



Monday,
November 22, 1999

Part LVII

**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, 1999, to September 30, 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.

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.

Prerule Stage

Sequence Number	Title	Regulation Identification Number
4476	Docket No. 99-13 - The Content of Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984	3072-AC11

Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4477	Docket No. 99-10 - Ocean Common Carriers Subject to the Shipping Act of 1984	3072-AC09

Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4478	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26)	3072-AB75
4479	Financial Responsibility Requirements for Nonperformance of Transportation and Inquiry Into Alternative Forms (Docket No. 94-06; Further Notice of Proposed Rulemaking)	3072-AB80
4480	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20)	3072-AB97

Completed Actions

Sequence Number	Title	Regulation Identification Number
4481	Licensing, Financial Responsibility Requirements, and General Duties for Ocean Transportation Intermediaries (Docket No. 98-28)	3072-AC06
4482	Carrier Automated Tariff Systems (Docket No. 98-29)	3072-AC07
4483	Service Contracts Subject to the Shipping Act of 1984 (Docket No. 98-30)	3072-AC08
4484	Docket No. 99-12 - Termination of Dial-Up Service Contract Filing System	3072-AC10

Federal Maritime Commission (FMC)

Prerule Stage

4476. • DOCKET NO. 99-13 - THE CONTENT OF OCEAN COMMON CARRIER AND MARINE TERMINAL OPERATOR AGREEMENTS SUBJECT TO THE SHIPPING ACT OF 1984**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	
Final Action	01/00/00	
Final Action Effective	02/00/00	

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

Agency Contact: Florence A. Carr, Director, Bureau of Economics and Agreement Analysis, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573
Phone: 202 523-5787
Email: florence@fmc.gov

RIN: 3072-AC11

Federal Maritime Commission (FMC)

Final Rule Stage

4477. • DOCKET NO. 99-10 - OCEAN COMMON CARRIERS SUBJECT TO THE SHIPPING ACT OF 1984**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553; 21 USC 862; 31 USC 9701; 46 USC app 1701 to 1710; 46 USC app 1712; PL 105-258; PL 105-383; 46 USC app 1714 to 1718**CFR Citation:** 46 CFR 515; 46 CFR 520; 46 CFR 530; 46 CFR 535**Legal Deadline:** None**Abstract:** The FMC proposes to amend its regulations implementing the

Shipping Act of 1984 to clarify the definition of "ocean common carrier" to reflect the Commission's current interpretation of the term. As a result, only ocean common carriers that operate vessels in at least one U.S. trade will be subject to these rules.

Timetable:

Action	Date	FR Cite
Proposed Rule	06/25/99	64 FR 34183
Comment Period End	08/24/99	
Final Action	11/00/99	
Final Action Effective	12/00/99	

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

Agency Contact: Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573
Phone: 202 523-5740
Email: thomas__p@fmc.gov

RIN: 3072-AC09

Federal Maritime Commission (FMC)

Long-Term Actions

4478. 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	

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

Agency Contact: Thomas Panebianco
Phone: 202 523-5740
Email: thomas__p@fmc.gov

RIN: 3072-AB75**4479. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR NONPERFORMANCE OF TRANSPORTATION AND INQUIRY INTO ALTERNATIVE FORMS (DOCKET NO. 94-06; FURTHER NOTICE OF PROPOSED RULEMAKING)****Priority:** Other Significant**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

FMC

Long-Term Actions

Further NPRM 08/26/96 61 FR 33059
 Comment Period End
 Comment Period 09/25/96 61 FR 43209
 Extended to
 Comment Period 10/15/96 61 FR 50265
 Extended to
 Final Action To Be Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Austin L. Schmitt
 Phone: 202 523-5796

Email: austins@fmc.gov

RIN: 3072-AB80

4480. 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	12/27/96	61 FR 68200
Extended to	01/20/97	
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	

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	06/07/99	64 FR 30245
Final Rule Effective	06/07/99	
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Panebianco
 Phone: 202 523-5740

Email: thomas__p@fmc.gov

RIN: 3072-AB97

Federal Maritime Commission (FMC)

Completed Actions

4481. 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	
Confirmation of Interim Final Rule and Correction	04/29/99	64 FR 23019
Final Rule Effective	05/01/99	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Austin L. Schmitt, Director, Bureau of Tariffs, Certification, and Licensing, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

Phone: 202 523-5796

Email: austins@fmc.gov

RIN: 3072-AC06

4482. 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

FMC

Completed Actions

Action	Date	FR Cite
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	
Adoption of Final Rule	04/29/99	64 FR 23020
Final Rule Effective	05/01/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Austin L. Schmitt, Director, Bureau of Tariffs, Certification, and Licensing, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

Phone: 202 523-5796

Email: austins@fmc.gov

RIN: 3072-AC07

4483. 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 Rule Effective	05/01/99	
Confirmation of Interim Final Rule with Changes	05/04/99	64 FR 23782

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Austin L. Schmitt, Director, Bureau of Tariffs, Certification, and Licensing, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

Phone: 202 523-5796

Email: austins@fmc.gov

RIN: 3072-AC08

4484. • DOCKET NO. 99-12 - TERMINATION OF DIAL-UP SERVICE CONTRACT FILING SYSTEM

Priority: Substantive, Nonsignificant**Legal Authority:** 5 USC app 1704 to 1705; 5 USC app 1707; 5 USC app 1716**CFR Citation:** 46 CFR 530**Legal Deadline:** None

Abstract: This final rule implements the FMC's full transition to the internet-based service contract filing system and removes all references to the dial-up filing system.

Timetable:

Action	Date	FR Cite
Final Rule	07/29/99	64 FR 41041
Final Rule Effective	10/01/99	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Austin L. Schmitt, Director, Bureau of Tariffs, Certification, and Licensing, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

Phone: 202 523-5796

Email: austins@fmc.gov

RIN: 3072-AC10

[FR Doc. 99-24749 Filed 11-19-99; 8:45 am]

BILLING CODE 6730-01-F