



# Federal Register

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**Monday,  
December 13, 2004**

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**Part LV**

## **Federal Maritime Commission**

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**Semiannual Regulatory Agenda**

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**FEDERAL MARITIME COMMISSION (FMC)**


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**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 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 October 1, 2004, to September 30, 2005, 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; e-mail: secretary@fmc.gov.

**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.

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.*

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**Federal Maritime Commission—Proposed Rule Stage**


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Sequence Number	Title	Regulation Identifier Number
4050	Impact of Government Paperwork Elimination Act and Electronic Signatures in Global and National Commerce Act (Docket No. 01-08) .....	3072-AC17
4051	Common Carrier Status Under the Shipping Act of 1984 .....	3072-AC21

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**Federal Maritime Commission—Final Rule Stage**


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Sequence Number	Title	Regulation Identifier Number
4052	Update of Existing Filing and Addition of New Filing Fees (Docket No. 04-11) .....	3072-AC27

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**Federal Maritime Commission—Long-Term Actions**


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Sequence Number	Title	Regulation Identifier Number
4053	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26) .....	3072-AB75
4054	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20) .....	3072-AB97
4055	Passenger Vessel Financial Responsibility (Docket No. 02-15) .....	3072-AC22

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**Federal Maritime Commission—Completed Actions**


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Sequence Number	Title	Regulation Identifier Number
4056	Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984 (Docket No. 03-15) .....	3072-AC28

## Federal Maritime Commission (FMC)

## Proposed Rule Stage

**4050. 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; 5 USC 553; 46 USC app 1716**CFR Citation:** 46 CFR 500 et seq**Legal Deadline:** Final, Statutory, October 21, 2003.**Abstract:** The Federal Maritime Commission issued an 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 are assisting 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	FR Cite
Notice of Inquiry	07/18/01	66 FR 37468
Comment Period Extended to 09/17/2001	08/17/01	66 FR 43261
Comments Due	08/17/01	
NPRM	12/00/04	
NPRM Comment Period End	02/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Derek O. Scarbrough, Chief Information Officer, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573  
Phone: 202 523-5800  
Fax: 202 523-5827  
Email: cio@fmc.gov**RIN:** 3072-AC17**4051. 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	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	

**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  
Phone: 202 523-5796  
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Email: tradeanalysis@fmc.govVern W. Hill, Director, Bureau of Enforcement, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573  
Phone: 202 523-5783  
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Email: vernh@fmc.gov**RIN:** 3072-AC21

## Federal Maritime Commission (FMC)

## Final Rule Stage

**4052. UPDATE OF EXISTING FILING AND ADDITION OF NEW FILING FEES (DOCKET NO. 04-11)****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 553; 31 USC 9701; 46 USC app 1716**CFR Citation:** 46 CFR 502; 46 CFR 503; 46 CFR 515; 46 CFR 520; 46 CFR 530; 46 CFR 535; 46 CFR 540; 46 CFR 550; 46 CFR 555; 46 CFR 560; ...**Legal Deadline:** None**Abstract:** The Commission proposes to revise its existing fees for filing petitions and complaints; various public information services, such as record searches, document copying, and admissions to practice; filing ocean

transportation intermediary license applications; applications for special permission; service contracts; agreements; and passenger vessel performance and casualty certificate applications. These revised fees reflect current costs to the Commission. In addition, the Commission is adding a separate fee for the filing of terminal exempt agreements.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/04	69 FR 53027
NPRM Comment Period End	09/29/04	
Final Rule	11/00/04	
Final Rule Effective	12/00/04	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** JoAnn Baca, Special Assistant to the Director of Administration, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573  
Phone: 202 523-5800  
Fax: 202 523-5827  
Email: joannb@fmc.gov**RIN:** 3072-AC27

## Federal Maritime Commission (FMC)

## Long-Term Actions

**4053. 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**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Amy W. Larson

Phone: 202 523-5740

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**RIN:** 3072-AB75**4054. 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

Action	Date	FR Cite
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 Amendment to Final Rule	04/14/97	
Final Rule Effective 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 Rule Removed	06/07/99	64 FR 30245
Final Rule Removed Effective	06/07/99	
Report Due 11/07/2001 and Every 180 Days Thereafter	08/15/01	
Requirement for Reporting Revised	08/15/01	66 FR 42859
Next Action Undetermined		

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

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**RIN:** 3072-AB97**4055. PASSENGER VESSEL FINANCIAL RESPONSIBILITY (DOCKET NO. 02-15)****Priority:** Other Significant**CFR Citation:** 46 CFR 540**Timetable:**

Action	Date	FR Cite
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
Notice of Public Hearing To Be Held 06/11/2003	05/06/03	68 FR 23947
Requests To Participate in Public Hearing Due	05/28/03	
NPRM Comment Period End	05/30/03	
Next Action Undetermined	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Sandra L. Kusumoto

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**RIN:** 3072-AC22

## Federal Maritime Commission (FMC)

## Completed Actions

**4056. OCEAN COMMON CARRIER AND MARINE TERMINAL OPERATOR AGREEMENTS SUBJECT TO THE SHIPPING ACT OF 1984 (DOCKET NO. 03-15)****Priority:** Substantive, Nonsignificant**CFR Citation:** 46 CFR 501; 46 CFR 535**Completed:**

Reason	Date	FR Cite
Final Action	11/04/04	69 FR 64397
Final Action Effective	01/03/05	
Section 535.701(e) Stayed Until Further Notice	11/04/04	
Section 535.702 and 535.703 Effective	02/02/05	

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

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**FMC**

**Completed Actions**

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**Related RIN:** Related to 3072-AC11,  
Related to 3072-AC26, Related to  
3072-AC23, Related to 3072-AC24

**RIN:** 3072-AC28

[FR Doc. 04-22126 Filed 12-10-04; 8:45 am]

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