

1601-1641, 1701-1706; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12978, 60 FR 54579, 3 CFR, 1995 Comp., p. 415, with respect to the SDNT entries, and (2) 3 U.S.C. 301; 18 U.S.C. 2332d; 22 U.S.C. 287c, 2349aa-8 and 2349aa-9; 31 U.S.C. 321(b); 49 U.S.C. App. 1514; 50 U.S.C. 1601-1651, 1701-1706; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12543, 51 FR 875, 3 CFR, 1986 Comp., p. 181; E.O. 12544, 51 FR 1235, 3 CFR, 1986 Comp., p. 183; E.O. 12801, 57 FR 14319, 3 CFR, 1992 Comp., p. 294, with respect to the Libyan entries, appendices A and B to 31 CFR chapter V are amended as set forth below:

1. Appendices A and B to 31 CFR chapter V are amended by adding the following names inserted in alphabetical order (1) in appendix A, section I, and (2) under the heading "Italy" in appendix B:

BORTOLOTTI PETROLI S.p.A., Via San Desiderio, 11, 25020 Flero, Italy; Magazzino con Vendita Ingrosso, Via Garibaldi, 51, 25030 Paratico, Italy; Deposito, Via Zette, 14/A, 25087 Salo, Italy [SDN]

GIOVANNI IANORA, D.O.B. June 5, 1943, Via A. Costa 17, Milan, Italy; (individual)[SDN]

2. Appendices A and B to 31 CFR chapter V are amended by (1) removing the entries in the names "RODRIGUEZ MORENO, Stephanie (Stethanine)" and "SANTACRUZ CASTRO, Sandra" from appendix A and (2) under the heading "Colombia" in appendix B, removing the entries in the names "RODRIGUEZ MORENO, Stephanie (Stethanine); and "Santacruz Castro, Sandra".

Dated: August 22, 1997.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: August 29, 1997.

James E. Johnson,

Assistant Secretary (Enforcement).

[FR Doc. 97-24276 Filed 9-9-97; 4:20 pm]

BILLING CODE 4810-25-P

PANAMA CANAL COMMISSION

35 CFR Part 104

RIN 3207-AA40

Vessel Transit Reservation System

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: This document announces the final rule constituting the Panama Canal Vessel Transit Reservation System, which allows vessels to reserve transit slots in advance of arrival at the Panama Canal and be moved through the Canal on pre-assigned dates.

DATES: The effective time and date of the final rule is 12:00 Midnight (2400 hrs) (Panama time), September 30, 1997.

FOR FURTHER INFORMATION CONTACT:

Chief of the Economic Research and Market Development Division, Panama Canal Commission, Unit 2300, APO AA 34011-2300, Telephone 011-507-272-3586; Fax 011-507-272-1622; E-mail: pcc.epem@pananet.com

SUPPLEMENTARY INFORMATION: On April 15, 1997, the Panama Canal Commission (PCC) published in the **Federal Register** (Volume 62, Number 72, Pages 18275-18277), an interim rule to test a revised vessel transit reservation system, which test commenced at 2:00 P.M. (1400 hrs), April 21, 1997. The 120-day test period ended on August 20, 1997. The test comment period, however, pursuant to Marine Director's Notice To Shipping Nos. N-7-97, Rev. 3 (dtd 8/8/97) and N-7-97, Rev. 4 (dtd 8/22/97), was extended to close of business, September 5, 1997.

Throughout the comment period, PCC received both formal and informal comments, in writing and orally, from ship agents, owners and operators and maritime industry trade groups. These comments included proposals that PCC abolish the vessel transit reservation system and revert to a first come-first serve system, that PCC delay full implementation of the system for cruise line customers, complaints about various components of the test system, and suggestions and proposals to improve and facilitate implementation of the test system on a permanent basis.

During the test, PCC gained valuable hands-on experience with all operational aspects of the test system. The empirical, statistical and other data gathered during the test was beneficial in assessing the actual impact of the test system on a representative cross-section of Canal customers.

Specifically, the test revealed that overall utilization of the 21 reserved transit slots available for all three booking periods did not appreciably change in the second and third booking periods. The (new) first booking period was utilized principally by passenger vessels. The test also revealed that, based on current Canal capacity, 21 reserved transit slots is the maximum number that the system can accommodate, consistent with safe and efficient operation of the Canal. On the other hand, allocation of the 21 reserved transit slots among the three booking periods is an area in which operational considerations afford PCC some flexibility. PCC, therefore, will continue to monitor and, where appropriate, may periodically change the number of

reserved transit slots allocated among the three booking periods, as well as allocations among various vessel types. Any such changes will be announced in future Marine Director's notices to shipping.

Changing the number of days that comprise each of the three booking periods, as some customers urged, would not have any foreseeable adverse impact on Canal operations. Any such changes, however, while no doubt benefiting some customers, would negatively impact others. Balancing fairness and equity for all Canal customers, the final rule does not change the length of any of the three booking periods.

Missing from the interim rule was criteria for canceling transit "condition 3", which triggers the additional booking fee whenever the total number of vessels awaiting transit at both termini of the Canal is projected by Canal authorities to be, within 2 days, 90 or more vessels for at least 2 consecutive days (hereafter, "premium booking fee"). Seesaw declarations and cancellations of condition 3 in response to fluctuating vessel arrivals/departures disrupted orderly operation of the system and, on occasion, resulted in hardship for some customers required to pay the premium fee. PCC, therefore, will adopt an implementation provision (to be announced in a Marine Director's notice to shipping), stating that, following invocation, Canal authorities will revoke condition 3 whenever the number of vessels awaiting transit is projected to be reduced to 80 or fewer vessels.

Concerning the premium booking fee, this feature of the test, by far, generated the most comment and criticism from Canal customers. Consideration was given to eliminating or reducing the amount of the fee. After careful review and reconsideration, however, PCC reaffirms its original assessment, made on the basis of objective economic data, that payment of the current premium booking fee to secure expeditious transit of the Canal during periods when condition 3 is in effect, affords customers who utilize this service tangible economic benefits, when compared to the high costs of transit delays of uncertain duration during such periods. Nevertheless, PCC is sensitive to customer complaints that the factors which cause condition 3 to be invoked are largely beyond their control. Consequently, PCC will redouble efforts to schedule maintenance, Canal improvement projects and other activities that adversely impact transit operations, to the extent practicable, so as to minimize

the number of occasions when condition 3 is actually invoked, including, giving notice to Canal customers as far in advance as reasonably possible. In addition, PCC will guarantee a vessel booked for transit a reserved transit slot at the booking fee rate in effect at the time of booking, irrespective of any premium booking fee that may be in effect at the time of actual transit.

The test revealed certain deficiencies in the schedule of cancellation fees reflected in section 104.9 of the interim rule. The revised cancellation fee schedule set forth in the final rule tracks the prescribed booking periods and provides for progressive cancellation fees for vessels booked for transit in all three booking periods. The restructured cancellation fees, especially those for cancellations made upon short notice, are expected to increase booking opportunities for Canal customers, particularly in the third booking period.

Based upon historical criteria no longer relevant, commercial passenger vessels had previously been afforded a transit preference, without being subjected to the terms and costs of the vessel transit reservation system. Commencing with the test, passenger vessels were required to reserve transit slots, the same as other vessels, in order to obtain transit preference. During the test period, however, passenger vessels booked for transit were afforded transitional relief by not having to pay the prescribed booking and other fees paid by other vessels. PCC provided these vessels a statement, however, showing what the booking fee for the reserved transit would have been had transitional relief not been in effect. Commencing on the effective date of the final rule, passenger vessels will be subject to all requirements of the system, including payment of the prescribed fees.

Cruise line customers stated that the test did not afford them sufficient time to build the additional costs of the final rule into their business plans and fee schedules, thereby justifying an extension of transitional relief through the remainder of the 1997 and the 1998 cruise seasons. It is noted, however, that the standard industry practice of cruise lines is to reserve the right to change published passenger fee schedules without notice. This protects cruise lines from having to absorb unanticipated higher operating costs that might be incurred after publication. Moreover, cruise line customers had a full 6 months to make whatever operational and financial adjustments might be necessary by reason of PCC's implementation of the final rule.

Specifically, throughout the 184-day comment period, that commenced on March 5, 1997 and ended on September 5, 1997, cruise line customers were provided financial and other data that should have enabled them to calculate their higher costs by reason of their being subjected to the requirements of the vessel transit reservation system. Given the extraordinary length of the comment period, the right of cruise lines to adjust fee schedules and the data provided throughout the test, PCC believes the test period was sufficient to enable cruise line customers to familiarize themselves adequately with all operational and financial components of the test system, thus making additional transitional relief unnecessary.

This final rule involves public property, the Panama Canal, and, therefore, is excluded from coverage of the Administrative Procedures Act (APA). 5 USC 553(a)(2). Nevertheless, in testing the interim rule, PCC elected generally to follow the notice-and-comment rule-making procedures of section 553. In establishing the effective date of the final rule, however, PCC elected not to follow the delayed effective date provision of section 553(d). The effective date of this final rule, therefore, is 12:00 Midnight (2400 hrs) (Panama time), September 30, 1997.

Until the final rule announced in this document takes effect, the interim rule published in the **Federal Register** (Volume 62, Number 72, Pages 18275–18277) and implementation provisions announced in Marine Director's notices to shipping, will continue to govern vessel transit reservations at the Panama Canal.

The final rule announced in this document constitutes the Panama Canal Vessel Transit Reservation System that, based on the subject test, PCC believes best serves the needs of PCC, commensurate with safety and efficiency, and the world shipping industry.

PCC is exempt from Executive Order 12866. The provisions of that directive, therefore, do not apply to this final rule. Even if the Order was applicable, this final rule would not have any significant economic impact on any substantial number of small entities under the Regulatory Flexibility Act of 1980.

Additionally, PCC has determined that implementation of this final rule will not have an adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or foreign markets.

The Secretary of PCC certifies that these regulatory changes meet the applicable standards contained in sections 3(a) and 3(b)(2) of Executive Order No. 12988 of February 7, 1996.

List of Subjects in 35 CFR Part 104

Panama Canal, Reporting and recordkeeping requirements, Vessels.

Accordingly, Part 104 is revised to read as follows:

PART 104—VESSEL TRANSIT RESERVATION SYSTEM

Sec.

- 104.1 Applicability and scope.
- 104.2 Definitions.
- 104.3 Booking periods; allocation of reserved slots.
- 104.4 Booked transits.
- 104.5 Passenger vessel preference; priority transits.
- 104.6 Booking fees.
- 104.7 Penalties.
- 104.8 Re-scheduling.
- 104.9 Cancellations.
- 104.10 Regular transits.
- 104.11 Temporary suspension of system.
- 104.12 Further implementation.

Authority: 22 U.S.C. 3811.

§ 104.1 Applicability and scope.

Subject to the limitations imposed by Article III of the 1901 Treaty to Facilitate the Construction of a Ship Canal, entered into by the United States and Great Britain, and by Articles II and VI of the 1977 Treaty concerning the Permanent Neutrality and Operation of the Panama Canal, between the United States and the Republic of Panama, and subject to compliance with the provisions of this part, the Panama Canal Vessel Transit Reservation System allows vessels, including certain commercial passenger vessels, desiring transit of the Panama Canal, to reserve transit slots in advance of arrival at the Canal and be moved through the Canal on pre-assigned dates.

§ 104.2 Definitions.

(a) *Booked for transit* means that a vessel, in advance of arriving at the Canal, has been assigned a specific date by Canal authorities on which it will be moved through the Canal and that the vessel has otherwise complied with the provisions of this part.

(b) *Commercial passenger vessel* means a vessel that principally transports passengers, as opposed to cargo, and runs on fixed published schedules.

(c) *Regular transit* means movement through the Canal of a vessel that has not been booked for transit.

(d) *Required arrival time* means the date and the hour of the day established by Canal authorities as the deadline by

which a vessel booked for transit must arrive at a terminus of the Canal in order to transit on its reserved transit date.

(e) *Vessel agent* means a person or entity that has been authorized by a vessel owner or operator, in the manner prescribed by Canal authorities, to book vessels for transit in accordance with this part.

§ 104.3 Booking periods; allocation of reserved slots.

(a) Vessel agents only may request reserved transit slots for vessels during the following booking periods:

(1) First period—365 to 22 days prior to the requested transit date.

(2) Second period—21 to 4 days prior to the requested transit date.

(3) Third period—3 to 2 days prior to the requested transit date.

(b) A total of 21 reserved transit slots will be made available for all three booking periods, allocation of which among the booking periods is to be determined by Canal authorities. Canal authorities, from time to time, may adjust the total number of available reserved transit slots, commensurate with continued safe and efficient operation of the Canal.

§ 104.4 Booked transits.

(a) The specific daily order of vessels and mix of vessel types transiting the Canal, whether booked or regular transits, shall be determined by Canal authorities. Except as provided in this part, a vessel booked for transit may not transit prior to its reserved transit date, unless Canal authorities determine that assigning the vessel an earlier transit slot would not impair safe and efficient operation of the Canal.

(b) Notwithstanding assignment of an earlier reserved transit slot by Canal authorities, all vessels booked for transit will be charged the prescribed booking fee.

(c) Substitution of reserved transit slots between or among vessels booked for transit will be permitted only on conditions specified by Canal authorities.

§ 104.5 Passenger vessel preference; priority transits.

(a) Subject to being booked for transit and to the extent Canal authorities determine preference does not impair safe and efficient operation of the Canal, commercial passenger vessels running on fixed published schedules will be given preference over other vessels in transiting.

(b) Notwithstanding any contrary provision, from time to time, any vessel, whether or not subject to the vessel transit reservation system (including,

but not limited to certain warships), as determined by Canal authorities, may be moved through the Canal on a priority basis.

§ 104.6 Booking fees.

(a) The booking fee for reserving a transit slot for a vessel measured in accordance with § 135.13(a) of this chapter, shall be \$0.26 per PC/UMS Net Ton, or \$1500, whichever is greater.

(b) The booking fee for reserving a transit slot for a vessel subject to transitional relief measures and measured in accordance with § 135.13(b) of this chapter, shall be \$0.23 per Panama Canal Gross Ton, as specified on the last tonnage certificate issued to the vessel by Canal authorities between March 23, 1976 and September 30, 1994, inclusive, plus \$0.26 per PC/UMS Net Ton of on-deck capacity, or \$1500, whichever is greater.

(c) Whenever the total number of vessels awaiting transit at both termini of the Canal is projected by Canal authorities to be, within 2 days, 90 or more vessels for at least 2 consecutive days, any vessel booked for transit that transits the Canal while this condition is in effect, shall automatically be assessed a booking fee of \$0.69 per PC/UMS Net Ton, or \$4000, whichever is greater.

(d) Notwithstanding the provisions of paragraph (c) of this section or any other contrary provision of this part, Canal authorities will guarantee a vessel booked for transit, a reserved transit slot at the booking fee rate in effect at the time the vessel is booked for transit, irrespective of any premium booking fee rate that may be in effect at the time the vessel actually transits the Canal.

§ 104.7 Penalties.

(a) The reserved transit slot of a vessel booked for transit will be canceled by Canal authorities and a penalty fee assessed in a sum equal to the prescribed booking fee, or \$1500, whichever is greater, in the following situations:

(1) When a vessel that is subject to transit restrictions (e.g., clear cut, clear cut daylight) has been booked for transit and does not arrive at a terminus of the Canal by 0200 hours of the day of the scheduled transit;

(2) When a vessel that is not subject to transit restrictions has been booked for transit and does not arrive at a terminus of the Canal by 1400 hours of the day of the scheduled transit; or

(3) When a vessel booked for transit arrives on time but cannot or, at the vessel operator's election, does not transit as scheduled, despite the

readiness of Canal authorities to proceed.

(b) Canal authorities may waive assessment of a penalty fee if the vessel agent presents acceptable proof that late arrival of the vessel was due to a medical or humanitarian emergency arising during the voyage, or a naturally occurring, extraordinary phenomenon or event of major proportions that could not have been reasonably predicted in advance.

(c) Failure of the vessel agent to provide complete and accurate information required by Canal authorities when requesting transit bookings may result in rejection of the booking request or cancellation of the vessel's reserved transit slot.

(d) When a vessel's reserved transit slot is canceled, and unless otherwise directed by the vessel agent, upon arrival, Canal authorities will re-schedule the vessel for regular transit.

§ 104.8 Re-scheduling.

(a) Except as otherwise provided and without the vessel booked for transit being assessed a penalty fee, the vessel agent may request cancellation of a vessel's reserved transit slot and rescheduling of the vessel for regular transit or, alternatively, may request assignment of an alternate reserved transit slot, in the following situations:

(1) If for whatever reason Canal authorities cancel the transit of a vessel booked for transit that is otherwise ready to proceed as scheduled; or

(2) If for whatever reason Canal authorities delay the transit of a vessel booked for transit to such a degree that the delay is likely to cause the vessel to be unable to meet its required arrival time for a later, second reserved transit, booked before the delay of the first reserved transit occurred.

(b) A vessel booked for transit will be deemed to have transited the Canal on its reserved transit date if the vessel arrives at the first set of locks at either terminus of the Canal prior to 2400 hours that day and its in-transit time (ITT) is 18 hours or less. ITT begins when the vessel enters the first set of locks at either Canal terminus and ends when the vessel departs the last set of locks at the opposite terminus. No booking fee will be charged if, due to events that are beyond the control of the vessel booked for transit, as determined by Canal authorities, ITT exceeds 18 hours; except that this provision shall not apply in the case of a turn-around transit, where the vessel enters and exits the same set of locks at either Canal terminus.

§ 104.9 Cancellations.

(a) A vessel agent may cancel the transit reservation of a vessel by giving notice prescribed by Canal authorities. In such event, and except as otherwise provided, a cancellation fee will be charged. The amount of the fee will depend on the amount of notice (days or hours) received by Canal authorities in advance of the vessel's required arrival time, according to the following schedule:

Notice periods (in advance of re- quired arrival time)	Cancellation fee (the greater of)
31 to 364 days	10% of booking fee or \$500.
22 to 30 days	40% of booking fee or \$750.
4 to 21 days	60% of booking fee or \$1000.
3 days to 8 hours	80% of booking fee or \$1,250.
Less than 8 hours	100% of booking fee.

(b) Receipt of notice of cancellation of a transit reservation by Canal authorities after the vessel's required arrival time will result in levy of a cancellation fee equal to the entire prescribed booking fee.

§ 104.10 Regular transits.

Vessels that are not booked for transit will be scheduled for movement through the Canal on the date and in the order determined by Canal authorities. In establishing the daily schedule of vessels to be moved through the Canal, the order in which vessels arrive is only one of several considerations. In general, regular transits will equal or exceed in number, one-half the total number of daily vessel transits.

§ 104.11 Temporary suspension of system.

(a) Canal authorities may temporarily suspend, in whole or in part, for whatever period of time deemed necessary, the vessel transit reservation system established by this part, whenever Canal authorities determine that such action is necessary to ensure continued safe and efficient operation of the Canal.

(b) No penalty or fee will be levied against any vessel booked for transit whose reserved transit slot is canceled by reason of a temporary suspension of the system pursuant to this section.

§ 104.12 Further implementation.

(a) To facilitate safe and efficient operation of the system, Canal authorities may establish additional policies and procedures, define additional terms and issue clarifications and interpretations not inconsistent with the provisions of this part. Such

further implementation will be published and distributed to Canal customers through notices to shipping or other appropriate means determined by Canal authorities.

(b) In the event any provision of this part conflicts with any implementation provision issued pursuant to this section, the provisions of this part shall govern.

Dated: September 9, 1997.

John A. Mills,

Secretary, Panama Canal Commission.

[FR Doc. 97-24310 Filed 9-12-97; 8:45 am]

BILLING CODE 3640-04-U

DEPARTMENT OF DEFENSE**48 CFR Parts 204 and 253**

[DFARS Case 97-D019]

**Defense Federal Acquisition
Regulation Supplement; Data
Universal Numbering System Number**

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise guidance on the use of Data Universal Number System (DUNS) numbers for contractor identification.

DATES: Effective October 1, 1997.

FOR FURTHER INFORMATION CONTACT:

Ms. Sandra Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 97-D019.

SUPPLEMENTARY INFORMATION:**A. Background**

This final rule places DFARS guidance on the use of DUNS numbers with references to the FAR guidance on that subject; and removes DFARS guidance on locally developed coding systems.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97-D019 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the final rule does not impose any reporting or recordkeeping requirements which require Office of Management and Budget approval under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 204 and 253

Government procurement.

Michele P. Peterson,

*Executive Editor Defense Acquisition
Regulations Council.*

Therefore, 48 CFR Parts 204 and 253 are amended as follows:

1. The authority citation for 48 CFR Parts 204 and 253 continues to read as follows:

Authority: 41 U.S.C. 241 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.7201 is amended in paragraph (b) by revising the second sentence to read as follows:

§ 204.7201 Definitions.

* * * * *

(b) * * * CAGE codes and Data Universal Numbering System (DUNS) numbers are two examples of contractor identification codes.

3. Section 204.7202-2 is revised to read as follows:

§ 204.7202-2 DUNS numbers.

Requirements for use of DUNS numbers are contained in FAR 4.602(d) and 4.603.

§ 204.7202-4 [Removed]

4. Section 204.7202-4 is removed.

5. Section 204.7204 is revised to read as follows:

§ 204.7204 Maintenance of the CAGE file.

(a) Changes, except name changes, may be submitted in writing—

(1) By the entity identified by the code, using company letterhead, through the contract administration office;

(2) By the contracting office; or

(3) By the contract administration office (see also FAR subpart 42.12, Novation and Change-of-Name Agreements);

(4) Using the DD Form 2051, facsimile or electronic equivalent, to: Defense Logistics Services Center, DLSC-SBB, Federal Center, 74 N. Washington, Battle Creek, MI 49017-3084, Telephone Numbers: DSN 932-4358, FTS 552-4358, commercial (616) 961-4358, Facsimile: (616) 961-4528, 4388,