



Federal Register

**Monday,
May 14, 2001**

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, 2001, to March 31, 2002, 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, Federal Maritime Commission, 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 that 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.

Federal Maritime Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4302	The Content of Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984 (Docket No. 99-13)	3072-AC11

Federal Maritime Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4303	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26)	3072-AB75
4304	Financial Responsibility Requirements for Nonperformance of Transportation and Inquiry Into Alternative Forms (Docket No. 94-06; Further Notice of Proposed Rulemaking)	3072-AB80
4305	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20)	3072-AB97
4306	Public Access Charges to Carrier Automated Tariffs and Tariff Systems Under the Ocean Shipping Reform Act of 1998 (Docket No. 00-07)	3072-AC14

Federal Maritime Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
4307	Petition of the Port of Houston Authority for the Institution of a Rulemaking Proceeding (Petition No. P1-00)	3072-AC16

FEDERAL MARITIME COMMISSION (FMC)

Proposed Rule Stage

4302. THE CONTENT OF OCEAN COMMON CARRIER AND MARINE TERMINAL OPERATOR AGREEMENTS SUBJECT TO THE SHIPPING ACT OF 1984 (DOCKET NO. 99-13)

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

FMC

Proposed Rule Stage

Action	Date	FR Cite	Regulatory Flexibility Analysis Required:	Small Entities Affected:	Government Levels Affected:	Agency Contact:	Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573 Phone: 202 523-5796 Fax: 202 523-4372 Email: austins@fmc.gov RIN: 3072-AC11
Inquiry Comment Period End	10/04/99		No	No	None	Austin L. Schmitt, Director, Bureau of Trade Analysis,	
NPRM	05/00/01						
NPRM Comment Period End	07/00/01						

FEDERAL MARITIME COMMISSION (FMC)

Long-Term Actions

4303. COLOADING PRACTICES AND POSSIBLE SECTION 16 EXEMPTION FOR COLOADING (DOCKET NOS. 93-22 AND 94-26)

Priority: Substantive, Nonsignificant

CFR Citation: 46 CFR 520.11

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

Government Levels Affected: None

Agency Contact: Thomas Panebianco

Phone: 202 523-5740

Fax: 202 523-5738

Email: thomas_p@fmc.gov

RIN: 3072-AB75

4304. 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

Action	Date	FR Cite
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	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Sandra L. Kusumoto

Phone: 202 523-5787

Email: sandrak@fmc.gov

RIN: 3072-AB80

4305. PORT RESTRICTIONS AND REQUIREMENTS IN THE UNITED STATES/JAPAN TRADE (DOCKET NO. 96-20)

Priority: Other Significant

CFR Citation: 46 CFR 551

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 - Report Due 08/26/1999 and Every 180 Days Thereafter	03/04/97	62 FR 9696

Action	Date	FR Cite
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	62 FR 18533
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 Removed	06/07/99	64 FR 30245
Final Rule Removed Effective	06/07/99	
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Thomas Panebianco

Phone: 202 523-5740

Fax: 202 523-5738

Email: thomas_p@fmc.gov

RIN: 3072-AB97

4306. PUBLIC ACCESS CHARGES TO CARRIER AUTOMATED TARIFFS AND TARIFF SYSTEMS UNDER THE OCEAN SHIPPING REFORM ACT OF 1998 (DOCKET NO. 00-07)

Priority: Substantive, Nonsignificant

CFR Citation: 46 CFR 520

Timetable:

Action	Date	FR Cite
ANPRM	05/16/00	65 FR 31130
ANPRM Comment Period End	06/15/00	
Circular Letter Issued	10/06/00	
Final Action	To Be Determined	

FMC**Long-Term Actions****Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Austin L. Schmitt

Phone: 202 523-5796

Fax: 202 523-4372

Email: austins@fmc.gov

RIN: 3072-AC14**FEDERAL MARITIME COMMISSION (FMC)****Completed Actions****4307. PETITION OF THE PORT OF HOUSTON AUTHORITY FOR THE INSTITUTION OF A RULEMAKING PROCEEDING (PETITION NO. P1-00)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553; 46 USC app 1709(d)(1); 46 USC app 1716**CFR Citation:** 46 CFR 525.2**Legal Deadline:** None

Abstract: Petitioner Port of Houston Authority requests the FMC to institute a rulemaking proceeding for the purpose of promulgating a rule addressing the lawfulness of unilateral provisions which provide for the collection of attorneys' fees in contracts or tariffs of marine terminal operators under the provisions of the Shipping

Act of 1984, as amended. Specifically, Petitioner seeks a rule which confirms that it is not illegal under the Shipping Act for marine terminal operators to contract with their customers, by tariff or otherwise, to permit the collection of attorneys' fees and litigation costs in the event the marine terminal operator is required to sue in court to collect fees for services that have been rendered.

Timetable:

Action	Date	FR Cite
Notice of Filing of Petition	01/13/00	65 FR 2177
Comment Period End	02/07/00	
Final Action-Petition Denied	11/27/00	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**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
Fax: 202 523-5738

Email: thomas_p@fmc.gov

RIN: 3072-AC16

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