

Assistance Categories A, Debris Removal; C, Roads and Bridges; E, Buildings and Equipment; and Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program)

Joe M. Allbaugh,
Director.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1437-DR]

Louisiana; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Louisiana, (FEMA-1437-DR), dated October 3, 2002, and related determinations.

EFFECTIVE DATE: October 17, 2002.

FOR FURTHER INFORMATION CONTACT:
Magda Ruiz, Response and Recovery
Directorate, Federal Emergency
Management Agency, Washington, DC
20472, (202) 646-2705 or
Magda.Ruiz@fema.gov.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Louisiana is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 3, 2002:

Acadia, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Iberville, Jefferson Davis, Jefferson, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Vermillion Parishes for Categories C through G under the Public Assistance program (already designated for Categories A and B, including direct Federal assistance and Individual Assistance).

East Baton Rouge, Pointe Coupee, Rapides, and West Baton Rouge Parishes for Categories C through G under the Public Assistance

program (already designated for Categories A and B).

Allen, Caldwell, Catahoula, East Feliciana, LaSalle, Ouachita, St. Helena, Vernon, Washington, and West Feliciana Parishes for Public Assistance.

Allen, East Baton Rouge, East Feliciana, St. Helena, Pointe Coupee, Rapides, Washington, and West Baton Rouge Parishes for Individual Assistance.

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Joe M. Allbaugh,
Director.

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FEDERAL MARITIME COMMISSION

Advisory to Ocean Common Carriers, Conferences and Discussion Agreements of Such Carriers, Shippers, Shippers' Associations, Ocean Transportation Intermediaries and Tariff Publishers in the Foreign Commerce of the United States Regarding Actions in Response to Congestion at Ports on the West Coast of the United States

October 29, 2002.

The Federal Maritime Commission ("Commission") has been monitoring ongoing developments relating to the congestion and delays that recently have occurred, and may continue for some time, at U.S. West Coast ports. We also have received several inquiries from interested parties as to the legality of certain carrier actions being taken or proposed. Accordingly, the Commission wishes to remind the regulated industry and the shipping public of the general requirements of the Shipping Act of 1984, 46 U.S.C. app. § 1701 *et seq.* ("1984 Act") and of the Commission's rules that govern rate changes that result in an increased cost to the shipper. These provisions should provide guidance to shippers and carriers in this situation.

Section 8(d) of the 1984 Act, and the Commission's rules on tariffs at 46 CFR 520.8, generally prohibit any "change in an existing rate that results in an increased cost to the shipper from

becoming effective earlier than 30 calendar days after publication." The Commission's rules on tariffs state that the "rates, charges, and rules applicable to any given shipment shall be those in effect on the date the cargo is received by the common carrier or its agent including originating carriers in the case of rates for through transportation." 46 CFR 520.7(c).

With respect to service contracts, the public is reminded that the specific terms of individual service contracts generally govern the rates and service obligations of the parties. Any variance from specific terms must be authorized otherwise, either by the terms of the contract itself or by reference therein to other applicable authority, such as carrier rules tariffs which would normally be subject to the 30-day notice requirement. Of course, service contract terms always may be varied by mutual agreement of the parties reflected in an amendment duly filed with the Commission and otherwise consistent with applicable regulations and statutes.

The Commission wishes to caution the industry and the shipping public that these general rules remain in effect and that any actions inconsistent with these rules would be permissible only if they are authorized by other lawful provisions. Specifically, any surcharges published in tariffs that are designed to address the consequences of continuing congestion at U.S. West Coast ports generally should not be instituted without the required 30-day notice, and may be applied only in conformance with the applicable "effective date" rule, cited above. Again, parties to service contracts lawfully may negotiate alternative means of addressing the costs associated with this congestion through amendment of their service contracts.

The Commission recognizes that a host of differing circumstances and questions will arise as the West Coast dock situation continues to unfold. The foregoing does not attempt to address all such matters—it is intended to serve as general guidance. Involved parties who have any uncertainty as to the legality of the actions they are encountering or proposing may wish to obtain legal counsel. The Commission will continue to monitor this situation and is available to answer general questions on applicable legal requirements. Any questions relating to this Advisory or other aspects of common carriers' service in the present situation may be directed to Vern W. Hill, Director, Bureau of Enforcement, at (202) 523-5783 or by electronic mail at vern@fmc.gov.