

Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Cargo Systems Int'l, Corp., 9550 NW 12th Street, Bay #10, Miami, FL 33172, Officers: Francisco J. Nunez, President, Angela C. Damasio, Vice President

Linda Yumi Matsuura, 2615 Plaza Del Amo #600, Torrance, CA 90503, Sole Proprietor

Dated: April 13, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 98-10075 Filed 4-5-98; 8:45 am]

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FEDERAL TRADE COMMISSION

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

AGENCY: Federal Trade Commission.

ACTION: Invitation to Comment on Requested Exemption from Trade Regulation Rule.

SUMMARY: The Commission is requesting public comment with respect to a request from Navistar International Transportation Corporation for an exemption from the requirements of the Franchise Rule.

DATES: Written comments will be accepted until June 15, 1998.

ADDRESSES: Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580. Requests for copies of the petition and the Franchise Rule should be directed to the Public Reference Branch, Room 130, (202) 326-2222.

FOR FURTHER INFORMATION CONTACT: Myra Howard, Attorney, PC-H-238, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580, (202) 326-2047.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Federal Trade Commission promulgated a trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (16 CFR Part

436) ("the Rule"). In general, the Rule provides for pre-sale disclosure to prospective franchisees of important information about the franchisor, the franchise business and the terms of the proposed franchise relationship. A summary of the Rule is available from the FTC Public Reference Branch, Room 130, upon request.

Section 18(g) of the Federal Trade Commission Act provides that any person or class of persons covered by a trade regulation rule may petition the Commission for an exemption from such rule, and if the Commission finds that the application of such rule to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or any part of the rule.

Navistar International Transportation Corporation ("Navistar" or "Petitioner") has filed a petition for exemption from the Franchise rule pursuant to Section 18(g) of the Federal Trade Commission Act, 15 U.S.C. 57a(g). Navistar's petition asserts without elaboration that its dealer operations are not subject to the Franchise Rule. The information submitted in support of the petition, however, demonstrates that absent an exemption, Navistar's dealer operations fall within the scope of the Rule.¹

Petitioner asserts that an exemption should be granted because Navistar dealers are sophisticated business persons with experience in the industry, and the information-exchange and negotiation process leading to execution of a dealership agreement takes place over a period of from four months to a year, ensuring adequate time for review. Petitioner also explains that "[b]ecause it is in Navistar's best interest to have strong, committed and well-financed dealers, Navistar encourages its dealers to become fully informed prior to making a commitment." Pet. at 11. Petitioner argues that the experience and sophistication of prospective dealers, the company's selectivity generated by its interest in ensuring that its dealers will be committed and well-financed and the extended process leading to the execution of dealership agreements make the abuses identified by the Commission as the basis for the Franchise Rule unlikely and render

¹ Navistar distributes goods associated with its trade name or mark (16 CFR 436.2(a)(1)(i)(A)); Navistar exerts significant control over, or gives significant assistance to, the dealer (16 CFR 436.2(a)(1)(i)(B)); and Navistar requires its dealers to pay it over \$500 within six months of the commencement of the dealer's business (16 CFR 436.2(a)(3)(iii)). See Petition and Letter from Navistar counsel to Myra Howard, Esq., FTC, dated December 8, 1997 (available on FTC public record).

application of the Rule to Navistar unnecessary and burdensome.

For a complete presentation of the arguments submitted by Petitioner, please refer to the full text of the petition, which may be obtained from the FTC Public Reference Branch, Room 130, on request.

In assessing the present exemption request, the Commission solicits comments on all relevant issues germane to the proceeding, including the following: (1) Is there evidence indicating that Petitioner may engage in unfair or deceptive acts or practices in the offer and sale of truck franchises? (2) Are there other reasons that might militate against granting Petitioner an exemption from the Franchise Rule?

The Commission has considered the arguments made by Petitioner and concluded that further inquiry is warranted before a decision regarding the petition may be made. The Commission, therefore, seeks comment on the exemption requested by Petitioner.

All interested parties are hereby notified that they may submit written data, views or arguments on any issues of fact, law or policy that may have some bearing on the requested exemption, whether or not such issues have been raised by the petition or in this notice. Such submissions may be made for sixty days to the Secretary of the Commission.

Comments should be identified as "Navistar Franchise Rule Exemption Comment," and two copies should be submitted.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98C-0212]

Cyanotech Corp.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Cyanotech Corp. has filed a petition proposing that the color additive regulations be amended to provide for the safe use of *Haematococcus algae*