

[insert number of months or years] after the date of hardware acceptance by the Government, the Contractor will be paid [insert percentage] of the maximum performance incentive.

(g) The decisions made as to the amount(s) of positive or negative incentives are subject to the Disputes clause.

(1) Insert applicable item number(s) and/or nomenclature.

(2) Insert a specific unit of measurement for each hardware item listed in (1) and each salient characteristic, if more than one.

(3) Insert the maximum positive performance incentive amount (see 1816.402-270(e) (1) and (2)).

(4) Insert all units of measurement and associated dollar amounts up to the maximum performance incentive.

(5) Insert the appropriate amount in accordance with 1816.402-270(e).

(6) Insert all units of measurement and associated dollar amounts up to the maximum negative performance incentive.

(End of clause)

#### 1852.216-89 Assignment and release forms.

As prescribed at 1816.307-70(f), insert the following clause:

Assignment and Release Forms

(October 1996)

The Contractor shall use the following forms to fulfill the assignment and release requirements of FAR Clause 52.216-7, Allowable Cost and Payment, and FAR Clause 52.216-13, Allowable Cost and Payment (Facilities):

NASA Form 778, Contractor's Release  
NASA Form 779, Assignee's Release  
NASA Form 780, Contractor's Assignment of Refunds, Rebates, Credits, and Other Amounts

Computer generated forms are acceptable, provided that they comply with FAR Clause 52.253-1.

(End of clause)

[FR Doc. 97-1240 Filed 1-22-97; 8:45 am]

BILLING CODE 7510-01-M

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1002

[STB Ex Parte No. 542 (Sub-No. 1)]

#### Regulations Governing Fees For Services Performed in Connection With Licensing and Related Services—1997 Update

AGENCY: Surface Transportation Board.

ACTION: Final rule.

**SUMMARY:** The Board adopts its 1997 User Fee Update and revises its fee schedule at this time to recover the cost associated with the January 1997 Government salary increases and

increases in Federal Register publication costs.

**EFFECTIVE DATE:** These rule are effective on February 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** Kathleen M. King, (202) 927-5249, or David T. Groves, (202) 927-6395. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** The Board's regulations at 49 CFR 1002.3 require the Board's user fee schedule to be updated annually. The Board's fees are revised based on the cost study formula set forth at 49 CFR 1002.3(d). Also, in some previous years, selected fees were modified to reflect new cost study data or changes in Board or Interstate Commerce Commission fee policy.

The Board's regulations at 49 CFR 1002.3(a) provide that the entire fee schedule or selected fees can be modified more than once a year, if necessary. Because Board employees will receive a salary increase of 3.33% in January 1997, we are updating our user fees to recover our increased personnel cost. This update also reflects the increased Federal Register publication costs, which became effective on January 1, 1997. All fees will be updated based on our cost formula at 49 CFR 1002.3(d).

In *Central Power & Light Company v. Southern Pacific Transportation Company*, No. 41242 (STB served Dec. 31, 1996), the Board indicated that in certain cases "bottleneck" rate relief would be available in connection with the filing of a competitive access complaint. The Board is adding a new Fee Item 56(iv), Competitive access complaints, to cover that activity.

In *Class Exem. For The Construction of Connecting Track*, 1 S.T.B. 75 (1996), the Board adopted new regulations at 49 CFR 1150.36 that provide for a class exemption for the construction and operation of connecting railroad track. We are adding new Fee Item 12(ii), Notice of exemption under 49 CFR 1150.36, to cover that activity. Also, to conform with other fee items, we are providing a separate Fee Item 12(iii), Petition for exemption under 49 U.S.C. 10502 involving construction of rail lines.

Because the Board only recently revised the fees for formal complaints in Fee Items 56 (i)-(iii) in the *Regulations Governing Fees For Services Performed in Connection with Licensing and Related Services—1996 Update*, 61 FR 66229 (December 17, 1996), the fees for those items will remain at current levels.

The fee increases involved here result only from the mechanical application of the update formula at 49 CFR 1002.3(d), that was adopted through notice and comment procedures in *Regulations Governing Fees for Services—1987 Update*, 4 I.C.C.2d 137 (1987). Therefore, we believe that good cause exists for finding that notice and comment is unnecessary for this proceeding. See *Regulations Governing Fees for Services—1990 Update*, 7 I.C.C.2d 3 (1990), *Regulations Governing Fees for Services—1991 Update*, 8 I.C.C.2d 13 (1991), and *Regulations Governing Fees for Services—1993 Update*, 9 I.C.C.2d 855 (1993).

We conclude that the fee changes, which are being adopted here, will not have a significant economic impact on a substantial number of small entities because the Board's regulations provide for waiver of filing fees for those entities that can make the required showing of financial hardship.

Additional information is contained in the Board's decision. To obtain a copy of the full decision, write, call, or pick up in person from DC News & Data, Inc., Room 2229, 1201 Constitution Avenue N.W., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

#### List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

Decided: January 13, 1997.

By the Board, Chairman Morgan and Vice-Chairman Owen.

Vernon A. Williams,  
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is amended as follows:

#### PART 1002—FEES

1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a).

2. Section 1002.1 is amended by revising paragraphs (a), (b), (c), and (e)(1) and the chart in paragraph (f)(6) to read as follows:

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

\* \* \* \* \*

(a) Certificate of the Secretary, \$10.00.  
(b) Service involved in examination of tariffs or schedules for preparation of certified copies of tariffs or schedules or

extracts therefrom at the rate of \$25.00 per hour.

(c) Service involved in checking records to be certified to determine authenticity, including clerical work, etc., incidental thereto, at the rate of \$17.00 per hour.

\* \* \* \* \*

(e) \* \* \*

(1) A fee of \$44.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

\* \* \* \* \*

(f) \* \* \*

(6) \* \* \*

Grade	Rate
GS-1 .....	\$7.37
GS-2 .....	8.02
GS-3 .....	9.04
GS-4 .....	10.15
GS-5 .....	11.35
GS-6 .....	12.66
GS-7 .....	14.06
GS-8 .....	15.58
GS-9 .....	17.20
GS-10 .....	18.95
GS-11 .....	20.82
GS-12 .....	24.95
GS-13 .....	29.67
GS-14 .....	35.06
GS-15 and over .....	41.24

\* \* \* \* \*

3. In § 1002.2, paragraph (f) is revised to read as follows:

**§ 1002.2 Filing fees.**

\* \* \* \* \*

(f) *Schedule of filing fees.*

Type of proceeding	Fee
<b>Part I: Non-Rail Applications or Proceedings to Enter Upon a Particular Financial Transaction or Joint Arrangement</b>	
(1) An application for the pooling or division of traffic.	\$2,600.
(2) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303.	\$1,200.
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13706.	\$16,500.
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment .....	\$2,700.
(ii) Minor amendment .....	\$60.
(5) An application for temporary authority to operate a motor carrier of passengers. 49 U.S.C. 14303(i).	\$300.
(6)–(10) [Reserved]	

Type of proceeding	Fee	Type of proceeding	Fee
<b>Part II: Rail Licensing Proceedings other than Abandonment or Discontinuance Proceedings</b>		(24) A request for waiver of filing requirements for abandonment application proceedings.	\$1,000.
(11) (i) An application for a certificate authorizing the extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901.	\$4,300.	(25) An offer of financial assistance under 49 U.S.C. 10904 relating to the purchase of or subsidy for a rail line proposed for abandonment.	\$900.
(ii) Notice of exemption under 49 CFR 1150.31–1150.35.	\$1,100.	(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned.	\$13,500.
(iii) Petition for exemption under 49 U.S.C. 10502.	\$7,500.	(27) A request for a trail use condition in an abandonment proceeding under 16 U.S.C. 1247(d).	\$150.
(12) (i) An application involving the construction of a rail line.	\$44,500.	(28)–(35) [Reserved]	
(ii) A notice of exemption involving construction of a rail line under 49 CFR 1150.36.	\$1,100.	<b>Part IV: Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement</b>	
(iii) A petition for exemption under 49 U.S.C. 10502 involving construction of a rail line.	\$44,500.	(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102.	\$11,300.
(13) A Feeder Line Development Program application filed under 49 U.S.C. 10907(b)(1)(A)(i) or 10907(b)(1)(A)(ii).	\$2,600.	(37) An application for the pooling or division of traffic. 49 U.S.C. 11322.	\$6,100.
(14) (i) An application of a class II or class III carrier to acquire an extended or additional rail line under 49 U.S.C. 10902.	\$3,700.	(38) 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. 49 U.S.C. 11324:	
(ii) Notice of exemption under 49 CFR 1150.41–1150.45.	\$1,100.	(i) Major transaction .....	\$889,500.
(iii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902.	\$3,900.	(ii) Significant transaction .....	\$177,900.
(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21–1150.24.	\$1,000.	(iii) Minor transaction .....	\$4,700.
(16)–(20) [Reserved]		(iv) Notice of an exempt transaction under 49 CFR 1180.2(d).	\$1,000.
<b>Part III: Rail Abandonment or Discontinuance of Transportation Services Proceedings</b>		(v) Responsive application .....	\$4,700.
(21) (i) An application for authority to abandon all or a portion of a line of railroad or discontinue operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the Northeast Rail Service Act [Subtitle E of Title XI of Pub. L. 97–35], bankrupt railroads, or exempt abandonments.	\$13,200.	(vi) Petition for exemption under 49 U.S.C. 10502.	\$5,600.
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50.	\$2,200.	(39) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11324:	
(iii) A petition for exemption under 49 U.S.C. 10502.	\$3,800.	(i) Major transaction .....	\$889,500.
(22) An application for authority to abandon all or a portion of a line of a railroad or operation thereof filed by Consolidated Rail Corporation pursuant to Northeast Rail Service Act.	\$250.	(ii) Significant transaction .....	\$177,900.
(23) Abandonments filed by bankrupt railroads.	\$1,100.	(iii) Minor transaction .....	\$4,700.
		(iv) A notice of an exempt transaction under 49 CFR 1180.2(d).	\$850.
		(v) Responsive application .....	\$4,700.
		(vi) Petition for exemption under 49 U.S.C. 10502.	\$5,600.
		(40) 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. 11324:	
		(i) Major transaction .....	\$889,500.
		(ii) Significant transaction .....	\$177,900.
		(iii) Minor transaction .....	\$4,700.
		(iv) Notice of an exempt transaction under 49 CFR 1180.2(d).	\$750.
		(v) Responsive application .....	\$4,700.

Type of proceeding	Fee	Type of proceeding	Fee	Type of proceeding	Fee
(vi) Petition for exemption under 49 U.S.C. 10502.	\$5,600.	(57) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates or charges. 49 U.S.C. 10705.	\$5,200.	(85) A railroad accounting interpretation.	\$650.
(41) An application of a carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise. 49 U.S.C. 11324:		(58) A petition for declaratory order:		(86) An operational interpretation (87)–(95) [Reserved]	\$850.
(i) Major transaction .....	\$889,500.	(i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding.	\$1,000.	<b>Part VII: Services</b>	
(ii) Significant transaction .....	\$177,900.	(ii) All other petitions for declaratory order.	\$1,400.	(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent.	\$19 per delivery.
(iii) Minor transaction .....	\$4,700.	(59) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A).	\$4,200.	(97) Request for service or pleading list for proceedings.	\$14 per list.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d).	\$850.	(60) Labor arbitration proceedings.	\$150.	(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.	\$150.
(v) Responsive application .....	\$4,700.	(61) Appeals to a Surface Transportation Board decision and petitions to revoke an exemption pursuant to 49 U.S.C. 10502(d).	\$150.	(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.
(vi) Petition for exemption under 49 U.S.C. 10502.	\$3,900.	(62) Motor carrier undercharge proceedings.	\$150.	(99) (i) Application fee for the Surface Transportation Board's Practitioners' Exam.	\$100.
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5).	\$1,500.	(63)–(75) [Reserved]		(ii) Practitioners' Exam Information Package.	\$25.
(43) An application for approval of a rail rate association agreement 49 U.S.C. 10706.	\$41,600.	<b>Part VI: Informal Proceedings</b>		(100) Uniform Railroad Costing System (URCS) software and information:	
(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:		(76) An application for authority to establish released value rates or ratings for motor carriers and freight forwarders of household goods under 49 U.S.C. 14706.	\$700.	(i) Initial PC version URCS Phase III software program and manual.	\$50.
(i) Significant amendment .....	\$7,700.	(77) An application for special permission for short notice or the waiver of other tariff publishing requirements.	\$70.	(ii) Updated URCS PC version Phase III cost file, if computer disk provided by requestor.	\$10.
(ii) Minor amendment .....	\$60.	(78) (i) The filing of tariffs, including supplements, or contract summaries.	\$1 per page. (\$14 minimum charge.)	(iii) Updated URCS PC version Phase III cost file, if computer disk provided by the Board.	\$20.
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328.	\$450.	(ii) Tariffs transmitted by fax ...	\$1 per page.	(iv) Public requests for <i>Source Codes</i> to the PC version URCS Phase III.	\$500.
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered.	\$4,800.	(79) Special docket applications from rail and water carriers:		(v) PC version or mainframe version URCS Phase II.	\$400.
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562.	\$150.	(i) Applications involving \$25,000 or less.	\$45.	(vi) PC version or mainframe version Updated Phase II databases.	\$50.
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act.	\$150.	(ii) Applications involving over \$25,000.	\$90.	(vii) Public requests for <i>Source Codes</i> to PC version URCS Phase II.	\$1,500.
(49)–(55) [Reserved]		(80) Informal complaint about rail rate applications.	\$350.	(101) Carload Waybill Sample data on recordable compact disk (R–CD):	
<b>Part V: Formal Proceedings:</b>		(81) Tariff reconciliation petitions from motor common carriers:		(i) Requests for Public Use File on R–CD—First Year.	\$450.
(56) A formal complaint alleging unlawful rates or practices of rail carriers, motor carriers of passengers or motor carriers of household goods:		(i) Petitions involving \$25,000 or less.	\$45.	(ii) Requests for Public Use File on R–CD Each Additional Year.	\$150.
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1) except a complaint filed by small shipper.	\$23,300.	(ii) Petitions involving over \$25,000.	\$90.	(iii) Waybill—Surface Transportation Board or State proceedings on R–CD—First Year.	\$650.
(ii) A formal complaint involving rail maximum rates filed by a small shipper.	\$1,000.	(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a)(2) and (3).	\$100.	(iv) Waybill—Surface Transportation Board or State proceedings on R–CD—Second Year on same R–CD.	\$450.
(iii) All other formal complaints (except competitive access complaints).	\$2,300.	(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c).	\$24 per document.		
(iv) Competitive access complaints.	\$150.	(84) Informal opinions about rate applications (all modes).	\$150.		

Type of proceeding	Fee
(v) Waybill—Surface Transportation Board of State proceeding on R-CD—Second Year on different R-CD.	\$500.
(vi) User Guide for latest available Carload Waybill Sample.	\$50.

\* \* \* \* \*

[FR Doc. 97-1613 Filed 1-22-97; 8:45 am]  
 BILLING CODE 4915-00-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 285**

[I.D. 011697B]

**Atlantic Tuna Fisheries; Fishery Closure**

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

**ACTION:** Closure.

**SUMMARY:** NMFS has determined that the Atlantic bluefin tuna (ABT)

Incidental Other category has attained its 1997 annual quota. Therefore, the Incidental Other category for 1997 will be closed.

**EFFECTIVE DATE:** The closure of the Incidental Other category is effective 11:30 p.m. local time on January 17, 1997, until the effective date of a quota adjustment, if any, which will be published in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** John Kelly, 301-713-2347, or Mark Murray-Brown, 508-281-9260.

**SUPPLEMENTARY INFORMATION:** Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

NMFS is required, under 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota and publish a Federal Register announcement to close the applicable fishery.

**Incidental Other Category Closure**

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 285.22 provide for a quota of 1 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the Incidental Other category quota over the period January 1 - December 31. Based on reported catch, NMFS has determined that this quota has been reached; reported landings as of January 16, 1997, total 1.23 mt. Therefore, retaining, possessing, or landing large medium or giant ABT under the Incidental Other category quota must cease at 11:30 p.m. local time on January 17, 1997, until the effective date of a quota adjustment, if any, which will be published in the Federal Register.

**Classification**

This action is taken under 50 CFR 285.20(b) and 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: January 16, 1997.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 97-1588 Filed 1-17-97; 2:48 pm]

BILLING CODE 3510-22-F