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FEDERAL MARITIME COMMISSION

46 CFR Part 514

[DOCKET NO. 95 - 13]

AUTOMATED TARIFF FILING AND INFORMATION SYSTEM

**AGENCY:** Federal Maritime Commission.

**ACTION:** Proposed Rule.

**SUMMARY:** The Federal Maritime Commission ("Commission" or "FMC") proposes to amend its rules pertaining to the Automated Tariff Filing and Information System ("ATFI") to clarify that no individual may file or retrieve ATFI data until he or she submits a User Registration Form and supporting documents, together with the proper fee, to the Commission and receives a logon ID and password. The proposed rule also makes it clear that this requirement cannot be circumvented by sharing, loaning or using logon IDs or passwords assigned to others. The Commission also proposes to amend its rules to permit the on-line downloading of daily subscriber data. Subscribers may request daily updates on tape provided by them in those instances where on-line downloading is not cost-effective. Full database tapes, weekly update tapes, and monthly update tapes would no longer be provided.

**DATES:** Comments must be submitted on or before (insert date twenty days after date of publication in the Federal Register).

**Subpart C-Form, Content and Use of Tariff Data**

2. In § 514.8, paragraph (f) is revised to read as follows:

**§ 514.8 Electronic Filing.**

\* \* \* \* \*

(f) Password and User ID. (1) System Identifications ("IDs") for either filing or retrieval logon and initial password assignments are obtained by submitting the User Registration Form (exhibit 1 to this part), along with the proper fee under § 514.21 and other necessary documents prescribed by § 514.4(d) of this part, to BTCL. A separate User Registration Form is required for each individual that will access ATFI.

(2) Logon IDs and passwords may not be shared with or loaned to or used by any individual other than the individual registrant. The Commission reserves the right to disable any logon ID that is shared with, loaned to or used by parties other than the registrant.

(3) Authority for organizational maintenance, filing or retrieval can be transferred by submitting an amended registration form requesting the assignment of a new logon ID and password (see §514.(4)(d). The original logon ID will be canceled when a replacement logon ID is issued.

\* \* \* \* \*

3. In § 514.20, paragraph (d) is revised to read as follows:

**§ 514.20 Retrieval.**

\* \* \* \* \*

where on-line downloading is not cost-effective. The user fee for each daily update is \$61.

The Commission certifies pursuant to § 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this proposed rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units, and small governmental jurisdictions. The Commission recognizes that these proposed revisions may have some impact on the shipping industry, but not of the magnitude that would be contrary to the requirements of the Regulatory Flexibility Act.

The proposed rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1980, as amended. Therefore, Office of Management and Budget review is not required.

List of subjects in 46 CFR Part 514: Freight, Harbors, Maritime carriers, and Reporting and record keeping requirements.

Part 514 of Title 46 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Part 514 continues to read as follows:

Authority: 5 U.S.C. 552 and 553; 31 U.S.C. 9701; 46 U.S.C. app. 804, 812, 814-817(a), 820, 833a, 841a, 843, 844, 845, 845a, 845b, 847, 1702-1712, 1714-1716, 1718, 1721, and 1722; and sec. 2(b) of Pub. L. 101-92, 103 Stat. 601.

**Subpart C-Form, Content and Use of Tariff Data**

2. In § 514.8, paragraph (f) is revised to read as follows:

**§ 514.8 Electronic Filing.**

\* \* \* \* \*

(f) Password and User ID. (1) System Identifications ("IDs") for either filing or retrieval logon and initial password assignments are obtained by submitting the User Registration Form (exhibit 1 to this part), along with the proper fee under § 514.21 and other necessary documents prescribed by § 514.4(d) of this part, to BTCL. A separate User Registration Form is required for each individual that will access ATFI.

(2) Logon IDs and passwords may not be shared with or loaned to or used by any individual other than the individual registrant. The Commission reserves the right to disable any logon ID that is shared with, loaned to or used by parties other than the registrant.

(3) Authority for organizational maintenance, filing or retrieval can be transferred by submitting an amended registration form requesting the assignment of a new logon ID and password (see §514.(4)(d). The original logon ID will be canceled when a replacement logon ID is issued.

\* \* \* \* \*

3. In § 514.20, paragraph (d) is revised to read as follows:

**§ 514.20 Retrieval.**

\* \* \* \* \*

(d) Batch retrieval through database files. Interested parties may subscribe to all tariff filings/updates received by the Commission on a daily basis. The ATFI System Administrator will create a daily subscriber data update file which will be accessible to subscribers who have prepaid the fees for daily updates. The daily updates subscriber will access the ATFI system to on-line download the tariff updates received during the previous workday and any intervening weekend/holidays, as well as any tariff updates created by the Commission (e.g., suspensions, rejections, etc.). Subscribers may request that daily updates be forwarded on tape (either 9 track, 6250 bpi or 8mm cartridge, Exabyte 8500 compatible) when the file size indicates that the on-line download option is not cost-effective. The Commission may also send selected daily updates by first class mail (or as directed by subscribers at subscriber's expense) or make updates available at the ATFI computer center when the magnitude of the file size indicates that downloads would degrade ATFI access for other ATFI user functions. The subscriber is responsible for insuring that the Commission has received sufficient pre-paid monies before the last business day of the preceding month in order to subscribe to the next month's filings. The Commission will terminate the download capability of any accounts in arrears.

\* \* \* \* \*

4. In § 514.21, paragraph (j) is revised to read as follows:

**§ 514.21 User charges.**

\* \* \* \* \*

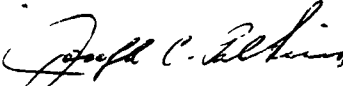
(j) Daily Subscriber Data (§514.20(d)). (1)

requesting download of daily updates must pay \$61 per daily update.

(2) Persons requesting daily updates on tape must supply the tapes and pay \$61 per daily update.

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By the Commission.

  
Joseph C. Polking  
Secretary