

Federal Register

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Part LIII

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 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 October 1, 1996, to September 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.

For this edition of the Commission's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in Part II of this issue of the Federal Register. The Regulatory Plan entries are listed in the Table of Contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate Sequence Number in Part II.

Joseph C. Polking,
Secretary.

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4596	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26)	3072-AB75
4597	Financial Responsibility Requirements for Nonperformance of Transportation and Inquiry Into Alternative Forms (Docket No. 94-06; Further Notice of Proposed Rulemaking) (Reg Plan Seq. No. 166)	3072-AB80
4598	Availability of the Annual Financial and Operating Statements Filed by Domestic Offshore Carriers (Docket No. 95-15)	3072-AB89
4599	Noncontiguous Domestic Trade Tariffs (Docket No. 96-04)	3072-AB93

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4600	Marine Terminal Tariff Provisions Regarding Liability of Vessel Agents; Petition for Rulemaking (Petition P3-95)	3072-AB90
4601	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-AB92
4602	Administrative Offset (Docket No. 96-15)	3072-AB94

FEDERAL MARITIME COMMISSION (FMC)

Final Rule Stage

4596. 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 "coloading" 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, including prohibiting 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

FMC

Final Rule Stage

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 01/23/95	12/28/94	59 FR 66880
Final Action	09/00/97	
Final Action Effective	10/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoïn, General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573
Phone: 202 523-5740
Fax: 202 523-5738

RIN: 3072-AB75

4597. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR NONPERFORMANCE OF TRANSPORTATION AND INQUIRY INTO ALTERNATIVE FORMS (DOCKET NO. 94-06; FURTHER NOTICE OF PROPOSED RULEMAKING)

Regulatory Plan: This entry is Seq. No. 166 in Part II of this issue of the Federal Register.

RIN: 3072-AB80

4598. 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	12/00/96	
Final Action Effective	01/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne M. McAloon, Bureau of Economic and Agreement Analysis, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573
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RIN: 3072-AB89

4599. • NONCONTIGUOUS DOMESTIC TRADE TARIFFS (DOCKET NO. 96-04)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 13701 to 13702

CFR Citation: 46 CFR 514

Legal Deadline: None

Abstract: The FMC and the Surface Transportation Board jointly seek comments on how best to implement the provisions of the ICC Termination Act of 1995 involving tariff filing and rate reasonableness in the noncontiguous domestic trade, during a transition period that will end September 30, 1996.

Timetable:

Action	Date	FR Cite
Request for Comments	02/14/96	61 FR 5835
Comment Period End	03/11/96	
Replies to Comments Due	03/25/96	
Final Action	10/00/96	
Final Action Effective	11/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John C. Cunningham, Office of the General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573
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RIN: 3072-AB93

FEDERAL MARITIME COMMISSION (FMC)

Completed Actions

4600. 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	
Order Denying Petition	06/28/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoïn, General Counsel, Federal Maritime

Commission, 800 North Capitol Street NW., Washington, DC 20573
Phone: 202 523-5740
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RIN: 3072-AB90

4601. • 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

FMC

Completed Actions

to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None

Abstract: The FMC is amending the final rule in this proceeding so that monitoring reports will be due within 75 days of the end of each calendar quarter, rather than 30 days as presently required. The intent of this amendment is to allow carriers subject to monitoring report obligations adequate time to gather, organize and submit all required data. In addition, the FMC is amending the final rule to provide that annual classification of agreements for monitoring purposes will be done on the basis of second-quarter market share, rather than third-quarter market share as presently required. The purpose of this amendment is to ensure adequate time for the submission and review of such data before the end of each calendar year. See RIN 3072-AB85.

Timetable:

Action	Date	FR Cite
Final Action - Amendments to Final Rule	08/05/96	61 FR 40530
Final Action Effective	08/05/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Austin L. Schmitt, Director, Bureau of Economics and Agreement Analysis, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573
Phone: 202 523-5787
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RIN: 3072-AB92

4602. • ADMINISTRATIVE OFFSET (DOCKET NO. 96-15)

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 3701; 31 USC 3711; 31 USC 3716

CFR Citation: 46 CFR 505

Legal Deadline: None

Abstract: This rule adopts, without change, the existing regulations on

administrative offset promulgated by the Department of the Treasury as mandated by the Debt Collection Improvement Act of 1996. The rule allows the Commission to collect by administrative offset any delinquent debt owed it and sets forth the minimum due process rights that must be provided to the debtor when the Commission seeks to collect a debt by administrative offset.

Timetable:

Action	Date	FR Cite
Final Action	09/26/96	61 FR 50444
Final Action Effective	10/28/96	

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-AB94

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