

objectives in support of national maritime policy.

Cost and Benefits

This rule imposes no costs on the private sector. It reduces the entering class by 29 positions each year (with 116 fewer positions over a four year period) with an estimated savings in Federal cost of \$80,000 (meals, uniforms, textbooks and midshipman travel) in the first year of implementation rising to \$134,000 in the second year, \$188,000 in the third year and \$268,000 by the fourth year, as each subsequent new class is admitted with 29 fewer positions. These savings figures are based on the costs of the uniforms, textbooks and travel for each midshipman which amount to \$974.00 (\$229.00 + \$301.00 + \$444.00, respectively). The cost of meals for each midshipman is \$1,768.00 during the first and fourth years, when they are at the Academy, and \$884.00 during the second and third year when the students are away from the academy for six months for training aboard merchant ships.

E.O. 12291, Statutory Requirements and DOT Procedure

The Maritime Administrator has made a determination that this rulemaking meets none of the criteria in Executive Order 12291 for a major rule. Since this rulemaking affects only students and applicants to the USMMA, the economic impact of this final rule has been found to be so minimal under Department of Transportation regulatory policies and procedures (44 FR 11084, February 26, 1979) that a full regulatory evaluation is unnecessary.

The regulation contains no new or amended reporting requirement within the scope of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). Pursuant to DOT Order 2100.5, this rule is considered to be significant because there is substantial Departmental interest, as well as congressional interest in the selection process for and allocation of appointments to the United States Merchant Marine Academy.

Section 553 of Title 5, United States Code, which sets forth notice, comment and effectiveness requirements for informal rulemakings, exempts from its application those rules relating to agency management and personnel. Therefore, as this rule relates to agency management and personnel, that statutory provision does not require that MARAD issue a notice for comment prior to issuance of a final rule or delay the rule's effectiveness for thirty days. However, even if 5 U.S.C. 553 were applicable, as the Congressional nomination process for the class entering July 1984 is underway, it is

imperative that the amendment to Subpart C be published as a final rule. Moreover, delay would create confusion for Congressional nominating authorities who would initiate nominations, expecting the appointments to be made under current state quotas. Delay would also seriously affect the selection process at the admissions office of the United States Merchant Marine Academy, where the number of appointments are awarded based on precise knowledge of freshman vacancies available. Moreover, the Maritime Administration regularly and periodically issues regulations on merchant marine training as final rules, without opportunity for comment, since it believes it would not receive any substantive or meaningful comments.

Therefore, pursuant to provisions of 5 U.S.C. 553, good cause exists for finding that notice and public comment procedure is impracticable and unnecessary. In addition, due to the urgency surrounding the candidate selection process, the Maritime Administration finds good cause to make this regulation effective immediately under 5 U.S.C. 553.

List of Subjects in 46 CFR Part 310

Grant programs, Education, Schools, Seamen.

Accordingly, Subpart C of 46 CFR Part 310 is amended as follows:

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Midshipmen at the United States Merchant Marine Academy

Section 310.53, Nominations and vacancies, is amended by revising paragraph (b)(5) to read:

§ 310.53 Nominations and vacancies.

* * * * *

(b) * * *
(5) The distribution of each entering class by State is:

Alabama.....	4
Alaska.....	1
Arizona.....	3
Arkansas.....	3
California.....	21
Colorado.....	4
Connecticut.....	4
Delaware.....	1
Florida.....	10
Georgia.....	5
Hawaii.....	2
Idaho.....	2
Illinois.....	11
Indiana.....	5
Iowa.....	4
Kansas.....	3
Kentucky.....	4
Louisiana.....	5

Maine.....	2
Maryland.....	5
Massachusetts.....	6
Michigan.....	9
Minnesota.....	5
Mississippi.....	3
Missouri.....	5
Montana.....	2
Nebraska.....	2
Nevada.....	2
New Hampshire.....	2
New Jersey.....	7
New Mexico.....	2
New York.....	18
North Carolina.....	6
North Dakota.....	1
Ohio.....	10
Oklahoma.....	4
Oregon.....	3
Pennsylvania.....	11
Rhode Island.....	2
South Carolina.....	4
South Dakota.....	1
Tennessee.....	5
Texas.....	13
Utah.....	2
Vermont.....	1
Virginia.....	5
Washington.....	5
West Virginia.....	3
Wisconsin.....	5
Wyoming.....	1

This regulation is not subject to the requirements of section 3507 of Pub. L. 96-511. December 11, 1980.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)); Pub. L. 97-31 (August 6, 1981); 49 CFR 1.66 (46 FR 47458, September 28, 1981))

Dated: April 24, 1984.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Secretary.

[FR Doc. 84-11585 Filed 4-30-84; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1002, 1011, 1152, 1177, 1180, and 1182

[Ex Parte No. 246 (Sub-2)]

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: On February 17, 1984, the Interstate Commerce Commission published a notice of proposed rulemaking in the Federal Register (49 FR 6118) proposing to adjust existing fees and to establish several new fees for services the agency provides.

In this document, the Commission adopts the revision to its schedule of fees for services and benefits provided by the agency under its jurisdictional statute. New fees are being established for various activities where persons are identifiable recipients of special benefits conferred by activities of the Commission. The fees are based on the Commission's costs of providing services in accordance with judicially established guidelines.

It is necessary to establish new fees to transfer the cost burden of providing services from the general taxpayer to the recipient of the services. This action will require persons who request or utilize the Commission's services to pay a fair and equitable charge.

DATE: These rules will be effective July 2, 1984.

FOR FURTHER INFORMATION CONTACT:

Cost Study Information—
Paul Meder, (202) 275-7457,
Susan Maslar, (202) 275-6778
Other Information—
James H. Bayne, (202) 275-7428

or

Kathleen King, (202) 275-7429.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the full Commission decision which may be obtained from the Office of the Secretary, Room 2215, 12th Street and Constitution Avenue, NW., Washington, DC 20423; or call (202) 275-7428.

Regulatory Flexibility Analysis

We adopt our preliminary finding that this proceeding will have a significant economic impact on a substantial number of small entities and that those impacts will be generally beneficial. Most of the comments did not specifically address the potential impact on small entities.

As we noted in the NPR, our application fee for motor carrier authority will decrease, rather than increase. Inasmuch as this is the major contact that small carriers have with the Commission, they should generally benefit. Moreover, owner-operator application fees will decrease, which should enable more owner-operators to participate more directly in regulated transportation.

Where new fees are adopted or fees have been increased we have attempted to minimize the effect on small entities to the extent legally practicable. For example, we have adopted separate rail and non-rail fees in many instances. This should benefit small entities, whose filing fees will no longer subsidize more complex proceedings.

The rail fees adopted here provide separate fee categories in the merger,

consolidation and purchase applications, so that small carriers are not burdened with the fees that correspond to major rail proceedings. We have considered similar treatment for applications to construct, extend, acquire or operate rail lines under 49 U.S.C. 10901 (Item 33), as suggested by the New York Department of Transportation and American Short Line Railroads, but find this to be unnecessary in view of the substantially reduced costs and the availability of the exemption procedures.

We have decreased some fees where we found the amount was excessive or would discourage use of Commission protection contrary to the public interest. Numerous commentors objected to our charging for tariffs and suggested various alternatives. These fees have been decreased.

Finally, we note that small shippers may be significantly impacted by the newly introduced fee for filing complaints against existing rates. As noted above, we have decreased this fee. To the extent the fee may nonetheless unduly affect small entities, it may be further reduced or waived under our general procedure of Section 1002.2(e). In that way, small businesses can continue to use the Commission's regulatory procedures.

In sum, we believe the rules as adopted represent an appropriate balance which satisfies the purposes of both the IOAA and the Regulatory Flexibility Act (5 U.S.C. 601-612). The fees adopted are for services that flow to identifiable beneficiaries. They are set at the full cost of the services provided to the maximum extent practicable. However, we also have considered alternatives suggested by the commentors.

It is ordered: The motion of the Motor Carrier Traffic Association, Inc., for a general waiver of our tariff filing and general increase fees is denied.

The final rules set forth in the appendix are adopted.

Authority: 5 U.S.C. 553, 31 U.S.C. 9701, and 49 U.S.C. 10321.

Decided: April 25, 1984.

List of Subjects in 49 CFR Parts 1002, 1011, 1152, 1177, 1180 and 1182

Administrative practice and procedure.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and

Gradison. Commissioner Gradison concurred with a separate expression.

James H. Bayne,
Acting Secretary.

Appendix

Title 49 of the Code of Federal Regulations is amended as follows:

PART 1002—FEES

(1) In § 1002.1, the heading, introductory text and paragraphs (a)-(f) are revised to read as follows:

§ 1002.1 Fees for records search, copying, certification, and related services.

Certifications and copies of such tariffs, reports and other public records and documents on file with the Interstate Commerce Commission as may be practicable to furnish, as well as searches and copying of records not considered public under the Freedom of Information Act (5 U.S.C. 552), will be furnished on the following basis:

- (a) Certificate of the Secretary, \$3.00.
- (b) Services involved in examination of tariffs or schedules for preparation of certified copies of tariffs or schedules or extracts therefrom at the rate of \$16.00 per hour.
- (c) Services involved in checking records to be certified to determine authenticity, including the clerical work, etc., incidental thereto, at the rate of \$11.00 per hour.
- (d) Electrostatic copies of tariffs, reports, and other public documents, at the rate of \$0.60 per letter size or legal size exposure. A minimum charge of \$3.00 will be made for this service.
- (e) The fee for search and copying services requiring ADP processing are as follows:
 - (1) A fee of \$28.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

(2) The fee for port minute time for the search will be set at the current rate set forth in the Commission's contract with its time sharing computer contractor. Information on those charges can be obtained from the Chief, Section of Systems Development, Interstate Commerce Commission, Washington, DC 20423.

(3) Printing shall be charged at the rate of \$.05 per page of computer generated output with a minimum charge of \$.25. A charge of \$.25 per reel of magnetic tape will be made if the tape is to be permanently retained by the requestor.

(f) Search and copying services for records not considered public under the Freedom of Information Act as follows:

(1) The search fee hourly rate will be based on the hourly rate of the individual or individuals who perform the search. Those hourly rates are set forth in the following table.

Grade	Rate
GS-1	4.86
GS-2	5.31
GS-3	5.98
GS-4	6.72
GS-5	7.51
GS-6	8.38
GS-7	9.31
GS-8	10.31
GS-9	11.39
GS-10	12.54
GS-11	13.78
GS-12	15.11
GS-13	16.63
GS-14	18.29
GS-15 and above	20.09

(2) The fee for electrostatic copies shall be \$.60 per letter size or legal size exposure with a minimum charge of \$3.00.

(3) The fee charged for ADP data is set forth in paragraph (e) of this section.

(4) No fee shall be charged for time spent reviewing documents to determine disclosability under the Freedom of Information Act. A fee may be charged for searches which are not productive and for searches for records or those parts of records which are determined to be exempt from disclosure.

(2) Section 1002.2 is revised to read as follows:

§ 1002.2 Filing fees.

(a) Manner of payment.

(1) Except as specified in paragraphs (a) (2) and (3) of this section, all filing fees will be payable at the time and place the application, petition, notice, tariff, contract, or other document is tendered for filing.

(2) When emergency temporary operating authority application [Item 9] and emergency temporary operation authority extensions [Item 10] are initiated by telegram or telephone, the fee or fees are due when the OP-MCB-95 application is submitted to the appropriate Commission regional office.

(3) For fee items 46, 47, 48, and 49 where there is an initial payment and subsequent quarterly direct billing, only the initial fee must be paid when the application is filed.

(4) Fees will be payable to the Interstate Commerce Commission by check drawn upon funds deposited in a bank in the United States or money order payable in U.S. currency.

(b) Deficiencies.

(1) Any filing that is not accompanied by the appropriate filing fee is deficient.

(2) The Secretary will inform any person who submits a deficient filing that:

(i) Such filing will be rejected, unless the appropriate fee is submitted within a specified time;

(ii) The Commission will not process any filing that is deficient under this paragraph; and

(iii) The date of filing will be deemed the date on which the Commission receives the appropriate fee.

(3) This provision does not preclude a determination that a filing is deficient for any other reason.

(c) *Fees not refundable.* Fees will be assessed for every filing in the type of proceeding listed in the schedule of fees contained in paragraph (f) of this section, subject to the exceptions contained in paragraphs (d) and (e) of this section. After the application, petition, notice, tariff, contract, or other document has been accepted for filing by the Commission, the filing fee will not be refunded, regardless of whether the application, petition, notice, tariff, contract, or other document is granted or approved, denied, dismissed, or withdrawn. If an application, petition, notice, tariff, contract, or other document is rejected by the Commission as incomplete or for some other reason, prior to docketing or acceptance, the fee will be returned. If an application is rejected as incomplete after docketing, the applicant will be given the opportunity to file a replacement application with reference to the fee number assigned to the prior application and no additional fee will be required, but the fee will not be refunded. If an individual exemption proceeding becomes a matter of general applicability and is handled through the rulemaking process, the Commission will refund the filing fee.

(d) *Related or consolidated proceedings.* (1) Separate fees need not be paid on: related applications filed by the same applicant which would be the subject of one proceeding, such as an application for removal of one or more restrictions in more than one certificate or permit held by the same person; a related plan of track relocation, joint use, purchase of trackage rights, and issuance of securities (however, such applications must be filed by the same applicant that filed the primary application); a motor common carrier acquisition application combined with a related application for a certificate of public convenience and necessity; or the like. In such instances, the only fee to be assessed will be that applicable to the embraced proceeding which carries the highest filing fee as listed in paragraph (f) of this section; except that for directly

related applications involving a transfer under 49 U.S.C. 10926 or an application on Form OP-1 for gateway elimination and/or a conversion of a certificate of registration to a certificate of public convenience and necessity, the sole fee shall be the basic fee for the transfer application. However, the directly related application must be filed at the same time the primary application is filed.

(2) Each filing of an original or updated notice of intent to engage in compensated intercorporate hauling operations shall be considered a separate filing, and shall be subject to payment as described in paragraph (f) (12) of this section.

(3) Separate fees will be assessed for the filing of temporary authority applications as provided in paragraphs (f) (8), (9) and (10) of this section, regardless of whether such applications are related to an application for corresponding permanent authority.

(4) The Commission may reject concurrently filed applications, petitions, notices, contracts, or other documents asserted to be related and refund the filing fee if, in its judgment, they embrace two or more severable matters which should be the subject of separate proceedings.

(e) *Waiver of Reduction of filing fees.* It is the general policy of the Commission not to waive or reduce filing fees except as described below:

(1) Filing fees are waived for an application or other proceeding which is filed by a federal government agency, or a state or local government entity. For purposes of this section the phrases "federal government agency" or "government entity" do not include a quasi-governmental corporation or government subsidized transportation company.

(2) In extraordinary situations the Commission will accept requests for waivers or fee reductions in accordance with the following procedure:

(i) *When to request.* At the time that a filing is submitted to the Commission the applicant may request a waiver or reduction of the fee prescribed in this part. Such request should be addressed to the Secretary.

(ii) *Basis.* The applicant must show the waiver or reduction of the fee is in the best interest of the public, or that payment of the fee would impose an undue hardship upon the requestor.

(iii) *Commission Action.* The Secretary will notify the applicant of the decision to grant or deny the request for waiver or reduction.

(f) *Schedule of Filing Fees.*

Type of proceedings	Fees	Type of proceedings	Fees	Type of proceedings	Fees
Part I.—Non-Rail Application for Operating Authority or Exemptions		Part V.—Rail Applications to Discontinue Transportation Services		Part VIII.—Informal Proceedings	
(1) An application for motor carrier or water carrier operating authority, water carrier exemption authority, a certificate of registration or broker or freight forwarder authority.	\$150	(36)–(37) [Reserved]		(61) A complaint or petition seeking the proscription of the division of joint rates, fares or charges under 49 U.S.C. 10705(f)(1)(A).....	1,400
(2) A "Fitness-only" application for motor common carrier authority under 49 U.S.C. 10922(b)(4) (E) or motor contract authority under 49 U.S.C. 10923(b)(5)(A) to transport food and related products.	70	(38) An application for authority to abandon all or a portion of a line of railroad or operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation, by bankrupt railroads, or for exempt abandonments under 49 CFR 1180.50).....	1,600	(62) A petition for declaratory order:	
(3) A petition to interpret or clarify an operating authority under 49 CFR 1160.64.....	1,600	(39) An application for authority to abandon all or a portion of a line of railroad or operation thereof filed by Consolidated Rail Corporation pursuant to the North East Rail Service Act.....	100	(i) Petition for declaratory order involving dispute over an existing rate or practice which is comparable to a complaint proceeding.....	1,000
(4) A request seeking the modification of operating authority only to the extent of making a ministerial correction (when the original error was caused by the applicant), a change in the name of the shipper or owner of a plantsite or the change of a highway name or number.....	27	(40) Abandonments filed by bankrupt railroads. 49 CFR 1180.40.....	500	(ii) All other petitions for declaratory order.....	800
(5) A petition to renew authority to transport explosives under 49 U.S.C. 10922 or 10923.....	27	(41) Notice of exempt abandonments. 49 CFR 1180.50.....	600	(63) Requests for nationwide and regional collectively filed general rate increases or major rate restructuring, accompanied by supporting cost and financial information.....	4,200
(6) An application to remove restrictions or broaden unduly narrow authority under 49 CFR 1165.....	150	(42) A notice or petition to discontinue passenger train service.....	6,300	(64) A petition for exemption from filing tariffs by water and bus carriers.....	100
(7) An application for authority to deviate from authorized regular route authority under 49 U.S.C. 10923(a).....	90	(43) [Reserved]		(65) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A).....	2,000
(8) An application for motor carrier or water carrier temporary authority under 49 U.S.C. 10928(b).....	70	Part VI.—Rail Applications To Enter Upon a Particular Financial Transaction or Joint Arrangement		(66) Petition for review of state regulations of intrastate rates, rules or practices filed by interstate rail carriers. 49 U.S.C. 11501.....	500
(9) An application for motor carrier emergency temporary authority under 49 U.S.C. 10928(c)(1).....	50	(44) An application for use of terminal facilities or other application under 49 U.S.C. 11103.....	5,300	(67) Petition for review of state regulations of intrastate rates, rules or practices filed by interstate bus carriers. 49 U.S.C. 11501.....	500
(10) An extension of the time period during which emergency temporary authority as defined in 49 U.S.C. 10928(c)(1) may continue.....	12	(45) An application for the pooling or division of rail traffic. 49 U.S.C. 11342.....	3,600	(68)–(71) [Reserved]	
(11) Request for name change of carrier, broker or freight forwarder.....	5	(46) An application for two or more carriers to consolidate or merge their properties or franchises or a part thereof, into one corporation for ownership, management, and operation of the properties previously in separate ownership:		Part VIII.—Informal Proceedings	
(12) A notice required by 49 U.S.C. 10524(b) to engage in compensated intercorporate hauling, including an updated notice required by 49 CFR 1167.4.....	70	(i) Major transaction.....	100,000	(72) An application for authority to establish released value rates or ratings under 49 U.S.C. 10730 (except applications seeking such authority in connection with reduced rates established to relieve distress caused by drought or other natural disaster).....	300
(13) A notice of intent to operate under the agricultural co-operative exemption in 49 U.S.C. 10526(a)(5).....	70	(ii) Significant transaction.....	20,000	(73) An application for special permission for short notice or the waiver of other tariff publishing requirements.....	30
(14) [Reserved]		(iii) Minor transaction.....	1,700	(74) The filing of tariffs, rate schedules and contracts, including supplements.....	14
(15) [Reserved]		(iv) Exempt transaction.....	450	(75) Special docket application from rail and water carriers.....	40
(16) [Reserved]		(v) Responsive application.....	1,700	(76) Informal complaint about rail rate application.....	90
Part II.—Non-Rail Applications to Discontinue Transportation		(47) An application of a noncarrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11343(a) (1):		(77) An application for original qualification as self-insurer.....	60
(17) A notice or petition to discontinue ferry service under 49 U.S.C. 10908.....	6,300	(i) Major transaction.....	100,000	(78) A service fee for insurer, surety or self-insurer accepted certificate of insurance or surety bond. The fee is based on a formula of \$10 per accepted certificate of insurance or surety bond as indication of ICC insurance activity. (There is a \$50 annual minimum).....	*10
(18) A petition to discontinue motor carrier of passenger transportation in one state.....	500	(ii) Significant transaction.....	20,000	(79) A petition for waiver of any provision of the lease and interchange regulations. 49 CFR 1057.....	200
(19) [Reserved]		(iii) Minor transaction.....	1,700	(80) A petition for reinstatement of revoked operating authority.....	30
Part III.—Non-Rail Applications To Enter Upon a Particular Financial Transaction or Joint Arrangement		(iv) Exempt transaction.....	450	(81) Acceptance of filings of designated agents for service of process.....	*8
(20) An application for the pooling or division of not-rail traffic.....	1,200	(v) Responsive application.....	1,700	(82) Request for informal interpretations from the Office of Compliance and Consumer Assistance.....	200
(21) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier or carriers.....	600	(48) An application to acquire trackage rights over, joint ownership in, or joint use of, any railroad lines owned and operated by any other carrier and terminals incidental thereto. 49 U.S.C. 11343:		(83) Petition for reinstatement of a dismissed operation rights application.....	150
(22) An application for approval of a non-rail rate association agreement. 49 U.S.C. 10706.....	7,600	(i) Major transaction.....	100,000	(84) Filing of documents for recordation under 49 U.S.C. 11303 and 49 CFR 1177.3(c).....	*10
(23) An application for approval of an amendment to a non-rail rate association agreement:		(ii) Significant transaction.....	20,000	(85) Valuations of railroad lines in conjunction with purchase offers in abandonment proceedings.....	700
(i) Significant Amendment.....	3,500	(iii) Minor transaction.....	1,700	(86) Informal opinions about rate applications (all modes).....	40
(ii) Minor Amendment.....	27	(iv) Exempt transaction.....	450	(87)–(95) [Reserved]	
(24) An application for temporary authority to operate a motor or water carrier. 49 U.S.C. 11349.....	100	(v) Responsive application.....	1,700	Part IX.—Services	
(25) An application to transfer or lease a certificate or permit, including a certificate of registration, or a broker's license or to change the control of companies holding a broker's license under 49 U.S.C. 10926 or to transfer a water carrier exemption authorized under 49 U.S.C. 10544.....	150	(50) An application for a determination under 49 U.S.C. 11321(a)(2) or (b).....	20,000	(96) Messenger delivery of decisions to a railroad carrier's Washington, DC agent.....	*7
(26) An application for approval of a motor vehicle rental contract. 49 CFR 1057.41(d).....	100	(51) An application for approval of a rail rate association agreement. 49 U.S.C. 10706.....	19,300	(97) Request for service list for proceedings.....	*5
(27) A petition for exemption under 49 U.S.C. 11343(e).....	400	(52) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:		(98) Requests for copies of the one-percent carload waybill sample.....	80
(28)–(32) [Reserved]		(i) Significant Amendment.....	3,500	(99) Verification of surcharge level pursuant to Ex Parte No. 389, Procedures for Requesting Rail Variable Cost & Revenue Determination for Joint Rates Subject to Surcharge or Cancellation.....	*10
Part IV.—Rail Applications for Operating Authority		(ii) Minor Amendment.....	27	(100) Application fee for Interstate Commerce Commission Practitioners' Exam.....	50
(33) An application for a certificate authorizing the construction, extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901.....	2,000	(53) An application for authority to hold a position as officer or director. 49 U.S.C. 11322.....	200		
(34) Feeder Line Development Program application filed under 49 U.S.C. 10910(b)(1)(A)(i).....	2,400	(54) An application to issue securities; an application to assume obligation or liability in respect to securities of another; an application or petition for modification of an outstanding authorization, or an application for exemption from competitive bidding requirements of Ex Parte No. 158, 49 CFR 1175.10. 49 U.S.C. 11301.....	950		
(35) A Feeder Line Development Program application filed under 49 U.S.C. 10910(b)(1)(A)(ii).....	1,400	(55) A petition for exemption (other than a rule-making) filed by rail carriers. 49 U.S.C. 10505.....	550		
		(56) An application for forced sale of bankrupt railroad lines.....	1,100		
		(57)–(59) [Reserved]			
		Part VII.—Formal Proceedings			
		(60) A complaint alleging unlawful rates or practices of carriers.....	2,300		

- * Per series transmitted.
 * Per accepted certificate.
 * Per BOC-3 filing.
 * Per document.
 * Per delivery.
 * Per list.
 * Per movement verified.

(3) Section 1002.3 is added, to read as follows:

§ 1002.3 Updating user fees.

(a) *Update.* Each fee established in this part shall be updated in accordance with this section annually.

(b) *Publication and effective dates.* Updated fees shall be published in the *Federal Register* and shall become effective 30 days after publication.

(c) *Payment of fees.* Any person submitting a filing for which a fee is established shall pay the fee in effect at the time of the filing.

(d) *Method of updating fees.* Each fee shall be updated by updating the cost components comprising the fee. Cost components shall be updated as follows:

(1) Direct labor costs shall be updated by multiplying base level direct labor costs by percentage changes in average wages and salaries of Commission employees. Base level direct labor costs are direct labor costs determined by the Commission's FY 1983-84 User Fee Cost Study. The base period for measuring changes shall be April 1984.

(2) Governmental overhead costs shall be updated by multiplying updated direct labor costs by estimated employee fringe benefits and other wage related governmental cost contributions. Estimates of these benefits and contributions are currently published by the Office of Management and Budget in OMB Circular A-76.

(3) General and administrative costs and operational overhead shall be updated by multiplying updated direct labor and governmental overhead costs by the sum of base level operations overhead and current Commission general and administrative percentage costs. Base level operations overhead are those percentage costs determined by the Commission's FY 1983-84 User Fee Cost Study. Current Commission general and administrative percentage costs shall be determined by dividing budgeted Commission general and administrative costs for the current fiscal year by total budgeted agency expenses for the current fiscal year.

(4) Other costs shall be updated by multiplying base level other costs by percentage changes in the consumer price index. Base level other costs are other costs determined by the Commission's FY 1983-84 User Fee Cost Study. The base period for measuring changes shall be April 1984.

(e) *Rounding of updated fees.* Updated fees shall be rounded in the following manner: (1) fees between \$1-\$30 will be rounded to the nearest \$1; (2) fees between \$30-\$100 will be rounded to the nearest \$10; (3) fees between \$100-\$999 will be rounded to the nearest \$50; and (4) fees above \$1,000 will be rounded to the nearest \$100. (This rounding

procedure excludes copying, printing and search fees.)

PART 1011—COMMISSION ORGANIZATION; DELEGATIONS OF AUTHORITY

(4) In § 1011.8, a new paragraph (b) is added to read as follows:

§ 1011.8 Delegation of Authority by the Interstate Commerce Commission to Specific Bureaus and Offices of the Commission.

(b) *Office of the Secretary.* Authority to waive filing fees set forth in 49 CFR 1002.2(f) will be delegated to the Secretary of the Commission, to be exercised in consultation with involved offices.

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

(5) In § 1152.23, paragraph (e) is revised to read as follows:

§ 1152.23 Summary application.

(e) A check or money order payable to the Interstate Commerce Commission must be submitted with the application to cover the applicable filing fee.

PART 1177—RECORDATION OF DOCUMENTS

(6) In § 1177.3 paragraph (c) is revised to read as follows:

§ 1177.3 Requirements for submission.

(c) Be accompanied by a fee in the appropriate amount. The filing fee for either a primary or secondary document is \$10 per document. However, assignments which are executed prior to the filing of the primary document and which are submitted concurrently will be treated along with the primary document as one for fee purposes and will be assessed only one \$10 fee. A lease and agreement (Philadelphia Plan) shall be similarly treated.

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

(7) In § 1180.4, paragraph (c)(1) is revised to read as follows:

§ 1180.4 Procedures.

(c) *Application.* (1) The fee to file a primary application with the

Commission under these procedures is set forth at 49 CFR 1002.2(f)(46)-(49). There is no filing fee for a directly related application filed by the party that filed the primary application. The fee for a directly related or responsive application filed by another party is \$1,700. For a finance-related exemption filed by any party the fee is \$450.

PART 1182—MOTOR CARRIER APPLICATIONS TO CONSOLIDATE, MERGE, OR ACQUIRE CONTROL UNDER 49 U.S.C. 11343-11344**§ 1182.1 [Amended]**

(8) In § 1182.1, paragraph (b) is amended by revising the amount "\$700" in the third sentence to read "\$600".

[FR Doc. 84-11678 Filed 4-30-84; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 658**

[Docket No. 40322-37]

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to implement the mandatory reporting of statistical data by shrimp fishermen, dealers, and processors. The Fishery Management Plan for the Shrimp Fishery in the Gulf of Mexico, approved in 1980, contained a management measure requiring the reporting of shrimp landing statistics. Regulations to implement this provision were reserved until the National Marine Fisheries Service designed a reporting system approved by the Gulf of Mexico Fishery Management Council. This system has been developed and approved and is implemented by this final rule. The intended effect of this rule is to provide for timely reporting of shrimp catch data during the fishing season.

EFFECTIVE DATE: May 31, 1984.

ADDRESS: A copy of the Final Supplemental Regulatory Impact Review may be obtained from Donald W. Geagan, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813-893-3722.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) was approved May 29, 1980, under authority of the Magnuson Fishery Conservation and Management Act, as amended (Magnuson Act). Final regulations implementing the FMP were published in the *Federal Register* on May 20, 1981 (46 FR 27494). The FMP contains a provision for the accumulation of shrimp landings information necessary for responsive management of the fishery. However, because the data collection system had not been developed when the regulations were implemented, one section of the regulations, 50 CFR 658.5, was reserved. The National Marine Fisheries Service (NMFS) is responsible for the design (subject to review by the Gulf of Mexico Fishery Management Council (Council)) implementation, and management of the data collection system.

NMFS has now designed and the Council has approved a statistical data collection system which essentially makes mandatory the voluntary reporting program utilized in this fishery since 1956. This final rule implements that system.

The proposed rulemaking (48 FR 42840, September 20, 1983) contained a discussion of the need for the mandatory reporting and a description of data collection procedures. These are not repeated here.

Response to Comments

Two commenters (a shrimp association and a national fishing organization) opposed the requirement for immediately reporting price and volume information. Delayed reporting of this information was considered by the Council prior to the publication of the proposed regulations, but was rejected because: (1) It is unnecessary to protect confidentiality of current bid prices since dealers will be providing current box weight and box weight prices rather than prices for packed and graded shrimp, (2) it would significantly add to the cost of and disrupt a stable data collection and analysis system, and (3) it would reduce the information available for those management decisions which are time critical.

The same national fishing organization suggested that prior to implementation of the proposed mandatory reporting NMFS insure that industry is supportive of the program in order that accurate data will be reported. Industry representatives at public hearings, as well as Council meetings, substantiated the need for accurate data, and indicated general

support for the proposed system. Additionally, the commenter suggested that NMFS insure that data collection be uniform throughout the Gulf. The system which will be implemented under this rule is Gulf-wide and the same criteria and data reporting requirements will apply to all resource users.

Marine resource agencies for the States of Texas and Louisiana objected to the application of the reporting requirements to shrimping activities occurring within State waters. These agencies indicated that such action would constitute preemption of State authority and impact on present and future State laws. NMFS disagrees that this action preempts State authorities, as a matter of law. A State is free to require the submission of information from shrimp fishermen, dealers and processors without conflicting with the Magnuson Act. Furthermore, there is no conflict between Federal and State requirements: NMFS collects shrimp statistics under the current voluntary data gathering programs for both States under cooperative agreements.

Effective management of the shrimp resource in the Gulf requires comprehensive and uniform data collection. Stock assessment, maximum sustainable yield calculations and optimum yield determinations must be based upon information gathered from State waters as well as the fishery conservation zone (FCZ). Were NMFS to accept and implement the comments of these marine resource agencies, its ability to properly manage the shrimp resource throughout the Gulf would be unacceptably limited.

Changes From the Proposed Rule

The final rule clarifies § 658.5(b)(1) to require the reporting of vessel name and official number.

Classification

The Assistant Administrator for Fisheries, NOAA, after considering all comments on the proposed regulatory amendment has determined that this regulatory amendment is necessary and appropriate for conservation and management of the fishery and is consistent with the national standards and other provisions of the Magnuson Act, and other applicable law.

It was previously determined, on the basis of a regulatory impact review (RIR), that rules to implement the FMP, except for this measure, were not major under Executive Order 12291. The RIR was summarized in the preamble to the final rules for the FMP (see 46 FR 27493). A final supplemental RIR, prepared for this regulatory amendment, does not alter the findings of the previous RIR.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities because the regulatory amendment simply adds a mandatory requirement to an already existing data collection system and very limited additional economic impacts will be experienced. As a result, a regulatory flexibility analysis was not prepared.

This rule contains a collection of information requirement subject to the Paperwork Reduction Act (PRA). The mandatory collection of this information has been approved by the Office of Management and Budget (OMB control number 0648-0013) through September 30, 1986.

This action is part of a previous Federal action for which a final environmental impact statement (EIS) was prepared. The final EIS for the FMP was filed with the Environmental Protection Agency and the notice of availability was published on March 13, 1981 (46 FR 16720).

The Council determined that this rule does not directly affect the coastal zone of any State with an approved coastal zone management program.

List of Subjects in 50 CFR Part 658

Fisheries, Reporting requirements.

Dated: April 25, 1984.

Carmen J. Blondin,
Deputy Assistant Administrator for Fisheries
Resource Management, National Marine
Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 658 is amended as follows:

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

1. The authority citation for Part 658 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In Part 658, the Table of Contents is amended by revising the heading for § 658.5 from "Recordkeeping and reporting [Reserved]" to read "Reporting requirements."

3. In § 658.2, the definition of *Statistical area* is added in alphabetical order to read as follows:

§ 658.2 Definitions.

* * * * *

Statistical area means one or more of the 21 statistical grids depicted in Figure 5. In addition, the term includes the following "inside" water areas:

"Inside" water area	Code No.	"Inside" water area	Code No.	"Inside" water area	Code No.
Charlotte Harbor, FL.....	4.1	Lakes Borgne and Pontchartrain, LA.....	12.1	Sabine Lake, TX.....	17.2
Tampa Bay, FL.....	5.1	Breton and Chandeleur Sounds and Adjacent		Galveston Bay System, TX.....	18.1
Apalachicola Bay, FL.....	7.1	Marsh Areas, LA.....	12.2	Matagorda Bay System, TX.....	19.1
St. Andrews Bay, FL.....	8.1	Inside Waters from Mississippi River to Bayou		San Antonio Bay System, TX.....	19.2
St. Joseph Bay, FL.....	8.2	Lafourche, LA.....	13.1	Arkansas Bay System, TX.....	19.3
Choctawhatchee Bay, FL.....	9.1	Inside Waters from Bayou Lafourche to Atchafalaya		Corpus Christi Bay System, TX.....	20.1
Pensacola Bay, FL.....	10.1	River, LA.....	14.1	Upper Laguna Madre, TX.....	20.2
Alabama Inside Waters (Exclusive of Mississippi		Inside Waters from Atchafalaya River to Tigre		Lower Laguna Madre, TX.....	21.1
Sound), AL.....	10.2	Point, LA.....	15.1		
Little Lagoon, AL.....	10.5	Inside Waters from Tigre Point to Louisiana Point,			
Mississippi Sound, MS.....	11.1	LA.....	16.1		

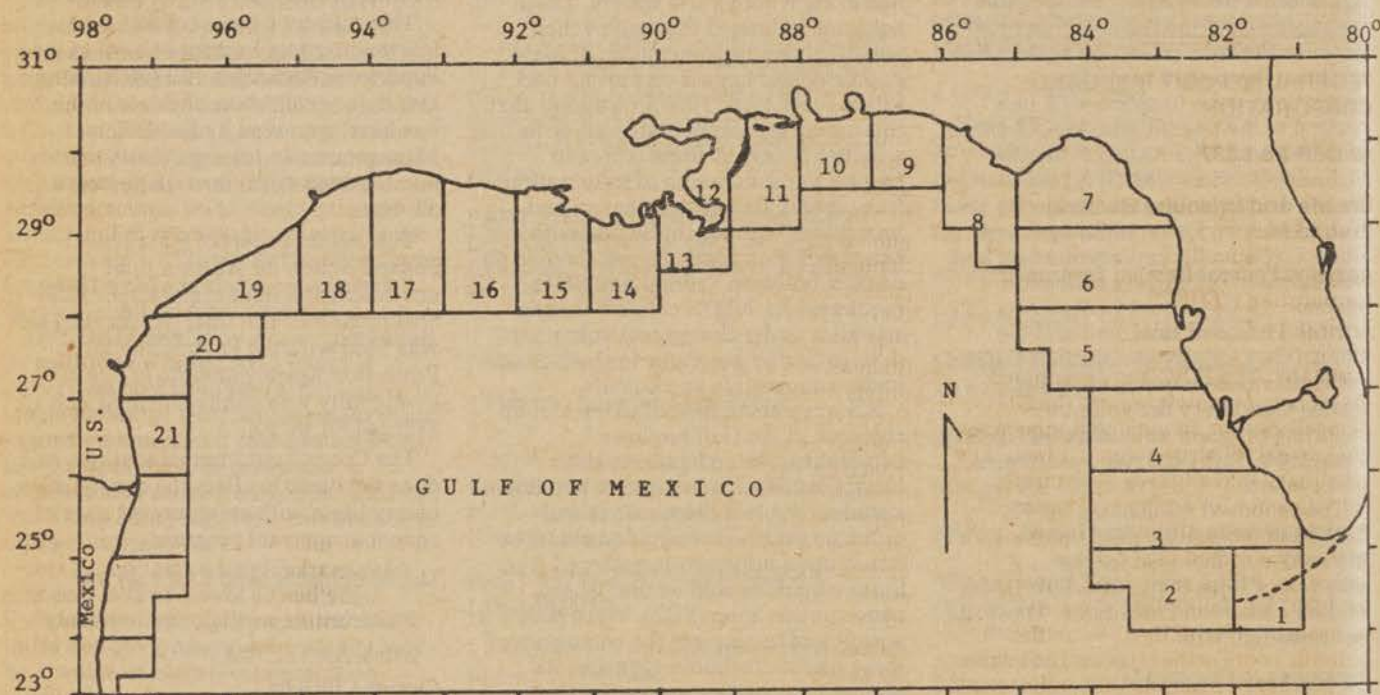


Figure 5. Statistical Grids for Reporting Harvest of Shrimp
For Illustrative Purposes Only - Not to Scale

4. § 658.5 is revised to read as follows:

§ 658.5 Reporting requirements.

(a) *Vessel owners and operators.* The owner or operator of any fishing vessel that fishes for, or lands, shrimp or any part thereof in the Gulf of Mexico or in adjoining State waters, and who is selected to report by the Center Director, must provide upon request the following information regarding any fishing trip to the Center Director or his designee:

- (1) Name and official number of vessel;
- (2) Amount of catch of shrimp by species;
- (3) The condition of the shrimp (heads on/heads off);
- (4) Depth fished and information regarding fishing location that is specific

enough to enable the Center Director or his designee to ascertain the statistical area fished;

(5) Person to whom sold, bartered, or traded;

(6) Number, size and type of gear; and

(7) Effort and period of fishing.

(b) *Dealers and processors.* Any person who receives shrimp or parts thereof by way of purchase, barter, trade or sale from a fishing vessel or person that fishes for, or lands, shrimp or parts thereof in the Gulf of Mexico or in adjoining State waters, and who is selected to report by the Center Director, must provide upon request the following information to the Center Director or his designee:

- (1) Fishing vessel (name and official number) or person (if harvested from other than a vessel) from which received;

(2) Amount of shrimp or parts thereof received by species and size category for each vessel trip; and

(3) Exvessel value by size category of shrimp or portions thereof received.

(Approved by the Office of Management and Budget under OMB control number 0648-0013).

5. In § 658.7, paragraphs (b) through (l) are redesignated as (c) through (m), and a new paragraph (b) is added to read as follows:

§ 658.7 Prohibitions.

(b) Falsify or fail to report information required to be submitted upon request by § 658.5;