

(FEDERAL MARITIME COMMISSION)
(SERVED FEBRUARY 15, 1989)
(EXCEPTIONS DUE 3-9-89)
(REPLIES TO EXCEPTIONS DUE 3-31-89)

FEDERAL MARITIME COMMISSION

SPECIAL DOCKET NO. 1681

APPLICATION OF THE ASIA NORTH AMERICA EASTBOUND RATE
AGREEMENT, ON BEHALF OF YAMASHITA-SHINNIHON STEAMSHIP CO.,
LTD., FOR THE BENEFIT OF DAE WON CAST STEEL CO., LTD.

Application for permission to waive collection of \$3,290.00 of
the applicable freight charges granted.

INITIAL DECISION¹ OF CHARLES E. MORGAN,
ADMINISTRATIVE LAW JUDGE

By application² timely filed on November 14, 1988, the
applicant, Asia North America Eastbound Rate Agreement (ANERA),
on behalf of Yamashita-Shinnihon Steamship Co., Ltd. (Y-S Line),
for the benefit of Dae Won Cast Steel Co., Ltd., seeks
permission, pursuant to Rule 92(a) of the Commission's Rules of
Practice and Procedure and section 8(e) of the Shipping Act of

¹ This decision will become the decision of the Commission
in the absence of review thereof by the Commission (Rule 227,
Rules of Practice and Procedure, 46 CFR 502.227).

² This application is a companion to the one in Special
Docket No. 1680 insofar as the same type of tariff error was made
in both proceedings. Applicable charges differ in the two cases.

1984 (the Act), to waive \$3,290.00 of the applicable freight charges on a shipment of two 20-foot containers of iron and steel castings weighing 28,094 kilograms, made from Busan, Korea, to Long Beach, California, thence overland to Detroit, Michigan, bill of lading and sailing date June 26, 1988.

Y-S Line concurs in the application.

The applicable basic rate on Metal and Metal Products, N.O.S., Group 2, was \$3,785.00 per 20-foot container, subject to an additional destination delivery charge of \$320.00 per 20-foot container, and subject to a container freight station receiving charge of \$5 per revenue ton at Busan. On 28.094 tons, the applicable CFS charge was \$140.47. Total applicable charges per container were \$4,245.47. Total applicable charges on two containers were \$8,490.94.

The sought basic rate is \$2,140.00 per 20-foot container subject to the same destination delivery charge and the same container freight station receiving charge. Total sought charges per container are \$2,600.47. Total sought charges on two containers are \$5,200.94. The charges were paid on this basis.

The difference between the total applicable charges of \$8,490.94 and the total sought charges of \$5,200.94 is \$3,290.00, the amount sought to be waived herein.

On May 20, 1988, Y-S Line gave ANERA notice of its intention to independently set a rate for Y-S Line of \$2,140.00 per 20-foot container of cast ironware and parts from Korea to Detroit, Michigan, to be effective May 30, 1988. However, due to a

clerical oversight by the staff of the conference, the rate was not filed timely. When the error was discovered the intended rate was filed effective July 20, 1988. The critical period herein is from May 30, 1988, through July 19, 1988.

The applicant states that no other shipments of the same or similar commodity moved by it during the critical period herein, except the shipment covered by Special Docket Application No. 1680.

The statutory requirements have been met. It is concluded and found that there was an error of administrative or clerical nature made by ANERA in failing to publish timely the intended rate; that the intended rate was made effective after the shipment herein moved and prior to the filing of this application; that the application was filed timely; and that the authorization of a waiver will not result in discrimination among shippers, ports, or carriers.

Yamashita-Shinnihon Steamship Co., Ltd. is authorized to waive \$3,290.00 of the applicable freight charges on the shipment herein.

It is hereby ordered that the Asia North America Eastbound Rate Agreement file the following notice in its pertinent Tariff, Common Rate Tariff No. FMC-16, to the effect that:

Notice is given, as required by the decision of the Federal Maritime Commission in Special Docket No. 1681, that effective May 30, 1988, and continuing through July 19, 1988, the rate on Cast ironware, N.O.S., including Cast Iron Stoves (Hibachis) and Parts; Elizabeth Burners; Barbeque Sets; Steel Stoves; Barbeque Parts and Utensils, from Korea to Detroit,

Michigan, for YSL only is \$2,140.00 per 20-foot container. This notice is effective for purposes of refund or waiver of freight charges on any shipments of the commodity described which may have been shipped during the specified period of time.



Charles E. Morgan
Administrative Law Judge

Washington, D.C.
February 15, 1989