



Monday
April 26, 1999

Part LVIII

**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, 1999, to March 31, 2000, 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, 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.

Bryant L. VanBrakle,
Secretary.

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4281	Licensing, Financial Responsibility Requirements, and General Duties for Ocean Transportation Intermediaries (Docket No. 98-28)	3072-AC06
4282	Carrier Automated Tariff Systems (Docket No. 98-29)	3072-AC07
4283	Service Contracts Subject to the Shipping Act of 1984 (Docket No. 98-30)	3072-AC08

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4284	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26)	3072-AB75
4285	Financial Responsibility Requirements for Nonperformance of Transportation and Inquiry Into Alternative Forms (Docket No. 94-06; Further Notice of Proposed Rulemaking)	3072-AB80
4286	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20)	3072-AB97

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4287	Inquiry Into Automated Tariff Filing Systems as Proposed by the Pending Ocean Shipping Reform Act of 1998 (Docket No. 98-10)	3072-AC00
4288	Miscellaneous Amendments to Rules of Practice and Procedure (Docket No. 98-21)	3072-AC02
4289	Amendments to Regulations Governing Restrictive Foreign Shipping Practices and New Regulations Governing Controlled Carriers (Docket No. 98-25)	3072-AC03
4290	Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984 (Docket No. 98-26)	3072-AC04
4291	Marine Terminal Operator Schedules (Docket No. 98-27)	3072-AC05

FEDERAL MARITIME COMMISSION (FMC)

Final Rule Stage

4281. • LICENSING, FINANCIAL RESPONSIBILITY REQUIREMENTS, AND GENERAL DUTIES FOR OCEAN TRANSPORTATION INTERMEDIARIES (DOCKET NO. 98-28)**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553; 21 USC 862; 31 USC 9701; 46 USC app 1702; 46 USC app 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714; 46 USC app 1716; 46 USC app 1718**CFR Citation:** 46 CFR 510; 46 CFR 515; 46 CFR 583**Legal Deadline:** Final, Statutory, March 1, 1999.

Abstract: The FMC proposes to add new regulations establishing licensing and financial responsibility requirements for ocean transportation intermediaries (OTIs) in accordance with the Shipping Act of 1984, as modified by the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998. The rule proposes a sliding-scale bond amount for different categories of OTIs, establishes certain requirements for making claims against a surety, specifies what will be included in the term "transportation-related activities" that are covered by a bond, and solicits views on different options for what would qualify for OTI operations "in the United States." This latter point is relevant since only OTIs in the U.S. must be licensed.

Timetable:

Action	Date	FR Cite
NPRM	12/22/98	63 FR 70710
NPRM Comment Period End	01/21/99	
Final Rule and Interim Final Rule	03/08/99	64 FR 11156
Comments on Interim Rule Due	03/23/99	
Final Action	04/00/99	
Final Action Effective	05/00/99	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

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RIN: 3072-AC06

4282. • CARRIER AUTOMATED TARIFF SYSTEMS (DOCKET NO. 98-29)**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553; 46 USC app 1701 to 1702; 46 USC app 1707 to 1709; 46 USC app 1712; 46 USC app 1716; PL 105-258; PL 105-383, sec 424**CFR Citation:** 46 CFR 514; 46 CFR 520**Legal Deadline:** Final, Statutory, March 1, 1999.

Abstract: The FMC proposes to add new regulations establishing the requirements for carrier automated tariff systems in accordance with the Shipping Act of 1984, as modified by the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998. The rule sets forth the requirements for publishing automated tariff systems that are accurate and accessible. At the same time, the FMC is repealing its current rules regarding tariffs and service contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/21/98	63 FR 70368
Correction to Proposed Rule	01/15/99	64 FR 2615
NPRM Comment Period End	01/20/99	
Final Rule and Interim Final Rule	03/08/99	64 FR 11218
Comments on Interim Final Rule Due	03/23/99	
Final Action	04/00/99	
Final Action Effective	05/00/99	

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

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4283. • SERVICE CONTRACTS SUBJECT TO THE SHIPPING ACT OF 1984 (DOCKET NO. 98-30)**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC app 1704 to 1705; PL 105-258**CFR Citation:** 46 CFR 514; 46 CFR 530**Legal Deadline:** Final, Statutory, March 1, 1999.

Abstract: The FMC proposes to revise its regulations governing service contracts between shippers and ocean common carriers to reflect changes made to the Shipping Act of 1984 (1984 Act), as modified by the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998. Specifically, the FMC proposes to revise its regulations implementing section 8(c) of the 1984 Act and create a new regulation which would govern only service contract filings. The FMC proposes to establish new rules for service contract filing and essential terms publication, revise its regulations to include the newly permitted agreement and multiple shipper-party service contracts, and make other conforming changes. The FMC is also proposing an electronic filing system for service contracts, which is intended to reduce the filing burden on parties and accommodate the efficient processing and review of what is predicted to be a large number of filed contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/23/98	63 FR 71062
NPRM Comment Period End	01/22/99	
Interim Final Rule	03/08/99	64 FR 11186
Comments on Interim Final Rule Due	04/01/99	
Final Action	04/00/99	
Final Action Effective	05/00/99	

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

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FEDERAL MARITIME COMMISSION (FMC)

Long-Term Actions

4284. COLOADING PRACTICES AND POSSIBLE SECTION 16 EXEMPTION FOR COLOADING (DOCKET NOS. 93-22 AND 94-26)

Priority: Substantive, Nonsignificant

CFR Citation: 46 CFR 514.15; 46 CFR 580.5; 46 CFR 581.1; 46 CFR 581.3

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	
Final Action Effective	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072-AB75

4285. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR NONPERFORMANCE OF TRANSPORTATION AND INQUIRY INTO ALTERNATIVE FORMS (DOCKET NO. 94-06; FURTHER NOTICE OF PROPOSED RULEMAKING)

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.

CFR Citation: 46 CFR 540.5; 46 CFR 540.9

Timetable:

Action	Date	FR Cite
NPRM	03/31/94	59 FR 15149
NPRM Comment Period End	05/02/94	
Comment Period Extended to	06/10/94	59 FR 23182
Comment Period Extended to	06/24/94	59 FR 30567
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
Further NPRM (Docket No. 94-06)	06/26/96	61 FR 33059
Discontinuance of Proceeding for Docket No. 94-21	07/03/96	61 FR 39940
Further NPRM Comment Period End	08/26/96	61 FR 33059
Comment Period Extended to	09/25/96	61 FR 43209
Comment Period Extended to	10/15/96	61 FR 50265
Final Action	To Be Determined	
Final Action Effective	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072-AB80

4286. PORT RESTRICTIONS AND REQUIREMENTS IN THE UNITED STATES/JAPAN TRADE (DOCKET NO. 96-20)

Priority: Other Significant

CFR Citation: 46 CFR 586

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	03/04/97	62 FR 9696
Final Rule Effective	04/14/97	
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
Status Reports and Comments Due 08/05/97	04/16/97	62 FR 18433
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 Action	To Be Determined	
Final Action Effective	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072-AB97

FEDERAL MARITIME COMMISSION (FMC)

Completed Actions

4287. INQUIRY INTO AUTOMATED TARIFF FILING SYSTEMS AS PROPOSED BY THE PENDING OCEAN SHIPPING REFORM ACT OF 1998 (DOCKET NO. 98-10)

Priority: Other Significant

Legal Authority: 46 USC app 1701 et seq

CFR Citation: 46 CFR 514

Legal Deadline: None

Abstract: The purposes of the inquiry are to determine an approach that will produce private automated tariff publication systems that best comport with the directives of S.414, the Ocean Shipping Reform Act of 1998, and its legislative history and to determine whether ocean common carriers should

be required to file service contracts electronically. Comments are solicited on the possible requirements for such tariff filing systems and on the electronic filing of service contracts and publication of essential terms.

FMC

Completed Actions

Timetable:

Action	Date	FR Cite
Notice of Inquiry (Comments Due 08/10/98)	07/09/98	63 FR 37088
Extension of Time (Comments to 08/25/98)	08/11/98	63 FR 42801
End Review - Proposed Rule Issued in Docket No. 98-29.	12/21/98	63 FR 70368

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072-AC00

4288. • MISCELLANEOUS AMENDMENTS TO RULES OF PRACTICE AND PROCEDURE (DOCKET NO. 98-21)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 504; 5 USC 551 to 553; 5 USC 556(c); 5 USC 559; 5 USC 561 to 569; 5 USC 571 to 596; 12 USC 1141j(a); 18 USC 207; 21 USC 853a; 26 USC 501(c)(3); 28 USC 2112(a); 31 USC 9701; 46 USC app 1114(b); 46 USC app 1705 to 1711; 46 USC app 1713 to 1716

CFR Citation: 46 CFR 500 to 588

Legal Deadline: Final, Statutory, March 1, 1999.

Abstract: The Ocean Shipping Reform Act of 1998 (OSRA), which made numerous changes to the Shipping Act of 1984, was enacted on October 14, 1998, and becomes effective on May 1, 1999. Among other things, OSRA authorizes the FMC to prescribe implementing rules and regulations. Accordingly, the FMC must conform all of its rules and regulations to this new statute. In addition, other changes are proposed to improve various rules and to bring them in line with current practices, guidelines, and organization. This particular rule makes conforming changes to the Commission's Rules of Practice and Procedure and implements

a minor, conforming change to the Commission's rules which provide interpretations and statements of policy.

Timetable:

Action	Date	FR Cite
NPRM	12/02/98	63 FR 66512
NPRM Comment Period End	01/04/99	
Final Action	02/17/99	64 FR 7804
Final Rule Correction	03/01/99	64 FR 9922
Final Action Effective	05/01/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3072-AC02

4289. • AMENDMENTS TO REGULATIONS GOVERNING RESTRICTIVE FOREIGN SHIPPING PRACTICES AND NEW REGULATIONS GOVERNING CONTROLLED CARRIERS (DOCKET NO. 98-25)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553; 46 USC app 876(a)(2); 46 USC app 876(e) to 876(l) Merchant Marine Act, 1920; 46 USC app 1710a Foreign Shipping Practices Act of 1998

CFR Citation: 46 CFR 550 to 551; 46 CFR 555; 46 CFR 560; 46 CFR 565; 46 CFR 585 to 588

Legal Deadline: Final, Statutory, March 1, 1999.

Abstract: The FMC proposes to revise and redesignate its regulations which address the restrictive practices of foreign governments and add new regulations relating to the actions of common carriers who are controlled by foreign governments, in order to incorporate certain amendments made by the Ocean Shipping Reform Act of 1998, as well as to clarify and reorganize existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/04/98	63 FR 67030
NPRM Comment Period End	01/04/99	
Final Action	02/18/99	64 FR 8007

Action	Date	FR Cite
Final Rule Correction	03/04/99	64 FR 10395
Final Action Effective	05/01/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3072-AC03

4290. • OCEAN COMMON CARRIER AND MARINE TERMINAL OPERATOR AGREEMENTS SUBJECT TO THE SHIPPING ACT OF 1984 (DOCKET NO. 98-26)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553 Administrative Procedure Act; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717; PL 104-88 Ocean Shipping Reform Act of 1998

CFR Citation: 46 CFR 535; 46 CFR 572

Legal Deadline: Final, Statutory, March 1, 1999.

Abstract: The FMC proposes to amend its regulations governing agreements among ocean common carriers and marine terminal operators to reflect changes made to the Shipping Act of 1984 by the Ocean Shipping Reform Act of 1998. The FMC proposes to establish new rules for ocean carrier agreements regarding carriers' service contracts with shippers, amend the scope of marine terminal agreements subject to the Act, and make other conforming changes. The FMC also proposes to delete much of its format requirements for filed agreements, clarify the definition of "ocean common carrier," and make other technical amendments to the filing rules for clarity and administrative efficiency.

Timetable:

Action	Date	FR Cite
NPRM	12/15/98	63 FR 69034
NPRM Comment Period End	01/14/99	
Final Action	03/08/99	64 FR 11236
Final Action Effective	05/01/99	

Regulatory Flexibility Analysis Required: No

FMC

Completed Actions

Government Levels Affected: None

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RIN: 3072-AC04

4291. • MARINE TERMINAL OPERATOR SCHEDULES (DOCKET NO. 98-27)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC app 1702; 46 USC app 1707; 46 USC app 1709

CFR Citation: 46 CFR 525

Legal Deadline: Final, Statutory, March 1, 1999.

Abstract: The FMC proposes to add new regulations for marine terminal operator (MTO) schedules in accordance with the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998. The rule establishes form and manner requirements for the electronic publication of MTO schedules. These rules must be followed by all MTOs who opt to make their schedules public. These regulations will replace current rules applicable to the filing of MTO tariffs with the FMC.

Timetable:

Action	Date	FR Cite
NPRM	12/17/98	63 FR 69603

Action	Date	FR Cite
NPRM Comment Period End	01/19/99	
Final Action	02/25/99	64 FR 9281
Final Action Effective	05/01/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3072-AC05

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