

Federal Register

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Part LV

Federal Maritime Commission

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Pursuant to section 4(b) of E.O. 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, 1996, to March 30, 1997, 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: Joseph C. Polking, Secretary, 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 which 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. Joseph C. Polking, Secretary.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4302	Financial Responsibility Requirements for Nonperformance of Transportation and Inquiry Into Alternative Forms (Docket Nos. 94-06 and 94-21)	3072-AB80

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4303	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26)	3072-AB75
4304	Availability of the Annual Financial and Operating Statements Filed by Domestic Offshore Carriers (Docket No. 95-15)	3072-AB89
4305	Marine Terminal Tariff Provisions Regarding Liability of Vessel Agents; Petition for Rulemaking (Petition P3-95)	3072-AB90

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4306	Information Form and Post-Effective Reporting Requirements for Agreements Among Ocean Common Carriers Subject to the Shipping Act of 1984 (Docket No. 94-31)	3072-AB85
4307	Service Contract Filing Requirements—Miscellaneous Revisions (Docket No. 95-08)	3072-AB86
4308	Automated Tariff Filing and Information System (Docket No. 95-13)	3072-AB87

FEDERAL MARITIME COMMISSION (FMC)

Proposed Rule Stage

4302. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR NONPERFORMANCE OF TRANSPORTATION AND INQUIRY INTO ALTERNATIVE FORMS (DOCKET NOS. 94-06 AND 94-21)**Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 5 USC 552 to 553; PL 89-777 (46 USC app 817e); 46 USC app 841a; 46 USC app 1716**CFR Citation:** 46 CFR 540.5; 46 CFR 540.9**Legal Deadline:** None**Abstract:** The Commission is issuing another proposed rule in this matter. This action would amend financial responsibility requirements regarding

nonperformance by passenger vessel operators by eliminating the \$15 million unearned passenger revenue ceiling and revising the existing sliding scale for coverage. Comment also is sought on an alternative sliding scale available to passenger vessel operators with an acceptable financial rating, five years' operations in U.S. trades, and a satisfactory explanation of any claims of nonperformance. Action also seeks comments with regard to self-insurers, as to requiring third-party coverage for a percentage of unearned passenger revenue and reestablishing a working capital requirement.

Timetable:

Action	Date	FR Cite
NPRM	03/31/94	59 FR 15149
NPRM Comment Period End	05/02/94	
Comment Period Extended to	05/05/94	59 FR 23182
	06/10/94	

Action	Date	FR Cite
Comment Period Extended to	06/14/94	59 FR 30567
	06/24/94	
Notice of Inquiry (Docket No. 94-21)	10/14/94	59 FR 52133
Clarification of Notice of Inquiry	11/02/94	59 FR 54878
Comment Period End for Notice of Inquiry	11/28/94	59 FR 52133
Second NPRM	05/00/96	
Second NPRM Comment Period End	07/00/96	

Small Entities Affected: None**Government Levels Affected:** None

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RIN: 3072-AB80

FEDERAL MARITIME COMMISSION (FMC)

Final Rule Stage

4303. COLOADING PRACTICES AND POSSIBLE SECTION 16 EXEMPTION FOR COLOADING (DOCKET NOS. 93-22 AND 94-26)**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552 and 553; 46 USC app 1707; 46 USC app 1716; PL 102-582, 106 Stat 4910**CFR Citation:** 46 CFR 514.15; 46 CFR 580.5; 46 CFR 581.1; 46 CFR 581.3**Legal Deadline:** None

Abstract: Action redefines "coloaded" to limit the term to the combining of cargo under an agreement between non-vessel-operating common carriers (NVOCCs) and makes other changes involving coloaded cargo from being carried under a service contract. This action has been held in abeyance pending a Notice of Inquiry which is exploring whether current coloaded practices are consistent with statutory requirements, and if not, whether an exemption should be initiated.

Timetable:

Action	Date	FR Cite
NPRM	11/24/93	58 FR 62077
NPRM Comment Period End	03/11/94	59 FR 5974

Action	Date	FR Cite
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	12/28/94	59 FR 66880
	01/23/95	
Final Action	07/00/96	
Final Action Effective	08/00/96	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Robert D. Bourgojn, General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573
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RIN: 3072-AB75**4304. AVAILABILITY OF THE ANNUAL FINANCIAL AND OPERATING STATEMENTS FILED BY DOMESTIC OFFSHORE CARRIERS (DOCKET NO. 95-15)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553; 46 USC app 817; 46 USC app 841(a); 46 USC app 844; 46 USC app 845**CFR Citation:** 46 CFR 552**Legal Deadline:** None

Abstract: Action would amend regulations governing financial reporting requirements applicable to vessel-operating common carriers by water in the domestic offshore trades to allow access to the annual statements of financial and operating data filed with the Commission by domestic offshore carriers.

Timetable:

Action	Date	FR Cite
NPRM	10/16/95	60 FR 53572
NPRM Comment Period End	11/15/95	
Final Action	08/00/96	
Final Action Effective	09/00/96	

Small Entities Affected: None**Government Levels Affected:** None

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RIN: 3072-AB89

FMC

Final Rule Stage

4305. MARINE TERMINAL TARIFF PROVISIONS REGARDING LIABILITY OF VESSEL AGENTS; PETITION FOR RULEMAKING (PETITION P3-95)

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 553; 46 USC app 1709; 46 USC app 1716; 46 USC app 815; 46 USC app 816; 46 USC app 820; 46 USC app 841a
CFR Citation: 46 CFR 514
Legal Deadline: None
Abstract: This petition for rulemaking seeks establishment of a rule which

would declare unlawful any marine terminal tariff provision that holds the vessel agent liable for terminal charges of its disclosed principal.

Timetable:

Action	Date	FR Cite
Comment Period End	07/12/95	60 FR 35906
08/14/95		
Notice of Filing of Petition	07/12/95	60 FR 35906
Comment Period Extended to	08/15/95	60 FR 42159
09/15/95		

Action	Date	FR Cite
Final Action	07/00/96	
Final Action Effective	08/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573
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RIN: 3072-AB90

FEDERAL MARITIME COMMISSION (FMC)

Completed Actions

4306. INFORMATION FORM AND POST-EFFECTIVE REPORTING REQUIREMENTS FOR AGREEMENTS AMONG OCEAN COMMON CARRIERS SUBJECT TO THE SHIPPING ACT OF 1984 (DOCKET NO. 94-31)

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717
CFR Citation: 46 CFR 572
Legal Deadline: None
Abstract: Action would change the type of information required of ocean common carriers when filing certain agreements pursuant to the Shipping Act of 1984, and would require members of such agreements to submit periodic reports on their operations. Certain other types of agreements no longer would face an information filing requirement and would not have to file operating reports.

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Timetable:

Action	Date	FR Cite
NPRM	12/05/94	59 FR 62372
NPRM Comment Period End	02/03/95	
Comment Period Extended to	02/17/95	60 FR 6482
Final Action	03/21/96	61 FR 11564
Final Action Effective	04/19/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573
 Phone: 202 523-5740

4307. SERVICE CONTRACT FILING REQUIREMENTS—MISCELLANEOUS REVISIONS (DOCKET NO. 95-08)

Priority: Substantive, Nonsignificant
Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.
Legal Authority: 5 USC 553; 46 USC app 1702; 46 USC app 1707; 46 USC app 1716
CFR Citation: 46 CFR 514
Legal Deadline: None
Abstract: Action would provide an optional abbreviated service contract form and require service contracts to include certain identifying information concerning the signatories, reducing duplication and costs and facilitating automation of the Commission's service contract records.

Timetable:

Action	Date	FR Cite
NPRM	05/23/95	60 FR 27248
NPRM Comment Period End	06/22/95	
Final Action	02/12/96	61 FR 5308
Final Action Effective	03/13/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime

RIN: 3072-AB86

4308. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM (DOCKET NO. 95-13)

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 552 to 553; 13 USC 9701; 46 USC app 804; 46 USC app 812; 46 USC app 814 to 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 845b; 46 USC app 847; 46 USC app 1702 to 1712; 46 USC app 1714 to 1716; 46 USC app 1718; 46 USC app 1721 to 1722; PL 101-92, sec 2(b)
CFR Citation: 46 CFR 514

Legal Deadline: None

Abstract: Action would amend FMC's rules pertaining to the Automated Tariff Filing and Information System to clarify that no individual may file or retrieve ATFI data until a User Registration Form and supporting documents, together with the proper fee, are submitted to the Commission and he/she receives a logon ID and password. Action would also amend rules to permit the on-line downloading of daily subscriber data.

Timetable:

Action	Date	FR Cite
NPRM	08/30/95	60 FR 45126
NPRM Comment Period End	09/19/95	
Final Action	11/07/95	60 FR 56122
Final Action Effective	12/07/95	

FMC**Completed Actions**

Small Entities Affected: None

Government Levels Affected: None

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RIN: 3072-AB87

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