



Federal Register

**Monday,
December 9, 2002**

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, 2002, to September 30, 2003, 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.

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
4161	Content of Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984 (Docket No. 99-13)	3072-AC11
4162	Impact of Government Paperwork Elimination Act and Electronic Signatures in Global and National Commerce Act (Docket No. 01-08)	3072-AC17
4163	Common Carrier Status Under the Shipping Act of 1984	3072-AC21
4164	Passenger Vessel Financial Responsibility	3072-AC22

Federal Maritime Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4165	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26)	3072-AB75
4166	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20)	3072-AB97

Federal Maritime Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
4167	Update of Existing and Addition of New Filing and Service Fees (Docket No. 02-05)	3072-AC19
4168	Financial Responsibility Requirements for Nonperformance of Transportation—Discontinuance of Self-Insurance and the Sliding Scale, and Guarantor Limitations (Docket No. 02-07)	3072-AC20

Federal Maritime Commission (FMC)

Proposed Rule Stage

4161. 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 is issuing this 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 proposal 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	12/00/02	
NPRM Comment Period End	02/00/03	

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

Agency Contact: David R. Miles, Acting General Counsel, Federal Maritime Commission
Phone: 202 523-5740
Fax: 202 523-5738
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RIN: 3072-AC11**4162. 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

CFR Citation: 46 CFR 500 et seq**Legal Deadline:** Final, Statutory, October 21, 2003.

Abstract: The Federal Maritime Commission is issuing this 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 will assist 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
Comments Due	08/17/01	
Comment Period Extended to	08/17/01	66 FR 43261
	09/17/2001	
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

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

Agency Contact: Austin L. Schmitt, Deputy Executive Director, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573
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RIN: 3072-AC17**4163. 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	01/00/03	
NPRM Comment Period End	03/00/03	

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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RIN: 3072-AC21**4164. • PASSENGER VESSEL FINANCIAL RESPONSIBILITY****Priority:** Other Significant

Legal Authority: 5 USC 552 to 553; 46 USC app 817d to 817e; 46 USC 1716

CFR Citation: 46 CFR 540**Legal Deadline:** None

Abstract: The FMC will be proposing to amend its regulations that require passenger vessel operators (PVOs) to establish financial responsibility for nonperformance of transportation. The Commission contemplates requiring PVOs to ensure that they have covered the full extent of their unearned passenger revenue. The maximum amount of coverage currently required is \$15 million. The Commission believes the contemplated increase in coverage is necessary to provide adequate protection for the cruising public given current conditions in the cruise industry.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

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

Agency Contact: Sandra L. Kusumoto, Director, Bureau of Consumer Complaints & Licensing, Federal Maritime Commission, 800 North

FMC

Proposed Rule Stage

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RIN: 3072-AC22

Federal Maritime Commission (FMC)

Long-Term Actions

4165. 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

Agency Contact: David R. Miles

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RIN: 3072-AB75

4166. 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	
Status Reports and Comments Due 08/05/97	04/16/97	62 FR 18433
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

Action	Date	FR Cite
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	
Requirement for Reporting Revised	08/15/01	66 FR 42859
Report Due 11/07/2001 and Every 180 Days Thereafter	08/15/01	
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David R. Miles

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RIN: 3072-AB97

Federal Maritime Commission (FMC)

Completed Actions

4167. UPDATE OF EXISTING AND ADDITION OF NEW FILING AND SERVICE FEES (DOCKET NO. 02-05)

Priority: Substantive, Nonsignificant

CFR Citation: 46 CFR 502; 46 CFR 503; 46 CFR 515; 46 CFR 520; 46 CFR 530;

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Completed:

Reason	Date	FR Cite
Final Rule	06/11/02	67 FR 39858
Final Rule Effective	07/15/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: JoAnn Baca

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RIN: 3072-AC19

4168. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR NONPERFORMANCE OF TRANSPORTATION—DISCONTINUANCE OF SELF-INSURANCE AND THE SLIDING SCALE, AND GUARANTOR LIMITATIONS (DOCKET NO. 02-07)

Priority: Other Significant

CFR Citation: 46 CFR 540

Completed:

Reason	Date	FR Cite
NPRM	04/23/02	67 FR 19730
Final Rule	07/05/02	67 FR 44774
Final Rule Effective	08/05/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3072-AC20

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