

complications, and assess other aspects of the patient's condition both medically and functionally."

### III. Correction of Errors

In FR Doc. E9-18616 of August 7, 2009 (74 FR 39762), make the following corrections:

- 1. On page 39768, in Table 1, in CMG 0501, under "Average length of stay," tier 2, the value "0" is corrected to read "10."
- 2. On page 39791, in column 2, in line 7 from the top, the phrase "IRF personnel involved in collecting the information for," is corrected to read, "clinician(s) conducting."

### IV. Waiver of Proposed Rulemaking and Delayed Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). We also ordinarily provide a 30-day delay in the effective date of the provisions of a rule in accordance with section 553(d) of the APA (5 U.S.C. 553(d)). However, we can waive both notice and comment procedures and the 30-day delay in effective date if the Secretary finds, for good cause, that such procedures are impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons into the notice.

The policies and payment methodology expressed in the FY 2010 IRF PPS final rule (74 FR 39762) have previously been subjected to notice and comment procedures. This correction notice provides technical corrections to the FY 2010 final rule that was promulgated through notice and comment rulemaking, and does not make substantive changes to the policies or payment methodologies that were expressed in the final rule. Therefore, we find it unnecessary to undertake further notice and comment procedures with respect to this correction notice. We also believe that it is in the public interest (and would be contrary to the public interest to do otherwise) to waive notice and comment procedures and the 30-day delay in effective date for this notice. This correction notice is intended to ensure that the FY 2010 final rule accurately reflects the policies expressed in the final rule, and that the correct information is made available to the public prior to the effective dates of the final rule. Therefore, we find good cause to waive notice and comment procedures and the 30-day delay in the effective date for this correction notice.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 25, 2009.

**Dawn L. Smalls,**

*Executive Secretary to the Department.*

[FR Doc. E9-23708 Filed 9-30-09; 8:45 am]

**BILLING CODE 4120-01-P**

## FEDERAL MARITIME COMMISSION

**46 CFR Parts 501, 502, 503, 504, 506, 508, 515, 520, 525, 530, 531, 535, 540, 545, 550, 551, 555, 560, and 565.**

[Docket No. 09-06]

**RIN 3072-AC37**

### Recodification of the Shipping Act as Positive Law

September 16, 2009.

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** This rule amends Commission regulations to reflect the codification of the Shipping Act as positive law. No substantive change is involved.

**DATES:** *Effective Date:* October 1, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001. (202) 523-5725. *E-mail:* [secretary@fmc.gov](mailto:secretary@fmc.gov).

**SUPPLEMENTARY INFORMATION:** The House of Representatives introduced H.R. 1442 to complete the codification of title 46, United States Code, "Shipping," as positive law, by reorganizing and restating the laws previously set forth in the appendix to title 46. On October 6, 2006, H.R. 1442 was enacted as Public Law 109-304. This rule changes prior references in the Commission regulations to reflect the codification and involves no substantive changes. This rule also corrects typographical errors in the Commission regulations.

Because this rule involves no substantive changes, the Commission finds, pursuant to 5 U.S.C. 553(b)(B), that notice and public procedure on this rule is unnecessary. The Chairman of the Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. *et seq.*, that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This rule is not a "major rule" under 5 U.S.C. 804(2).

### List of Subjects

#### 46 CFR Part 501

Administrative practice and procedure, Authority delegations, Organization and functions, Seals and insignia.

#### 46 CFR Part 502

Administrative practice and procedure, Claims, Investigations, Lawyers, Penalties, Reporting and recordkeeping requirements.

#### 46 CFR Part 503

Freedom of information, Sunshine Act.

#### 46 CFR Part 504

Environmental impact statements, Reporting and recordkeeping requirements.

#### 46 CFR Part 506

Administrative practice and procedure, Penalties.

#### 46 CFR Part 508

Conflict of interests.

#### 46 CFR Part 515

Freight forwarders, Maritime carriers, Reporting and recordkeeping requirements.

#### 46 CFR Part 520

Freight, Intermodal transportation, Maritime carriers, Reporting and recordkeeping requirements.

#### 46 CFR Part 525

Freight, Harbors, Reporting and recordkeeping requirements, Warehouses.

#### 46 CFR Part 530

Freight, Maritime carriers, Reporting and recordkeeping requirements.

#### 46 CFR Part 531

Freight, Non-vessel-operating common carriers, Reporting and recordkeeping requirements.

#### 46 CFR Part 535

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

#### 46 CFR Part 540

Insurance, Maritime carriers, Reporting and recordkeeping requirements, Surety bonds.

#### 46 CFR Part 545

Antitrust, Maritime carriers.

#### 46 CFR Part 550

Administrative practice and procedure, Maritime carriers, Penalties.

**46 CFR Part 551**

Unfavorable conditions, foreign trade.

**46 CFR Part 555**

Administrative practice and procedure, Investigations, Maritime carriers.

**46 CFR Part 560**

Administrative practice and procedure, Maritime carriers.

**46 CFR Part 565**

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

■ For the reasons set forth above, the Federal Maritime Commission amends 46 CFR Part 501, 502, 503, 504, 505, 506, 508, 515, 520, 525, 530, 531, 535, 540, 545, 550, 551, 555, 560, and 565, as follows:

**PART 501—THE FEDERAL MARITIME COMMISSION—GENERAL**

■ 1. Revise the authority citation for part 501 to read as follows:

**Authority:** 5 U.S.C. 551–557, 701–706, 2903, and 6304; 31 U.S.C. 3721; 41 U.S.C. 414 and 418; 44 U.S.C. 501–520 and 3501–3520; 46 U.S.C. 301–307, 40101–41309, 42101–42109, 44101–44106; Reorganization Plan No. 7 of 1961, 26 FR 7315, August 12, 1961; Pub. L. 89–56, 70 Stat. 195; 5 CFR Part 2638; Pub. L. 104–320, 110 Stat. 3870.

**Subpart A—Organization and Functions**

■ 2. Section 501.2(a) is revised to read as follows:

**§ 501.2 General**

(a) Statutory functions. The Commission regulates common carriers

by water and other persons involved in the oceanborne foreign commerce of the United States under provisions of the Shipping Act of 1984 (46 U.S.C. 40101–41309); section 19 of the Merchant Marine Act, 1920 (46 U.S.C. 42101–42109); the Foreign Shipping Practices Act of 1988 (46 U.S.C. 42301–42307); sections 2 and 3, Public Law 89–777, Financial Responsibility for Death or Injury to Passengers and for Non-Performance of Voyages (46 U.S.C. 44101–44106); and other applicable statutes.

\* \* \* \* \*

**§ 501.5 [Amended]**

■ 3. In § 501.5(d)(6), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 3(8) of the Shipping Act of 1984 .....	section 3(8) of the Shipping Act of 1984 (46 U.S.C. 40102(8)).

**Subpart B—Official Seal****§ 501.11 [Amended]**

■ 4. In § 501.11(a), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 201(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. app. 1111(c)).	section 201(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 301(d)).

**Subpart C—Delegation and Redefinition of Authorities****§ 501.23 [Amended]**

■ 5. In § 501.23, remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 3(8) of the Shipping Act of 1984 .....	section 3(8) of the Shipping Act of 1984 (46 U.S.C. 40102(8)).

**§ 501.24 [Amended]**

■ 6. In § 501.24(e), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 5 of the Shipping Act of 1984 .....	section 5 of the Shipping Act of 1984 (46 U.S.C. 40301(d)–(e), 40302, 0940303, 40305).

**§ 501.27 [Amended]**

■ 7. In § 501.27(a), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 6(c)(1), and to shorten the review period under section 6(e), of the Shipping Act of 1984.	section 6(c)(1), and to shorten the review period under section 6(e), of the Shipping Act of 1984 (46 U.S.C. 40304(c)(1) and (e)(1)).

- 8. In § 501.27(e), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 6(c)(1) of the Shipping Act of 1984 .....	section 6(c)(1) of the Shipping Act of 1984 (46 U.S.C. 40304(c)(1)).

- 9. In § 501.27(i), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 5 of the Shipping Act of 1984 .....	section 5 of the Shipping Act of 1984 (46 U.S.C. 40301(d)–(e), 40302–40303, 40305).

- 10. In § 501.27(j), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 9(d) of the Shipping Act of 1984 .....	section 9(d) of the Shipping Act of 1984 (46 U.S.C. 40704(b)–(e)).

- 11. In § 501.27(l)(1), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 8 of the Shipping Act of 1984 .....	section 8 of the Shipping Act of 1984 (46 U.S.C. 40501–40503).

- 12. In § 501.27(m)(1), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 9 of the Shipping Act of 1984 .....	section 9 of the Shipping Act of 1984 (46 U.S.C. 40701–40706).

## PART 502—RULES OF PRACTICE AND PROCEDURE

- 13. Revise the authority citation for part 502 to read as follows:

**Authority:** 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561–569, 571–596; 5 U.S.C. 571–

584; 12 U.S.C. 1141j(a); 18 U.S.C. 207; 26 U.S.C. 501(c)(3); 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. 305, 40103–40104, 40304, 40306, 40501–40503, 40701–40706, 41101–41109, 41301–41309, 44101–44106; E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR, 1964–1965 Comp. P. 306; 21 U.S.C. 853a.

## Subpart C—Parties

### § 502.41 [Amended]

- 14. In § 502.41, remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 11(c) of the Shipping Act of 1984 .....	section 11(c) of the Shipping Act of 1984 (46 U.S.C. 41302(a)–(b), 41307(b)).

### § 502.44 [Amended]

- 15. In § 502.44(c), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 5(a) of the Shipping Act of 1984 .....	section 5(a) of the Shipping Act of 1984 (46 U.S.C. 40302).

**Subpart E—Proceedings; Pleadings; Motions; Replies**

add in its place the reference in the “Add” column in the following table:

**§ 502.63 [Amended]**

■ 16. In § 502.63(a), remove the reference in the “Remove” column and

Remove	Add
section 11 of the Shipping Act of 1984 .....	section 11 of the Shipping Act of 1984 (46 U.S.C. 41301–41302, 41305–41307(a)).

**§ 502.67 [Amended]**

add in its place the reference in the “Add” column in the following table:

■ 17. In § 502.67(b), remove the reference in the “Remove” column and

Remove	Add
section 16 of the Shipping Act of 1984 .....	section 16 of the Shipping Act of 1984 (46 U.S.C. 40103).

**§ 502.68 [Amended]**

add in its place the reference in the “Add” column in the following table:

■ 18. In § 502.68(b), remove the reference in the “Remove” column and

Remove	Add
section 11 of the Shipping Act of 1984 .....	section 11 of the Shipping Act of 1984 (46 U.S.C. 41301–41302, 41305–41307(a)).

**§ 502.75 [Amended]**

add in its place the reference in the “Add” column in the following table:

■ 19. In § 502.75(a), remove the reference in the “Remove” column and

Remove	Add
section 5(e) of the Shipping Act of 1984 .....	section 5(e) of the Shipping Act of 1984 (46 U.S.C. 40301(e), 40305).

**Subpart H—Form, Execution, and Service of Documents**

add in its place the reference in the “Add” column in the following table:

**§ 502.114 [Amended]**

■ 20. In § 502.114(b), remove the reference in the “Remove” column and

Remove	Add
under section 19 of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b) (part 550), and proceedings under section 13(b)(6) of the Shipping Act of 1984 (part 560).	under section 19 of the Merchant Marine Act, 1920 (46 U.S.C. 42101) (part 550), and proceedings under section 13(b)(6) of the Shipping Act of 1984 (46 U.S.C. 41108(d)) (part 560).

**Subpart O—Reparation**

add in its place the reference in the “Add” column in the following table:

**§ 502.254 [Amended]**

■ 21. In § 502.254(a), remove the reference in the “Remove” column and

Remove	Add
section 11 of the Shipping Act of 1984 .....	section 11 of the Shipping Act of 1984 (46 U.S.C. 41301–41302, 41305–41307(a)).

**Subpart S—Informal Procedure for Adjudication of Small Claims**

add in its place the reference in the “Add” column in the following table:

**§ 502.301 [Amended]**

■ 22. In § 502.301(a), remove the reference in the “Remove” column and

Remove	Add
Section 11(a) of the Shipping Act of 1984 .....	Section 11(a) of the Shipping Act of 1984 (46 U.S.C. 41301(a)).

**Subpart T—Formal Procedure for Adjudication of Small Claims**

add in its place the reference in the “Add” column in the following table:

**§ 502.318 [Amended]**

■ 23. In § 502.318(b), remove the reference in the “Remove” column and

Remove	Add
section 11 of the Shipping Act of 1984 .....	section 11 of the Shipping Act of 1984 (46 U.S.C. 41301–41302, 41305–41307(a)).

**Subpart W—Compromise, Assessment, Mitigation, Settlement, and Collection of Civil Penalties**

place the reference in the “Add” column in the following table:

**§ 502.601 [Amended]**

■ 24. In § 502.601, remove the reference in the “Remove” column and add in its

Remove	Add
section 19 of the Merchant Marine Act, 1920, section 13 of the Shipping Act of 1984, and sections 2(c) and 3(c) of Pub. L. 89–777.	section 19 of the Merchant Marine Act, 1920 (46 U.S.C. 42101–42109), section 13 of the Shipping Act of 1984 (46 U.S.C. 41107–41109), and sections 2(c) and 3(c) of Pub. L. 89–777 (46 U.S.C. 44104).

**§ 502.602 [Amended]**

■ 25. In § 502.602(h), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
sections 19(6)(d), 19(7)(d) and 19(11) of the Merchant Marine Act, 1920; any provision of the Shipping Act of 1984; sections 2 and 3 of Pub. L. 89–777.	sections 19(f)(4), 19(g)(4) and 19(k) of the Merchant Marine Act, 1920 (46 U.S.C. 42104(a), 42104(d), and 42108); any provision of the Shipping Act of 1984 (46 U.S.C. 40101–41309); sections 2 and 3 of Pub. L. 89–777 (46 U.S.C. 44101–44106).

**PART 503—PUBLIC INFORMATION**

**Authority:** 5 U.S.C. 552, 552a, 552b, 553; 31 U.S.C. 9701; E.O. 12958 of April 20, 1995 (60 FR 19825), sections 5.2(a) and (b).

**Subpart C—Records, Information and Materials Generally Available to the Public Without Resort to Freedom of Information Act Procedures****§ 503.23 [Amended]**

■ 26. The authority citation for Part 503 continues to read as follows:

■ 27. In § 503.23(a)(1), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
sections 5 and 6 of the Shipping Act of 1984 .....	section 5 (46 U.S.C. 40301(d)–(e), 40302–40303, 40305) and 6 (46 U.S.C. 40304, 40306, 41307(b)–(d)) of the Shipping Act of 1984.

- 28. In § 503.23(a)(2), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 5 of the Shipping Act of 1984 .....	section 5 of the Shipping Act of 1984 (46 U.S.C. 40301(d)–(e), 40302–40303, 40305).

#### PART 504—PROCEDURES FOR ENVIRONMENTAL POLICY ANALYSIS

Authority: 5 U.S.C. 552, 553; 46 U.S.C. 305 and 41107–41109; 42 U.S.C. 4332(2)(b), and 42 U.S.C. 6362.

#### § 504.1 [Amended]

- 29. Revise the authority citation for part 504 to read as follows:

■ 30. In § 504.1(c), remove the references in the “Remove” column and add in their place the references in the “Add” column in the following table:

Remove	Add
section 15 of the Shipping Act of 1984 .....	section 15 of the Shipping Act of 1984 (46 U.S.C. 40104).
section 13 of the Shipping Act of 1984 .....	section 13 of the Shipping Act of 1984 (46 U.S.C. 41107–41109).

#### § 504.2 [Amended]

- 31. In § 504.2(a), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
Shipping Act of 1984 (46 U.S.C. app. 1701–1720) .....	Shipping Act of 1984 (46 U.S.C. 40101–41309).

- 32. In § 504.2(b), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 3 of the Shipping Act of 1984 .....	section 3 of the Shipping Act of 1984 (46 U.S.C. 40102).

#### § 504.4 [Amended]

- 33. In § 504.4(a)(9), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 5 of the Shipping Act of 1984 .....	section 5 of the Shipping Act of 1984 (46 U.S.C. 40301(d)–(e), 40302–40303, 40305).

- 34. In § 504.4(a)(15), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 9 of the Shipping Act of 1984 .....	section 9 of the Shipping Act of 1984 (46 U.S.C. 40701–40706).

#### § 504.9 [Amended]

- 35. In § 504.9(d), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 15 of the Shipping Act of 1984 .....	section 15 of the Shipping Act of 1984 (46 U.S.C. 40104).

**PART 506—CIVIL MONETARY  
PENALTY INFLATION ADJUSTMENT**

Authority: 61 FR 52705, Oct. 8, 1996,  
unless otherwise noted.

**§ 506.1 [Amended]**

■ 37. In § 506.1, remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
the Federal Civil Penalties Inflation Adjustment Act of 1990, 46 U.S.C. 2461.	the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note).

**PART 508—EMPLOYEE ETHICAL  
CONDUCT STANDARDS AND  
FINANCIAL DISCLOSURE  
REGULATIONS**

■ 38–39. Revise the authority citation for part 508 to read as follows:

Authority: 5 U.S.C. 553; 5 U.S.C. 7301; 46 U.S.C. 305.

**PART 515—LICENSING, FINANCIAL  
RESPONSIBILITY REQUIREMENTS,  
AND GENERAL DUTIES FOR OCEAN  
TRANSPORTATION INTERMEDIARIES**

■ 40. Revise the authority citation for part 515 to read as follows:

Authority: 5 U.S.C. 553; 31 U.S.C. 9701; 46 U.S.C. 305, 40102, 40104, 40501–40503, 40901–40904, 41101–41109, 41301–41302,

41305–41307; Pub. L. 105–383, 112 Stat. 3411; 21 U.S.C. 862.

**Subpart A—General****§ 515.1 [Amended]**

■ 41. In § 515.1(b), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
(46 U.S.C. app. 1712) .....	(46 U.S.C. 41107–41109).

**Subpart C—Financial Responsibility  
Requirements; Claims Against Ocean  
Transportation Intermediaries**

add in its place the reference in the  
“Add” column in the following table:

**§ 515.22 [Amended]**

■ 42. In § 515.22(d)(4), remove the reference in the “Remove” column and

Remove	Add
section 11 of the Act, or any penalty assessed against the ocean transportation intermediary pursuant to section 13 of the Act.	section 11 of the Act (46 U.S.C. 41301–41302, 41305–41307(a)), or any penalty assessed against the ocean transportation intermediary pursuant to section 13 of the Act (46 U.S.C. 41107–41109).

■ 43. In § 515.22(d)(5)(i), remove the reference in the “Remove” column and

add in its place the reference in the  
“Add” column in the following table:

Remove	Add
section 11 of the Act, or any penalty assessed against each covered member ocean transportation intermediary pursuant to section 13 of the Act.	section 11 of the Act (46 U.S.C. 41301–41302, 41305–41307(a)), or any penalty assessed against each covered member ocean transportation intermediary pursuant to section 13 of the Act (46 U.S.C. 41107–41109).

**§ 515.23 [Amended]**

■ 44. In § 515.23(a), remove the reference in the “Remove” column and

add in its place the reference in the  
“Add” column in the following table:

Remove	Add
pursuant to sections 11 or 14 of the Act, or assesses a penalty pursuant to section 13 of the Act.	pursuant to sections 11 (46 U.S.C. 41301–41302, 41305–41307(a)) or 14 (46 U.S.C. 41304, 41308–41309) of the Act, or assesses a penalty pursuant to section 13 of the Act (46 U.S.C. 41107–41109).

■ 45. In § 515.23(b)(1), remove the reference in the “Remove” column and

add in its place the reference in the  
“Add” column in the following table:

Remove	Add
pursuant to section 11 of the Act .....	pursuant to section 11 of the Act (46 U.S.C. 41301–41302, 41305–41307(a)).

**§ 515.27 [Amended]**

add in its place the reference in the  
“Add” column in the following table:

■ 46. In § 515.27(a), remove the  
reference in the “Remove” column and

Remove	Add
sections 8 and 19 of the Act .....	sections 8 (46 U.S.C. 40501–40503) and 19 (46 U.S.C. 40901–40904) of the Act.

■ 47. In § 515.27(c), remove the  
reference in the “Remove” column and

add in its place the reference in the  
“Add” column in the following table:

Remove	Add
under section 10(b)(11) of the Act .....	under section 10(b)(11) of the Act (46 U.S.C. 41104(11)).

**Appendix A to Subpart C of Part 515—  
Ocean Transportation Intermediary  
(OTI) Bond Form [Form 48]**

add in their place the references in the  
“Add” column in the following table:

**Form FMC–48 [Amended]**

■ 48. In Form FMC–48, remove the  
references in the “Remove” column and

Remove	Add
Section 19, Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998. 46 U.S.C. app 1702 .....	Section 19, Shipping Act of 1984 (46 U.S.C. 40901–40904).
section 11 of the 1984 Act, 46 U.S.C. app. 1710, or any penalty assessed against the Principal pursuant to section 13 of the 1984 Act, 46 U.S.C. app. 1712.	46 U.S.C. 40102. section 11 of the 1984 Act (46 U.S.C. 41301–41302, 41305–41307(a)), or any penalty assessed against the Principal pursuant to section 13 of the 1984 Act (46 U.S.C. 41107–41109).

**Appendix B to Subpart C of Part 515—  
Ocean Transportation Intermediary  
(OTI) Insurance [Form 67]**

add in their place the references in the  
“Add” column in the following table:

**Form FMC–67 [Amended]**

■ 49. In Form FMC–67, remove the  
references in the “Remove” column and

Remove	Add
Under 46 U.S.C. app. 1718 .....	Under 46 U.S.C. 40901–40904.
with the provisions of 46 U.S.C. app. 1718 .....	with the provisions of 46 U.S.C. 40901–40904.
subject to the 1984 Act, 46 U.S.C. app. 1701 <i>et seq.</i> .....	subject to the 1984 Act (46 U.S.C. 40101–41309).
section 19 of the 1984 Act, 46 U.S.C. app. 1718 .....	section 19 of the 1984 Act (46 U.S.C. 40901–40904).
section 11 of the 1984 Act, 46 U.S.C. app. 1710 .....	section 11 of the 1984 Act (46 U.S.C. 41301–41302, 41305–41307(a)).
section 13 of the 1984 Act, 46 U.S.C. app. 1712 .....	section 13 of the 1984 Act (46 U.S.C. 41107–41109).

**Appendix C to Subpart C of Part 515—  
Ocean Transportation Intermediary  
(OTI) Guaranty Form [Form 68]**

add in their place the references in the  
“Add” column in the following table:

**Form FMC–68 [Amended]**

■ 50. In Form FMC–68, remove the  
references in the “Remove” column and



Remove	Add
46 U.S.C. app. 1701 <i>et seq.</i> , ..... section 11 of the 1984 Act, 46 U.S.C. app. 1710 ..... section 13 of the 1984 Act, 46 U.S.C. app. 1712 .....	(46 U.S.C. 40101–41309). section 11 of the 1984 Act (46 U.S.C. 41301–41302, 41305–41307(a)). section 13 of the 1984 Act (46 U.S.C. 41107–41109).

**Appendix D to Subpart C of Part 515—** add in their place the references in the  
**Ocean Transportation Intermediary** “Add” column in the following table:  
**(OTI) Group Bond Form [Form 69]**  
**Form FMC–69 [Amended]**

■ 51. In Form FMC–69, remove the references in the “Remove” column and

Remove	Add
Section 19, Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998. under the 1984 Act, 46 U.S.C. app. 1701 <i>et seq.</i> ..... pursuant to section 11 of the 1984 Act, 46 U.S.C. app. 1710 ..... pursuant to section 13 of the 1984 Act, 46 U.S.C. app. 1712 .....	Section 19, Shipping Act of 1984 (46 U.S.C. 40901–40904). under the 1984 Act (46 U.S.C. 40101–41309). pursuant to section 11 of the 1984 Act (46 U.S.C. 41301–41302, 41305–41307(a)). pursuant to section 13 of the 1984 Act (46 U.S.C. 41107–41109).

**Appendix E to Subpart C of Part 515—** add in its place the reference in the  
**Optional Rider for Additional NVOCC** “Add” column in the following table:  
**Financial Responsibility (Optional**  
**Rider to Form FMC–48) [Form 48A]**  
**Form FMC–48A [Amended]**

■ 52. In Form FMC–48A, remove the reference in the “Remove” column and

Remove	Add
section 19 of the Shipping Act of 1984, 46 U.S.C. app. 1718 .....	section 19 of the Shipping Act of 1984 (46 U.S.C. 40901–40904).

**Appendix F to Subpart C of Part 515—** add in its place the reference in the  
**Optional Rider for Additional NVOCC** “Add” column in the following table:  
**Financial Responsibility for Group**  
**Bonds [Optional Rider to Form FMC–**  
**69]**

**Form FMC–69A [Amended]**

■ 53. In Form FMC–69A, remove the reference in the “Remove” column and

Remove	Add
section 19 of the Shipping Act of 1984, 46 U.S.C. app. 1718 .....	section 19 of the Shipping Act of 1984 (46 U.S.C. 40901–40904).

**Subpart E—Freight Forwarding Fees** add in its place the reference in the  
**and Compensation** “Add” column in the following table:

**§ 515.42 [Amended]**

■ 54. In § 515.42(d), remove the reference in the “Remove” column and

Remove	Add
19(e)(4) of the Act .....	19(e)(4) of the Act (46 U.S.C. 40904(d)).

**PART 520—CARRIER AUTOMATED TARIFFS**

Authority: 5 U.S.C. 553; 46 U.S.C. 305, 40101–40102, 40501–40503, 40701–40706, 41101–41109.

**§ 520.1 [Amended]**

■ 56. In § 520.1(a), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 8 of the Shipping Act of 1984 (“Act”) .....	section 8 of the Shipping Act of 1984 (“the Act”) (46 U.S.C. 40501–40503).

■ 57. In § 520.1(b)(2), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 8 of the Act .....	section 8 of the Act (46 U.S.C. 40501–40503).

■ 58. In § 520.1(b)(3), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 10 of the Act .....	section 10 of the Act (46 U.S.C. 41101–41106).

■ 59. In § 520.1(b)(4), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 9 of the Act .....	section 9 of the Act (46 U.S.C. 40701–40706).

**§ 520.4 [Amended]**

■ 60. In § 520.4(a)(3), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 3(17)(A) of the Act .....	section 3(17)(A) of the Act (46 U.S.C. 40102(18)).

■ 61. In § 520.4(i), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 5(b)(6) of the Act .....	section 5(b)(6) of the Act (46 U.S.C. 40303(b)(6)).

**§ 520.13 [Amended]**

■ 62. In § 520.13(a), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 16 of the Act .....	section 16 of the Act (46 U.S.C. 40103).

**§ 520.14 [Amended]**

■ 63. In § 520.14(a), remove the references in the “Remove” column and add in their place the references in the “Add” column in the following table:

Remove	Add
Section 8(d) of the Act .....	Section 8(d) of the Act (46 U.S.C. 40501(e)).
Section 9(c) of the Act .....	Section 9(c) of the Act (46 U.S.C. 40703, 40704(a)).

**PART 525—MARINE TERMINAL OPERATOR SCHEDULES**

**Authority:** 46 U.S.C. 40102, 40501, 41101–41106.

**§ 525.1 [Amended]**

■ 65. In § 525.1(a), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 10 of the Act .....	section 10 of the Act (46 U.S.C. 41101–41106).

**§ 525.2 [Amended]**

■ 66. In § 525.2(a), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 10(d) of the Act .....	section 10(d) of the Act (46 U.S.C. 41102(c), 41103, 41106).

**PART 530—SERVICE CONTRACTS****Subpart A—General Provisions**

place the reference in the “Add” column in the following table:

■ 67. Revise the authority citation for part 530 to read as follows:

**Authority:** 5 U.S.C. 553; 46 U.S.C. 305, 40301–40306, 40501–40503, 41307.

**§ 530.1 [Amended]**

■ 68. In § 530.1, remove the reference in the “Remove” column and add in its

Remove	Add
section 8(c) of the Shipping Act of 1984 (“Act”) .....	section 8(c) of the Shipping Act of 1984 (“the Act”) (46 U.S.C. 40502).

**§ 530.3 [Amended]**

■ 69. In § 530.3(p), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 3(17)(B) of the Act .....	section 3(17)(B) of the Act (46 U.S.C. 40102(16)).

**§ 530.6 [Amended]**

■ 70. In § 530.6(b), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
sections 8 and 19 of the Act .....	sections 8 (46 U.S.C. 40501–40503) and 19 (46 U.S.C. 40901–40904) of the Act.

■ 71. In § 530.6(d), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 10(b)(12) of the Act .....	section 10(b)(12) of the Act (46 U.S.C. 41104(12)).

**§ 530.7 [Amended]**

■ 72. In § 530.7(f), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 8(c) of the Act .....	section 8(c) of the Act (46 U.S.C. 40502).

**Subpart D—Exceptions and Implementation**

add in their place the references in the “Add” column in the following table:

**§ 530.13 [Amended]**

■ 73. In § 530.13(a), remove the references in the “Remove” column and

Remove	Add
section 3 of the Act .....	section 3 of the Act (46 U.S.C. 40102).
§ 530.3 or § 520.1 of this chapter .....	§ 530.3 or § 520.2 of this chapter.
section 8(c) of the Act .....	section 8(c) of the Act (46 U.S.C. 40502).

■ 74. In § 530.13(b), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 16 of the Act .....	section 16 of the Act (46 U.S.C. 40103).

**§ 530.14 [Amended]**

■ 75. In § 530.14(b), remove the references in the “Remove” column and

add in their place the references in the “Add” column in the following table:

Remove	Add
section 9(d) .....	section 9(d) (46 U.S.C. 40704).
section 11a(e)(1)(B) of the Act .....	section 11 of the Act (46 U.S.C. 41301–41302, 41305–41307(a)).

**PART 531—NVOCC SERVICE ARRANGEMENTS****Subpart A—General Provisions**

place the reference in the “Add” column in the following table:

■ 76. Revise the authority citation for Part 531 to read as follows:

**Authority:** 46 U.S.C. 40103.

**§ 531.1 [Amended]**

■ 77. In § 531.1, remove the reference in the “Remove” column and add in its

Remove	Add
the Shipping Act of 1984 (“Act”) .....	the Shipping Act of 1984 (“the Act”).

**§ 531.2 [Amended]**

■ 78. In § 531.2, remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 19 of the Act .....	section 19 of the Act (46 U.S.C. 40901–40904).

**§ 531.3 [Amended]**

■ 79. In § 531.3(o), remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 3(17)(B) of the Act .....	section 3(17)(B) of the Act (46 U.S.C. 40102(16)).

**Subpart B—Filing Requirements**

add in its place the reference in the  
“Add” column in the following table:

**§ 531.6 [Amended]**

■ 80. In § 531.6(d)(4), remove the  
reference in the “Remove” column and

Remove	Add
sections 8 and 19 of the Act .....	sections 8 (46 U.S.C. 40501–40503) and 19 (46 U.S.C. 40901–40904) of the Act.

**Subpart D—Exceptions and  
Implementation**

add in its place the reference in the  
“Add” column in the following table:

**§ 531.10 [Amended]**

■ 81. In § 531.10(a), remove the  
reference in the “Remove” column and

Remove	Add
as defined in section 3 of the Act, the Commission’s rules at 46 CFR 530.3 or 46 CFR 520.1.	as defined in section 3 of the Act (46 U.S.C. 40102) and § 530.3 or § 520.2 of this chapter.

■ 82. In Appendix A to Part 531, revise  
the Instructions for Form FMC–78 to  
read as follows:

**Appendix A to Part 531—Instructions  
for Form FMC–78**

\* \* \* \* \*

**BILLING CODE 6730–01–P**

### Instructions for Form FMC-78

Completed Form FMC-78 should be sent by mail or facsimile to:

**Federal Maritime Commission  
Bureau of Trade Analysis  
800 N. Capitol Street, NW  
Washington, DC 20573-0001  
Fax (202) 523-5867**

**Line 1. Organization Number.** This is the same as the Regulated Persons Index ("RPI") Number.

**Line 2. Registrant.** Provide the full name of the firm or individual registering for the automated NSA filing system and any trade names. The Registrant's name should match the corporate charter or business license, etc. The Registrant's name cannot be changed without submission of an amended registration form.

**Line 3. FMC License Number.** Provide name of Registrant as licensed by the Commission and date of the effectiveness of that license. If Registrant is a bonded but unlicensed foreign-based NVOCC operating pursuant to Commission's regulations at 46 C.F.R. § 515.3, indicate the name and address of the agent for service of process as required by 46 C.F.R. § 515.24. The name and address of the agent for service of process must be the same as that appearing in the NVOCC's tariff, as provided by 46 C.F.R. § 520.11 (b).

**Line 4. Registration.** Indicate whether this is the initial (first time) registration or an amendment to an existing NSA registration.

**Line 5. Address of Headquarters Office.** The complete street address of the Registrant's principal place of business should be shown in addition to a post office box (if any). Post office box alone is insufficient. Provide the Registrant's Federal Taxpayer Identification Number, if any.

**Line 6. Mailing Address (if different).** Provide the mailing address only if it differs from the headquarters address listed in Line 5. Show the street address as well as any post office box. This is the address to which the Registrant's log-on I.D. and password will be mailed via U.S. mail. Also, if the log-on I.D. and password is to be mailed to a third party, indicate here.

**Line 7. Persons to be granted registration.** Provide the full name of the individual for whom the log-on I.D. and password is requested. If you wish to transfer a log-on I.D. from an existing registration to a new individual, indicate the name of the new registrant and the log-on I.D. to be assigned.

**Line 8. Registration by Third Party.** Indicate, by checking the applicable box, whether the person to be granted registration in Line 7 is a third party (publisher, agent, etc.) of the registrant named in Line 1. The registration must be accompanied by an indication that the NVOCC has authorized the third party to file NVOCC service arrangements and related documents on its behalf.

**Line 9. Signature of Authorized Official.** Indicate the date the registration was signed and title of authorized official.

**Paperwork Reduction Act Notice.**

The collection of this information is authorized generally by section 16 of the Shipping Act of 1984, 46 U.S.C. app. § 1715.

This is an optional form. Submission is completely voluntary. Failure to submit this form will in no way impact the Federal Maritime Commission's assessment of your firm's financial responsibility; however, you will not be able to use the exemption set forth in the Commission's rules at 46 C.F.R. part 531.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. The valid control number for this information collection is 3072-0070. Copies of this form will be maintained until the filer indicates s/he will no longer file NSAs into the electronic filing system.

The time needed to complete and file this form will vary depending on individual circumstances. The total estimated average time to complete this form is: Recordkeeping, 20 minutes; Learning about the form, 20 minutes; Preparing and sending the form to the FMC, 20 minutes.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573-0001, or e-mail: [secretary@fmc.gov](mailto:secretary@fmc.gov).

BILLING CODE 6730-01-C

**PART 535—OCEAN COMMON  
CARRIER AND MARINE TERMINAL  
OPERATOR AGREEMENTS SUBJECT  
TO THE SHIPPING ACT OF 1984**

■ 83. Revise the authority citation for Part 535 to read as follows:

**Authority:** 5 U.S.C. 553; 46 U.S.C. 305, 40101–40104, 40301–40307, 40501–40503, 40901–40904, 41101–41109, 41301–41302, and 41305–41307.

**Subpart A—General Provisions**

**§ 535.101 [Amended]**

■ 84. In § 535.101, remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
sections 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 16, 17, and 19 of the Shipping Act of 1984 (“the Act”).	sections 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 16, 17, and 19 of the Shipping Act of 1984 (“the Act”) (46 U.S.C. 305, 40101–40104, 40301–40307, 40501–40503, 40901–40904, 41101–41109, 41301–41302, and 41305–41307).

**§ 535.103 [Amended]**

■ 85. In § 535.103(f)(5), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
sections 10(c)(1) or 10(c)(3) of the Act .....	sections 10(c)(1) or 10(c)(3) of the Act (46 U.S.C. 41105(1) or 41105(3)).

**Subpart C—Exemptions**

**§ 535.301 [Amended]**

■ 86. In § 535.301(d), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 16 of the Act .....	section 16 of the Act (46 U.S.C. 40103).

**§ 535.302 [Amended]**

■ 87. In § 535.302(a)(1), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 4 agreement .....	section 4 agreement (46 U.S.C. 40301(a)–(c)).

**§ 535.307 [Amended]**

■ 88. In § 535.307(a), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 4 of the Act .....	section 4 of the Act (46 U.S.C. 40301(a)–(c)).

■ 89. In § 535.307(c), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 10(c) of the Act .....	section 10(c) of the Act (46 U.S.C. 41105).

**Subpart D—Filing of Agreements****§ 535.401 [Amended]**

■ 90. In § 535.401(a), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 6 of the Act .....	section 6 of the Act (46 U.S.C. 40304, 40306, 41307(b)–(d)).

**§ 535.405 [Amended]**

■ 91. In § 535.405(b), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
sections 10(c)(1) or 10(c)(3) of the Act .....	sections 10(c)(1) or 10(c)(3) of the Act (46 U.S.C. 41105(1) or 41105(3)).

**§ 535.408 [Amended]**

■ 92. In § 535.408(b), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 5 of the Act .....	section 5 of the Act (46 U.S.C. 40301(d)–(e), 40302–40303, 40305).

**Subpart F—Action on Agreements****§ 535.604 [Amended]**

■ 93. In § 535.604(c), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 6(d) of the Act .....	section 6(d) of the Act (46 U.S.C. 40304(d)).

**§ 535.606 [Amended]**

■ 94. In § 535.606(b), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:



Remove	Add
sections 6(i) and 6(k) of the Act .....	sections 6(i) and 6(k) of the Act (46 U.S.C. 41307(c) and 41307(d)).

**§ 535.607 [Amended]**

add in its place the reference in the  
“Add” column in the following table:

■ 95. In § 535.607(b), remove the  
reference in the “Remove” column and

Remove	Add
section 6(i) of the Act .....	section 6(i) of the Act (46 U.S.C. 41307(c)).

■ 96. In § 535.607(c), remove the  
reference in the “Remove” column and

add in its place the reference in the  
“Add” column in the following table:

Remove	Add
section 6(i)(2) of the Act .....	section 6(i)(2) of the Act (46 U.S.C. 41307(c)(2)).

**§ 535.608 [Amended]**

add in its place the reference in the  
“Add” column in the following table:

■ 97. In § 535.608(a), remove the  
reference in the “Remove” column and

Remove	Add
section 5 of the Act .....	section 5 of the Act (46 U.S.C. 40301(d)–(e), 40302–40303, 40305).

**Subpart H—Mandatory and Prohibited Provisions**

add in its place the reference in the  
“Add” column in the following table:

**§ 535.801 [Amended]**

■ 98. In § 535.801(a), remove the  
reference in the “Remove” column and

Remove	Add
section 5(b)(8) of the Act .....	section 5(b)(8) of the Act (46 U.S.C. 40303(b)(8)).

**§ 535.802 [Amended]**

add in its place the reference in the  
“Add” column in the following table:

■ 99. In § 535.802(b), remove the  
reference in the “Remove” column and

Remove	Add
section 8(c)(3) of the Act .....	section 8(c)(3) of the Act (46 U.S.C. 40502(d)).

**Subpart I—Penalties**

add in their place the references in the  
“Add” column in the following table:

**§ 535.901 [Amended]**

■ 100. In § 535.901, remove the  
references in the “Remove” column and

Remove	Add
sections 4 and 5(a) of the Act .....	sections 4 and 5(a) of the Act (46 U.S.C. 40301(a)–(c) and 40302).
section 16 of the Act .....	section 16 of the Act (46 U.S.C. 40103).
section 13(a) of the Act .....	section 13(a) of the Act (46 U.S.C. 41107).

**§ 535.902 [Amended]**

■ 101. In § 535.902, remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 13(a) of the Act .....	section 13(a) of the Act (46 U.S.C. 41107).

**Appendix A to Part 535—Information Form and Instructions****Information Form Instructions [Amended]**

■ 102. In the Privacy Act and Paperwork Reduction Act Notice in Appendix A to

Part 535, remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 15 of the Shipping Act of 1984, 46 U.S.C. app. § 1714 .....	section 15 of the Shipping Act of 1984 (46 U.S.C. 40104).

**Appendix B to Part 535—Monitoring Report and Instructions****Monitoring Report Instructions [Amended]**

■ 103. In the Privacy Act and Paperwork Reduction Act Notice in Appendix B to

Part 535, remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 15 of the Shipping Act of 1984, 46 U.S.C. app. § 1714 .....	section 15 of the Shipping Act of 1984 (46 U.S.C. 40104).

**PART 540—PASSENGER VESSEL FINANCIAL RESPONSIBILITY**

■ 104. Revise the authority citation for Part 540 to read as follows:

**Authority:** 5 U.S.C. 552, 553; 31 U.S.C. 9701; 46 U.S.C. 305, 44101–44106.

**Subpart A—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation****§ 540.1 [Amended]**

■ 105. In § 540.1(b), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
(46 U.S.C. app. 91, 817d and 817e) .....	(46 U.S.C. 44101–44106, 60105).

**§ 540.4 [Amended]**

■ 106. In § 540.4(a), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 3 of Public Law 89–777 (80 Stat. 1357, 1358) .....	section 3 of Public Law 89–777 (46 U.S.C. 44101–44102, 44104–44106).

**§ 540.5 [Amended]**

■ 107. In § 540.5(d), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table, wherever it may appear:

Remove	Add
under section 3 of Public Law 89-777 .....	under section 3 of Public Law 89-777 (46 U.S.C. 44101-44102, 44104-44106).

**Form FMC-131 To Subpart A of Part 540**

**Form FMC-131 [Amended]**

- 108. In Form FMC-131, in paragraph 16.(a), remove the reference in the

“Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 2 of Public Law 89-777 .....	section 2 of Public Law 89-777 (46 U.S.C. 44101, 44103-44106).

**Form FMC-133A to Subpart A of Part 540**

**Form FMC-133A [Amended]**

- 109. In Form FMC-133A, remove the references in the “Remove” column and

add in their place the references in the “Add” column in the following table:

Remove	Add
Guaranty in Respect of Liability for Nonperformance, Section 3 of the Act. section 3 of Pub. L. 89-777, 89th Congress, approved November 6, 1966 (“the Act”).	Guaranty in Respect of Liability for Nonperformance, Section 3 of the Act (46 U.S.C. 44101-44102, 44104-44106). section 3 of Pub. L. 89-777, 89th Congress, approved November 6, 1966 (“the Act”) (46 U.S.C. 44101-44102, 44104-44106).

**Appendix A to Subpart A of Part 540—  
Example of Escrow Agreement for Use  
Under 46 CFR 540.5(b)**

**Escrow Agreement [Amended]**

- 110. In Escrow Agreement, in paragraph 12., remove the reference in

the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 3 of Public Law 89-777 .....	section 3 of Public Law 89-777 (46 U.S.C. 44101-44102, 44104-44106).

**Subpart B—Proof of Financial  
Responsibility, Bonding and  
Certification of Financial  
Responsibility To Meet Liability  
Incurred for Death or Injury to  
Passengers or Other Persons on  
Voyages**

**§ 540.23 [Amended]**

- 111. In § 540.23(a), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 2 of Pub. L. 89-777 (80 Stat. 1357, 1358) .....	section 2 of Public Law 89-777 (46 U.S.C. 44101, 44103-44106).

**Form FMC-132B to Subpart B of Part 540**

add in its place the reference in the  
“Add” column in the following table:

**Form FMC-132B [Amended]**

■ 112. In Form FMC-132B, remove the  
reference in the “Remove” column and

Remove	Add
section 2(a) of Pub. L. 89-777 .....	section 2(a) of Pub. L. 89-777 (46 U.S.C. 44103(b)).

**Form FMC-133B to Subpart B of Part 540**

add in their place the references in the  
“Add” column in the following table:

**Form FMC-133B [Amended]**

■ 113. In Form FMC-133B, remove the  
references in the “Remove” column and

Remove	Add
Guaranty in Respect of Liability for Death or Injury, Section 2 of the Act	Guaranty in Respect of Liability for Death or Injury, Section 2 of the Act
section 2(a) of the Act .....	(46 U.S.C. 44101, 44103-44106).
section 2(e) of the Act .....	section 2(a) of the Act (46 U.S.C. 44103(b)).
	section 2(e) of the Act (46 U.S.C. 44105).

**PART 545—INTERPRETATIONS AND STATEMENTS OF POLICY**

**Authority:** 5 U.S.C. 553; 46 U.S.C. 305,  
40307, 40501-40503, 41101-41106, and  
40901-40904; 46 CFR 515.23

■ 114. Revise the authority citation for  
Part 545 to read as follows:

**§ 545.1 [Amended]**

■ 115. In § 545.1(a), remove the  
references in the “Remove” column and  
add in their place the references in the  
“Add” column in the following table:

Remove	Add
Section 8(c) of the Shipping Act of 1984 (“1984 Act”) .....	8(c) of the Shipping Act of 1984 (“the Act”) (46 U.S.C. 40502).
requirements of the 1984 Act .....	requirements of the Act.
Section 10(b)(10) of the 1984 Act .....	Section 10(b)(10) of the Act (46 U.S.C. 41104(10)).
Section 7(a)(2) of the 1984 Act .....	Section 7(a)(2) of the Act (46 U.S.C. 40307(a)(3)).

**§ 545.2 [Amended]**

■ 116. In § 545.2, remove the reference  
in the “Remove” column and add in its

place the reference in the “Add”  
column in the following table:

Remove	Add
Section 10(a)(1) of the Shipping Act of 1984 .....	Section 10(a)(1) of the Shipping Act of 1984 (46 U.S.C. 41102(a)).

**PART 550—REGULATIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES**

■ 117. Revise the authority citation for  
Part 550 to read as follows:

**Authority:** 5 U.S.C. 553; 46 U.S.C. 301-  
307; sec. 19 (a)(2), (e), (f), (g), (h), (i), (j), (k)  
and (l) of the Merchant Marine Act, 1920, 46  
U.S.C. 42101 and 42104-42109; and sec.  
10002 of the Foreign Shipping Practices Act  
of 1988, 46 U.S.C. 42301-42307.

**Subpart A—General Provisions****§ 550.101 [Amended]**

■ 118. In § 550.101, remove the  
reference in the “Remove” column and  
add in its place the reference in the  
“Add” column in the following table:

Remove	Add
section 19 of the Merchant Marine Act of 1920 .....	section 19 of the Merchant Marine Act of 1920 (46 U.S.C. 42101–42109).

**Subpart F—Corrective Actions**

add in its place the reference in the  
“Add” column in the following table:

**§ 550.601 [Amended]**

■ 119. In § 550.601(f), remove the reference in the “Remove” column and

Remove	Add
section 4197 of the Revised Statutes, 46 U.S.C. app. 91 .....	section 4197 of the Revised Statutes (46 U.S.C. 60105).

**PART 551—ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE U.S. FOREIGN TRADE**

**Authority:** 46 U.S.C. 301–307; 46 U.S.C. 42101–42109; 46 CFR Part 550.

place the reference in the “Add” column in the following table:

**§ 551.1 [Amended]**

■ 120. Revise the authority citation for Part 551 to read as follows:

■ 121. In § 551.1, remove the reference in the “Remove” column and add in its

Remove	Add
section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b).	section 19(1)(b) of the Merchant Marine Act, 1920 (46 U.S.C. 42101).

**PART 555—ACTIONS TO ADDRESS ADVERSE CONDITIONS AFFECTING U.S.-FLAG CARRIERS THAT DO NOT EXIST FOR FOREIGN CARRIERS IN THE UNITED STATES**

**Authority:** 5 U.S.C. 553; sec. 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. 42301–42307).

add in its place the reference in the  
“Add” column in the following table:

**§ 555.2 [Amended]**

■ 122. Revise the authority citation for Part 555 to read as follows:

■ 123. In § 555.2(a), remove the reference in the “Remove” column and

Remove	Add
section 3 of the Shipping Act of 1984 (46 U.S.C. app. 1702) .....	section 3 of the Shipping Act of 1984 (46 U.S.C. 40102).

**§ 555.5 [Amended]**

■ 124. In § 555.5(b), remove the reference in the “Remove” column and

add in its place the reference in the  
“Add” column in the following table:

Remove	Add
<i>ex parte</i> contacts (§ 502.11 of this chapter) .....	<i>ex parte</i> communications (§ 502.11 of this chapter).

**§ 555.8 [Amended]**

■ 125. In § 555.8(a)(5), remove the reference in the “Remove” column and

add in its place the reference in the  
“Add” column in the following table:

Remove	Add
section 4197 of the Revised Statutes, 46 U.S.C. app. 91 .....	section 4197 of the Revised Statutes (46 U.S.C. 60105).

**PART 560—ACTIONS TO ADDRESS CONDITIONS UNDULY IMPAIRING ACCESS OF U.S.-FLAG VESSELS TO OCEAN TRADE BETWEEN FOREIGN PORTS**

**Authority:** 5 U.S.C. 553; secs. 13(b)(6), 15 and 17 of the Shipping Act of 1984, 46 U.S.C. 305, 40104, and 41108(d); sec. 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. 42301–42307).

**§ 560.1 [Amended]**

■ 127. In § 560.1(a)(1), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

■ 126. Revise the authority citation for Part 560 to read as follows:

Remove	Add
section 13(b)(6) of the Shipping Act of 1984 (“the Act”) (46 U.S.C. app. 1712(b)(6)).	section 13(b)(6) of the Shipping Act of 1984 (“the Act”) (46 U.S.C. 41108(d)).

■ 128. In § 560.1(a)(2), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 13(b)(6) may be invoked .....	section 13(b)(6) (46 U.S.C. 41108(d)) may be invoked.

■ 129. In § 560.1(a)(3), remove the reference in the “Remove” column and add in its place the reference in the “Add” column in the following table:

Remove	Add
section 2 of the Act (46 U.S.C. app. 1701) .....	section 2 of the Act (46 U.S.C. 40101).

■ 130. In § 560.1(b)(2), remove the references in the “Remove” column and add in their place the references in the “Add” column in the following table:

Remove	Add
<i>ex parte</i> contacts (§ 502.11 of this chapter) ..... service of documents and copies of documents (§§ 502.114(b) and 502.118 of this chapter).	<i>ex parte</i> communications (§ 502.11 of this chapter). service of documents and copies of documents (§§ 502.114(b) and 502.118 of this chapter).

**§ 560.5 [Amended]**

■ 131. In § 560.5(a), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
under section 13(b)(6) of the Act .....	under section 13(b)(6) of the Act (46 U.S.C. 41108(d)).

**§ 560.7 [Amended]**

■ 132. In § 560.7(b)(3)(ii), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
under the Act (46 U.S.C. app. 1712(b)(3)) .....	under the Act (46 U.S.C. 41108(b)).

■ 133. In § 560.7(b)(6), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 4197 of the Revised Statutes, 46 U.S.C. app. 91 .....	section 4197 of the Revised Statutes (46 U.S.C. 60105).

**PART 565—CONTROLLED CARRIERS**

Authority: 46 U.S.C. 40701–40706.

add in its place the reference in the “Add” column in the following table:

■ 134. Revise the authority citation for Part 565 to read as follows:

**§ 565.1 [Amended]**

■ 135. In § 565.1(a), remove the reference in the “Remove” column and

Remove	Add
section 9 of the Shipping Act of 1984 .....	section 9 of the Shipping Act of 1984 (46 U.S.C. 40701–40706).

■ 136. In § 565.1(b), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 9(f) of the Shipping Act of 1984 .....	section 9(f) of the Shipping Act of 1984 (46 U.S.C. 40706).

**§ 565.5 [Amended]**

■ 137. In § 565.5, remove the reference in the “Remove” column and add in its

place the reference in the “Add” column in the following table:

Remove	Add
section 9 of the Shipping Act of 1984 .....	section 9 of the Shipping Act of 1984 (46 U.S.C. 40701–40706).

**§ 565.7 [Amended]**

■ 138. In § 565.7(b)(2)(ii), remove the reference in the “Remove” column and

add in its place the reference in the “Add” column in the following table:

Remove	Add
section 9 of the Shipping Act of 1984 .....	section 9 of the Shipping Act of 1984 (46 U.S.C. 40701–40706).

**§ 565.8 [Amended]**

■ 139. In § 565.8, remove the references in the “Remove” column and add in

their place the references in the “Add” column in the following table:

Remove	Add
Section 8(d) of the Shipping Act of 1984 .....	Section 8(d) of the Shipping Act of 1984 (46 U.S.C. 40501(e)).
Section 9(c) of the Shipping Act of 1984 .....	Section 9(c) of the Shipping Act of 1984 (46 U.S.C. 40703, 40704(a)).

By the Commission.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. E9–22659 Filed 9–30–09; 8:45 am]

BILLING CODE 6730–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 09–2095; MB Docket No. 09–147; RM–11554]

### Television Broadcasting Services; New Orleans, LA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission grants a petition for rulemaking filed by Louisiana Media Company, LLC, the licensee of station WVUE–DT, channel 8, New Orleans, Louisiana, requesting the substitution of its pre-transition DTV channel 29 for its post-transition DTV channel 8 at New Orleans.

**DATES:** This rule is effective October 1, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Joyce L. Bernstein, Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s *Report and Order*, MB Docket No. 09–147, adopted September 22, 2009, and released September 23, 2009. The full text of this document is available for public inspection and copying during

normal business hours in the FCC’s Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission’s Consumer and Governmental Affairs Bureau at (202)