

approval under 5 CFR Part 1320, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 46 CFR Parts 201, 206, 246, 253, 275, 276, 285 and 290

Part 201—Administrative practice and procedure.

Part 206—Administrative practice and procedure.

Part 246—Maritime carriers, Measurement standards, National defense.

Part 253—Maritime carriers, National defense.

Part 276—Grant programs—transportation, Maritime carriers.

Part 285—Administrative practice and procedure, Maritime carriers, Reporting requirements, Uniform system of accounts.

Part 290—Government contracts, Maritime carriers.

Accordingly, for the reasons set forth in the preamble, MARAD is taking the following action:

1. The authority for 46 CFR Part 201 is revised to read as follows:

Authority: 46 App. U.S.C. 1114(b); 49 CFR 1.66.

2. The authority for 46 CFR Part 276 is revised to read as follows:

Authority: 46 App. U.S.C. 1114(b), 1117, 1156, and 1204; 49 CFR 1.66.

TITLE 46

PARTS 201, 276—[AMENDED]

PARTS 206, 246 253, 275, 285, 290—[REMOVED]

3. In Title 46 of the Code of Federal Regulations, in part 201, remove and reserve sections 201.4, 201.5, 201.23 and 201.86, and remove the last sentence of section 201.25.

4. In part 276, remove section 276.3.

5. Under the authority of 46 app. U.S.C. 1114(b) parts 206, 246, 253, 275, 285 and 290 are removed.

By Order of the Maritime Administrator.

Dated: July 24, 1995.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 95-18555 Filed 7-27-95; 8:45 am]

BILLING CODE 4910-81-P

46 CFR Parts 345, 346, and 347

[Docket No. R-155]

RIN No. 2133-AB15

Federal Port Controllers; Clarification of the Event That Allows the Activation of the Federal Port Controller Service Agreements

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This final rule amends the Maritime Administration's (MARAD) Federal Port Controllers regulations at 46 CFR Part 346, and provides a harmonizing amendment to the definition of "Federal Port Controller" in Part 345. These regulations now provide that, when needed during the existence of a state of war or national emergency proclaimed by the President of the United States, certain port facilities in the United States shall be controlled and used exclusively by the Federal Government, operating through the National Shipping Authority (NSA) of MARAD, pursuant to provisions of service agreements between the Director, NSA, and Federal Port Controllers appointed by MARAD. The regulations in Part 340 establish procedures for assigning priority for use by defense agencies, when appropriate, on commercial terms, of commercial shipping services, containers and chassis, port facilities and services, and for allocating commercial vessels services, containers and chassis, and port facilities and services for exclusive use by defense agencies. The amendments to Parts 345 and 346 will allow, at MARAD's discretion, the activation of standby service agreements between the United States of America and port authorities or private corporations in connection with the deployment of the Armed Forces of the United States or other requirements of the nation's defense. This is the same activation trigger as in Part 340—Priority Use and Allocation of Shipping Services, Containers and Chassis, and Port Facilities and Services for National Security and National Defense Related Operations.

DATES: This final rule is effective on August 28, 1995.

FOR FURTHER INFORMATION CONTACT: John Pisani, Director, Office of Ports and Domestic Shipping, Maritime Administration, Washington, DC. 20590. Telephone: (202) 366-4357.

SUPPLEMENTARY INFORMATION: These amendments to MARAD's regulations at 46 CFR subchapter I-B are necessary

because the event that allows activation of the Federal Port Controller service agreements is not consistent with the event that activates the priority use and allocation regulations in part 340.

Under non-emergency conditions, the public ports of the United States are administered, under a wide variety of authorities, by their respective state governments. The wide variance in their responsibilities, jurisdictions, operations and managements reflects the differences of the various governing bodies. The various contingency Federal procedures administered by MARAD are intended to assert reasonable, uniform, limited Federal administration of the otherwise diverse U.S. network of public ports in an emergency which affects the national interest. The procedures are set forth under three interdependent documents:

1. Special inter-agency coordination required under emergency circumstances is established through the Memorandum of Understanding on Port Readiness. These procedures are in effect at all times.

2. Use of real port property and related services are assured through the regulations at 46 CFR part 340, addressing the priority use and allocation of port facilities, as well as shipping services and containers and chassis. These procedures can become operative in the event of the deployment of the Armed Forces of the United States or other requirements of the nation's defense.

3. Limited Federal administration of the U.S. network of public ports is achieved by the standby Federal Port Controller procedures set forth in a "Service Agreement, Federal Port Controller", in 46 CFR part 346. At present, these procedures can only be activated upon the declaration of war or national emergency.

Proposed Rule and Comments

MARAD published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on November 18, 1994 (59 FR 59742), noting that the present disparity with respect to the event that triggers the activation of contingency Federal procedures under 46 CFR parts 340 and 346, respectively, can create confusion. The present procedures set forth in 46 CFR part 340 can become operative without a Presidential declaration of emergency to eliminate potential adverse delay, while the activation of Federal Port Controller service agreements in 46 CFR part 346 requires a "declaration of war or national emergency." The NPRM noted that events during Operations DESERT SHIELD/DESERT STORM showed that the Government would not have had the authority to obtain needed priority utilization of port facilities, shipping services and containers in a timely manner with the present Part 346