

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, 2007, to September 30, 2008, 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.

Beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Federal Maritime Commission's printed agenda entries include only rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. 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 both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. The Federal Maritime Commission's Statement of Regulatory Priorities is included in the Plan.

NAME: Bryant L. VanBrakle,
Secretary.

The 4 Regulatory Agendas

Federal Maritime Commission - Long-term Action

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

Federal Maritime Commission - Completed Action

Title	Regulation Identifier Number
Optional Method of Filing Form FMC-18, Application for a License as an Ocean Transportation Intermediary (Docket No. 07-08)	3072-AC32
Amendment to Regulation Governing the Filing of Proof of Financial Responsibility (Docket No. 07-06)	3072-AC33

Federal Maritime Commission (FMC)**RIN:** 3072-AB97**Title:** Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20)

Abstract: This action proposed to impose fees on liner vessels operated by Japanese carriers calling at U.S. ports, in response to apparent unfavorable conditions in the foreign oceanborne trade between the United States and Japan. The effect of the rule was to adjust or meet unfavorable conditions caused by Japanese port restrictions and requirements by imposing countervailing burdens on Japanese carriers. A final rule was issued, but its effective date was suspended. The Commission subsequently determined to remove that suspended final rule, as market developments had overtaken its findings. Beginning August 26, 1999, and every 180 days thereafter, the FMC has required U.S. and Japanese ocean common carriers in the U.S.-Japan trade to provide reports addressing the status of efforts to reform conditions unfavorable to shipping in the U.S.-Japan trade. Areas for reporting included reform of the "prior consultation" system for pre-approving carriers' service changes in Japan; entry of non-Japanese carriers into Japan's harbor services market; and Government of Japan proposals for broader harbor services deregulation. Effective November 7, 2001, and every 180 days thereafter, the reporting requirements have been revised to include effects of recent changes in Japanese laws and ordinances; continued application of the "prior consultation" system for pre-approving carriers' service changes in Japan; and entry of new entities into Japan's harbor services market.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 46 CFR 551 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 46 USC ch 421; 46 CFR 550; Reorganization Plan 7 of 1961; 26 FR 7315**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
NPRM	11/13/1996	61 FR 58160
Other	12/27/1996	61 FR 68200
NPRM Comment Period End	01/13/1997	
Other	03/04/1997	62 FR 9696
Other	04/16/1997	62 FR 18533
Other	04/16/1997	62 FR 18533
Other	04/16/1997	62 FR 18532
Other	04/16/1997	62 FR 18433
Final Rule Effective	04/14/1997	
Other	10/20/1997	62 FR 54396
Other	11/19/1997	62 FR 61648
Other	06/07/1999	
Other	06/07/1999	64 FR 30245
Other	08/15/2001	
Other	08/15/2001	66 FR 42859

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

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Federal Maritime Commission (FMC)

RIN: 3072-AC22

Title: Passenger Vessel Financial Responsibility (Docket No. 02-15)

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 540 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 552 to 553; 46 USC ch 441; 46 USC 305; 31 USC 9701; PL 89-777; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	10/31/2002	67 FR 66352
NPRM Comment Period Extended	12/27/2002	67 FR 79029
NPRM Comment Period End	01/08/2003	
NPRM Comment Period Extended	04/08/2003	68 FR 17003
NPRM Comment Period End	04/08/2003	
Other	05/06/2003	68 FR 23947
Other	05/28/2003	
NPRM Comment Period End	05/30/2003	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

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Federal Maritime Commission (FMC)

RIN: 3072-AC32

Title: Optional Method of Filing Form FMC-18, Application for a License as an Ocean Transportation Intermediary (Docket No. 07-08)

Abstract: The Federal Maritime Commission (FMC or Commission) amends its regulations relating to the method of filing Form FMC-18 "Application for a License as an Ocean Transportation Intermediary" (OTI) to provide for optional filing of OTI applications through a new electronic filing system. This optional filing system is intended to facilitate more efficient processing and review of applications for licensing. A filing fee of \$250 will apply to new applicants for OTI licensing, and \$125 for existing licensees who might want to use the optional electronic filing system to update their licensing records or to submit changes in the licensee's organization for which prior Commission approval is required.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 515 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 553; 31 USC 9701; 46 USC app 1702; 46 USC app 1707; 46 USC app 1709; 46 USC app 1710; 46 USC app 1712; 46 USC app 1714; 46 USC app 1716; 46 USC app 1718; PL 105-383; 21 USC 862

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	08/10/2007	72 FR 44976
Final Action Effective	09/24/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Federal Maritime Commission (FMC)

RIN: 3072-AC33

Title: Amendment to Regulation Governing the Filing of Proof of Financial Responsibility (Docket No. 07-06)

Abstract: The Federal Maritime Commission proposes to amend its regulations governing the filing of proof of financial responsibility for ocean transportation intermediaries by reducing the amount of time an applicant may have to file the requisite proof of financial responsibility upon approval of applicant's license application from two (2) years to 120 days.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 515 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 553; 31 USC 9701; 46 USC 305; 46 USC 40102; 46 USC 40104; 46 USC 40501 to 40503; 46 USC 40901 to 40904; 46 USC 41101 to 41106; 46 USC 41107; 46 USC 41108; 46 USC 41109; 46 USC 41301 to 41302; 46 USC 41305 to 41307; 46 USC 42101; 46 USC 42301 to 42306; 46 USC 42307; PL 105-383; 21 USC 862

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/25/2007	72 FR 40813
NPRM Comment Period End	08/27/2007	
Final Action	10/03/2007	72 FR 56272
Final Action Effective	11/05/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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