The rulemaking was issued pursuant to Executive Order 13579 (E.O. 13579), Regulation and Independent Regulatory Agencies (July 11, 2011), and the Commission’s corresponding Plan for the Retrospective Review of Existing Rules.1 Under this plan, the Commission requested and received comments on how to improve its existing regulations and programs. With respect to part 535, comments with specific recommendations on regulatory modifications were submitted by ocean carrier members of major discussion agreements effective under the Shipping Act.2 This rulemaking was also consistent with more recent Executive Orders, as it sought to modify Part 535 to remove outdated, ineffective, or unnecessary regulations.3

II. Procedural History and Intervening Change in Law

After the Commission instituted this rulemaking process and received comment, Congress enacted the Frank LoBiondo Coast Guard Authorization Act of 2018. Public Law 115–282 (Dec. 4, 2018). In the LoBiondo Act, Congress amended certain provisions of the Shipping Act of 1984, including several provisions relating to the statutory basis for Part 535. In light of the intervening change in law, the Commission has determined to withdraw the previous NPRM, and terminate this rulemaking proceeding. In the future, the Commission may determine to reevaluate part 535, and would seek comments on the statutory amendments to the Shipping Act.

By the Commission.

Rachel Dickon, Secretary.

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2 Comments of Ocean Common Carriers to Retrospective Review of Existing Rules, dated May 18, 2012, are published on the FMC home page under https://www2.fmc.gov/readingroom/proceeding/16-04/.