

*Number of annual respondents:* The Commission estimates an annual respondent universe of 3,267. This number varies as persons file tariffs.

*Estimated time per response:* The average time for preparing and filing tariffs and service contracts is estimated at 122 person hours. Estimated time per respondent for recordkeeping requirements is estimated at 6 person hours.

*Total Annual Burden:* The Commission estimates the manhour burden to file foreign tariffs, service contracts and essential terms at 399,829; recordkeeping requirements are estimated at 12,080 person hours.

*OMB Approval Number:* 3072-0045 (Expires May 31, 1998).

*Abstract:* The Shipping Act of 1984, 46 U.S.C. app. § 1701 *et seq.*, requires certain classes of agreements between and among ocean common carriers and marine terminal operators to be filed with the Commission, specifies the mandatory content of those agreements, and defines the Commission's authorities and responsibilities in overseeing these agreements. 46 CFR 572 establishes the form and manner for filing agreements and for the underlying commercial data necessary to evaluate agreements.

*Needs and Uses:* Under its pre-effective review process, the Commission reviews agreement filings to determine statutory and regulatory compliance, as well as to assess their anticompetitive impact. After agreements become effective, the Commission monitors agreement activities to ensure continued statutory and regulatory compliance. To accomplish this, the Commission continually gathers, reviews, and interprets commercial data regarding the impact of agreements on competition, prices, and service in the U.S. foreign commerce.

*Frequency:* The Commission has no control over how frequently agreements are entered into; this is solely a matter between the negotiating parties. When parties do reach an agreement that falls under the jurisdiction of the 1984 Shipping Act, that agreement must be filed with the Commission. Ongoing surveillance of agreement activities is conducted through the review of minutes and quarterly monitoring reports filed by the more anticompetitive agreements.

*Type of Respondents:* Parties that enter into agreements subject to the Commission's oversight are ocean common carriers and marine terminal operators operating in the foreign oceanborne commerce of the United States.

*Number of Annual Respondents:* Over the last five years the Commission has averaged 358 agreement filings a year from an estimated potential universe of 764 regulated entities. Starting in mid-1996, certain agreements are required to file quarterly monitoring reports under these regulations. The number of annual respondents under this program will vary according to the number of agreements subject to the reporting obligation. Last year, 235 agreements were subject; they filed 940 monitoring reports.

*Estimated Time Per Response:* The time for preparing and filing an agreements can range anywhere from as little as three staff-hours to as much as 150 staff-hours. The estimated average burden per respondent is 90 staff-hours. Time required for preparing monitoring reports varies according to the complexity of the filing obligation. Class C agreements have the least burden, and it is estimated to be about 20 staff-hours. Class A/B agreements require more specific data and hence a greater burden. It is estimated that Class B monitoring reports require about 120 staff-hours, and Class A reports about 160 staff-hours. Estimated time per respondent under the record-keeping obligations of the regulation is five staff-hours.

*Total Annual Burden:* The total annual burden on respondents is estimated at 115,000 staff-hours, 110,000 staff-hours as the filing burden, and 5,000 staff-hours as the record-keeping burden. These estimates are based on anticipated filings over the next year.

*OMB Approval Number:* 3072-0001 (Expires May 31, 1998).

*Abstract:* Qualified persons who desire to practice before the Commission must complete and file Form FMC-12 (Application for Admission to Practice before the Federal Maritime Commission) with the Commission.

*Needs and Uses:* The Commission uses data contained in the application to determine to whether applicant have the necessary qualifications to enable them to represent others in matters before the Commission.

*Frequency:* The collection of the information is on a one-time only basis.

*Type of Respondents:* Persons desiring to practice before the Commission in quasi-judicial hearings.

*Number of annual respondents:* The Commission estimates there are approximately 10 respondents annually for this one-time response.

*Estimated Time per response:* Approximately one hour.

*Total Annual Burden:* Ten manhours per year.

Before the Commission submits these renewal packages to the Office of Management and Budget, the Commission is inviting public, written comments on: (a) whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the Commission's burden estimates for the proposed collections of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of the information on respondents, including through the use of automated collection techniques or other forms of information technology.

**Ronald D. Murphy,**

*Assistant Secretary.*

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## FEDERAL MARITIME COMMISSION

### Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 202-010714-023

*Title:* Trans-Atlantic American Flag Liner Operators

*Parties:*

Farrell Lines Incorporated  
Lykes Lines Ltd., LLC  
Sea-Land Service, Inc.

*Synopsis:* The proposed amendment would sectionalize the Agreement's geographic scope into three subsections and would provide for sectional membership, voting, independent action, and service contracting. A member not participating in a section to which it otherwise provides service would be free to act unilaterally with respect thereto. The amendment also makes a number of nonsubstantive, administrative changes to the Agreement.

*Agreement No.:* 203-011325-013

**Title:** Westbound Transpacific Stabilization Agreement

**Parties:**

American President Lines, Ltd.  
Evergreen Marine Corporation  
Hanjin Shipping Co., Ltd.  
Hapag-Lloyd Container Linie GmbH  
Hyundai Merchant Marine Co., Ltd.  
Kawasaki Kisen Kaisha, Ltd.  
A.P. Moller-Maersk Line  
Mitsui O.S.K. Lines  
Neptune Orient Lines, Ltd.  
Nippon Yusen Kaisha Line  
Orient Overseas Container Line, Inc.  
P&O Nedlloyd B.V.  
P&O Nedlloyd Limited  
Sea-Land Service, Inc.

**Synopsis:** The proposed modification provides for the parties to exchange their rates on wastepaper and metal scrap, to charge only the rates and changes so declared, and to be subject to neutral body policing.

**Agreement No.:** 203-011506-001

**Title:** Matson/APL Space Sharing Agreement

**Parties:**

Matson Navigation Company, Inc.  
American President Lines, Ltd.

**Synopsis:** The proposed modification expands the geographic scope of the parties' space sharing agreement include ports and points in Mexico. The modification also revises the vessels to be used under the agreement and provides for other conforming arrangements in connection with equipment interchange and stevedoring/terminal services.

**Agreement No.:** 202-011528-006

**Title:** Japan/U.S. Eastbound Freight Conference

**Parties:**

American President Lines, Ltd.  
Hapag-Lloyd Container Line GMBH  
Kawasaki Kisen Kaisha, Ltd.  
Mitsui O.S.K. Lines, Ltd.  
A.P. Moller-Maersk Line  
Neptune Orient Lines Limited  
Orient Overseas Container Line (U.S.A.)  
P&O Nedlloyd B.V.  
P&O Nedlloyd Limited  
Sea-Land Service, Inc.  
Wilhelmsen Lines AS

**Synopsis:** The proposed amendment provides that P&O Nedlloyd, B.V. and P&O Nedlloyd Limited shall be considered a single member for voting and quorum purposes in conducting the Agreement's business.

**Agreement No.:** 224-200147-005

**Title:** Jacksonville Port Authority/Sea-Land Service, Inc., Marine Terminal Agreement

**Parties:**

Jacksonville Port Authority

Sea-Land Service, Inc.

**Synopsis:** The proposed modification permits Sea-Land to exercise its renewal option by extending the terms until October 31, 2001. In addition, the modification amends Section 4, Rental, in its entirety; revises Exhibit D—Throughput Rates; and increases the fees and charges for the rental and throughput rates.

Dated: December 18, 1997.

By Order of the Federal Maritime Commission.

**Ronald D. Murphy,**

*Assistant Secretary.*

[FR Doc. 97-33506 Filed 12-23-97; 8:45 am]

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## FEDERAL MARITIME COMMISSION

[Docket No. 97-24]

### Trade Net, Inc. v. Cho Yang Shipping Co., LTD.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint filed by Trade Net, Inc. ("Complainant") against Cho Yang Shipping Co., Ltd. ("Respondent") was served December 19, 1997. Complainant alleges that Respondent has violated section 8(c) of the Shipping Act of 1984 ("the Act"), 46 U.S.C. app. § 1707, by failing and refusing to make available the essential terms of a service contract to Complainant, a similarly situated shipper, on the same basis as they have been made applicable to the original contract shipper.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue in such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by December 21, 1998, and the

final decision of the Commission shall be issued by April 20, 1999.

**Ronald D. Murphy,**

*Assistant Secretary.*

[FR Doc. 97-33614 Filed 12-23-97; 8:45 am]

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## FEDERAL MARITIME COMMISSION

### Small Business Regulatory Enforcement Fairness Act: Implementation

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice.

**SUMMARY:** On March 29, 1996, Public Law 104-121 was enacted. Title II of the bill, called the "Small Business Regulatory Enforcement Fairness Act of 1996" ("SBREFA"), affects the Federal Maritime Commission's ("Commission") rulemaking procedures and will attach additional requirements to other Commission regulatory activity that may impact upon small businesses.

This Notice defines "small business" for Commission regulatory purposes; announces new procedures for rulemakings affecting small businesses; and establishes two programs required by SBREFA: (1) A program for responding to certain informal inquiries from small businesses; and (2) a policy regarding reduction or waiver of civil penalties in certain cases involving small businesses.

**EFFECTIVE DATE:** December 24, 1997.

#### FOR FURTHER INFORMATION CONTACT:

Vern W. Hill, Director, Bureau of Enforcement, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5783.

**SUPPLEMENTARY INFORMATION:** Sections 202-245, Title II of Public Law 104-121, effective June 27, 1996, place a number of obligations on the Commission whenever it regulates "small business concerns" as defined by 15 U.S.C. 632 and regulations issued thereunder by the Small Business Administration ("SBA").

#### "Small Business" Defined

Initially, the Commission must decide whether to adopt the SBA's definitions of "small business" as being appropriate for the Commission's regulatory purposes. Alternatively, the Commission may, after consultation with the Office of Advocacy of the SBA, and after providing opportunity for public comment, establish its own standards for determining which of its regulated entities should appropriately be considered small businesses within the context of Commission regulation,