

reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: June 9, 1998.

**Jerry Clifford,**

*Regional Administrator, Region 6.*

[FR Doc. 98-17382 Filed 6-30-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IL163-1b; FRL-6119-1]

#### Approval and Promulgation of State Implementation Plan; Illinois

**AGENCY:** United States Environmental Protection Agency (USEPA).

**ACTION:** Proposed rule.

**SUMMARY:** USEPA is proposing to approve the October 10, 1997, Illinois Environmental Protection Agency (IEPA) request that USEPA change the regulatory status for Riverside Laboratories, Inc.'s (Riverside) Kane County facility, based on Riverside's current compliance with the applicable State Implementation Plan (SIP) rule. In the final rules section of this **Federal Register**, the USEPA is approving the State's request as a direct final rule without prior proposal because USEPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless US EPA receives relevant adverse written comments or a request for a public hearing on this proposed rule. Should USEPA receive such comment, it will publish a final rule informing the public that the direct final rule did not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse written comments or request for a public hearing are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. USEPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments or a request for a public hearing on this proposed rule must be received on or before July 31, 1998.

**ADDRESSES:** Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal are available for inspection at: Regulation Development Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule published in the final rules section of this **Federal Register**.

Dated: June 25, 1998.

**Carol M. Browner,**

*Administrator.*

[FR Doc. 98-17518 Filed 6-30-98; 8:45 am]

BILLING CODE 6560-50-U

## FEDERAL MARITIME COMMISSION

### 46 CFR Parts 502, 503, 510, 514, 540, 572, 585, 587 and 588

[Docket No. 98-09]

#### Update of Existing and Addition of New Filing and Service Fees

**AGENCY:** Federal Maritime Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Maritime Commission ("Commission") proposes to revise its existing fees filing petitions, complaints, and special docket application; various public information services, such as record searches, document copying and admissions to practice; filing freight forwarder applications; various ATFI related services; passenger vessel performance and casualty certificate applications; and agreements. This proposal will update existing fees to reflect current costs to the Commission. In addition, the Commission proposes to add three new fees for: the publication of the Regulated Persons Index ("RPI") on diskette, the application to amend a passenger vessel operators' Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation and Certification of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on

Voyages ("Certificates") for the addition or substitution of a vessel to the applicant's fleet, and the agency's review of corrections of clerical errors in service contracts, as requested by parties to a service contract.

**DATES:** Comments due July 31, 1998.

**ADDRESSES:** Comments (Original and fifteen copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573-0001.

**FOR FURTHER INFORMATION CONTACT:** Sandra L. Kusumoto, Director, Bureau of Administration, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573-0001, (202) 523-5866, E-mail: sandrak@fmc.gov.

**SUPPLEMENTARY INFORMATION:** The Commission is authorized under the Independent Offices Appropriation Act ("IOAA"), 31 U.S.C. § 9701 (1983), to establish fees for services and benefits that it provides to specific recipients. The IOAA provides that each service or thing of value provided by an agency to a person by self-sustaining to the extent possible, and that each charge shall be fair and based on the costs to the Government, the value of the service or thing to the recipient, policy or interest served, and other relevant facts. 31 U.S.C. § 9701.

The primary guidance for implementation of IOAA is Office of Management and Budget ("OMB") Circular A-25, as revised July 8, 1993. OMB Circular A-25 requires that a reasonable charge be made to each recipient for a measurable unit or amount of Government Service from which the recipient derives a benefit, in order that the Government recover the full cost of rendering that service.

OMB Circular A-25 further provides that costs be determined or estimated from the best available records in the agency, and that cost computations shall cover the direct and indirect costs to the Government of carrying out the activity, including but not limited to: (a) Direct and indirect personnel costs, including salaries and fringe benefits such as medical insurance and retirement. (b) Physical overhead, consulting, and other indirect costs including material and supply costs, utilities, insurance, travel and rent. (c) The management and supervisory costs. (d) The costs of enforcement, collection, research, establishment of standards, and regulations, including any required environmental impact statements.

OMB Circular A-25, paragraphs 6d (a), (b), (c), and (d).

OMB Circular A-25 also calls for a periodic reassessment of costs, with

related adjustments of fees, if necessary, and the establishment of new fees where none exist.

The Commission's current filing and service fees have been in effect since 1995. The fees established at that time are no longer representative of the Commission's actual costs for providing such services. The proposed fees include, among other costs, salary increases for several years. The Commission, accordingly, proposes to update its fees to reflect current costs to the Commission.

The Commission proposes the elimination of several fees. The Commission proposes the deletion of fees associated with the provision of subscription services. These services will be discontinued because of diminished public demand for them and because most of the information can be found on the Internet, the Commission's website or requested from the Office of the Secretary on an ad hoc basis. Some fees associated with ATFI Subscriber Tapes have been eliminated in accordance with Docket No. 95-13, *Automated Tariff Filing and Information System*. (60 FR 56122, November 7, 1995).

The Commission also proposes three new user fees for: the provision of the RPI on diskette, the issuance of Pub. L. 89-777 Certificates to add or substitute a vessel to the applicant's fleet, and the agency's review of corrections of clerical errors in service contracts, as requested by parties to a service contract under 46 CFR § 514.7(k)(2). Provisions of Parts 585, 587, and 588 are proposed to be amended to clarify that fees governing the filing of petitions are applicable.

The Commission has reviewed its current fees and developed data on the time and cost involved in providing particular services to arrive at the updated direct labor costs for those services. The direct labor costs include clerical, professional, supervisory, and executive time expended on an activity, plus a check processing cost of \$1.40. The indirect costs include Government overhead costs, which are fringe benefits and other wage-related Government contributions in OMB Circular A-76.<sup>1</sup> Commission general and administrative expenses<sup>2</sup> and office general and administrative overhead

<sup>1</sup> These include leave and holidays, retirement, worker's compensation, awards, health and life insurance, and Medicare. These are expressed as a percentage of basic pay.

<sup>2</sup> These costs include all salaries and overhead, such as rent, utilities, supplies and equipment, allocated to the Offices of the Commissioner, Managing Director, General Counsel, and the Bureau of Administration. The percentage of these costs to the total agency budget is allocated across all Commission programs.

expenses.<sup>3</sup> The sum of these indirect cost components gives an indirect cost factor that is added to the direct labor costs of an activity to arrive at the fully distributed cost.

All current fees, except as noted, are being revised to reflect the higher costs to the Commission in providing its services. A detailed summary of the data used to arrive at the proposed fees is available from the Secretary of the Commission upon written request.

The Commission intends to update its fees biennially in keeping with OMB guidance. In updating its fees, the Commission will incorporate changes in the salaries of its employees into direct labor costs associated with its services, and recalculate its indirect costs (overhead) based on current level of costs.

The Commission has user fees currently in effect and the proposed fee increases primarily reflect the increases in salary and indirect (overhead) costs. For some services, the increase in processing or review time accounts for the increase in the level of proposed fees.

The Chairman of the Commission hereby certifies that these proposed fees will not have a significant economic impact on a substantial number of small entities. The Commission recognizes that these proposed revisions may have some impact on the shipping industry. Fees collected from the general public for Commission information recover the cost to the Commission for providing specific services. Fees for filing petitions, formal and informal complaints, and special dockets, in the Commission's view, do not impose an undue burden nor have a chilling effect on filers. Furthermore, Commission regulations provide for waiver of fees for those entities that can make the required showing of undue hardship. 46 C.F.R. § 503.41.

This proposed rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1980, as amended. Therefore, OMB review is not required.

#### List of Subjects

##### 46 CFR Part 502

Administrative practice and procedure, Claims, Equal Access to Justice, Investigations, Lawyers, and Reporting and record keeping requirements.

<sup>3</sup> These expenses are limited to the overhead expenses allocated to those bureau and offices involved in fee-generating activities, and is derived from dividing allocated overhead expenses by the total funding for these fee-generated offices.

##### 46 CFR Part 503

Classified information, Freedom of Information, Privacy, and Sunshine Act.

##### 46 CFR Part 510

Freight forwarders, Maritime carriers, Reporting and record keeping requirements, and Surety bonds.

##### 46 CFR Part 514

Freight, Harbors, Maritime carriers, and Reporting and record keeping requirements.

##### 46 CFR Part 540

Insurance, Maritime carriers, Penalties, Reporting and record keeping requirements, and Surety bonds.

##### 46 CFR Part 572

Administrative practice and procedure, Freight, Maritime carriers, and Reporting and record keeping requirements.

##### 46 CFR Part 585

Administrative practice and procedure, Maritime carriers.

##### 46 CFR Part 587

Administrative practice and procedure, Maritime carriers.

##### 46 CFR Part 588

Administrative practice and procedure, Investigations, Maritime carriers.

Pursuant to 5 U.S.C. 553, the Independent Offices Appropriations Act, 31 U.S.C. § 9701, and section 17 of the Shipping Act of 1984, 46 U.S.C. app. § 1716, the Commission proposes to amend title 46 of the Code of Federal Regulations as follows:

#### PART 502—RULES OF PRACTICE AND PROCEDURE

1. 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; 12 U.S.C. 1141j(a); 18 U.S.C. 207; 26 U.S.C. 501(c)(3); 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. app. 817, 820, 826, 841a 1114(b), 1705, 1707-1711, 1713-1716; E.O. 11222 of May 8, 1965 (30 FR 6469); 21 U.S.C. 853a; and Pub. L. 88-777 (46 U.S.C. app. 817d, 817e).

2. The fourth sentence of § 502.51 is revised to read as follows:

#### Subpart D—Rulemaking

##### § 502.51 Petition for issuance, amendment, or repeal of rule.

\* \* \* Petitions shall be accompanied by remittance of a \$177 filing fee.

**Subpart E—Proceedings; Pleadings; Motions; Replies**

3. Section 502.62(f) is revised to read as follows:

**§502.62 Complaints and fee.**

\* \* \* \* \*

(f) The complaint shall be accompanied by remittance of a \$184 filing fee.

\* \* \* \* \*

4. Section 502.68(a)(3) is revised to read as follows:

**§ 502.68 Declaratory orders and fee.**

(a) \* \* \*

(3) Petitions shall be accompanied by remittance of a \$177 filing fee.

\* \* \* \* \*

5. Section 502.69(b) is revised to read as follows:

**§ 502.69 Petitions-general and fee.**

\* \* \* \* \*

(b) Petitions shall be accompanied by remittance of a \$177 filing fee. [Rule 69.]

**Subpart K—Shortened Procedure**

6. The last sentence of § 502.182 is revised to read as follows:

**§ 502.182 Complaint and memorandum of facts and arguments and filing fee.**

\* \* \* The complaint shall be accompanied by remittance of a \$184 filing fee.

[Rule 182.]

**Subpart U—Conciliation Service**

7. The last sentence of § 502.404(a) is revised to read as follows:

**§ 502.404 Procedure and fee.**

(a) \* \* \* The request shall be accompanied by remittance of a \$69 service fee.

\* \* \* \* \*

**PART 503—PUBLIC INFORMATION**

8. The authority citation for Part 503 is revised to read as follows:

**Authority:** 5 U.S. 552, 552a, 552b, 553; 31 U.S.C. 9701; E.O. 12958 of April 20, 1995 (60 FR 19825), sections 5.2(a) and (b).

**§ 503.41 [Amended]**

9. In § 503.41, Policy and services available, paragraph (b)(1) is removed, and paragraphs (b)(2) and (b)(3) are redesignated as (b)(1) and (b)(2).

10. In § 503.43, the first two sentences of paragraph (a)(8), paragraphs (c)(1) (i) and (ii), the first sentence of paragraph (c)(2), paragraph (c)(3)(ii) and (iii), paragraph (c)(4), paragraph (e) and paragraph (g) are revised; paragraphs (d), (f) and (h) are removed; revised

paragraphs (e) and (g) are redesignated paragraphs (d) and (e); and paragraph (c)(3)(iv) is added to read as follows:

**§ 503.43 Fees for services.**

(a) \* \* \*

(8) *Direct costs* means those expenditures which the agency actually incurs in searching for and duplicating (and in the case of commercial requester, reviewing) documents to respond to a Freedom of Information Act request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee plus 17.5 percent of that rate to cover benefits and the cost of operating duplicating machinery.\* \* \*

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(i) Search will be performed by clerical/administrative personnel at a rate of \$18.00 per hour and by professional/executive personnel at a rate of \$35.00 per hour.

(ii) Minimum charge for record search is \$18.00.

(2) Charges for review of records to determine whether they are exempt from disclosure under § 503.35 shall be assessed to recover full costs at the rate of \$70.00 per hour.\* \* \*

(3) \* \* \*

(ii) By Commission personnel, at the rate of five cents per page (one side) plus \$18.00 per hour.

(iii) Minimum charge for copying is \$4.50.

(iv) No charge will be made by the Commission for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Commission. No charge will be made for single copies of such Commission issuances individually requested in person or by mail.

(4) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at \$55.00 for each certification.

(d) To have one's name and address placed on the mailing list of a specific docket as an interested party to receive all issuance pertaining to the docket: \$8 per proceeding.

(e) Applications for admission to practice before the Commission for persons not attorneys at law must be accompanied by a fee of \$86 pursuant to § 502.27 of the chapter.

**Subpart G—Access to Any Record of Identifiable Personal Information**

11. In § 503.63, the introductory texts of paragraphs (b) and (c) are revised to read as follows:

**§ 503.63 Request for information.**

\* \* \* \* \*

(b) Any individual requesting such information in person shall personally appear at the Office of the Secretary, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573 and shall:

\* \* \* \* \*

(c) Any individual requesting such information by mail shall address such request to the Secretary, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573 and shall include in such request the following:

\* \* \* \* \*

12. In § 503.65, the introductory text of paragraph (b)(1) and paragraph (b)(2) are revised to read as follows:

**§ 503.65 Request for access to records.**

\* \* \* \* \*

\* \* \*

(1) Any individual making such request in person shall do so at the Office of the Secretary, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573 and shall:

\* \* \* \* \*

(2) Any individual making a request for access to records by mail shall address such request to the Secretary, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573 and shall include therein a signed notarized statement to verify his or her identity.

\* \* \* \* \*

13. In § 503.67, paragraph (b)(1) is revised to read as follows:

**§ 503.67 Appeals from denial of request for amendment of a record.**

\* \* \* \* \*

(b) \* \* \*

(1) Be addressed to the Chairman, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573; and

\* \* \* \* \*

14. In § 503.69, paragraph (b)(2) is revised to read as follows:

**§ 503.69 Fees.**

\* \* \* \* \*

(b) \* \* \*

(2) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at \$55 for each certification.

\* \* \* \* \*

**PART 510—LICENSING OF OCEAN FREIGHT FORWARDERS**

15. The authority citation for Part 510 continues to read as follows:

**Authority:** 5 U.S.C. 553; 31 U.S.C. 9701; 46 U.S.C. app. 1702, 1707, 1709, 1710, 1712, 1714, 1716, and 1718; 21 U.S.C. 862.

**Subpart B—Eligibility and Procedure for Licensing; Bond Requirements**

16. Section 510.12(b) is revised to read as follows:

**§ 510.12 Application for license.**

(a) \* \* \*

(b) *Fee.* The application shall be accompanied by a money order, certified check or cashier's check in the amount of \$778 made payable to the *Federal Maritime Commission.*

\* \* \* \* \*

17. The penultimate sentence in § 510.14(b) is revised to read as follows:

**§ 510.14 Surety bond requirements.**

\* \* \* \* \*

(b) \* \* \*

The fee for such supplementary investigation shall be \$224 payable by money order, certified check or cashier's check to the *Federal Maritime Commission.*

\* \* \* \* \*

18. The first sentence of § 510.19(e) is revised to read as follows:

**§ 510.19 Changes in organization.**

\* \* \* \* \*

(e) *Application form and fee.*

Applications for Commission approval of status changes or for license transfer under paragraph (a) of this section shall be filed in duplicate with the Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, on form FMC-18 Rev., together with a processing fee of \$362, made payable by money order, certified check or cashier's check to the *Federal Maritime Commission.*

\* \* \* \* \*

19. Section 510.26 is added to read as follows:

**§ 510.26 Regulated Persons Index.**

The Regulated Persons Index is a database containing the names, addresses, phone/fax numbers and bonding information, where applicable, of Commission-regulated entities. The database may be purchased for \$84 by contacting BTCL, Federal Maritime Commission, Washington, DC 20573. Contact information is listed on the Commission's website at [www.fmc.gov](http://www.fmc.gov).

**PART 514—TARIFFS AND SERVICE CONTRACTS**

20. The authority citation for Part 514 continues to read as follows:

**Authority:** 5 U.S.C. 552 and 553; 31 U.S.C. 9701; 46 U.S.C. app. 803, 812, 814-817(a), 820, 833a, 841a, 843, 844, 845, 845a, 845b, 847, 1702-1712, 1714-1716, 1718, 1721 and 1722; and sec. 2(b) of Pub. L. 101-92, 103 Stat. 601.

**Subpart B—Service Contracts**

21. Section 514.7(K)(2) introductory text is revised to read as follows:

**§ 514.7 Service contracts in foreign commerce.**

\* \* \* \* \*

(k) \* \* \*

(2) *Corrections.* Either party to a filed service contract may request permission to correct clerical or administrative errors in the essential terms of a filed contract. Requests shall be filed, in duplicate, with the Commission's Office of the Secretary within 45 days of the contract's filing with the Commission, accompanied by remittance of a \$233 service fee, and shall include:

\* \* \* \* \*

**Subpart C—Form, Content, and Use of Tariff Data**

22. In § 514.21, paragraphs (b)(1), (b)(2)(i) through (iv), (c), (e)(1), (f), (g), (i), (j) (l) and (k) are revised; paragraphs (l) is removed; paragraphs (m) is revised and redesignated paragraphs (l); and new paragraphs (m) is added to read as follows:

**§ 514.21 User charges.**

\* \* \* \* \*

(b) *User manual* (of ATFI "Guides"—§ 514.8(b)).

(1) *In diskette form:* \$39 for diskette(s) containing all user guides in WordPerfect 5.0 format.

(2) \* \* \*

(i) *Package A: Fundamentals Guide and System Handbook* (125 pages) are made available jointly and are a prerequisite for use of either of the packages in paragraphs (b)(2)(ii) or (b)(2)(iii): \$49.00.

(ii) *Package B: Tariff Retrieval Guide:* \$49.00.

(iii) *Package C: Tariff Filing Guide:* \$59.00.

(iv) *Package D: All Guides listed in paragraph (b)(2)(i) through (b)(2)(iii):* \$99.00.

\* \* \* \* \*

(c) *Registration for user (filer and/or retriever ID and password* (see exhibit 1 to this part and §§ 514.4(d), 514.8(f) and 514.20)): \$174 for initial registration for

firm and one individual; \$148 for additions and changes.

\* \* \* \* \*

(e) *Certification of batch filing capability (by appointment through the Office of Information Resources Management)* (§ 514.8(1)).

(1) *User charge:* \$496 per certification submission (covers all types of tariffs for which the applicant desires to be certified as well as recertification required by substantial charges to the ATFI system).

\* \* \* \* \*

(f) *Application for special permission* (§ 514.18): \$179.

(g) *Remote electronic retrieval* (§ 514.20(c)(3)). The fee for remote electronic access to ATFI electronic data is 33 cents for each minute of remote computer access directly to the ATFI database by any individual.

(h) \* \* \*

(i) *Tariff filing fee.* The fee for tariff filing shall be 20 cents per filing object; the fee for filing service contract essential terms shall be \$1.63 per filing set.

(j) *Daily Subscriber Data* (§ 514.20(d)).

(1) Persons requesting download of daily updates must pay 33 cents per minute as provided by § 514.21(g).

(2) \* \* \*

(k) *Miscellaneous tapes.* The fee for tape data, other than the ATFI database described in paragraph (j) of this section, shall be \$46 for the initial tape plus \$25 for each additional tape required.

(l) *Access to ATFI data.* Official ATFI tariff data may be directly accessed by computer by:

(1) *Retrievers.* Any person may, with a proper retrieval USERID and password, enter the official ATFI database to obtain computer access of tariff matter, as provided in this part, but may download ATFI data only through the "Print Screen" function, which prints one screen at a time on paper. The user fee for this computer access is 33 cents a minute, for which the user will be billed at the end of each month.

(2) *Filers.* Any person with a proper filer USERID and password may enter the official ATFI database to obtain computer access of tariff matter as provided in this part, but may download ATFI data only through the "Print Screen" function, which prints one screen at a time on paper, and the filer ATFI-mail-file-transfer function, which prints the contents of the filer's ATFI mail on paper.

(m) *Regulated Persons Index.* The Regulated Persons Index is a database containing the names, addresses, phone/

fax numbers and bonding information, where applicable, of Commission-regulated entities. The database may be purchased for \$84 by contacting BTCL, Federal maritime Commission, Washington, DC 20573. Contact information is listed on the Commission's website at [www.fmc.gov](http://www.fmc.gov).

#### **PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC**

23. The authority citation for Part 540 continues to read as follows:

**Authority:** 5 U.S.C. 552, 553; 31 U.S.C. 9701; secs. 2 and 3, Pub. L. 89-777, 80 Stat. 1356/1358 (46 U.S.C. app. 817e, 817d); sec. 43 of the Shipping Act, 1916 (46 U.S.C. app. 841a); sec. 17 of the Shipping Act of 1984 (46 U.S.C. 1716).

##### **Subpart A—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation**

24. The last sentence in § 540.4(a) and the last sentence in § 540.4(b) are revised, and another sentence added to § 540.4(b) to read as follows:

##### **§ 540.4 Procedure for establishing financial responsibility.**

(a) \* \* \* Copies of Form FMC-131 may be obtained from the Secretary, Federal Maritime Commission, Washington, DC 20573.

(b) \* \* \* An application for a Certificate (Performance), excluding an application for the addition or substitution of a vessel to the applicant's fleet, shall be accompanied by a filing fee remittance of \$2,152. An application for a Certificate (Performance) for the addition or substitution of a vessel to the applicant's fleet shall be accompanied by a filing fee remittance of \$1,076.

\* \* \* \* \*

##### **Subpart B—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages**

25. The last sentence in § 540.23(a) and the last sentence in § 540.23(b) are revised, and another sentence added to § 540.23(b) to read as follows:

##### **§ 540.23 Procedure for establishing financial responsibility.**

(a) \* \* \* Copies of Form FMC-131 may be obtained from the Secretary, Federal Maritime Commission, Washington, DC 20573.

(b) \* \* \* An application for a Certificate (Casualty), excluding an application for the addition or substitution of a vessel to the applicant's fleet, shall be accompanied by a filing fee remittance of \$938. An application for a Certificate (Casualty) for the addition or substitution of a vessel to the applicant's fleet shall be accompanied by a filing fee remittance of \$469.

\* \* \* \* \*

#### **PART 572—AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984**

26. The authority citation for Part 572 continues to read as follows:

**Authority:** 5 U.S.C. 553; 31 U.S.C. 9701; 46 U.S.C. app. 1701-1707, 1709-1710, 1712 and 1714-1717.

##### **Subpart D—Filing of Agreements**

27. Section 572.401(f) is revised to read as follows:

##### **§ 572.401 General requirements.**

\* \* \* \* \*

(f) Agreement filings for Commission action requiring an Information Form and review by the Commission shall be accompanied by remittance of a \$1,666 filing fee; agreement filings for Commission action not requiring an Information Form, but requiring review by the Commission, shall be accompanied by remittance of a \$841 filing fee; agreement filings reviewed under delegated authority shall be accompanied by remittance of a \$391 filing fee; and agreement filings for terminal and carrier exempt agreements shall be accompanied by remittance of a \$131 filing fee.

#### **PART 585—REGULATIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES**

28. The authority citation for Part 585 continues to read as follows:

**Authority:** 5 U.S.C. 553; sec. 19(1)(b), (5), (6), (7), (8), (9), (10), (11) and (12) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b), (5), (6), (7), (8), (9), (10), (11) and (12); Reorganization Plan No. 7 of 1961, 75 Stat 840; and sec. 10002 of the Foreign Shipping Practices Act of 1988, 46 U.S.C. app. 1710a.

##### **Subpart C—Conditions Unfavorable to Shipping**

29. Section 585.402 is revised to read as follows:

##### **§ 585.402 Filing of petitions.**

All requests for relief for conditions unfavorable to shipping in the foreign trade shall be by written petition. An original and fifteen copies of a petition for relief under the provisions of this part shall be filed with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a \$177 filing fee.

#### **PART 587—ACTIONS TO ADDRESS CONDITIONS UNDULY IMPAIRING ACCESS OF U.S.-FLAG VESSELS TO OCEAN TRADE BETWEEN FOREIGN PORTS**

30. The authority citation for Part 587 continues to read as follows:

**Authority:** 5 U.S.C. 553; secs. 13(b)(5) 15 and 17 of the Shipping Act of 1984, 46 U.S.C. app. 1712(b)(5), 1714 and 1716; sec. 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. app. 1710a).

31. Section 587.3(a)(2) is revised to read as follows:

##### **§ 587.3 Petitions for relief.**

(a) \* \* \*  
(2) An original and fifteen copies of such a petition including any supporting documents shall be filed with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a \$177 filing fee.

\* \* \* \* \*

#### **PART 588—ACTIONS TO ADDRESS ADVERSE CONDITIONS AFFECTING U.S. FLAG-CARRIERS THAT DO NOT EXIST FOR FOREIGN CARRIERS IN THE UNITED STATES**

32. The authority citation for Part 588 continues to read as follows:

**Authority:** 5 U.S.C. 553; sec. 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. app. 1710a).

33. Section 588.4(a) is revised to read as follows:

##### **§ 588.4 Petitions.**

(a) A petition for investigation to determine the existence of adverse conditions as described in § 588.3 may be submitted by any person, including any common carrier, shipper, shippers' association, ocean freight forwarder, or marine terminal operator, or any branch, department, agency, or other component of the Government of the United States. Petitions for relief under this part shall be in writing, and filed in the form of an original and fifteen copies with the Secretary, Federal Marine Commission, Washington, DC 20573. The petition

shall be accompanied by remittance of a \$177 filing fee.

\* \* \* \* \*

By the Commission.

**Joseph C. Polking,**  
Secretary.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 2

[CI Docket No. 98-69; FCC 98-97]

#### Importation of Radio Frequency Devices Capable of Causing Harmful Interference

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has issued an *Order and Notice of Proposed Rule Making*. The Notice of Proposed Rulemaking (NPRM) proposes that entities submit FCC Form 740 directly to the U.S. Customs Service (Customs) rather than be required to file duplicate declarations with the FCC and Customs and to modify the marketing rules affecting devices imported solely for export. Under the first proposal, only the few remaining entities that do not file the Form 740 electronically with Customs will be affected. These entities will be required to file Form 740 with Customs only. Eliminating the requirement to file duplicative information with the FCC reduces the administrative burden on filers, particularly small businesses, and eliminates an FCC record process that is no longer necessary. The modification under the second proposal will improve our ability to enforce the equipment authorization rules by eliminating a loophole that has resulted in the marketing and selling of devices that could not be authorized in the U.S.

**DATES:** Comments are due July 31, 1998, reply comments are due August 17, 1998.

**FOR FURTHER INFORMATION CONTACT:** Dan Emrick of the Compliance and Information Bureau at (202) 418-1175.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making*, CI Docket No. 98-69, FCC 98-97, adopted May 18, 1998, and released June 5, 1998. The full text of this *Order and Notice of Proposed Rulemaking* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) 1919 M Street, NW,

Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Services, 2100 M Street NW, Washington, DC 20037, telephone (202) 857-3800 (phone), (202) 857-3805 (facsimile), 1231 20th St., N.W., Washington, D.C. 20036.

#### Summary of Proposed Rule Making

1. In this *Notice of Proposed Rulemaking*, we seek comment on two proposals involving the importation of radio frequency devices. First, we propose that entities submit FCC Form 740 directly to the U.S. Customs Service (Customs) rather than be required to file duplicate declarations with the FCC and Customs. Under this proposal, only the few remaining entities that do not file the Form 740 electronically with Customs will be affected. These entities will be required to file Form 740 with Customs only. Any compliance information needed by the FCC is infrequently needed on a case by case basis and would be readily available from Customs. Eliminating the requirement to file duplicative information with the FCC reduces the administrative burden on filers, particularly small businesses, and eliminates an FCC record process that is no longer necessary.

2. Next, we seek comment on our proposal to modify the marketing rules affecting devices imported solely for export. This modification will improve our ability to enforce the equipment authorization rules by eliminating a loophole that has resulted in the marketing and selling of devices that could not be authorized in the U.S.

#### Initial Regulatory Flexibility Analysis

3. As required by the Regulatory Flexibility Act (RFA),<sup>1</sup> the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected economic impact on small entities by the policies and rules proposed in this Order and Notice of Proposed Rule Making (Notice). Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments in the Notice. The Office of Public Affairs, Reference Operations Division will send a copy of this Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.<sup>2</sup>

<sup>1</sup> See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 et seq., has been amended by the Contract with America Advancement Act of 1996 Public Law No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is "The Small Business Regulatory Enforcement Fairness Act of 1996" (SBREFA).

<sup>2</sup> See 5 U.S.C. 604.

#### I. Need For and Purpose of This Action

4. This Notice reexamines the rules specifying procedures for importation of radio frequency devices. It seeks information that will assist the Commission in determining whether current rules can be simplified and made more easy to enforce. It will also reduce the administrative burden on both the Commission and the public.

#### II. Description and Estimate of Number of Small Businesses to Which Rules Will Apply

5. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.<sup>3</sup> The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organizations," and "small governmental jurisdiction".<sup>4</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.<sup>5</sup> A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).<sup>6</sup> The Commission will need to receive more data regarding the brokers who currently file Forms 740 with the Commission, rather than filing them electronically through the U.S. Customs Service (Customs). We estimate that 800 of these forms are filed per month, presumably by smaller firms that do not subscribe to the Customs electronic filing system due to the relatively small number of FCC declarations that they handle. While there is no readily apparent link between the number of paper filings per month and the number of entities submitting the declarations, we presume most of the entities involved are small businesses or individuals. These entities will continue to be subject to the requirement to submit FCC Form 740 documents, but only to one government agency, not two. They will address and mail only one

<sup>3</sup> 5 U.S.C. 603(b)(3).

<sup>4</sup> *Id.*; 5 U.S.C. 601(6).

<sup>5</sup> 5 U.S.C. 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such terms which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**." 5 U.S.C. 601(3).

<sup>6</sup> Small Business Act, 15 U.S.C. 632 (1996).