

Type of proceeding	Fee	Type of proceeding	Fee
(iv) Third Party Answer (per defendant), Unless Declining to Submit to Any Arbitration	75	(iii) Waybill—Surface Transportation Board or State proceedings on R-CD—First Year	650
(v) Appeals of Arbitration Decisions or Petitions to Modify or Vacate an Arbitration Award	150	(iv) Waybill—Surface Transportation Board or State proceedings on R-CD—Second Year on same R-CD	450
(88)–(95) [Reserved]		(v) Waybill—Surface Transportation Board or State proceeding on R-CD—Second Year on different R-CD	500
PART VII: Services		(vi) User Guide for latest available Carload Waybill Sample	450
(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent (per delivery)	21		
(97) Request for service or pleading list for proceedings (per list)	16		
(98):			
(i) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Surface Transportation Board or State proceeding that does not require a Federal Register notice	200		
(ii) Processing the paperwork related to a request for Carload Waybill Sample to be used for reasons other than a Surface Transportation Board or State proceeding that requires a Federal Register notice	400		
(99):			
(i) Application fee for the Surface Transportation Board's Practitioners' Exam	100		
(ii) Practitioners' Exam Information Package	25		
(100) Uniform Railroad Costing System (URCS) software and information:			
(i) Initial PC version URCS Phase III software program and manual	50		
(ii) Updated URCS PC version Phase III cost file, if computer disk provided by requestor	10		
(iii) Updated URCS PC version Phase III cost file, if computer disk provided by the Board	20		
(iv) Public requests for <i>Source Codes</i> to the PC version URCS Phase III	500		
(v) PC version or mainframe version URCS Phase II	400		
(vi) PC version or mainframe version Updated Phase II databases	50		
(vii) Public requests for <i>Source Codes</i> to PC version URCS Phase II	1,500		
(101) Carload Waybill Sample data on recordable compact disk (R-CD):			
(i) Requests for Public Use File on R-CD—First Year	450		
(ii) Requests for Public Use File on R-CD Each Additional Year	150		

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1312

[STB Ex Parte No. 580]

Regulations for the Publication, Posting and Filing of Tariffs for the Transportation of Property by or With a Water Carrier in the Noncontiguous Domestic Trade

AGENCY: Surface Transportation Board.
ACTION: Final rules.

SUMMARY: The Surface Transportation Board (Board) revises its tariff filing regulations to eliminate the option of filing tariffs with the Board electronically through the Federal Maritime Commission's (FMC) Automated Tariff Filing and Information System (ATFI), which is being phased out effective May 1, 1999. The Board will, however, entertain special tariff authority requests by individual carriers seeking to file their tariffs in alternative electronic formats.

EFFECTIVE DATE: These rules are effective May 1, 1999.

FOR FURTHER INFORMATION CONTACT: James W. Greene (202) 565-1578. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking (NPR) served on December 2, 1998, and published at 63 FR 66521, the Board proposed to revise its tariff filing regulations to eliminate the option to file tariffs with the Board electronically through the FMC's ATFI system. The action was proposed because the Ocean Shipping Reform Act of 1998, Pub. L. No. 105-258, 112 Stat. 1902 (1998) (OSRA) will eliminate the requirement that ocean carriers file their tariffs with the FMC effective May 1,

1999, and, in these circumstances, the FMC will not be accepting new ATFI tariff filings on or after that date. As explained in the NPR, the use of ATFI to file tariffs with the Board has always been predicated upon the basic system being operated and maintained by the FMC to support its own tariff filing requirements, and, with FMC's discontinuance of the system, it will no longer be available for carriers to use to file their tariffs with the Board.

Comments in response to the NPR were received from South Seas Steamship Line (South Seas) and Tropical Shipping & Construction Co. Ltd. (Tropical).¹ Both commenters note that, while OSRA eliminates FMC's tariff filing requirements, it continues to mandate that carriers publish their tariffs in private, automated systems which must comport with requirements to be established by the FMC. They suggest that the Board delay taking any action to revise its regulations until the FMC adopts final rules for the automated systems, in order to facilitate as much commonality as possible between the respective agencies' requirements. South Seas acknowledges that the "publication of tariffs" is not equivalent to the "filing of tariffs with a government agency" but it suggest that the publication requirements to be adopted by the FMC might assist the Board in connection with amending its rules.

Upon consideration of the comments, we have determined to finalize the regulations as proposed. The revisions do not establish requirements for future electronic tariff filings; rather, they merely eliminate the option to use ATFI, and there is no disagreement that ATFI will cease to be available for new filings effective May 1, 1999. As we stated in the NPR, we encourage electronic tariff filing and we will be receptive to alternative electronic tariff filing proposals from interested carriers. Further, we share the commenters' concerns that tariff filing and publishing burdens be minimized, and we will relax those burdens to the extent possible. However, termination of the ATFI system for noncontiguous domestic trade filings, which is all that our proposal contemplates, will have no effect on our ability to meet our objectives.

For several reasons, we do not believe that we should postpone any new rules we issue pending adoption of final rules by the FMC. First, there could be some differences in future FMC and Board

¹ South Seas currently files its tariffs with the Board electronically through ATFI, and Tropical currently files printed tariffs with the Board.

tariff requirements. Indeed, the statutory requirement to file noncontiguous domestic trade tariffs with the Board will continue, whereas the requirement to file foreign tariffs with the FMC will be eliminated, and, in fact, FMC's new regulations will no longer even address tariff filing. Second, unlike FMC's existing regulations, which require all carriers to file tariffs through ATFI, FMC's proposed regulations will permit carriers to design and use whatever private tariff publishing systems they choose, so long as minimum requirements are met, and it is unclear at this point how much commonality may exist among the various individual carrier systems. Thus, while we understand the commenters' point about facilitating commonality, we also believe that we should provide carriers with the flexibility to design the tariff filing systems that will best meet their needs, and the needs of their customers, by inviting special tariff authority requests for appropriate proposals individual carriers wish to pursue. It may become desirable to adopt specific regulations governing electronic tariff filings at some point in the future, but adoption of formal regulations at this point could prove to be more limiting than helpful. Finally, as we indicated in our earlier notice, we are not planning to adopt rules, but rather to address electronic tariff requests on a case-by-case basis. Thus, any procedure allowed under the FMC's rules can, if appropriate, be approved for use in the noncontiguous domestic trade through a grant of special tariff authority.

II Entities

The Board certifies that these rules will not have a significant economic effect on a substantial number of small entities. The rules eliminate the option to file tariffs electronically through the FMC's ATFI system, but many carriers already opt to file printed tariffs, and any cost differences for alternative tariff filing methodologies that carriers may propose are unlikely to be significant.

Environment

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1312

Motor carriers, Noncontiguous domestic trade, Tariffs, Water carriers.

Decided: January 26, 1999.

By the Board, Chairman Morgan and Vice Chairman Clyburn.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, the Board amends part 1312 of title 49, chapter X, of the Code of Federal Regulations as follows:

PART 1312—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS FOR THE TRANSPORTATION OF PROPERTY BY OR WITH A WATER CARRIER IN NONCONTIGUOUS DOMESTIC TRADE

1. The authority citation for part 1312 continues to read as follows:

Authority: 49 U.S.C. 721(a), 13702(a), 13702(b) and 13702(d).

2. In § 1312.1(c), the definition of "ATFI" is removed.

3. Section 1312.6 is amended by revising paragraph (c) to read as follows:

§ 1312.6 Advance notice required.

* * * * *

(c) *Receipt of tariffs by the Board.* The Board will receive tariff filings between the hours of 8:30 A.M. and 5:00 P.M. Eastern Time on workdays. Tariff filings delivered to the Board on other than a workday, or after 5:00 P.M. on a workday, will be considered as received the next workday.

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§ 1312.17 [Removed]

4. Section 1312.17 is removed.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 961204340-7087-02; I.D. 012999A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Trip limit reduction.

SUMMARY: NMFS reduces the commercial trip limit in the hook-and-line fishery for king mackerel in the Florida west coast subzone to 500 lb (227 kg) of king mackerel per day in or

from the exclusive economic zone (EEZ). This trip limit reduction is necessary to protect the overfished Gulf king mackerel resource.

DATES: This rule is effective 12:01 a.m., local time, January 30, 1999, through June 30, 1999, unless changed by further notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Mark Godcharles, 727-570-5305.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, NMFS implemented a commercial quota for the Gulf migratory group of king mackerel in the Florida west coast subzone of 1.17 million lb (0.53 million kg). That quota was further divided into two equal quotas of 585,000 lb (265,352 kg) for vessels in each of two groups by gear types—vessels using run-around gillnets and vessels using hook-and-line gear (50 CFR 622.42(c)(1)(i)(A)(2), (63 FR 8353, February 19, 1998)).

In accordance with 50 CFR 622.44(a)(2)(ii)(B), from the date that 75 percent of the subzone's hook-and-line gear quota has been harvested until a closure of the west coast subzone's hook-and-line fishery has been effected or until the fishing year ends, king mackerel in or from the EEZ may be possessed on board or landed from a permitted vessel in amounts not exceeding 500 lb (227 kg) per day.

NMFS has determined that 75 percent of the hook-and-line quota for Gulf group king mackerel from the Florida west coast subzone was reached on January 28, 1999. Accordingly, a 500-lb (227 kg) trip limit applies to vessels in the commercial hook-and-line fishery for king mackerel in or from the EEZ in the Florida west coast subzone effective 12:01 a.m., local time, January 30, 1999.

The Florida west coast subzone extends from 87°31'06" W. long. (due south of the Alabama/Florida boundary) to: (1) 25°20.4' N. lat. (due east of the Dade/Monroe County, FL boundary) through March 31, 1999; and (2) 25°48' N. lat. (due west of the Monroe/Collier