



Federal Register

Monday,
May 13, 2002

Part LIV

**Federal Maritime
Commission**

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Agenda

AGENCY: Federal Maritime Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Pursuant to section 4(b) of Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission anticipates having under consideration, during the period from April 1, 2002, to March 31, 2003, actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning

Commission rulemaking proceedings or the status of any matter listed below, contact: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 4(b) of Executive Order 12866 also requires agencies to publish a regulatory agenda. The agendas include information on regulatory activities being conducted or

reviewed during the succeeding 12 months by the Commission.

The following is the Commission's unified regulatory agenda. The agenda does not necessarily include all petitions for rulemakings that are under staff review.

In addition, the Commission maintains a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda. This will be made available to the public, including the press and interested persons.

Bryant L. VanBrakle,
Secretary.

Federal Maritime Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3876	Content of Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984 (Docket No. 99-13)	3072-AC11
3877	Impact of Government Paperwork Elimination Act and Electronic Signatures in Global and National Commerce Act (Docket No. 01-08)	3072-AC17
3878	Update of Existing and Addition of New Filing and Service Fees	3072-AC19
3879	Requirements for Financial Responsibility for Nonperformance of Transportation by Passenger Vessel Operators ..	3072-AC20
3880	Common Carrier Status Under the Shipping Act of 1984	3072-AC21

Federal Maritime Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3881	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26)	3072-AB75
3882	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20)	3072-AB97

Federal Maritime Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
3883	Financial Responsibility Requirements for Nonperformance of Transportation and Inquiry Into Alternative Forms (Docket No. 94-06; Further Notice of Proposed Rulemaking)	3072-AB80

Federal Maritime Commission (FMC)

Proposed Rule Stage

3876. CONTENT OF OCEAN COMMON CARRIER AND MARINE TERMINAL OPERATOR AGREEMENTS SUBJECT TO THE SHIPPING ACT OF 1984 (DOCKET NO. 99-13)**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC app 1701 et seq; PL 105-258**CFR Citation:** 46 CFR 535**Legal Deadline:** None

Abstract: The FMC is issuing this inquiry to solicit comments concerning the appropriate content of agreements filed with the Commission pursuant to the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998. The comments received will assist the Commission in preparing a proposal to update or refine the existing content standards.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	08/03/99	64 FR 42057
Inquiry Comment Period End	10/04/99	
NPRM	05/00/02	
NPRM Comment Period End	07/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: David R. Miles, Acting General Counsel, Federal Maritime Commission
Phone: 202 523-5740
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RIN: 3072-AC11**3877. IMPACT OF GOVERNMENT PAPERWORK ELIMINATION ACT AND ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT (DOCKET NO. 01-08)****Priority:** Substantive, Nonsignificant

Legal Authority: PL 105-277, Government Paperwork Elimination Act; PL 106-229, Electronic Signatures in Global and National Commerce Act

CFR Citation: 46 CFR 500 et seq**Legal Deadline:** Final, Statutory, October 21, 2003.

Abstract: The Federal Maritime Commission is issuing this inquiry to solicit information and comments concerning the impact of the

Government Paperwork Elimination Act and the Electronic Signatures in Global and National Commerce Act on all sectors of the U.S. ocean shipping industry. These comments will assist the Commission as it analyzes the use and acceptance of documents in electronic form, as well as other means of engaging in electronic transactions. The Commission, via a rulemaking, plans to provide individuals or entities with the option to submit information or transact business with the Commission electronically, where practicable, and to maintain records electronically when practicable.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	07/18/01	66 FR 37468
Comments Due	08/17/01	
Comment Period Extended to 09/17/2001	08/17/01	66 FR 43261
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Austin L. Schmitt, Deputy Executive Director, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573
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RIN: 3072-AC17**3878. • UPDATE OF EXISTING AND ADDITION OF NEW FILING AND SERVICE FEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 9701

CFR Citation: 46 CFR 502; 46 CFR 503; 46 CFR 515; 46 CFR 520; 46 CFR 530; ...

Legal Deadline: None

Abstract: The Federal Maritime Commission (FMC) proposes to revise its existing fees for (1) filing petitions and complaints; (2) various public information services, such as record searches, document copying, and admissions to practice; (3) filing ocean transportation intermediary applications; (4) applications for special permission; (5) service contracts; (6)

agreements; and (7) passenger vessel performance and casualty certificate applications. These revised fees reflect current costs to the FMC. In addition, the FMC adds a new fee for the provision of a data base report on effective carrier agreements, makes nomenclature changes in certain CFR units with respect to FMC bureau designations, and makes section reference changes in certain CFR units to reflect numbering changes made in a previous rulemaking. The FMC also is republishing a fee requirement that previously was omitted.

Timetable:

Action	Date	FR Cite
NPRM	03/21/02	67 FR 13118
NPRM Comment Period End	04/22/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: JoAnn Baca, Special Assistant to the Executive Director, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573
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RIN: 3072-AC19**3879. • REQUIREMENTS FOR FINANCIAL RESPONSIBILITY FOR NONPERFORMANCE OF TRANSPORTATION BY PASSENGER VESSEL OPERATORS****Priority:** Other Significant

Legal Authority: 5 USC 552 to 553; 31 USC 9701; 46 USC app 817d to 817e; 46 USC 1716

CFR Citation: 46 CFR 540**Legal Deadline:** None

Abstract: The Federal Maritime Commission proposes to amend its procedures for establishing passenger vessel financial responsibility for nonperformance of transportation. The proposed rule would eliminate the availability of self-insurance and discontinue the use of a sliding scale for required coverage of unearned passenger revenue.

FMC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/23/02	67 FR 19730
NPRM Comment Period End	05/23/02	
Final Action	07/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sandra L. Kusumoto, Director, Bureau of Consumer Complaints & Licensing, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

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RIN: 3072-AC20

3880. • COMMON CARRIER STATUS UNDER THE SHIPPING ACT OF 1984

Priority: Other Significant

Legal Authority: 5 USC 553; 46 USC app 1701 et seq; PL 105-258

CFR Citation: 46 CFR 515; 46 CFR 520; 46 CFR 530; 46 CFR 535

Legal Deadline: None

Abstract: The Federal Maritime Commission is proposing to amend its rules to address the criteria that it will use to establish ocean common carrier status under the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Florence A. Carr, Director, Bureau of Trade Analysis, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

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RIN: 3072-AC21

Federal Maritime Commission (FMC)

Long-Term Actions

3881. COLOADING PRACTICES AND POSSIBLE SECTION 16 EXEMPTION FOR COLOADING (DOCKET NOS. 93-22 AND 94-26)

Priority: Substantive, Nonsignificant

CFR Citation: 46 CFR 520.11

Timetable:

Action	Date	FR Cite
NPRM	11/24/93	58 FR 62077
NPRM Comment Period End	03/11/94	59 FR 5974
Notice of Inquiry (Docket No. 94-26)	11/09/94	59 FR 55826
Comment Period End for NOI (Docket No. 94-26)	12/27/94	
NOI Comment Period Extended to 01/23/95	12/28/94	59 FR 66880
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3072-AB75

3882. PORT RESTRICTIONS AND REQUIREMENTS IN THE UNITED STATES/JAPAN TRADE (DOCKET NO. 96-20)

Priority: Other Significant

CFR Citation: 46 CFR 551

Timetable:

Action	Date	FR Cite
NPRM	11/13/96	61 FR 58160
Comment Period Extended to 01/20/97	12/27/96	61 FR 68200
NPRM Comment Period End	01/13/97	
Final Rule - Report Due 08/26/1999 and Every 180 Days Thereafter	03/04/97	62 FR 9696
Final Rule Effective	04/14/97	
Status Reports and Comments Due 08/05/97	04/16/97	62 FR 18433
Amendment to Final Rule	04/16/97	62 FR 18532
Final Rule Effectiveness Extended to 09/04/97	04/16/97	62 FR 18533

Action	Date	FR Cite
Status Reports and Comments Due 07/01/97	04/16/97	62 FR 18533
Amendment to Final Rule - Denial of Petition	10/20/97	62 FR 54396
Final Rule Effectiveness Suspended 11/13/97	11/19/97	62 FR 61648
Final Rule Removed	06/07/99	64 FR 30245
Final Rule Removed Effective	06/07/99	
Requirement for Reporting Revised	08/15/01	66 FR 42859
Report Due 11/07/2001 and Every 180 Days Thereafter	08/15/01	
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3072-AB97

Federal Maritime Commission (FMC)

Completed Actions

3883. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR NONPERFORMANCE OF TRANSPORTATION AND INQUIRY INTO ALTERNATIVE FORMS (DOCKET NO. 94-06; FURTHER NOTICE OF PROPOSED RULEMAKING)**Priority:** Other Significant**CFR Citation:** 46 CFR 540.5; 46 CFR 540.9**Completed:**

Reason	Date	FR Cite
Proceeding	04/22/02	67 FR 19535
Discontinued		

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Sandra L. Kusumoto
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RIN: 3072-AB80

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