



Federal Register

**Monday,
May 16, 2005**

Part LIV

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, 2005, to March 31, 2006, 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 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 Identifier Number
3894	Impact of Government Paperwork Elimination Act and Electronic Signatures in Global and National Commerce Act (Docket No. 01-08)	3072-AC17
3895	Common Carrier Status Under the Shipping Act of 1984	3072-AC21

Federal Maritime Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3896	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20)	3072-AB97
3897	Passenger Vessel Financial Responsibility (Docket No. 02-15)	3072-AC22

Federal Maritime Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3898	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26)	3072-AB75
3899	Update of Existing Filing and Addition of New Filing Fees (Docket No. 04-11)	3072-AC27
3900	Non-Vessel-Operating Common Carrier Service Arrangements (Docket No. 04-12)	3072-AC30

Federal Maritime Commission (FMC)

Proposed Rule Stage

3894. 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

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Proposed Rule Stage

engaging in electronic transactions. The Commission 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
Comments Due	08/17/01	
Comment Period Extended to 09/17/2001	08/17/01	66 FR 43261
Proceeding Discontinued	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072-AC17

3895. 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	

Action	Date	FR Cite
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072-AC21

Federal Maritime Commission (FMC)

Long-Term Actions

3896. 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
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

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 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

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RIN: 3072-AB97

3897. 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		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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Long-Term Actions

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RIN: 3072-AC22

Federal Maritime Commission (FMC)

Completed Actions

3898. 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

Completed:

Reason	Date	FR Cite
Proceeding Discontinued	11/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072-AB75

3899. UPDATE OF EXISTING FILING AND ADDITION OF NEW FILING FEES (DOCKET NO. 04-11)

Priority: Info./Admin./Other

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; ...

Completed:

Reason	Date	FR Cite
Final Rule	03/03/05	70 FR 10328
Final Rule Effective	04/04/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072-AC27

3900. • NON-VESSEL-OPERATING COMMON CARRIER SERVICE ARRANGEMENTS (DOCKET NO. 04-12)

Priority: Other Significant

Legal Authority: 46 USC app 1715

CFR Citation: 46 CFR 531

Legal Deadline: None

Abstract: The FMC is exempting non-vessel-operating common carriers from the tariff publication requirements of the Shipping Act of 1984, subject to certain filing and publication conditions placed on these Non-Vessel-Operating Common Carrier Service Arrangements or "NSAs." This rule will allow affiliates of NSA signatories

to have access to service and to provide service under an NSA.

Timetable:

Action	Date	FR Cite
NPRM	11/03/04	69 FR 63981
NPRM Comment Period End	11/19/04	
Comment Period Extended to 11/30/2004	11/26/04	69 FR 68859
Final Rule	12/20/04	69 FR 75850
Final Action Effective	01/29/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3072-AC30

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