

Executive Order 12988 (Civil Justice Reform)

This rule meets the applicable standards in E.O. 12988 titled, "Civil Justice Reform," to minimize litigation, eliminate ambiguity, and reduce burden.

Regulation Identifier Number

The Commission assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda, available at http://www.reginfo.gov/public/do/eAgendaMain.

List of Subjects

46 CFR Part 501

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

46 CFR Part 502

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

For the reasons set forth above, the Federal Maritime Commission amends 46 CFR parts 501 and 502 as follows:

PART 501—THE FEDERAL MARITIME COMMISSION—GENERAL

- 1. The authority citation for part 501 continues 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; Pub. L. 89–56, 70 Stat. 195; 5 CFR part 2638; Pub. L. 104–320, 110 Stat. 3870.

- 2. Amend § 501.5 by:
a. Revising paragraph (i)(2);
b. Redesignating paragraphs (i)(4) and (5) as paragraphs (i)(3) and (4), respectively; and
c. Revising newly redesignated paragraphs (i)(3) and (4).

The revisions read as follows:

§ 501.5 Functions of the organizational components of the Federal Maritime Commission.

\* \* \* \* \*

- (i) \* \* \*

(2) Subject to the prior approval of the Commission, negotiates the informal

compromise of civil penalties under § 502.604 of this chapter, prepares and presents compromise agreements for Commission approval, and represents the Commission in proceedings and circumstances as designated;

(3) Subject to consultation with and guidance of the General Counsel, coordinates with other bureaus and offices to provide legal advice, attorney liaison, and prosecution, as warranted, in connection with enforcement matters; and

(4) Conducts investigations and recommends enforcement action.

\* \* \* \* \*

§ 501.28 [Removed]

- 3. Remove § 501.28

PART 502—RULES OF PRACTICE AND PROCEDURE

- 4. The authority citation for part 502 continues 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; 18 U.S.C. 207; 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; 5 CFR part 2635.

- 5. Amend § 502.63 by revising paragraph (c)(4)(ii) and adding paragraph (d) to read as follows:

§ 502.63 Commission enforcement action.

\* \* \* \* \*

(c) \* \* \*

(4) \* \* \*

(ii) The Bureau of Enforcement may make a motion for decision on default.

(d) Pre-enforcement process. (1) Prior to recommending formal enforcement action under this section or informal compromise procedures under § 502.604, the Bureau of Enforcement will advise the person or persons who are the subject of an investigation that:

(i) The Bureau of Enforcement has made a preliminary determination to recommend that the Commission initiate enforcement action against them;

(ii) Identifies the specific violations that the Bureau of Enforcement has preliminarily determined to include in the recommendation; and

(iii) Provides notice that the person may make a written submission to the Bureau of Enforcement concerning the proposed recommendation, including the deadline for the submission and any other relevant information (e.g., how and where to send such statements).

(2) Persons notified of such investigations may submit a written statement to the Bureau of Enforcement setting forth their interests and positions

regarding the subject matter of the investigation.

(3) The Bureau of Enforcement will consider any written statements submitted under paragraph (d)(2) of this section when making recommendations to the Commission and will attach such written statements to the Bureau's recommendations. [Rule 63.]

§ 502.603 [Amended]

- 6. Amend § 502.603(c) by removing the citation "§ 502.604(e)" and adding in its place the citation "§ 502.604".

- 7. Amend § 502.604 by:

- a. Revising paragraph (a);
b. Removing paragraphs (b), (c), and (g); and
c. Redesignating paragraphs (d), (e), and (f) as paragraphs (b), (c), and (d), respectively.

The revision reads as follows:

§ 502.604 Compromise of penalties: Relation to assessment proceedings.

(a) Scope. Except in pending civil penalty assessment proceedings provided for in § 502.603, the Commission, when it has reason to believe a violation has occurred, may invoke the informal compromise procedures of this section after observing the procedures in § 502.63(d).

\* \* \* \* \*

By the Commission.

Rachel Dickon, Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Commission Organization

CFR Correction

In Title 47 of the Code of Federal Regulations, parts 0 to 59, revised as of October 1, 2018, on page 7, in part 0, the authority citation is corrected to read as follows:

Authority: 47 U.S.C. 155, 225, unless otherwise noted.

And on the same page, in the same part, the authority citation for Subpart A is reinstated to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

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