

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

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## FEDERAL MARITIME COMMISSION

**46 CFR Parts 501, 502, 503, 504, 514, 515, 550, 552, 560, 572, 580, 581, 582, and 583**

[Docket No. 95-01]

### **Filing of Tariffs by Marine Terminal Operators, Publishing, Filing and Posting of Tariffs in Domestic Offshore Commerce; Publishing and Filing of Tariffs by Common Carriers in the Foreign Commerce of the United States; Service Contracts**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Maritime Commission ("Commission") is removing its rules relating to Filing of Tariffs by Marine Terminal Operators; Publishing, Filing and Posting of Tariffs in Domestic Offshore Commerce; Publishing and Filing of Tariffs by Common Carriers in the Foreign Commerce of the United States; and Service Contracts. These regulations contain the guidelines, standards, and procedures for marine terminal operators ("MTO's") and common carriers by water to file and publish their tariffs and/or service contract essential terms with the Commission in paper format. With the full scale implementation of the Commission's Automated Tariff Filing and Information System ("ATFI"), which now requires tariffs and service contracts to be filed electronically, these regulations are no longer necessary. The Commission is also amending various other regulations to delete references to removed regulations and add replacement citations.

**EFFECTIVE DATE:** May 23, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573, (202) 523-5796.

**SUPPLEMENTARY INFORMATION:** The Federal Maritime Commission initiated this proceeding by publishing a Notice of Proposed Rulemaking ("NPR") in the **Federal Register** on January 12, 1995. The NPR solicited comments on a

proposal to remove certain regulations that governed the filing of tariffs and service contracts: 46 CFR Part 515, Filing of Tariffs by Marine Terminal Operators; 46 CFR Part 550, Publishing, Filing and Posting of Tariffs in Domestic Offshore Commerce; 46 CFR Part 580, Publishing and Filing of Tariffs by Common Carriers in the Foreign Commerce of the United States; and 46 CFR Part 581, Service Contracts.

The Commission is removing these parts because ATFI is now fully implemented and all MTO's and common carriers are now required to file their tariffs and service contracts in electronic format. (See Public Law 102-582, the High Seas Driftnet Fisheries Enforcement Act, section 502 of which directs carriers to "file electronically with the Commission all tariffs and all essential terms of service contracts required to be filed" by the 1916, 1933, or 1984 Acts; see also, 46 CFR Part 514).

The Commission did not receive any comments on the proposal to remove these regulations. The Commission is therefore adopting the proposed rule as its final rule; and in addition, the Commission is amending Parts 501, 502, 503, 504, 514, 552, 560, 572, 582, and 583 to delete references to the above removed parts and to add replacement citations. Also, 46 CFR § 514.15 is amended by removing paragraph (b)(23)(ii) which erroneously refers to Part 525 which was previously removed by the Commission. These additional changes were not part of the NPR and are not substantive changes.

The Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this final rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units, and small governmental organizations. "The criteria contained in this section requires the agency head to examine both the degree of impact as well as the dispersion of that impact." S. Rep. No. 878, 96th Cong., 2d Sess. 14 (1980) reprinted at 1980 U.S. Code Cong. and Admin. News, p. 2788 at 2801. The Commission does not believe that the removal of Parts 515, 550, 580 and 581 under the circumstances described above will result in an impact upon a substantial number of small entities.

This final rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1980, as amended. Therefore, OMB review is not required.

## List of Subjects

### *46 CFR Part 501*

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies), Seals and insignia.

### *46 CFR Part 502*

Administrative practice and procedure, Claims, Equal access to justice, Investigations, Lawyers, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

### *46 CFR Part 503*

Classified information, Freedom of information, Privacy, Sunshine Act.

### *46 CFR Part 504*

Environmental impact statements, Reporting and recordkeeping requirements.

### *46 CFR Part 514*

Freight, Harbors, Maritime carriers, Reporting and recordkeeping requirements.

### *46 CFR Part 515*

Freight, Harbors, Reporting and recordkeeping requirements, Warehouses.

### *46 CFR Part 550*

Maritime carriers, Reporting and recordkeeping requirements.

### *46 CFR Part 552*

Maritime carriers, Reporting and recordkeeping requirements, Uniform System of Accounts.

### *46 CFR Part 560*

Administrative practice and procedure, Antitrust, Freight, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

### *46 CFR Part 572*

Administrative practice and procedure, Maritime carriers, Reporting and recordkeeping requirements.

### *46 CFR Part 580*

Freight, Maritime carriers, Reporting and recordkeeping requirements.

### *46 CFR Part 581*

Freight, Maritime carriers, Reporting and recordkeeping requirements.

### *46 CFR Part 582*

Maritime carriers, Penalties, Reporting and recordkeeping requirements.