

* * * of an agency in a matter other than rule making but including licensing." APA section 551(8) defines "license" to "include * * * an agency permit * * *". The APA thus categorizes a permit as an order, which by the APA's definition is not a rule. Section 553 of the APA establishes "rule making" requirements. APA section 551(5) defines "rule making" as "the agency process for formulating, amending, or repealing a rule." By its terms, section 553 applies only to rules and not to orders, exempting by definition permits.

V. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their "regulatory actions" to refer to regulations. (See, e.g., UMRA section 401, "Each agency shall * * * assess the effects of Federal regulatory actions * * * (other than to the extent that such regulations incorporate requirements specifically set forth in law).") UMRA section 102 defines "regulation" by reference to 2 U.S.C. 658 which in turn defines "regulation" and "rule" by reference to section 601(2) of the RFA. That section of the RFA defines "rule" as "any rule for which the agency publishes a notice of proposed rule making pursuant to section 553(b) of the APA, or any other law."

As discussed in the RFA section of this notice, NPDES general permits are not "rules" by definition under the APA and thus not subject to the APA requirement to publish a notice of proposed rule making. NPDES general permits are also not subject to such a requirement under the CWA. While EPA publishes a notice to solicit public comment on draft general permits, it does so pursuant to the CWA section 402(a) requirement to provide an opportunity for a hearing. Therefore, NPDES general permits are not "rules" for RFA or UMRA purposes.

VI. Paperwork Reduction Act

EPA HQ has reviewed the requirements imposed on regulated facilities resulting from the construction general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of the construction general permit for large construction activities have already been approved by the Office of Management and Budget (OMB) (OMB Control No. 2040-0188) in previous submissions made for the NPDES permit program under the provisions of the CWA. Information collection requirements of the

construction general permit for small construction activities (OMB Control No. 2040-0211) were approved by OMB on June 12, 2003, and published in the **Federal Register** on July 25, 2003 (68 FR 44076).

James D. Giattina,

Director, Water Management Division.

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FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011409-009.

Title: Transpacific Carrier Services, Inc. Agreement.

Parties:

Westbound Transpacific Stabilization Agreement,
Transpacific Space Utilization Agreement,
Asia North America Eastbound Rate Agreement,
Transpacific Stabilization Agreement and their constituent member lines:
American President Lines, Ltd.;
APL Co. Pte Ltd.;
Evergreen Marine Corporation;
Hanjin Shipping Co., Ltd.;
Hapag-Lloyd Container Linie GmbH;
Hyundai Merchant Marine Co., Ltd.;
Kawasaki Kisen Kaisha, Ltd.;
A.P. Moller-Maersk A/S;
Mitsui O.S.K. Lines, Ltd.;
Nippon Yusen Kaisha, Ltd.;
Orient Overseas Container Line Limited;
P&O Nedlloyd B.V.;
P&O Nedlloyd Limited;
Yang Ming Marine Transport Corp.;
COSCO Container Lines Co., Ltd.;
CMA CGM, S.A.; and
China Shipping Container Lines Co., Ltd.

Synopsis: The amendment updates the agreement language as well as several member lines' corporate names.

Agreement No.: 011702-002.

Title: Hapag-Lloyd/Lykes Space Charter Agreement.

Parties:

Hapag-Lloyd Container Linie GmbH and
Lykes Lines Limited LLC.

Synopsis: The amendment adds Malta to the geographic scope of the agreement. The parties request expedited review.

Agreement No.: 011839-001.

Title: Med-Gulf Space Charter Agreement.

Parties:

Lykes Lines Limited LLC,
Compania Chilena de Navegacion Interoceanica, and
Compania Sud Americana de Vapores S.A.

Synopsis: The amendment adds Malta to the geographic scope of the agreement. The parties request expedited review.

Agreement No.: 011870.

Title: Indian Subcontinent Discussion Agreement.

Parties:

Evergreen Marine Corp. (Taiwan) Ltd.,
Hapag-Lloyd Container Linie GmbH,
Nippon Yusen Kaisha,
P&O Nedlloyd Limited, and
P&O Nedlloyd B.V.

Synopsis: The agreement authorizes the parties to exchange information and discuss and reach voluntary agreement on variety of commercial issues in the trade from ports and points in India, Pakistan, Bangladesh, and Sri Lanka to all ports and points in the United States.

Agreement No.: 201155

Title: Los Angeles/Long Beach Regional Goods Movement Efficiency Team Agreement.

Parties:

Port of Los Angeles,
Port of Long Beach,
P&O Nedlloyd Limited,
Mitsui O.S.K. Lines, and
Pasha Stevedoring & Terminals.

Synopsis: The proposed agreement would authorize the parties to confer, discuss, exchange information, and make recommendations with respect to rates, charges, practices, legislation, regulations, terminal operations, and port administration on matters concerning the establishment of extended gate programs, night-time terminal operations, and rail utilization for the ports of Los Angeles and Long Beach. The parties request expedited review.

Dated: March 5, 2004.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

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