



Federal Register

**Monday,
June 28, 2004**

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, 2004, to March 31, 2005, 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 agenda includes 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 Identifier Number
4099	Impact of Government Paperwork Elimination Act and Electronic Signatures in Global and National Commerce Act (Docket No. 01-08)	3072-AC17
4100	Common Carrier Status Under the Shipping Act of 1984	3072-AC21
4101	Update of Existing Filing and Service Fees	3072-AC27

Federal Maritime Commission—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4102	Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984 (Docket No. 03-15)	3072-AC28

Federal Maritime Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4103	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26)	3072-AB75
4104	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20)	3072-AB97
4105	Passenger Vessel Financial Responsibility (Docket No. 02-15)	3072-AC22

Federal Maritime Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4106	Content of Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984 (Docket No. 99-13)	3072-AC11
4107	Revisions to Commission's Regulations Regarding the Filing of Agreement Minutes	3072-AC23
4108	Revisions to the Information Form and Monitoring Report Regulations for Carrier Agreements	3072-AC24
4109	Transshipment Agreements	3072-AC26
4110	Optional Rider for Proof of Additional NVOCC Financial Responsibility (Docket No. 04-02)	3072-AC29

Federal Maritime Commission (FMC)

Proposed Rule Stage

4099. 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.

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	12/00/04	
NPRM Comment Period End	02/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Derek O. Scarbrough, Chief Information Officer, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

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RIN: 3072-AC17**4100. 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	10/00/04	
NPRM Comment Period End	12/00/04	

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**4101. UPDATE OF EXISTING FILING AND SERVICE FEES****Priority:** Info./Admin./Other**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	07/00/04	
NPRM Comment Period End	08/00/04	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Thomas B. Stephens, Presidential Management Fellow, Federal Maritime Commission, Executive Director's Office, 800 North Capitol Street NW, Washington, DC 20573

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RIN: 3072-AC27

Federal Maritime Commission (FMC)

Final Rule Stage

4102. • OCEAN COMMON CARRIER AND MARINE TERMINAL OPERATOR AGREEMENTS SUBJECT TO THE SHIPPING ACT OF 1984 (DOCKET NO. 03-15)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 551 to 557; 5 USC 701 to 706; 5 USC 2903; 5 USC 6304; 31 USC 3721; 41 USC 414; 41 USC 418; 44 USC 501 to 520; 44 USC 3501 to 3520; . . .

CFR Citation: 46 CFR 501; 46 CFR 535

Legal Deadline: None

Abstract: The FMC proposes to amend its regulations governing agreements among ocean common carriers and marine terminal operators in response to changes in the shipping industry since the enactment of the Ocean Shipping Reform Act of 1998, which amended the Shipping Act of 1984. The Commission proposes to delegate additional authority to the Director of the Commission's Bureau of Trade Analysis. The Commission also proposes to update its rules relating to standards and exceptions for

information that a filed agreement must contain and to revise its regulations pertaining to transshipment agreements. Further, the Commission proposes to modify its Information Form and Monitoring Reports regulations and appendices to reflect changes in the amount and kind of data the Commission deems necessary to monitor carriers' use of their antitrust immunity for filed agreements. Finally, the Commission proposes to revise its regulations regarding the filing of agreement minutes. The revision would reduce inadequate inclusion or coverage of substantive issues and insufficient levels of detail to describe carrier discussions, clarify regulations on meetings for which minutes are required to be filed, and identify and provide for timely Commission access to materials used or discussed in such meetings.

Timetable:

Action	Date	FR Cite
NPRM	12/02/03	68 FR 67509
NPRM Comment Period End	01/30/04	

Action	Date	FR Cite
Final Rule	10/00/04	
Final Rule Effective	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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Related RIN: Related to 3072-AC11, Related to 3072-AC26, Related to 3072-AC23, Related to 3072-AC24

RIN: 3072-AC28

Federal Maritime Commission (FMC)

Long-Term Actions

4103. 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

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072-AB75

4104. 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

Action	Date	FR Cite
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
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	
Report Due 11/07/2001 and Every 180 Days Thereafter	08/15/01	
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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FMC

Long-Term Actions

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RIN: 3072-AB97

**4105. 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	

Action	Date	FR Cite
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 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	To Be Determined	
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

**4106. CONTENT OF OCEAN COMMON
 CARRIER AND MARINE TERMINAL
 OPERATOR AGREEMENTS SUBJECT
 TO THE SHIPPING ACT OF 1984
 (DOCKET NO. 99-13)**

Priority: Substantive, Nonsignificant

CFR Citation: 46 CFR 535

Completed:

Reason	Date	FR Cite
Discontinued	12/02/03	68 FR 67509

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

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Related RIN: Related to 3072-AC28

RIN: 3072-AC11

Government Levels Affected: None

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Related RIN: Related to 3072-AC28

RIN: 3072-AC23

**4108. REVISIONS TO THE
 INFORMATION FORM AND
 MONITORING REPORT REGULATIONS
 FOR CARRIER AGREEMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 46 CFR 535

Completed:

Reason	Date	FR Cite
Combined With Docket No. 03-15	12/02/03	68 FR 67509

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

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Related RIN: Related to 3072-AC28

RIN: 3072-AC24

**4109. TRANSSHIPMENT
 AGREEMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 46 CFR 535

Completed:

Reason	Date	FR Cite
Combined With Docket No. 03-15	12/02/03	68 FR 67509

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

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Related RIN: Related to 3072-AC28

RIN: 3072-AC26

**4110. • OPTIONAL RIDER FOR PROOF
 OF ADDITIONAL NVOCC FINANCIAL
 RESPONSIBILITY (DOCKET NO.
 04-02)**

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553; 31 USC
 9701; 46 USC app 1702; 46 USC app
 1707; ...

CFR Citation: 46 CFR 515

Legal Deadline: None

Abstract: The Federal Maritime
 Commission amends its regulations
 governing proof of financial
 responsibility for ocean transportation

**4107. REVISIONS TO COMMISSION'S
 REGULATIONS REGARDING THE
 FILING OF AGREEMENT MINUTES**

Priority: Substantive, Nonsignificant

CFR Citation: 46 CFR 535

Completed:

Reason	Date	FR Cite
Combined with Docket No. 03-15	12/02/03	68 FR 67509

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: Businesses

FMC

Completed Actions

intermediaries to allow an optional rider to be filed with a licensed non-vessel-operating common carrier's proof of financial responsibility to provide additional proof of financial responsibility for such carriers serving the U.S. oceanborne trade with the People's Republic of China.

Timetable:

Action	Date	FR Cite
NPRM	01/29/04	69 FR 4271
NPRM Comment Period End	02/20/04	
NPRM Comment Period Extended	02/25/04	69 FR 8615

Action	Date	FR Cite
Comment Period End	02/27/04	
Final Rule	04/06/04	69 FR 17941
Final Rule Effective	04/06/04	

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

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RIN: 3072-AC29

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