



Federal Register

**Monday,
December 22, 2003**

Part LVI

Federal Maritime Commission

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Regulatory Plan and Unified Agenda

AGENCY: Federal Maritime Commission.

ACTION: Regulatory plan and 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 October 1, 2003, to September 30, 2004, 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; e-mail: secretary@fmc.gov.

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.

The Commission currently has no actions under consideration that constitute "significant regulatory actions" under the definition in Executive Order 12866. This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Federal Maritime Commission's Statement of Regulatory Priorities is included in part II.

Bryant L. VanBrakle,
Secretary.

Federal Maritime Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4214	Content of Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984 (Docket No. 99—13)	3072—AC11
4215	Impact of Government Paperwork Elimination Act and Electronic Signatures in Global and National Commerce Act (Docket No. 01—08)	3072—AC17
4216	Common Carrier Status Under the Shipping Act of 1984	3072—AC21
4217	Revisions to Commission's Regulations Regarding the Filing of Agreement Minutes	3072—AC23
4218	Revisions to the Information Form and Monitoring Report Regulations for Carrier Agreements	3072—AC24
4219	Transshipment Agreements	3072—AC26
4220	Update of Existing Filing and Service Fees	3072—AC27

Federal Maritime Commission—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4221	Passenger Vessel Financial Responsibility (Docket No. 02—15)	3072—AC22

Federal Maritime Commission—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
4222	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93—22 and 94—26)	3072—AB75
4223	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96—20)	3072—AB97

FMC

Federal Maritime Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
4224	Amendment to Service Contract Regulations (Docket No. 03—03)	3072—AC25

Federal Maritime Commission (FMC)

Proposed Rule Stage

4214. 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 issued an 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 rule 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	11/00/03	
NPRM Comment Period End	01/00/04	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None

Agency Contact: Carol J. Neustadt, Acting General Counsel, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

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RIN: 3072—AC11

4215. 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; 5 USC 553; 46 USC app 1716

CFR Citation: 46 CFR 500 et seq

Legal Deadline: Final, Statutory, October 21, 2003, Final.

Abstract: The Federal Maritime Commission issued an 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 are assisting 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
Comment Period Extended to 09/17/2001	08/17/01	66 FR 43261
Comments Due	08/17/01	
NPRM	01/00/04	
NPRM Comment Period End	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072—AC17

4216. 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	11/00/03	
NPRM Comment Period End	12/00/03	

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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FMC

Proposed Rule Stage

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RIN: 3072-AC21

4217. REVISIONS TO COMMISSION'S REGULATIONS REGARDING THE FILING OF AGREEMENT MINUTES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1718; ...

CFR Citation: 46 CFR 535

Legal Deadline: None

Abstract: The FMC is considering amending its regulations governing the filing of minutes and related documents by carrier agreements. The minutes reporting regulations require that certain types of agreements on file with the FMC submit a report of each meeting held, describing all matters discussed or considered within the scope of the agreement. The FMC is considering changing the rules to clarify the level of detail adequate to describe matters discussed or considered at agreement meetings, and update, refine, and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	01/00/04	

Regulatory Flexibility Analysis

Required: Yes

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-AC23

4218. REVISIONS TO THE INFORMATION FORM AND MONITORING REPORT REGULATIONS FOR CARRIER AGREEMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1718; ...

CFR Citation: 46 CFR 535

Legal Deadline: None

Abstract: The FMC is considering amending its regulations governing the requirements for Information Forms and Monitoring Reports submitted by parties to carrier agreements filed with the Commission. The revisions being considered would seek to ensure that the Commission receives the most relevant and reliable data from agreement carriers so that the competitive impact of these agreements can be assessed as accurately as possible. The modifications would update, refine, and simplify the regulations to require data essential to the Agency's agreement review process and monitoring program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	01/00/04	

Regulatory Flexibility Analysis

Required: Yes

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-AC24

4219. • TRANSSHIPMENT AGREEMENTS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1718

CFR Citation: 46 CFR 535

Legal Deadline: None

Abstract: The FMC is considering amending its regulations on transshipment agreements to clarify circumstances under which agreements would not qualify as transshipment agreements, but rather would be vessel-sharing agreements subject to filing with the Commission.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Action	Date	FR Cite
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NPRM Comment Period End	01/00/04	
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Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None

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RIN: 3072-AC26

4220. • UPDATE OF EXISTING FILING AND SERVICE FEES

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553; 31 USC 9701; 46 USC app 1716

CFR Citation: 46 CFR 502; 46 CFR 503; 46 CFR 510; 46 CFR 514; 46 CFR 540; 46 CFR 572; 46 CFR 585; 46 CFR 587; 46 CFR 588

Legal Deadline: None

Abstract: The FMC proposes to revise its existing fees for: Filing petitions, complaints, special docket applications, freight forwarder applications, vessel performance and casualty certification applications, agreements, and various public information services. The proposal will update existing fees to reflect current costs to the Commission.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment Period End	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: JoAnn Baca, Special Assistant to the Executive Director, Federal Maritime Commission, 800

FMC

Proposed Rule Stage

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Federal Maritime Commission (FMC)

Final Rule Stage

4221. PASSENGER VESSEL FINANCIAL RESPONSIBILITY (DOCKET NO. 02—15)

Priority: Other Significant

Legal Authority: 5 USC 552 to 553; 46 USC app 817d to 817e; 46 USC 1716; 31 USC 9701; PL 89—777

CFR Citation: 46 CFR 540

Legal Deadline: None

Abstract: The FMC proposes to amend its rules regarding the establishment of passenger vessel financial responsibility under sections 2 (Casualty) and 3 (Performance) of Public Law 89—777. The amendments would: Eliminate the current ceiling on required Performance coverage; adjust the amount of coverage required by providing for consideration of the obligations of credit card issuers; provide for the use of Alternative Dispute Resolution (ADR), including the Commission's ADR program, in resolving passenger Performance claims; revise the application form; and make a number of technical

adjustments to the Performance and Casualty rules.

Timetable:

Action	Date	FR Cite
NPRM	10/31/02	67 FR 66352
NPRM Comment Period End	01/08/03	
NPRM Comment Period Extended	12/27/02	67 FR 79029
NPRM Comment Period End	04/08/03	
NPRM Comment Period Extended	04/08/03	68 FR 17003
Notice of Public Hearing To Be Held	05/06/03	68 FR 23947
06/11/2003		
Requests To Participate in Public Hearing Due	05/28/03	
NPRM Comment Period End	05/30/03	
Final Action	02/00/04	
Final Action Effective	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072—AC22

Federal Maritime Commission (FMC)

Long-Term Actions

4222. 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

4223. 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

Action	Date	FR Cite
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	
Amendment to Final Rule	04/16/97	62 FR 18532
Final Rule Effectiveness Extended to 09/04/97	04/16/97	62 FR 18533
Status Reports and Comments Due 07/01/97	04/16/97	62 FR 18533
Status Reports and Comments Due 08/05/97	04/16/97	62 FR 18433

FMC**Long-Term Actions**

Action	Date	FR Cite	Action	Date	FR Cite	Regulatory Flexibility Analysis Required: No Government Levels Affected: None Agency Contact: Carol J. Neustadt Phone: 202 523—5740 Fax: 202 523—5738 Email: caroln@fmc.gov RIN: 3072—AB97
Amendment to Final Rule — Denial of Petition	10/20/97	62 FR 54396	Final Rule Removed Effective	06/07/99		
Final Rule Effectiveness Suspended	11/19/97	62 FR 61648	Report Due 11/07/2001 and Every 180 Days Thereafter	08/15/01		
Final Rule Removed	06/07/99	64 FR 30245	Requirement for Reporting Revised Next Action Undetermined	08/15/01	66 FR 42859	

Federal Maritime Commission (FMC)**Completed Actions****4224. AMENDMENT TO SERVICE CONTRACT REGULATIONS (DOCKET NO. 03—03)**

Priority: Substantive, Nonsignificant

CFR Citation: 46 CFR 530

Completed:

Reason	Date	FR Cite
NPRM	04/02/03	68 FR 15978

Reason	Date	FR Cite
Final Action	07/22/03	68 FR 43326
Final Action Effective	09/08/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3072—AC25

[FR Doc. 03—24026 Filed 12—19—03; 8:45 am]

BILLING CODE 6730—01—S