



Federal Register

**Monday,
October 31, 2005**

Part LIV

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, 2005, to September 30, 2006, 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 and Deregulatory Priorities is included in part II.

Bryant L. VanBrakle,
Secretary.

Federal Maritime Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4031	Common Carrier Status Under the Shipping Act of 1984	3072-AC21

Federal Maritime Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4032	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20)	3072-AB97
4033	Passenger Vessel Financial Responsibility (Docket No. 02-15)	3072-AC22

Federal Maritime Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4034	Impact of Government Paperwork Elimination Act and Electronic Signatures in Global and National Commerce Act (Docket No. 01-08)	3072-AC17
4035	Non-Vessel-Operating Common Carrier Service Arrangements (Docket No. 05-05)	3072-AC31

Federal Maritime Commission (FMC)

Proposed Rule Stage

4031. 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	12/00/05	

FMC

Proposed Rule Stage

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

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

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RIN: 3072-AC21

Federal Maritime Commission (FMC)

Long-Term Actions

4032. 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	
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	04/16/97	62 FR 18533
Status Reports and Comments Due	04/16/97	62 FR 18433
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

Action	Date	FR Cite
Final Rule Removed	06/07/99	64 FR 30245
Final Rule Removed Effective	06/07/99	
Report Due	08/15/01	
11/07/2001 and Every 180 Days Thereafter		
Requirement for Reporting Revised	08/15/01	66 FR 42859
Next Action Undetermined		

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

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RIN: 3072-AB97**4033. PASSENGER VESSEL FINANCIAL RESPONSIBILITY (DOCKET NO. 02-15)****Priority:** Other Significant**CFR Citation:** 46 CFR 540**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

Action	Date	FR Cite
NPRM Comment Period End	04/08/03	
NPRM Comment Period Extended	04/08/03	68 FR 17003
Notice of Public Hearing To Be Held 06/11/2003	05/06/03	68 FR 23947
Requests To Participate in Public Hearing Due	05/28/03	
NPRM Comment Period End	05/30/03	
Next Action Undetermined		

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

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RIN: 3072-AC22

Federal Maritime Commission (FMC)

Completed Actions

4034. IMPACT OF GOVERNMENT PAPERWORK ELIMINATION ACT AND ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT (DOCKET NO. 01-08)

Priority: Substantive, Nonsignificant

CFR Citation: 46 CFR 500 et seq

Completed:

Reason	Date	FR Cite
Proceeding Discontinued	04/28/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072-AC17

4035. • NON-VESSEL-OPERATING COMMON CARRIER SERVICE ARRANGEMENTS (DOCKET NO. 05-05)

Priority: Other Significant

Legal Authority: 46 USC app 1715

CFR Citation: 46 CFR 531

Legal Deadline: None

Abstract: The FMC is proposing changes to its exemption for non-vessel-operating common carriers (NVOCCs) from the tariff publication requirements of the Shipping Act of 1984. The proposed rule would revise the exemption to allow NVOCCs and shippers' associations with NVOCC members to act as shipper parties in NVOCC Service Arrangements.

Timetable:

Action	Date	FR Cite
NPRM	08/08/05	70 FR 45626

Action	Date	FR Cite
NPRM Comment Period End	08/23/05	
Final Action	09/28/05	70 FR 56577
Final Action Effective	10/28/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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Related RIN: Related to 3072-AC30

RIN: 3072-AC31

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