

Federal Register

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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 Unified Agenda of Federal Regulations.

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, 1995, to September 30, 1996, 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.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4616	Amendments to Rules Governing Access to Domestic Offshore Carrier Annual Financial Reports	3072-AB89

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4617	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26)	3072-AB75
4618	Financial Responsibility Requirements for Nonperformance of Transportation and Inquiry Into Alternative Forms (Docket Nos. 94-06 and 94-21) (Reg Plan Seq. No. 160)	3072-AB80
4619	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
4620	Service Contract Filing Requirements—Miscellaneous Revisions (Docket No. 95-08)	3072-AB86
4621	Automated Tariff Filing and Information System (Docket No. 95-13)	3072-AB87
4622	Marine Terminal Tariff Provisions Regarding Liability of Vessel Agents; Petition for Rulemaking (Petition P3-95)	3072-AB90

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
4623	Financial Reporting Requirements and Rate-of-Return Methodology in the Domestic Offshore Trades (Docket No. 94-07)	3072-AB78
4624	Publishing and Filing of Tariffs and Service Contract Essential Terms in Paper Format (Docket No. 95-01)	3072-AB84
4625	Household Goods Forwarders Association of America, Inc.; Petition for Exemption (Docket No. P2-95)	3072-AB88

FEDERAL MARITIME COMMISSION (FMC)

Proposed Rule Stage

4616. • AMENDMENTS TO RULES GOVERNING ACCESS TO DOMESTIC OFFSHORE CARRIER ANNUAL FINANCIAL REPORTS

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	11/00/95	

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
Phone: 202 523-5790
Fax: 202 523-3782

RIN: 3072-AB89

FEDERAL MARITIME COMMISSION (FMC)

Final Rule Stage

4617. 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 "coloadng" to limit the term to the combining of cargo under an agreement between non-vessel-operating common carriers (NVOCCs) and makes other changes involving coloadng, 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 coloadng 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
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	12/00/95	
Final Action Effective	01/00/96	

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
Phone: 202 523-5740
Fax: 202 523-5738

RIN: 3072-AB75

4618. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR NONPERFORMANCE OF TRANSPORTATION AND INQUIRY INTO ALTERNATIVE FORMS (DOCKET NOS. 94-06 AND 94-21)

Regulatory Plan: This entry is Seq. No. 160 in Part II of this issue of the Federal Register.

RIN: 3072-AB80

4619. 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.

Timetable:

Action	Date	FR Cite
NPRM	12/05/94	59 FR 62372
Comment Period Extended to	02/02/95	60 FR 6482
	02/17/95	
NPRM Comment Period End	02/03/95	59 FR 62372
Final Action	01/00/96	
Final Action Effective	02/00/96	

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
Phone: 202 523-5740
Fax: 202 523-5738

RIN: 3072-AB85

4620. • 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

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Final Rule Stage

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	11/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573
Phone: 202 523-5796
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RIN: 3072-AB86

4621. • AUTOMATED TARIFF FILING AND INFORMATION SYSTEM (DOCKET NO. 95-13)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552 to 553; 31 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	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Doris J. Spencer, Director, Office of Information Resources and Management, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573

Phone: 202 523-5835

Fax: 202 523-3782

RIN: 3072-AB87

4622. • 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
Notice of Filing of Petition	08/14/95	
Notice of Filing of Petition	07/12/95	60 FR 35906
Comment Period Extended to	08/15/95	60 FR 42159
Final Action	09/15/95	
Final Action	05/00/96	
Final Action Effective	06/00/96	

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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Fax: 202 523-5738

RIN: 3072-AB90

FEDERAL MARITIME COMMISSION (FMC)

Completed Actions

4623. FINANCIAL REPORTING REQUIREMENTS AND RATE-OF-RETURN METHODOLOGY IN THE DOMESTIC OFFSHORE TRADES (DOCKET NO. 94-07)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 841a; 46 USC app 844; 46 USC app 845

CFR Citation: 46 CFR 552.1; 46 CFR 552.2; 46 CFR 552.5; 46 CFR 552.6

Legal Deadline: None

Abstract: Proposed action would amend regulations governing financial reporting requirements and rate of

return methodology applicable to vessel-operating common carriers in the domestic offshore trades. The "weighted average cost of capital" methodology would replace the "comparable earnings test" in determining the reasonableness of a carrier's return-on-rate base. Additionally, rules pertaining to the treatment of insurance expenses, deferred taxes, and the Capital Construction Fund would be amended.

Timetable:

Action	Date	FR Cite
NPRM	04/07/94	59 FR 16592

Action	Date	FR Cite
NPRM Comment Period End	06/06/94	
Reply Comments Requested	11/04/94	59 FR 55232
Comment Period Extended to	12/05/94	59 FR 62372
Reply Comments Due	01/06/95	
Reply Comments Due	12/05/94	
Final Action	09/05/95	60 FR 46047
Final Action Effective	10/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard R. Speigel, Industry Economist, Bureau of Economics and Agreement Analysis,

FMC

Completed Actions

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RIN: 3072-AB78

4624. PUBLISHING AND FILING OF TARIFFS AND SERVICE CONTRACT ESSENTIAL TERMS IN PAPER FORMAT (DOCKET NO. 95-01)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 841(a); 46 USC app 843 to 845(b); 46 USC app 847; 46 USC app 1707; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 515; 46 CFR 550; 46 CFR 580; 46 CFR 581

Legal Deadline: None

Abstract: Action would remove as unnecessary regulations requiring marine terminal operators and common carriers by water to file their tariffs and/or service contracts in paper format, since the Commission's rules now require electronic tariff filing in

its Automated Tariff Filing and Information system.

Timetable:

Action	Date	FR Cite
NPRM	01/12/95	60 FR 2923
NPRM Comment Period End	02/13/95	
Final Action	05/23/95	60 FR 27228
Final Action Effective	05/23/95	
Correction to Final Rule	06/12/95	60 FR 30791

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573
 Phone: 202 523-5796
 Fax: 202 523-5830

RIN: 3072-AB84

4625. • HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA, INC.; PETITION FOR EXEMPTION (DOCKET NO. P2-95)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553; 46 USC app 841a; 46 USC app 1716

CFR Citation: 46 CFR 514; 46 CFR 583

Legal Deadline: None

Abstract: Action exempts non-vessel-operating common carriers by water from the tariff filing requirement of part 514 and the bonding requirements of part 583 to the extent that they transport used household goods and personal effects of Federal civilian employees pursuant to a solicitation issued and administered by the General Services Administration. The exemption will remove duplicative requirements and result in lower costs.

Timetable:

Action	Date	FR Cite
Notice of Filing of Petition	04/26/95	60 FR 20494
Comment Period End	05/25/95	
Final Action	08/28/95	60 FR 44436
Final Action Effective	08/28/95	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 3072-AB88

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