

Monday April 27, 1992

Part LIII

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: Unified Agenda of Federal Regulations

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission anticipates having under consideration. during the period from April 1, 1992, to March 31, 1993, 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: Joseph C. Polking, Secretary, 1100 L 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 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section. 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. Joseph C. Polking, Secretary.

Prerule Stage

Se- quence Number	uence Title	
3999	User Fees To Recover Agency Costs	3072-AA70
4000	Financial Reports of Vessel Operating Common Carriers by Water in the Domestic Offshore Trades - Docket No. 91- 51	3072-AA93
4001	Petition of State of Hawaii To Amend Rule 67 of the Commission's Rules of Practice and Procedure - Petition No. P1-92	3072-AB44
4002	Petition for Exemption From the NVOCC Tariff Filing Requirements Under the Shipping Act of 1984 - Petition No. P5-91	3072-AB45

Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
4003 4004	Actions To Adjust or Meet Conditions Unfavorable to Shipping in the United States/Korea Trade - Docket No. 91-24 Actions To Adjust or Meet Conditions Unfavorable to Shipping in the United States/Venezuela Trade - Docket No. 91-22	3072-AB36 3072-AB40

Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
4005	Tariffs and Service Contracts - Docket No. 90-23	3072-AA61
4006	Passenger Vessel Financial Responsibility Requirements - Docket No. 91-32	3072-AB37

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Completed Actions

Se- quence Number	Title	Regulation Identifier Number
4007	Rates, Charges, and Services Provided at Marine Terminal Facilities - Docket Nos. 90-6 and 91-20	3072-AB17
4008	Notice of Inquiry Concerning Use and Effect of Surcharges by Common Carriers and Conferences - Docket No. 91-	
	14	3072-AB30
4009	Electronic Filing of Agreement Reports and Minutes - Docket No. 91-2	3072-AB32
4010	Interest in Reparation Proceedings - Docket No. 90-29.	3072-AB33
4011	Bonding of Non-Vessel-Operating Common Carriers - Docket No. 91-1	3072-AB35
4012	Procedures for Environmental Policy Analysis - Docket No. 91-28	3072-AB38
4013	Action To Meet Conditions in the Peruvian Trade - Docket No. 87-6	3072-AB41
4014	Section 35 Exemption: Domestic Offshore Trade - Docket No. 91-42.	3072-AB42
4015	Section 35 Exemption: Hawaii and Alaska Trades - Petition No. P4-91; Docket No. 91-55	3072-AB43

FEDERAL MARITIME COMMISSION (FMC)

3999. USER FEES TO RECOVER AGENCY COSTS

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Legal Deadline: None

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

Timetable:

Action	Date	FR	Cite	
Begin Review	01/25/85		•	
End Review	09/00/92			

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5725

RIN: 3072-AA70

4000. FINANCIAL REPORTS OF VESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES -DOCKET NO. 91-51

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 522

Legal Deadline: None

Abstract: Current rule providing for domestic rate-making and justification methodology is being reviewed to determine if requirements can be made less stringent.

Timetable:

Action	Date		FR	Cite
Begin Review	01/09/86			
ANPRM	11/08/91	56	FR	57298
ANPRM Comment Period End	02/21/92	56	FR	66827
End Review	06/00/92			

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Seymour Glanzer, Director, Bureau of Hearing Counsel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5783

RIN: 3072-AA93

4001. ● PETITION OF STATE OF HAWAII TO AMEND RULE 67 OF THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE - PETITION NO. P1-92

Legal Authority: 46 USC app 833a; 46 USC app 845

CFR Citation: 46 CFR 502.67

Legal Deadline: None

Abstract: Action requested would amend 46 CFR 502.67 to: (1) modify rate protests regarding information requests and certain witness data; (2) eliminate provisions dealing with filing of direct cases and prehearing statements in docketed cases; (3) provide that underlying workpapers disclosed to offshore governments may be disclosed to public; (4) require carrier to file supporting papers if rate change affects 50% of rate items; (5) prohibit carriers from amending projections during pendency of an investigation; and (6) clarify that carriers have burden of proof.

Timetable:

Action	Date	FR	Cite
Notice of Petition	01/23/92	57 FR	2702
Begin Review	01/23/92	57 FR	2702
End Review	09/00/92		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5725

RIN: 3072-AB44

4002. • PETITION FOR EXEMPTION FROM THE NVOCC TARIFF FILING REQUIREMENTS UNDER THE SHIPPING ACT OF 1984 - PETITION NO. P5-91

Legal Authority: 46 USC app 1707; 46 USC app 1715

Prerule Stage

17685

17686

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CFR Citation: 46 CFR 580

Legal Deadline: None

Abstract: The International Federation of Freight Forwarder Associations ("FIATA") and 22 individual nonvessel-operating common carriers ("NVOCCs") have petitioned to exempt NVOCCs from the tariff filing requirements of section 18 of the Shipping Act of 1984, 46 USC app 1707.

Timetable:				
Action	Date		FR	Cite
Notice of Petition	09/27/91	56	FR	49183
Begin Review	09/27/91	56	FR	49183
Comment Period Extended to January 21, 1992	12/06/91	56	FR	235
End Review	09/00/92			
Small Entitles A	ffected: L	Jnd	eter	mined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5725

RIN: 3072-AB45

FEDERAL MARITIME COMMISSION (FMC)

4003. ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE UNITED STATES/KOREA TRADE - DOCKET NO. 91-24

Significance: Agency Priority

Legal Authority: 46 USC app 876; 46 USC app 1710a; 46 CFR 585; Reorg Plan 7 of 1961

CFR Citation: 46 CFR 586.5

Legai Deadilne: None

Abstract: Proposed action would impose fees on Korean-flag vessels calling at U.S. ports in response to Korean law and regulations restricting U.S. carriers' trucking and rail sources.

Timetable:

Action	Date	FR Cite
Notice of Petition	03/16/88	53 FR 8679
Notice of Petition	08/26/88	53 FR 32663
NPRM	06/07/91	56 FR 26361
NPRM Comment Period End	08/02/91	56 FR 26361

Action	Date	FR	Cite
NPRM Commer Period Extended	nt 11/05/91	56 FR	56487
NPRM Commen	nt 05/29/92	56 FR	56487

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5740

RIN: 3072-AB36

4004. ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE UNITED STATES/VENEZUELA TRADE -DOCKET NO. 91-22

Significance: Agency Priority

Legal Authority: 46 USC app 876(1)(b); 46 USC app 876(5) to (12); 46 USC app 1710a; 46 CFR 585; Reorg Plan 7 of 1961 CFR Citation: 46 CFR 586.4

Legal Deadline: None

Abstract: Action would impose fees on certain Venezuelan-flag carriers in response to laws, policies, and practices of the Government of Venezuela reserving a substantial portion of cargo to national-flag lines to the exclusion of third-flag operators.

Timetable:

Action	Date		FR	Cite
NPRM	05/16/91	56	FR	22685
NPRM Comment Period End	07/31/91	56	FR	30373
Notice of Intent	01/17/92	57	FR	2070

to Discontinue Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5740 RIN: 3072–AB40

FEDERAL MARITIME COMMISSION (FMC)

4005. TARIFFS AND SERVICE CONTRACTS - DOCKET NO. 90-23

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 553; 31 USC 9701; 46 USC app 804; 46 USC app 812; 46 USC app 814 to 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 845b; 46 USC app 847; 46 USC app 1702 et seq; PL 101-92 **CFR Citation:** 48 CFR 514 (New); 48 CFR 515; 46 CFR 520; 48 CFR 550; 46 CFR 580; 46 CFR 581

Legai Deadline: None

Abstract: The Commission is implementing an automated tariff filing and information system ("ATFI"), whereby tariff data can be filed, processed, and retrieved electronically. This action proposes regulations: adapting the Commission's current CFR parts regarding filing to the electronic system; implementing policy decisions made in interim reports in the proceeding; and prescribing user charges.

Final Rule Stage

Timetable:

Action	Date		FR	Cite
Begin Review	09/01/84			
Notice of Intent To Form Advisory Committee	04/12/85	50	FR	14453

Proposed Rule Stage

Prerule Stage

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Action Date FR Cite Notice of Second 05/19/86 51 FR 18376 Meeting Notice of Third 10/21/86 51 FR 37347 Meeting Notice of Inquiry 12/22/87 52 FR 48504 on System Functionality Further Notice 06/13/88 53 FB 22048 Second Report 12/29/88 53 FR 52785 on System Functionality ANPRM 08/01/90 55 FR 31199 ANPRM 10/29/90 55 FR 42416 Comment Period End Interim Report 12/26/90 and Batch **Filing Guide** Notice of 01/08/91 56 FR 668 Availability of Interim Report and Batch **Filing Guide** End Review 03/26/91 Notice of 03/29/91 56 FR 7316 Availability of Second Interim Report 07/29/91 56 FR 35847 Notice of Availability of Third Interim Report Notice of 08/02/91 56 FR 37069 Availability of Supp. #3 to Batch Filing Guide

Action	Date		FR	Cite
NPRM	09/09/91	56	FR	46044
Notice of Availability of Fourth Report	10/30/91	56	FR	55860
Interim Final Rule	12/02/91	56	FR	61164
NPRM Comment Period End	12/30/91	56	FR	66006
Supplemental Report Postponing Implementation	02/18/92	57	FR	5884
Final Action	06/00/92			
Final Action Effective	08/00/92			
Small Entities	Affected: N	Jon	е	
Government Le	vels Affec	cted	1: N	one
Procurement: 7 related action for	or which the	here	e is	no

statutory requirement. There is a paperwork burden associated with this action. Agency Contact: John Robert Ewers,

Deputy Managing Director, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5800

RIN: 3072-AA61

Final Rule Stage

4006. PASSENGER VESSEL FINANCIAL RESPONSIBILITY REQUIREMENTS - DOCKET NO. 91-32

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 553; 46 USC app 817d; 46 USC app 817d;

CFR Citation: 46 CFR 540

Legal Deadline: None

Abstract: Notice of Inquiry would obtain public comments on various issues on passenger vessel financial responsibility.

Timetable:

Action	Date		FR	Cite
ANPRM	08/15/91	56	FR	40586
ANPRM Comment Period End	11/14/91	56	FR	47434
Final Action	06/00/92			

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5796 RIN: 3072–AB37

FEDERAL MARITIME COMMISSION (FMC)

4007. RATES, CHARGES, AND SERVICES PROVIDED AT MARINE TERMINAL FACILITIES - DOCKET NOS. 90-6 AND 91-20

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 814; 46 USC app 817(a); 46 USC app 820; 46 USC app 821; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 515; 46 CFR 560; 46 CFR 572

Legal Deadline: None

Abstract: Action exempts certain marine terminal services agreements between common carriers by water and marine terminal operators from agreement filing requirements and discontinues tariff filing requirements for such matters.

Timetable:

Action	Date	FR	Cite
ANPRM	02/16/90	55 FR	5626
Fact Finding Investigation No. 17 Discontinued	02/16/90	55 FR	5656
Notice of Inquiry	05/15/91	56 FR	22365
ANPRM Comment Period End	08/31/91	56 FR	35846
Final Action	02/06/92	57 FR	4578
Final Action Effective	03/09/92	57 FR	4578

Smail Entities Affected: None

Government Levels Affected: None

Agency Contact: Bryant L. VanBrakle. Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5796

Completed Actions

RIN: 3072-AB17

4008. NOTICE OF INQUIRY CONCERNING USE AND EFFECT OF SURCHARGES BY COMMON CARRIERS AND CONFERENCES -DOCKET NO. 91-14

Legal Authority: 5 USC 553

CFR Citation: 46 CFR 580; 46 CFR 581

Legal Deadline: None

Abstract: Action would define "surcharge" and prohibit carriers from imposing a surcharge in excess of carrier's actual cost. 17688 FMC

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Timetable:

Action	Date		FR	Cite
Notice of Petition (Comments by 09/07/90)	07/13/90	55	FR	28828
ANPRM	05/22/91	56	FR	12143
ANPRM Comment Period End	08/07/91	56	FR	37505
Withdrawn	01/17/92			

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5725

RIN: 3072-AB30

4009. ELECTRONIC FILING OF AGREEMENT REPORTS AND MINUTES - DOCKET NO. 91-2

Legal Authority: 5 USC 553; 46 USC app 814; 46 USC 817(a); 46 USC app 820; 46 USC app 821; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 et seq

CFR Citation: 46 CFR 560.701; 46 CFR 572.701

Legal Deadline: None

Abstract: Action will permit direct electronic transmission of reports and minutes by parties to agreements.

Timetable:

Action	Date	FR Cite
NPRM	01/18/91	56 FR 1966
NPRM Comment Period End	03/15/91	56 FR 1966
Final Action	09/12/91	56 FR 46388
Final Action Effective	10/15/91	56 FR 46388

Small Entitles Affected: None

Government Levels Affected: None Agency Contact: Joseph C. Polking,

Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5725

RIN: 3072-AB32

4010. INTEREST IN REPARATION PROCEEDINGS - DOCKET NO. 90-29

Legal Authority: 5 USC 504; 5 USC 551; 5 USC 552; 5 USC 553; 5 USC 559; 12 USC 1141j(a); 18 USC 207; 26 USC 501(c)(3); 28 USC 2112(a); 46 USC app 817 et seq; 46 USC app 1716 et seq; EO 11222; 21 USC 853a

CFR Citation: 46 CFR 502.523

Legal Deadline: None

Abstract: Action amends FMC Rules of Practice and Procedure to provide for interest on awards of reparation for any violation of the Shipping Act of 1984 or the Shipping Act, 1916, computed on the basis of the average monthly rate on six-month U.S. Treasury bills. For refunds and reparation awards under the Intercoastal Shipping Act, 1933, interest will be computed on the basis of the prime rate charged by major banks, as published by the Federal Reserve System.

Timetable:

Action	Date		FR	Cite
NPRM	10/29/90	55	FR	43386
NPRM Comment Period End	05/17/91	56	FR	15580
Final Action	09/17/91	56	FR	46998
Final Action Effective	10/17/91	56	FR	46998

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5740

RIN: 3072-AB33

4011. BONDING OF NON-VESSEL-OPERATING COMMON CARRIERS -DOCKET NO. 91-1

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1702 and 1707; 46 USC app 1709 and 1712; 46 USC app 1714 and 1716; 46 USC app 1718; 46 USC app 1722

CFR Citation: 46 CFR 580; 46 CFR 581; 46 CFR 583

Legal Deadline: Other, Statutory, February 14, 1991. Interim Rule effective on the same date as effectiveness on the statute.

Abstract: Action implements Non-Vessel-Operating Common Carrier Amendments of 1990 by establishing procedures for the filing of bonds by non-vessel-operating common carriers, the form and amount of such bonds, procedures for designation of resident agents, and a means for notification to the public of the requirements and availability of the bonds for its protection.

Completed Actions

Timetable:

Action	Date		FR	Cite
Interim Final Rule	01/15/91	56	FR	1493
Comments on Interim Rule by 04/15/91	01/15/91	56	FR	1493
Interim Rule Effective 04/15/91	02/20/91	56	FR	6809
Clarify and Stay	04/08/91	56	FR	14207
Extend One-Day Effectiveness of Tariffs	05/24/91	56	FR	19953
Final Action	10/17/91	56	FR	51987
Final Action Effective	11/18/91	56	FR	51987
Reconsideration	02/03/92	57	FR	3950

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bryant VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5796

FIN: 3072-AB35

4012. PROCEDURES FOR ENVIRONMENTAL POLICY ANALYSIS - DOCKET NO. 91-28

Legal Authority: 5 USC 552 to 553; 42 USC 4332(2)(b); 42 USC 6362; 46 USC app 820; 46 USC app 841a; 46 USC app 1712; 46 USC app 1716

CFR Citation: 46 CFR 504.4

Legal Deadline: None

Abstract: Action categorically excludes from environmental analysis requirements filings of surety bonds and designations of resident agents for service of process by non-vesseloperating common carriers.

Timetable:

Action	Date	FR	Cite
NPRM	06/19/91	56 FR	28128
NPRM Comment Period End	07/19/91	56 FR	28128
Final Action	10/08/91	56 FR	50662
Final Action Effective	11/07/91	56 FR	50662

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5725

RIN: 3072-AB38

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4013. • ACTION TO MEET CONDITIONS IN THE PERUVIAN TRADE - DOCKET NO. 87-6

Significance: Agency Priority

Legal Authority: 46 USC app 876(1)(b); 46 USC app 1710a; 46 CFR 505; Reorg Plan 7 of 1961, 26 FR 7315

CFR Citation: 46 CFR 586.2

Legal Deadline: None

Abstract: Regulation to counteract conditions unfavorable to the foreign trade of the United States rescinded.

Timetable:

Action	Date	FR Cite
NPRM	04/13/87	52 FR 11832
NPRM Comment Period End	11/07/88	53 FR 39317
Final Rule	03/28/89	54 FR 12629
Final Action - Final rule rescinded; proceeding terminated	12/19/91	56 FR 65856
Final Action Effective	12/19/91	

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5740

RIN: 3072-AB41

4014. • SECTION 35 EXEMPTION: DOMESTIC OFFSHORE TRADE -DOCKET NO. 91-42

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 812 et seq

CFR Citation: 46 CFR 550.1

Legal Deadline: None

Abstract: Action allows carrier filing on one-day's notice any new or amendatory tariff matter that does not increase the shipper's cost of transportation. The exemption does not apply to a "general decrease in rates."

Timetable:

Action	Date		FR	Cite	
Final Action	12/20/91	56	FR	65998	i
Final Action	12/20/91	56	FR	65998	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5796

RIN: 3072-AB42

Completed Actions

4015. • SECTION 35 EXEMPTION: HAWAII AND ALASKA TRADES -PETITION NO. P4-91; DOCKET NO. 91-55

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 812 et seq

CFR Citation: 46 CFR 550.1

Legal Deadline: None

Abstract: Action allows carrier filing on one day's notice any new or reduced rate or any new or amendatory tariff regulation, rule or rate that does not increase the shipper's cost of transportation (except for a "general decrease in rates").

Timetable:

Action	Date	FR Cite
Notice of Petition	08/14/91	56 FR 40330
Final Action	11/29/91	56 FR 60930
Final Action Effective	11/29/91	56 FR 60930

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, 202 523-5796

RIN: 3072-AB43

[FR Doc. 92-4566 Filed 04-24-92; 8:45 am] BILLING CODE 6730-01-F