

“§ 1.337(d)-2T” to read “§ 1.337(d)-2,” each time it appears in the paragraph:

Section	Remove	Add
§ 1.267(f)-1(k) .....	§ 1.337(d)-2T .....	§ 1.337(d)-2.
§ 1.597-4(g)(2)(v) .....	§ 1.337(d)-2T .....	§ 1.337(d)-2.
§ 1.1502-11(b)(3)(ii)(c) .....	§ 1.337(d)-2T .....	§ 1.337(d)-2.
§ 1.1502-12(r) .....	§ 1.337(d)-2T .....	§ 1.337(d)-2.
§ 1.1502-15(b)(2)(iii) .....	§ 1.337(d)-2T .....	§ 1.337(d)-2.
§ 1.1502-35T(b)(6)(ii) .....	§ 1.337(d)-2T .....	§ 1.337(d)-2.
§ 1.1502-35T(c)(9) .....	§ 1.337(d)-2T .....	§ 1.337(d)-2.
§ 1.1502-91(h)(2) .....	§ 1.337(d)-2T .....	§ 1.337(d)-2.

**PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT**

■ **Par. 9.** The authority citation for part 602 continues to read as follows:

**Authority:** 26 U.S.C. 7805.

■ **Par. 10.** In § 602.101, paragraph (b) is amended by removing the entry for § 1.337(d)-2T and adding entries to the table in numerical order to read, in part, as follows:

**§ 602.101 OMB Control numbers.**

\* \* \* \* \*  
(b) \* \* \*

CFR part or section where identified and described	Current OMB control No.
* * * * *	* * * * *
1.337(d)-2 .....	1545-1774
* * * * *	* * * * *
1.1502-20 .....	1545-1774
* * * * *	* * * * *
1.1502-32 .....	1545-1774
* * * * *	* * * * *

**Mark E. Matthews,**  
*Deputy Commissioner for Services and Enforcement.*

Approved: February 18, 2005.

**Eric Solomon,**  
*Acting Deputy Assistant Secretary of the Treasury.*

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**BILLING CODE 4830-01-P**

**LEGAL SERVICES CORPORATION**

**45 CFR Part 1611**

**Income Level for Individuals Eligible for Assistance**

**AGENCY:** Legal Services Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Legal Services Corporation (“Corporation”) is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Federal Poverty Guidelines as issued by the Department of Health and Human Services.

**EFFECTIVE DATE:** This rule is effective as of March 3, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mattie C. Condray, Senior Assistant General Counsel, Legal Services Corporation, 3333 K Street, NW., Washington, DC 20007; (202) 295-1624; [mcondray@lsc.gov](mailto:mcondray@lsc.gov).

**SUPPLEMENTARY INFORMATION:** Section 1007(a)(2) of the Legal Services Corporation Act (“Act”), 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that other specified factors shall be taken into account along with income.

Section 1611.3(b) of the Corporation’s regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the Federal Poverty Guidelines. Since 1982, the Department of Health and Human Services has been responsible for updating and issuing the Poverty Guidelines. The revised figures for 2005 set out below are equivalent to 125% of the current Poverty Guidelines as published on February 18, 2005 (70 FR 8373).

**List of Subjects in 45 CFR Part 1611**

Grant programs—law, Legal services.

■ For reasons set forth above, 45 CFR part 1611 is amended as follows:

**PART 1611—ELIGIBILITY**

■ 1. The authority citation for part 1611 continues to read as follows:

**Authority:** Secs. 1006(b)(1), 1007(a)(1) Legal Services Corporation Act of 1974, 42 U.S.C. 2996e(b)(1), 2996f(a)(1), 2996f(a)(2).

■ 2. Appendix A of Part 1611 is revised to read as follows:

**Appendix A of Part 1611**

**LEGAL SERVICES CORPORATION 2005 POVERTY GUIDELINES\***

Size of family unit	48 Contiguous States and the District of Columbia <sup>i</sup>	Alaska <sup>ii</sup>	Hawaii <sup>iii</sup>
1 .....	\$11,963	\$14,938	\$13,763
2 .....	16,038	20,038	18,450
3 .....	20,113	25,138	23,138
4 .....	24,188	30,238	27,825
5 .....	28,263	35,338	32,513
6 .....	32,338	40,438	37,200
7 .....	36,413	45,538	41,888

## LEGAL SERVICES CORPORATION 2005 POVERTY GUIDELINES\*—Continued

Size of family unit	48 Contiguous States and the District of Columbia <sup>i</sup>	Alaska <sup>ii</sup>	Hawaii <sup>iii</sup>
8 .....	40,488	50,638	46,575

\*The figures in this table represent 125% of the poverty guidelines by family size as determined by the Department of Health and Human Services.

<sup>i</sup> For family units with more than eight members, add \$4,075 for each additional member in a family.

<sup>ii</sup> For family units with more than eight members, add \$5,100 for each additional member in a family.

<sup>iii</sup> For family units with more than eight members, add \$4,688 for each additional member in a family.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

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## FEDERAL MARITIME COMMISSION

**46 CFR Parts 502, 503, 515, 520, 530, 535, 540, 550, 555, and 560**

**RIN 3072-AC27**

**[Docket No. 04-11]**

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

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Maritime Commission (“Commission”) revises its existing fees for filing petitions and complaints; various public information services, such as record searches, document copying, and admissions to practice; filing ocean transportation intermediary license applications; applications for special permission; service contracts; agreements; and passenger vessel performance and casualty certificate applications. These revised fees reflect current costs to the Commission. In addition, the Commission is establishing a separate fee for the filing of terminal exempt agreements.

**DATES:** Effective on April 4, 2005.

**FOR FURTHER INFORMATION CONTACT:** Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001. E-mail: [secretary@fmc.gov](mailto:secretary@fmc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On August 31, 2004, the Commission published in the *Federal Register* a notice of proposed rulemaking (“NPR”), 69 FR 53027, in Docket No. 04-11, *Update of Existing and Addition of New Filing Fees*. This NPR proposed to update the Commission’s current filing and service fees which have been in

effect since July 15, 2002, and are no longer representative of the Commission’s actual costs for providing such services. Fee increases primarily reflected increases in salary and indirect (overhead) costs. For some services, the increase in processing or review time accounted in part for the increase in the level of fees. For other services, fees were lower due to overall reduced costs to provide those services.

The Commission also established a separate fee for terminal exempt agreements. Currently, the Commission maintains the same filing fee for carrier and terminal exempt agreements; however, terminal exempt agreements generally require less processing time than carrier exempt agreements. Consequently, the Commission proposed to establish a separate filing fee for terminal exempt agreements to reflect better the difference in processing times.

##### II. Comments

The Commission received one comment, from B. Sachau, a private citizen. The commenter suggested that fees should be much higher because, since 2002, everything has gone up by a commenter-estimated one hundred percent. The commenter also suggested that fees should be updated annually, and that all fees should be a minimum of \$550, except for document searches, which should cost \$8.00 per hour maximum. Further, the commenter suggested that it should not cost anything to have one’s name on a mailing list for specific dockets.

##### III. Discussion

The Commission followed established OMB guidelines enumerated in OMB Circular A-25 (“Circular”) when developing its user fee schedule. The Circular provides that costs be determined from agency records, and that costs cover the direct and indirect costs to the Government of carrying out an activity, including, but not limited to, personnel costs, physical overhead, management and supervisory costs, and the costs of enforcement, collection,

search, establishment of standards and regulations, etc. This method of determining fees addresses the concern raised in the comment that fees pay for the operation of the agency. With regard to specific fee suggestions in the comments, no documentary basis is provided for setting fees at an arbitrary minimum, for increasing fees beyond those proposed in the NPR, for setting document search costs at a certain maximum amount, or for providing mailing list services for no fee. As the Commission followed standard Government guidelines in developing its fees and the comment provides no basis for their modification, the fees set out in the NPR will be made final.

This Final Rule reflects changes in certain CFR section numbers and Commission bureau names which were put into effect in other Commission rulemakings which became final after the NPR was issued in this proceeding.

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

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Chairman of the Federal Maritime Commission has certified that the rule will not have a significant economic impact on a substantial number of small entities. As stated in the NPR, while the Commission recognized that the rule may impact businesses that qualify as small entities under Small Business Administration guidelines, the Commission is required to assess recipients of specific governmental services reasonable charges to recover the costs of providing these services. The charges in the rule reflect the costs of specific Commission services mandated by statute, and these services benefit the shipping industry and the foreign commerce of the United States. The Commission believes that the charges in the rule will not have a harmful effect on entities within the