

§ 281.2

46 CFR Ch. II (10-1-08 Edition)

EXHIBIT B—SAMPLE ALLOCATION OF TERMINAL EXPENSES BY VESSEL AND VOYAGE¹—Continued

| Type of facility | Vessel | Total units loaded and discharged | | Voyage status end of the period | | Ratio vessel/voyage to Total (percent) | Terminal cost by vessel/voyage | | |
|----------------------|--------------|-----------------------------------|--------------------------|---------------------------------|--------------|--|--------------------------------|------------|--------------|
| | | Voyage | Total units ² | Terminated | Unterminated | | Totals | Terminated | Unterminated |
| Barge terminal | Bulk-5 | 1 | 15,000 | 15,000 | ..... | 20.1 | 154.77 | 154.77 | |
| | (b) 74,529 | 63,527 | 11,002 | 100.0 | 770.00 | | | | |
| | LASH-2 | 1 | 37 | 37 | ..... | 68.5 | 445.25 | 445.25 | |
| | LASH-2 | 2 | 17 | ..... | 17 | 31.5 | 204.75 | ..... | 204.75 |
| | | | (c) 54 | 37 | 17 | 100.0 | 650.00 | | |

¹ This allocation procedure shall be applied for each terminal maintained by an operator.
² (a) Units for container yard=twenty foot equivalent units (TEU's)
 (b) Units for container freight station and break bulk operation=freight payable tons (FPT's).
 (c) Units for barge terminal=number of barges unless barges differ in size. Barges of different capacity must be reduced to equivalent units.
 (d) Other terminal facilities (not illustrated) handling many or all cargo carriage technology types will allocate period costs on freight payable tons load and discharged during the period.

EXHIBIT C—SAMPLE ALLOCATION OF CONTAINER/BARGE EXPENSES BY VESSEL AND VOYAGE

EXAMPLE

| (A) | (B) | (C) | (D) | | (E) | (F) | (G) | (H) | (I) | (J) |
|---------|----------------------|--------|-----------------------|--------------|-------------------------------------|-----------------------------------|---------------------------------------|------------------------------|------------------------|------------------------------|
| Service | Vessel | Voyage | Vessel days in period | | Actual container capacity of vessel | Containers acquired for each slot | Total container capacity col. (E)×(F) | Allocation base col. (D)×(G) | Allocation percentages | Allocation of container pool |
| | | | Terminated | Unterminated | | | | | | |
| | <i>Calculations:</i> | | | | | | | | | |
| A | Container-1 .. | 1 | 90 | ..... | 1,050 | 2 | 2,100 | 189,000 | 39.3 | \$162,967 |
| B | LASH-2 | 1 | 60 | ..... | 450 | 4 | 1,800 | 108,000 | 22.4 | 92,887 |
| C | LASH-2 | 2 | ..... | 30 | 450 | 4 | 1,800 | 54,000 | 11.2 | 46,444 |
| | RO/RO-3 | 1 | 70 | ..... | 350 | 3 | 1,050 | 73,500 | 15.3 | 63,445 |
| | RO/RO-3 | I.S. | 20 | ..... | 350 | 3 | 1,050 | 21,000 | 4.3 | 17,831 |
| | Break-Bulk-4 | 1 | ..... | 90 | 100 | 4 | 400 | 36,000 | 7.5 | 31,101 |
| | Totals | | 240 | 120 | ..... | ..... | ..... | 481,500 | 100.0 | 414,675 |

Assumptions:
 Service A—One (1) Container vessel with an actual capacity of 1,050 containers with two (2) containers acquired for each container slot.
 Service B—One (1) LASH vessel with an actual capacity of 450 containers with four (4) containers purchased for each container slot.
 Service C—One (1) Roll on-roll off vessel with an actual capacity of 350 containers with three (3) containers acquired for each container slot.
 W—One (1) Break-bulk vessel with an actual capacity of 100 containers with four (4) containers acquired for each container slot.
 Total container pool costs for a ninety (90) day period equals \$414,675.

EXHIBIT D—EXAMPLES OF VESSEL TYPES CURRENTLY OPERATED

| | | |
|----------|-----------|-----------|
| C3-S-33a | C4-S-49a | C6-S-1gc |
| C3-S-38a | C4-S1-49a | C6-S-1w |
| C3-S-43a | C4-S-57a | C6-S-1x |
| C3-S-46a | C4-S-58a | C6-S-1xa |
| C3-S-46b | C4-S-60a | C6-S-6gc |
| C3-S-73b | C4-S-64a | C6-S-85a |
| C3-S-76a | C4-S-64b | C6-S-85b |
| C4-S-1a | C4-S-65a | C7-S-68c, |
| C4-S-1l | C5-S-37e | d, and e |
| C4-S-1g | C5-S-37f | C8-S-81b |
| C4-S-1sa | C5-S-73b | C8-S-82d |
| C4-S-1t | C5-S-75a | C9-S-81d |
| C4-S-1u | C5-S-78a | |
| C4-S-19a | C6-S-1ga | |

(Approved by the Office of Management and Budget under control number 2133-0009)

[G.O. 12, Rev., 14 FR 4785, Aug. 6, 1949, as amended by Supp. 2, Amdt. 1. 21 FR 328, Jan. 17, 1956; 33 FR 2944, Feb. 14, 1968; Supp. 3, Amdt. 3, 34 FR 13369, Aug. 19, 1969; 40 FR 7430, Feb. 20, 1975; 47 FR 25530, June 14, 1982; 68 FR 62537, Nov. 5, 2003; 69 FR 61449, Oct. 19, 2004]

§ 281.2 Definitions.

As used in §§281.2 through 281.6 of these regulations, except as otherwise indicated by the context;

(a) The word *operator* means an operator receiving operating-differential subsidy under title VI of the Merchant Marine Act, 1936, as amended (Act), for

a voyage on an essential service as described in section 211(a) of the Act;

(b) The term *Maritime Administrator* means Maritime Administrator, Department of Transportation;

(c) The term *Region Director* means the Region Director of the Maritime Administration having jurisdiction over the port or ports involved;

(d) The term *idle status* means any period in port between or during voyages for which the vessel's normal crew complement is reduced by 10 percent or more and *division of wages* is not paid for the missing men. The idle status period shall continue up to, but not including, the day that the vessel is remanned to the extent that the vessel's normal crew complement is restored to more than 90 percent or *division of wages* is paid for the missing men, or the vessel is temporarily or permanently withdrawn from subsidized service;

(e) *Normal crew complement* means the basic crew complement which has been approved for operating-differential subsidy under the provisions of section 603 of the Act, or as established by collective bargaining or other agreement for the voyage involved, whichever is less.

[G.O. 27, Rev. 2, 37 FR 18466, Sept. 12, 1972]

§ 281.3 Method of commencing and terminating voyages and of determining idle status.

(a) *Voyage commencements.* Voyages shall commence as of 12:01 a.m. of the day that loading of cargo, stores, or fuel begins, or as of 12:01 a.m. of the day following the termination of the prior voyage or, in the event that an idle status period follows a voyage termination, as of 12:01 a.m. of the day following the day on which such idle status period ends.

(b) *Voyage termination.* Voyages shall terminate at a U.S. port of call at midnight of the day of completion of paying off the crew from foreign articles, or the completion of final discharge of cargo or ballast at the last U.S. port of discharge, or the completion of voyage repairs, whichever event occurs last: *Provided, however,* That if a vessel sails outward on a new voyage prior to midnight of the same day, the inward voyage shall terminate as of midnight of that day, and the outward voyage shall

commence as of 12:01 a.m. of the succeeding day; and that where a portion of any particular voyage overlaps a portion of the next succeeding voyage and the quantity of inward cargo remaining aboard at the port at which major cargo activities for the outward voyage are begun does not, in the opinion of the operator, justify extension of the inward voyage beyond that port, the operator shall immediately request the Region Director for permission to treat the inward voyage as having terminated at midnight of the day specified in such request and shall advise the Region Director what cargo has been and is still to be discharged and loaded at each port of the inward voyage; and that where, in the opinion of the operator, voyages as a general practice should terminate at the home or terminal port rather than at the last port of discharge, or a voyage should terminate on the day prior to commencement of an idle status period, or on the day that the voyage would have terminated had strikes not interfered with normal operations, application for such terminations may be made to the Region Director, and in such cases the voyage termination date shall be as approved by the Region Director. The Region Director shall promptly advise the operator of his determination approving or disapproving any request filed under this paragraph (b), and the Region Director's decision as to such termination shall prevail, provided that all terminations shall be as of midnight of the day specified.

(c) *Idle status periods.* Idle status periods shall be identified separately, whether occurring during or between voyages, and, if occurring during a voyage shall be identified with the applicable voyage number. A separate accounting period shall be created to cover each idle status period, and all such periods shall be reported to the Region Director.

(d) *Excessive delays.* Whenever a vessel is delayed in port for a period of 10 days or more in excess of its normal period of operations in said port, the operator immediately shall report said circumstances, together with all pertinent facts, to the Region Director. The Region Director shall determine whether or not said delay was justified