

discusses the replacement of the reference to "voting shares."

Comment: The proposed definition of related parties only refers to voting shares of corporations and does not address other voting interests such as joint ventures, partnerships, limited partnerships, limited liability companies, or any other legal structure now or hereafter existing. Such situations should be considered, and all possible business entities should be addressed, by the regulations.

Response: Even though CBP believes that the 50 percent ownership standard should be retained as stated above, CBP also recognizes that in today's business environment relationships may be forged between companies that fall outside of the traditional corporate parent/subsidiary structure. Accordingly, in the regulatory text adopted in this final rule document, references to parent, subsidiary, and sister corporations are replaced with the more generic terms "business entity" and "related business entity or entities," with "business entity" defined as "an entity that is registered or otherwise on record with an appropriate governmental authority for business licensing, taxation, or other legal purposes." In addition, because voting shares are not the exclusive basis for determining the ownership level in a business, the references to "more than 50 percent of the voting shares" have been replaced in the final regulatory text with more general references to "more than a 50 percent ownership interest."

Comment: CBP should adopt a regulation to allow those entities transacting customs business on behalf of related affiliates to certify to CBP, upon request, that the entity exercises "responsible supervision and control" over the affiliate's customs activity.

Response: CBP is uncertain as to the purpose behind this suggestion. The exercise of responsible supervision and control is a concept that applies to licensed customs brokers, upon whom that duty falls whenever they engage in customs brokerage activities. A broker can be sanctioned by CBP for failing to exercise responsible supervision and control. Since compliance departments will not be required to have broker licenses in cases covered by this new regulatory provision, the suggestion of this commenter does not appear to be relevant to the present exercise. For this reason, CBP declines to adopt the suggested certification procedure.

**Conclusion**

Based on the comments received and the analysis of those comments as set forth above, CBP believes that the

proposed regulatory amendments should be adopted as a final rule with the changes discussed above.

**Executive Order 12866**

This document does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

**Regulatory Flexibility Act**

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities. CBP believes that the amendments will have only a minimal impact on overall customs broker operations because they do not authorize the preparation of documents and the filing of documents with CBP, which constitute the bulk of customs business services provided by brokers. CBP also believes that the amendments will provide positive economic and related benefits to other members of the import community. Accordingly, the amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

**Drafting Information**

The principal author of this document was Francis W. Foote, Office of Regulations and Rulings, Bureau of Customs and Border Protection. However, personnel from other offices participated in its development.

**List of Subjects in 19 CFR Part 111**

Administrative practice and procedure, Brokers, Customs duties and inspection, Imports, Licensing, Penalties, Reporting and recordkeeping requirements.

**Amendments to the Regulations**

- For the reasons stated in the preamble, part 111 of the Customs Regulations (19 CFR part 111) is amended as set forth below.

**PART 111—CUSTOMS BROKERS**

- 1. The general authority citation for Part 111 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 23, Harmonized Tariff Schedule of the United States), 1624, 1641.

\* \* \* \* \*

- 2. In § 111.1:
  - a. The definition of "customs business" is amended by adding at the end of the last sentence before the period the words "and does not include a corporate compliance activity"; and
  - b. A new definition of "corporate compliance activity" is added in

appropriate alphabetical order to read as follows:

**§ 111.1 Definitions.**

\* \* \* \* \*

Corporate compliance activity. "Corporate compliance activity" means activity performed by a business entity to ensure that documents for a related business entity or entities are prepared and filed with Customs using "reasonable care", but such activity does not extend to the actual preparation or filing of the documents or their electronic equivalents. For purposes of this definition, a "business entity" is an entity that is registered or otherwise on record with an appropriate governmental authority for business licensing, taxation, or other legal purposes, and the term "related business entity or entities" encompasses a business entity that has more than a 50 percent ownership interest in another business entity, a business entity in which another business entity has more than a 50 percent ownership interest, and two or more business entities in which the same business entity has more than a 50 percent ownership interest.

\* \* \* \* \*

Robert C. Bonner,  
Commissioner, Customs and Border Protection.  
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**DEPARTMENT OF STATE**

**22 CFR Part 41**

[Public Notice 4439]

**Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act**

AGENCY: Department of State  
ACTION: Final rule.

SUMMARY: The Department is amending its regulations to add two new nonimmigrant symbols to the nonimmigrant classification table. The amendments are necessary to implement recently enacted legislation. On November 2, 2002, the President signed into law the "Border Commuter Student Act of 2002". This legislation creates two new nonimmigrant visa classifications (F3 and M3) for citizens and residents of Mexico or Canada who seek to commute into the United States for the purpose of attending an approved F or M school. This rule adds these new classifications to the

Department's regulatory list of nonimmigrant visa classifications.

**DATES:** Effective date: This rule takes effect August 11, 2003.

**FOR FURTHER INFORMATION CONTACT:** Pam Chavez, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20522-0106, 202-663-1206.

**SUPPLEMENTARY INFORMATION:**

*What Is the Background for These New Visa Classifications?*

Prior to the September 11 terrorist attacks on the United States, Canadian and Mexican citizens living in their home countries, but traveling back and forth across the border to take part-time classes in the United States were admitted into the country as visitors. However, due to security concerns in the aftermath of the attacks, the Immigration and Naturalization Service (INS), now the Department of Homeland Security (DHS), stopped admitting these part-time students as DHS held that they were not eligible for admittance to the United States as visitors, since their purpose was to attend class. They also were not eligible for either F1 (academic) or M1 (non-academic or vocational) visas because these classifications require students to attend class on a full-time basis.

The "Border Commuter Student Act of 2002", Public Law 107-274, creates new visa classifications for Canadian and Mexican citizens and residents who seek to commute to the United States for the purpose of full-time or part-time study at a DHS-approved school. These students (classified F3 and M3) are permitted to study on either a full-time or part-time basis. The family members of border commuter students are not entitled to derivative F2 or M2 status.

*How Is the Department Amending Its Regulations?*

The rule amends the nonimmigrant visa classification table at 22 CFR 41.12 by adding new classifications: F3 and M3.

**Regulatory Analysis and Notices**

*Administrative Procedure Act*

The implementation of this rule as a final rule is based upon the "good

cause" exceptions established by 5 U.S.C. 553(b)(B) and 553(d)(3). The Department has determined that since the new nonimmigrant classifications became effective upon enactment of the Border Commuter Student Act of 2002 and since there is substantial immediate benefit to many aliens, there is not sufficient reason to delay its implementation. Additionally, this rule does not make changes in current policy with respect to the admission of border commuter students, but provides for a proper classification for such students. The Department has determined that adherence to the notice and comment period normally required under 5 U.C. 553(b) would cause disruption in the studies of these students.

*Regulatory Flexibility Act*

Pursuant to section 605 of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule, and the Department of State hereby certifies that it is not expected to have a significant economic impact on a substantial number of small entities.

*Unfunded Mandates Reform 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 in any 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.

*Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. 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 export markets.

*Executive Order 12866*

The Department of State does not consider this rule to be a "significant regulatory action" under Executive Order 12866, section 3(f), 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 that are significant regulatory actions. The Department has nevertheless reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in that Executive Order.

*Executive Order 13132*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

*Paperwork Reduction Act*

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

**List of Subjects in 22 CFR Part 41**

Aliens, Nonimmigrants, Passports and visas.

**PART 41—[AMENDED]**

■ 1. The authority citation for Part 41 continues to read as follows: 8 U.S.C. 1104, Pub. L. 105-277, 112 Stat. 2681-795 through 2681-801.

■ 2. Amend the table in § 41.12 by adding new categories F3 and M3 in alpha-numeric order to read as follows:

**§ 41.12 Classification symbols.**

\* \* \* \* \*

**NONIMMIGRANTS**

Symbol	Class	Section of law
F-3	Canadian or Mexican national commuter student	101(a)(15)(F)(iii).
M-3	Canadian or Mexican national commuter student (Vocational student or other nonacademic student)	101(a)(15)(M)(iii).

NONIMMIGRANTS—Continued

Symbol	Class	Section of law
*	*	*

Dated: July 22, 2003.  
**Maura Harty,**  
*Assistant Secretary for Consular Affairs,*  
*Department of State.*  
 [FR Doc. 03-20390 Filed 8-8-03; 8:45 am]  
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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[CGD07-03-131]

RIN 1625-AA09

**Drawbridge Operation Regulations; St. Johns River, Mile 24.7 at Jacksonville, Duval County, FL**

**AGENCY:** Coast Guard, DHS.  
**ACTION:** Temporary final rule; request for comments.

**SUMMARY:** The Coast Guard is temporarily changing the regulations governing the operation of the Main Street Bridge, mile 24.7, Jacksonville, Florida. Under this temporary rule, the bridge need not open from 8 p.m. to 6 a.m., August 18, 2003 until October 30, 2003. This temporary rule is required to allow the bridge owner to provide for worker safety while completing repairs to the bridge. Due to the repair work, the vertical clearance of the bridge will be reduced by 5 feet.

**DATES:** This rule is effective from 8 p.m., August 18, 2003, until 6 a.m., October 30, 2003. Comments must be received by September 19, 2003.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD07-03-131 and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Room 432, Miami, FL 33131, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Project Officer, Seventh Coast Guard District, Bridge Branch, at (305) 415-6743.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

We encourage you to participate in this rulemaking by submitting

comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD07-03-131), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received. The Coast Guard may amend this temporary final rule based on comments received.

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM was impracticable and contrary to the public interest, because the rule was needed to allow the contractor to provide for worker safety while repairing the bridge. The repair work is required before the winter season when there will be increased boating and vehicular traffic in the area. Also, since the temporary rule provides for bridge openings during the majority of the day, during daytime hours when the area is most heavily traveled, vessel traffic will not be unduly disrupted during the repair process.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after **Federal Register** publication. Though the contractor submitted a letter on May 29, 2003, requesting a change to the bridge's operating schedule to effect repairs, that request was incorrectly addressed and did not reach the Bridge Branch until faxed there on July 7, 2003. The repair work to the bridge needs to be done before the busy winter season. Accordingly, there was insufficient time remaining to either publish an NPRM or delay the effective date of the rule. This temporary rule provides for a reduction in bridge openings so as to allow the contractor to safely repair the bridge while providing for the reasonable needs of navigation.

**Background and Purpose**

The Main Street Bridge, mile 24.7 at Jacksonville, Duval County, Florida, has a vertical clearance of 40 feet at mean high water and a horizontal clearance of 350 feet between the fender systems. The existing operating regulations in 33 CFR 117.325 require the bridge to open on signal except that, from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m., Monday through Saturday, except Federal holidays, the draw need not open for the passage of vessels. The draw opens at any time for vessels in an emergency involving life or property.

Royal Bridge, Inc., contractors notified the Coast Guard on July 7, 2003, that work on the vertical lift is scheduled from August 18, 2003, to October 30, 2003. For safety reasons, there will be a 5-foot reduction in vertical clearance. The contractors request that the bridge not open from 8 p.m. until 6 a.m. during the repair period. This temporary rule is necessary to provide for worker safety during repairs to the bridge and does not significantly hinder navigation, as openings will be provided throughout the remainder of the day.

**Discussion of Rule**

Under this temporary rule, the bridge need not open from 8 p.m. until 6 a.m., August 18, 2003, to October 3, 2003. There will also be a reduction in vertical clearance of 5 feet. This action is necessary for worker safety during repairs to the bridge and does not significantly hinder navigation.

**Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. The temporary rule will impact vessels of greater than 35 feet in height because of the reduction in vertical clearance. The