributary waters between West Point on the north and Duwamish Head on the south. Fee applies at all points within Tacoma Harbor including all of Commensment Bay and tributary waters between Browns Point on the east and Point Defiance on the west. Movements between these ports and any other U.S. points on Puget Sound or the Strait of Juan de Fuca east of Cape Flattery are intraport.
3010—Anacortes .....	Includes only access channel and berthing areas adjacent to Anacortes Industrial Park off 30th Street.
Columbia River Ports, WA, OR ..... 2901—Astoria, OR 2904—Portland, OR 2909—Kalama, WA 2905—Longview, WA 2908—Vancouver, WA	Includes all points on the Columbia River downstream of Bonneville Dam, and all points on the Willamette River downstream of River mile 21. Includes the Multnoma Channel, the Skipanon Channel, and Oregon Slough. Movements between points within this area are intraport.
<b>Wisconsin</b>	
3602—Ashland .....	See Duluth/Superior Area Ports, MN.
Green Bay/Marinette Area Ports ..... 3703—Green Bay 3702—Marinette	Fee applies to all movements between points along the Sturgeon Bay and Lake Michigan Ship Canal. Fee also applies to Green Bay, Oconto, and Menominee/Marinette. Movements between points from Menominee and points along the Sturgeon Bay and Lake Michigan Ship Canal are intraport.
Western Lake Michigan Ports ..... 3701—Milwaukee 3708—Racine 3707—Sheboygan	Includes the ports of Milwaukee, Racine, and Sheboygan, MN. All movements between these points are intraport.

\*Indicates that a map of this area is available from the Budget Division, Office of Finance, U.S. Customs Service, Room 6328, 1301 Constitution Ave., NW., Washington, DC 20229; tel. 202-927-0034.

\* \* \* \* \*

**George J. Weise,**  
Commissioner of Customs.

Approved: April 17, 1997.

**Dennis M. O'Connell,**  
Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 97-14409 Filed 6-3-97; 8:45 am]

BILLING CODE 4820-02-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 178**

[Docket No. 96F-0369]

**Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the expanded safe use of trisopropanolamine as a component of phosphorous acid, cyclic butylethyl propanediol, 2,4,6-tri-*tert*-butylphenyl ester, as a stabilizer for olefin polymers intended for use in contact with food. This action is in response to a petition filed by General Electric Co.

**DATES:** Effective June 4, 1997; written objections and requests for a hearing by July 7, 1997.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of October 11, 1996 (61 FR 53379), FDA announced that a food additive petition (FAP 6B4522) had been filed by General

Electric Co., One Lexan Lane, Mt. Vernon, IN 47620-9364. The petition proposed to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the expanded safe use of triisopropanolamine as a component of phosphorous acid, cyclic butylethyl propanediol, 2,4,6-tri-*tert*-butylphenyl ester, as a stabilizer for olefin polymers intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that: (1) The proposed use of the additive is safe, (2) the additive will achieve its intended technical effect, and (3) the regulations in § 178.2010 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before July 7, 1997, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made

and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objection received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

**List of Subjects in 21 CFR Part 178**

Food additives, Food packaging. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

**PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS**

1. The authority citation for 21 CFR part 178 continues to read as follows:

**Authority:** Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 178.2010 is amended in the table in paragraph (b) by revising the entry for "Phosphorous acid, cyclic butylethyl propanediol, 2,4,6-tri-*tert*-butylphenyl ester" under the headings "Substances" and "Limitations" to read as follows:

**§ 178.2010 Antioxidants and/or stabilizers for polymers.**

\* \* \* \* \*

(b) \* \* \*