

Maritime Administration, DOT

§ 280.11

Maritime Administration, the Maritime Administrator may take any measures necessary to ensure against an overpayment of ODS or to ensure the prompt repayment of any such overpayment.

§ 280.10 Waiver.

The Board has the power to waive the requirements of any provision of this part for a specific period of time under special circumstances and for good cause shown.

§ 280.11 Example of calculation and sample report.

(a) *Example of calculation.* The provisions of this part may be illustrated by the following example:

Company A operates several vessels engaged in carrying cargo, passengers and mail from the west coast of the United States outbound to foreign ports in the Far East, cargo between the foreign ports in the Far East, and cargo from foreign ports in the Far East inbound to the west coast of the United States. Company A's operation on this service is subsidized under an ODS agreement made in accordance with § 280.3. Total annual subsidy payable for Company A's service is \$1 million. In 1976 Company A's total gross revenue was \$10 million, computed as follows:

Outbound gross freight revenue	\$4,000,000
Inbound gross freight revenue	4,000,000
Wayport gross freight revenue	1,000,000
Miscellaneous gross revenue	1,000,000
Total gross revenue	10,000,000

Of the \$4 million outbound gross freight revenue \$1,600,000, or 40 percent, was earned

from carriage of competitive cargo. Of the \$4 million inbound gross freight revenue \$1,200,000, or 30 percent, was earned from carriage of competitive cargo. Accordingly, total ODS payable to Company A for voyages terminated during the calendar year 1976 is reduced by \$240,000, from \$1 million to \$760,000, as follows:

OUTBOUND LEG OF SERVICE	
ODS payable	\$400,000
(Outbound freight revenue, \$4 million, divided by total gross revenue, \$10 million, times total ODS payable for service, \$1 million.)	
Percent reduction of ODS payable	20%
(40% carriage of competitive cargo requires 20% reduction in ODS payable.)	
Amount of reduction in ODS payable	\$80,000
(20% of \$400,000.)	
INBOUND LEG OF SERVICE	
ODS payable	\$400,000
(Inbound freight revenue, \$4 million, divided by total gross revenue, \$10 million, times total ODS payable for service, \$1 million.)	
Percent reduction of ODS payable	40%
(30% carriage of competitive cargo requires 40% reduction in ODS payable.)	
Amount of reduction in ODS payable	\$160,000
Total amount of reduction in ODS payable	\$240,000
(\$80,000 plus \$160,000.)	
Total ODS payable for service in 1976 (after reduction)	\$760,000
(\$1 million minus \$240,000.)	

(b) *Sample report.* Reports providing the information required by §§ 280.7 and 280.9 shall be made in the following form:

MA—819 (COMPANY)
Report of Revenues Earned for _____¹ Pursuant to 46 CFR Part 280
Form Approval—OMB No. 41.R2954-15

	Trade Route No.		Trade Route No.		Trade Route No.	
	Dollars	Percent	Dollars	Percent	Dollars	Percent
Outbound freight revenue: Military and Premium Rated Civilian. Competitive.						
Total Outbound Freight Revenue		100		100		100
Inbound freight revenue: Military and premium rated civilian. Competitive.						
Total inbound freight revenue		100		100		100
Wayport freight revenue. Miscellaneous revenue.						

MA—819 (COMPANY)—Continued
 Report of Revenues Earned for _____¹ Pursuant to 46 CFR Part 280
 Form Approval—OMB No. 41.R2954-15

	Trade Route No.		Trade Route No.		Trade Route No.	
	Dollars	Percent	Dollars	Percent	Dollars	Percent
Total gross revenue.						

¹ Enter Calendar Year __ or Cumulative Quarterly Period Ending __ as applicable for the report being filed.

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER LINER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Sec.

- 281.1 Information and procedure required under liner operating-differential subsidy agreements.
- 281.2 Definitions.
- 281.3 Method of commencing and terminating voyages and of determining idle status.
- 281.4 Treatment of subsidy during idle status and off-hire period.
- 281.5 Right of Maritime Administrator to recover subsidy for any period of idleness.
- 281.6 Interpretation.

AUTHORITY: Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114. Interpret or apply sec. 606, 49 Stat. 2004, as amended; 46 U.S.C. 1176.

§281.1 Information and procedure required under liner operating-differential subsidy agreements.

In compliance with the terms of the operating-differential subsidy agreement, the following information shall be submitted to the Maritime Administration by each operator who is a party to any such agreement and operates liner type vessels pursuant to such agreement.

(a) *Sailing schedules, routes, etc.* (1) One copy of a list of sailings is required to be submitted not later than the 5th day of each month, listing each outbound sailing during the preceding month. Such list shall show for each such sailing: (i) Vessel name; (ii) voyage number; (iii) last continental U.S. port; (iv) sailing date; and (v) the service on which the sailing took place.

(2) A "Final Report" in five copies shall be submitted not later than 15 days after the end of the month in which the voyage is terminated and shall show: (i) The time and ports at

which the voyage commenced and terminated; (ii) the arrival and sailing dates of the vessel at and from each United States and foreign port, including ports of call for bunkering and/or mail only; (iii) explanation of any delay in excess of 2 days at a United States or foreign port; (iv) appropriate notation of official authorization for any deviations from the service described in the applicable contract.

(3) The procedures outlined in paragraphs (a) (1) and (2) of this section shall be effective on the first of the month following publication in the FEDERAL REGISTER.

(4) The sailing schedules and lists of sailings specified in this paragraph shall be sent to the Division of Trade Studies, Office of Subsidy Administration, Maritime Administration, Washington, DC 20590.

(b) *Condition of vessels, inspection and repairs.* (1) In order that the Maritime Administration may have an opportunity to participate in the inspection of the vessels, the operator is required to give at least twenty-four hours' notice to the Maritime Administration as to the time and place of making inspections. In the event the Maritime Administration's representative is not available, the operator shall employ an independent surveyor, who shall be satisfactory to the Maritime Administration, and proceed with inspection, and a report thereof shall be made to the Maritime Administration on forms MA-55, MA-56, MA-57, and MA-58, sworn to by persons making the inspection.

(2) The operator shall give due notice to the local office of the Division of Maintenance and Repair, at the port at which the vessel is to be available, of the port, date and time for the making of repairs or replacements in the United States.