

the New York Transmission Owners (Movants). The motions state that additional time is needed for Regional Transmission Organization and Independent System Operators to review the extensive filing requirements of Order No. 2003, to pursue discussions with stakeholders and various working groups, to study potential regional variances related to the Final Rule and to address time-consuming implementation issues. On September 16, 2003, Arizona Public Service Company and American Transmission L.L.C. filed answers in support of MISO's September 9th filing in this docket.

Upon consideration, notice is hereby given that Regional Transmission Organizations and Independent System Operators are granted an extension of time to comply with Commission Order No. 2003 until the close of business on January 20, 2004, as requested by the Movants.

Magalie R. Salas,
Secretary.

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DEPARTMENT OF STATE

22 CFR Part 89

[Public Notice 4556]

RIN 1400-AA34

Foreign Prohibitions on Longshore Work by U.S. Nationals

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: In accordance with the Immigration and Nationality Act of 1952, as amended, the Department of State is updating the list of countries in which performance of one or more specified activities of longshore work by crewmembers aboard United States vessels is prohibited by law, regulation, or in practice in the country.

EFFECTIVE DATE: This rule is effective January 14, 2004.

FOR FURTHER INFORMATION CONTACT: Stephen M. Miller, Office of Transportation Policy (EB/TRA/OTP/MA), Room 5828, Department of State, Washington DC 20851-5816, who may be reached at (202) 647-9992.

SUPPLEMENTARY INFORMATION: Section 258 of the Immigration and Nationality Act of 1952 (the "Act"), 8 U.S.C. 1288, as added by the Immigration Act of 1990, Pub. L. No. 101-649, and subsequently amended, has the effect that alien crewmen may not perform

longshore work in the United States. Longshore work is defined to include "any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go, in the United States or the coastal waters thereof." The Act goes on, however, to define a number of exceptions to the general prohibition on such work.

Among certain other exceptions, section 258(e), entitled the "Reciprocity exception," allows the performance of activities constituting longshore work by alien crewmen aboard vessels flagged and owned in countries where such activities are permitted by crews aboard U.S. ships. The Secretary of State (hereinafter, "the Secretary") is directed to compile and annually maintain a list, of longshore work by particular activity, of countries where performance of such a particular activity by crewmembers aboard United States vessels is prohibited by law, regulation, or in practice in the country. The Attorney General will use the list to determine whether to permit an alien crewmember to perform an activity constituting longshore work in the United States or its coastal waters, in accordance with the conditions set forth in the Act.

The Department bases the list on reports from U.S. diplomatic posts abroad and submissions from interested parties in response to the notice-and-comment process. On the basis of this information, the Department is hereby issuing an amended list. The list includes 24 countries not previously listed: Albania, Antigua, Barbados, Brunei, Chile, Cook Islands, Grenada, Kazakhstan, Latvia, Lebanon, Macau, Namibia, Nigeria, Oman, Russia, St. Christopher and Nevis, Singapore, Sudan, Syria, Tonga, Turkey, Tuvalu, United Arab Emirates and Vietnam. Two countries were dropped from the list because the most recent information indicates that they do not restrict longshore activities by crewmembers of U.S. vessels: Estonia and Micronesia.

On February 12, 2002, the Department published for comments a Notice of Proposed Rulemaking (67 FR 6447) updating the list of countries ineligible for the reciprocity exception. The comment period closed on March 12, 2002. In response, the Department received one comment from the Lake Carriers' Association ("Association"). Writing as the representative of 12 U.S. corporations operating 58 U.S.-flag vessels on the Great Lakes, the Association confirmed that the crews of its members' vessels do perform certain longshore activities in Canadian ports,

including operation of self-unloading equipment, line handling, opening and closing of cargo hold hatches, and shifting the vessel under the loading rigs. The Association believes that it is proper for the Department to continue granting Canada a reciprocity exception and to allow crewmembers on Canadian-flag vessels to perform those duties in U.S. Great Lakes ports.

Regulatory Findings

Administrative Procedure Act

The Department is publishing this rule as a final rule after it was published as a proposed rule on February 12, 2002 in public notice 3843 (*see* **SUPPLEMENTARY INFORMATION**).

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538).

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 804(2)). This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and import markets.

Executive Order 12866

The Department of State does not consider this rule to be a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review. In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency and they are significant regulatory actions.