



Federal Register

**Tuesday,
May 27, 2003**

Part LVI

**Federal Maritime
Commission**

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Agenda

AGENCY: Federal Maritime Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Pursuant to section 4(b) of Executive Order 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, 2003, to March 31, 2004, 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 agenda includes 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
4037	Content of Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984 (Docket No. 99-13)	3072-AC11
4038	Impact of Government Paperwork Elimination Act and Electronic Signatures in Global and National Commerce Act (Docket No. 01-08)	3072-AC17
4039	Common Carrier Status Under the Shipping Act of 1984	3072-AC21
4040	Passenger Vessel Financial Responsibility (Docket No. 02-15)	3072-AC22
4041	Revisions to Commission's Regulations Regarding the Filing of Agreement Minutes	3072-AC23
4042	Revisions to the Information Form and Monitoring Report Regulations for Carrier Agreements	3072-AC24
4043	Amendment to Service Contract Regulations	3072-AC25

Federal Maritime Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4044	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26)	3072-AB75
4045	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20)	3072-AB97

Federal Maritime Commission (FMC)

Proposed Rule Stage

4037. 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 issued an 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 rule to update or refine the existing content standards.

Timetable:

Action	Date
Notice of Inquiry	08/03/99 64 FR 42057
Inquiry Comment	10/04/99
Period End	
NPRM	06/00/03

Action	Date
NPRM Comment	08/00/03
Period End	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Amy W. Larson, Acting General Counsel, Federal Maritime Commission
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FMC

Proposed Rule Stage

Email: amyl@fmc.gov

RIN: 3072-AC11

4038. IMPACT OF GOVERNMENT PAPERWORK ELIMINATION ACT AND ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT (DOCKET NO. 01-08)**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-277, Government Paperwork Elimination Act; PL 106-229, Electronic Signatures in Global and National Commerce Act**CFR Citation:** 46 CFR 500 et seq**Legal Deadline:** Final, Statutory, October 21, 2003.

Abstract: The Federal Maritime Commission is issuing this inquiry to solicit information and comments concerning the impact of the Government Paperwork Elimination Act and the Electronic Signatures in Global and National Commerce Act on all sectors of the U.S. ocean shipping industry. These comments will assist the Commission as it analyzes the use and acceptance of documents in electronic form, as well as other means of engaging in electronic transactions. The Commission, via a rulemaking, plans to provide individuals or entities with the option to submit information or transact business with the Commission electronically, where practicable, and to maintain records electronically when practicable.

Timetable:

Action	Date
Notice of Inquiry	07/18/01 66 FR 37468
Comments Due	08/17/01
Comment Period Extended to	08/17/01 66 FR 43261
	09/17/2001
NPRM	08/00/03
NPRM Comment Period End	10/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Austin L. Schmitt, Deputy Executive Director, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

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RIN: 3072-AC17

4039. COMMON CARRIER STATUS UNDER THE SHIPPING ACT OF 1984**Priority:** Other Significant**Legal Authority:** 5 USC 553; 46 USC app 1701 et seq; PL 105-258**CFR Citation:** 46 CFR 515; 46 CFR 520; 46 CFR 530; 46 CFR 535**Legal Deadline:** None

Abstract: The Federal Maritime Commission is proposing to amend its rules to address the criteria that it will use to establish ocean common carrier status under the Shipping Act of 1984.

Timetable:

Action	Date
NPRM	06/00/03
NPRM Comment Period End	07/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Florence A. Carr, Director, Bureau of Trade Analysis, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

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RIN: 3072-AC21

4040. PASSENGER VESSEL FINANCIAL RESPONSIBILITY (DOCKET NO. 02-15)**Priority:** Other Significant**Legal Authority:** 5 USC 552 to 553; 46 USC app 817d to 817e; 46 USC 1716; 31 USC 9701**CFR Citation:** 46 CFR 540**Legal Deadline:** None

Abstract: The FMC proposes to amend its rules regarding the establishment of passenger vessel financial responsibility

under sections 2 (Casualty) and 3 (Performance) of Public Law 89-777. The amendments would: Eliminate the current ceiling on required Performance coverage; adjust the amount of coverage required by providing for consideration of the obligations of credit card issuers; provide for the use of Alternative Dispute Resolution (ADR), including the Commission's ADR program, in resolving passenger Performance claims; revise the application form; and make a number of technical adjustments to the Performance and Casualty rules.

Timetable:

Action	Date
NPRM	10/31/02 67 FR 66352
NPRM Comment Period End	01/08/03
NPRM Comment Period Extended	12/27/02 67 FR 79029
NPRM Comment Period End	04/08/03
NPRM Comment Period Extended	04/08/03 68 FR 17003
NPRM Comment Period End	05/30/03
Notice of Public Hearing To Be Held	05/00/03
	06/11/2003
Requests To Participate in Public Hearing Due	05/28/03
Final Action	12/00/03
Final Action Effective	02/00/04

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Sandra L. Kusumoto, Director, Bureau of Consumer Complaints & Licensing, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

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RIN: 3072-AC22

FMC

Proposed Rule Stage

4041. • REVISIONS TO COMMISSION'S REGULATIONS REGARDING THE FILING OF AGREEMENT MINUTES**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 1718; ...**CFR Citation:** 46 CFR 535**Legal Deadline:** None

Abstract: The FMC is considering amending its regulations governing the filing of minutes and related documents by carrier agreements. The minutes reporting regulations require that certain types of agreements on file with the FMC submit a report of each meeting held, describing all matters discussed or considered within the scope of the agreement. The FMC is considering changing the rules to ensure that it receives relevant information to enable it to assess the competitive consequences of agreement discussions. The modifications would clarify the level of detail adequate to describe matters discussed or considered at agreement meetings, and update, refine, and simplify the regulations.

Timetable:

Action	Date
NPRM	06/00/03
NPRM Comment Period End	08/00/03

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

Agency Contact: Florence A. Carr, Director, Bureau of Trade Analysis, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

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RIN: 3072-AC23**4042. • REVISIONS TO THE INFORMATION FORM AND MONITORING REPORT REGULATIONS FOR CARRIER AGREEMENTS****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 1718; ...**CFR Citation:** 46 CFR 535**Legal Deadline:** None

Abstract: The FMC is considering amending its regulations governing the requirements for Information Forms and Monitoring Reports submitted by parties to carrier agreements filed with the Commission. The revisions being considered would seek to ensure that the Commission receives the most relevant and reliable data from agreement carriers so that the competitive impact of these agreements can be assessed as accurately as possible. The modifications would update, refine, and simplify the regulations to require data essential to the Agency's agreement review process and monitoring program.

Timetable:

Action	Date
NPRM	06/00/03
NPRM Comment Period End	08/00/03

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

Agency Contact: Florence A. Carr, Director, Bureau of Trade Analysis, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573

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RIN: 3072-AC24**4043. • AMENDMENT TO SERVICE CONTRACT REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553; 46 USC app 1704 to 1707; 46 USC app 1716**CFR Citation:** 46 CFR 530**Legal Deadline:** None

Abstract: The FMC proposes to amend its regulations on the electronic filing of service contracts for ocean transportation under the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998. The amendments would add a provision to permit persons authorized to transmit electronically service contract filings for vessel-operating common carriers, conferences and agreements, to correct within 48 hours an original service contract filing (or an amendment) that is defective due to electronic transmission errors. The revision would allow a "corrected transmission" of the original service contract or amendment submission to be designated as such and filed in the Commission's electronic service contract filing system (SERVCON).

Timetable:

Action	Date
NPRM	04/02/03 68 FR 15978
NPRM Comment Period End	05/02/03
Final Action	08/00/03
Final Action Effective	09/00/03

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

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RIN: 3072-AC25

Federal Maritime Commission (FMC)

Long-Term Actions

4044. 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
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:** Amy W. Larson

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RIN: 3072-AB75**4045. 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
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
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

Action

Amendment to Final Rule - Denial of Petition

Date

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

Requirement for Reporting Revised

08/15/01 66 FR 42859

Report Due 11/07/2001 and Every 180 Days Thereafter

08/15/01

Next Action Undetermined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Amy W. Larson

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RIN: 3072-AB97

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