

of such suction shall not be less than two-thirds the diameter of the main sea injection. When it can be shown to the satisfaction of the Commandant that the main circulating pump is not suitable for emergency bilge service, a direct emergency bilge suction is to be led from the largest available independent power driven pump to the drainage level of the machinery space. The suction is to be of the same diameter as the main inlet of the pump used and the capacity of the pump shall exceed that of a required main bilge pump.

## PART 78—OPERATIONS

15. By revising the introductory paragraph of § 78.21-1 to read as follows:

### § 78.21-1 Data required.

For each ocean and coastwise vessel of 1,600 gross tons and over, the following apply:

## PART 161—ELECTRICAL EQUIPMENT

16. By inserting the paragraph number "(1)" following the heading "General." in § 161.004-4(a) as follows:

### § 161.004-4 Requirements.

#### (a) General. (1) \* \* \*

## PART 163—CONSTRUCTION

17. By correcting formula (1) under § 163.001-6(a)(4) to read as follows:

### § 163.001-6 Inspection and testing of doors and controls.

- (a) \* \* \*  
(4) \* \* \*

$$\text{Leakage rate (gal./hr.)} = \frac{(P+15)}{30} \left( \frac{1}{1600} \text{ or } \frac{1}{130} \right) \quad (1)$$

Where: P = perimeter of door opening (feet)  
h = test head (feet)  
p = pressure (lb./sq. in.)

## PART 175—GENERAL PROVISIONS

18. By revising § 175.05-5(b)(2) to read as follows:

### § 175.05-5 Specific applications noted in text.

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

(2) Mechanically propelled vessels of not more than 15 gross tons carrying more than six passengers.

(46 U.S.C. 369, 375, 390b, 416, and 481; 49 U.S.C. 1655; 49 CFR 1.46)

Dated: September 25, 1980.

Henry H. Bell,  
Rear Admiral, U.S. Coast Guard, Chief, Office  
of Merchant Marine Safety.

[FR Doc. 80-30171 Filed 9-26-80; 8:45 am]

BILLING CODE 4910-14-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1 and 61

[FCC 80-526]

### Amending Rules with Respect to Petitions for Suspension and Petitions for Rejection of Tariff Filings

**AGENCY:** Federal Communications Commission.

**ACTION:** Amendment of the Commission's rules.

**SUMMARY:** These rule changes establish the same procedural requirements for petitions for suspension and petitions for rejection. In addition, the rules are changed to reduce the number of working papers a carrier must submit when filing a tariff change or tariff filing for a service not previously offered.

**EFFECTIVE DATE:** September 18, 1980.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Legal Branch of the Tariff Division, Common Carrier Bureau: Anne Coffey, (202) 632-6917.

In the matter of amendment of Parts 1 and 61 of the Commission rules with Respect to Petitions for Suspension and Petitions for Rejection of Tariff Filings.

### Memorandum Opinion and order

Adopted: September 10, 1980.

Released: September 18, 1980.

1. By Memorandum Opinion and Order FCC 79-880, released January 18, 1980, the Commission delegated to the Chief, Common Carrier Bureau, authority to act on petitions for suspension of tariff filings. As a result, numerous persons filing such petitions have begun to consolidate such requests with petitions to reject. Moreover, experience to date demonstrates that responding parties often choose to consolidate their opposition and reply pleadings.

2. Currently, our rules contain different filing, service, copy, and deadline requirements for petitions for suspension and petitions for rejection.<sup>1</sup>

<sup>1</sup> Section 1.773 sets out procedures for filing petitions for suspension. Petitions for rejection, however, are not specifically treated by our rules, and are therefore currently governed by the general pleading rules in § 1.45.

In addition to causing unnecessary administrative burdens, these inconsistencies appear to have engendered confusion among filing parties over which procedures should control consolidated pleadings.

3. To ameliorate these problems, we are amending the Rules in several respects, as set out in the attached appendix. The same procedural requirements will hereafter apply to all petitions challenging tariff filings. See Appendix, § 1.773.<sup>2</sup> For example, a response to a petition for rejection will now be styled as a "reply." All tariff pleadings will be filed within deadlines provided in §§ 1.773(a)(2) and 1.773(b)(1).<sup>3</sup> Parties will be required to file with the Commission an original and four copies of all tariff pleadings, as well as serve separate copies upon the Chief, Common Carrier Bureau, and the Chief, Tariff Division of that Bureau. Finally, in order to maintain the requisite legal distinctions between these two types of relief, the rules will now require that arguments supporting each form be separately pleaded when parties choose to submit consolidated petitions.

4. Notice and comment are not required prior to enactment of this Rule change because it relates to internal Commission organization, procedure, and practice. 5 U.S.C. 553(b). Since the immediate implementation of these changes will expedite the transaction of public business, compliance with the effective date provisions of the Administrative Procedures Act is also not required. 5 U.S.C. 553(d).

5. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), and 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 155(d), and Section 553 of the Administrative Procedures Act, 5 U.S.C. 553, that §§ 1.4, 1.45, 1.51, 1.773, 61.38, and 61.58 of the Commission's rules and regulations, 47 CFR 1.4, 1.45, 1.51, 1.773, 61.38, and 61.58, are amended as set forth in the Appendix, effective September 18, 1980.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

<sup>2</sup> Minor changes will also be made to §§ 1.4, 1.45, 1.51(c) and 61.58(e) so that these provisions remain consistent with the rules as amended by this order. In addition, § 61.38(b) will be amended to reduce the number of working papers which a carrier must submit pursuant to that section. See attached Appendix.

<sup>3</sup> Petitions for rejection will no longer be accepted after a tariff becomes effective. Nevertheless, the right to challenge an effective tariff will be preserved by the complaint process. 47 U.S.C. 208.



Federal Communications Commission.

William J. Tricarico,

Secretary.

## Appendix

### PART 1—PRACTICE AND PROCEDURE

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. § 1.4 (f) and (g) are revised and a note is added to the end of the section to read as follows:

#### § 1.4 Computation of time.

\* \* \* \* \*

(f) If the filing period is less than 7 days, intermediate holidays shall not be counted in determining the filing date.

(g) Where service of a document is required by statute or by the provisions of this chapter, where the document is in fact served upon parties by mail (see § 1.47(f)), and where the filing period for a response is 10 days or less, an additional 3 days (not counting holidays) will be allowed for filing the response. This paragraph shall not apply to documents which are filed pursuant to the provisions of § 1.89, § 1.20(d), § 1.315(b), or § 1.316.

\* \* \* \* \*

**Note.**—Where specific provisions contained in Part 1 conflict with this section, those specific provisions are controlling. See, in particular, §§ 1.773(a)(3) and 1.773(b)(2).

2. The Note at the end of § 1.45 is revised to read as follows:

#### § 1.45 Pleadings; filing periods.

\* \* \* \* \*

**Note.**—Where specific provisions contained in Part 1 conflict with this Section, those specific provisions are controlling. See, in particular, §§ 1.294(c), 1.298(a), and § 1.773.

3. Section 1.51(c)(2) is revised to read as follows:

#### § 1.51 Number of copies of pleadings, briefs and other papers.

\* \* \* \* \*

(c) \* \* \*

(2) If the paper filed relates to matters to be acted on by staff officials under delegated authority, an original and 4 copies shall be filed.

\* \* \* \* \*

4. Section 1.773 headnote and text are revised to read as follows:

#### § 1.773 Petitions for suspension or rejection of new tariff filings.

(a) *Petition.*—(1) *Content.* Petitions seeking suspension or rejection of a new tariff filing or any provision thereof shall specify its Federal Communications Commission tariff number and carrier transmittal number, the items against

which protest is made, and the specific reasons why the protested tariff filing warrants suspension or rejection under the Communications Act. When more than one form of relief is sought in a single petition, arguments supporting different forms of relief shall be separately and distinctly set forth. No petition shall include a prayer that it also be considered a formal complaint. Any formal complaint shall be filed as a separate pleading as provided in § 1.721.

(2) *When filed.* All petitions seeking suspension or rejection of a new tariff filing shall meet the filing requirements of this paragraph. In case of emergency and within the time limits provided, a telegraphic request for such relief may be sent to the Commission setting forth succinctly the substance of the matters required by paragraph (a)(1) of this section. A copy of any such telegraphic request shall be sent simultaneously to the Chief, Common Carrier Bureau, the Chief, Tariff Division, and the publishing carrier. Thereafter, the request shall be confirmed by petition filed and served in accordance with § 1.773(c).

(i) Petitions seeking suspension or rejection of a new tariff filing made on less than 30 days notice shall be filed and served within 7 days after the date of the tariff filing.

(ii) Petitions seeking suspension or rejection of a new tariff filing made on at least 30 but less than 90 days notice shall be filed and served within 15 days after the date of the tariff filing.

(iii) Petitions seeking suspension or rejection of a new tariff filing made on 90 or more days notice shall be filed and served within 25 days after the date of the tariff filing.

(3) *Computation of time.* Intermediate holidays shall be counted in determining the above filing dates. If the date for filing the petition falls on a holiday, the petition shall be filed on the next succeeding business day.

(b) *Reply.*—(1) *When filed.* A publishing carrier's reply to a petition for relief from a tariff filing shall be filed in accordance with the following periods:

(i) Replies to petitions seeking suspension or rejection of a new tariff filing made on less than 30 days notice shall be filed and served within 4 days after service of the petition.

(ii) Replies to petitions seeking suspension or rejection of a new tariff filing made on at least 30 but less than 90 days notice shall be filed and served within 5 days after service of the petition.

(iii) Replies to petitions seeking suspension or rejection of a new tariff filing made on 90 or more days notice

shall be filed and served within 8 days after service of the petition.

(2) *Computation of time.* Intermediate holidays shall not be counted in determining the above filing dates. When a petition is served upon the filing carrier by mail, an additional 3 days (counting holidays) may be allowed for filing the reply. If the date for filing the reply falls on a holiday, the reply may be filed on the next succeeding business day.

(c) *Copies, Service.* An original and 4 copies of each petition or reply shall be filed with the Commission and separate copies served simultaneously upon the Chief, Common Carrier Bureau, the Chief, Tariff Division, and the publishing carrier or petitioner.

### PART 61—TARIFFS

Part 61 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 61.38(b)(1) is revised to read as follows:

#### § 61.38 Material to be submitted with letters of transmittal by filing carriers.

\* \* \* \* \*

(b) *Working papers and statistical data.* (1) There is to be furnished to the Chief, Common Carrier Bureau, upon filing of any tariff change or tariff filing which is for a service not previously offered, one set of working papers for use by the staff and one set of working papers which shall be available for use by the public at the Commission's offices. These working papers shall contain the information underlying the data supplied in response to paragraph (a) of this section. A clear indication shall be made as to how the working papers relate to information supplied in response to paragraph (a) of this section.

\* \* \* \* \*

2. Section 61.58(e) is revised to read as follows:

#### § 61.58 Notice requirements.

\* \* \* \* \*

(e) If no petitions seeking suspension or rejection of a new tariff filing are received within the periods of public notice fixed in § 1.773(a)(2), the filing carrier may apply for Special Permission pursuant to §§ 61.151, 61.152, and 61.153 of the Commission's rules to refile the relevant tariff pages to become effective before the full notice period has elapsed.

[FR Doc. 80-29956 Filed 9-28-80; 8:45 am]

BILLING CODE 6712-01-M



**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****49 CFR Part 200****[Docket No. AMRP-1, Notice No. 1]****National Railroad Passenger Corporation (Amtrak); Informal Rules of Practice for Passenger Service****AGENCY:** Federal Railroad Administration ("FRA"), Department of Transportation ("DOT").**ACTION:** Final rule.

**SUMMARY:** Subsection 402(e) and section 406 of the Rail Passenger Service Act (45 U.S.C. 562(e) and 566, "the Act"), require the Secretary of Transportation ("the Secretary") to make findings and determinations, issue orders, and grant approvals concerning passenger service operation by the National Railroad Passenger Corporation ("Amtrak") in conjunction with railroad facilities owned by private railroad companies and regional transportation agencies (collectively, "the railroads"). The Secretary's duties under these sections include consideration of preference rights between passenger and freight service and the avoidable costs associated with the downgrading and disposal of railroad facilities. The Secretary has delegated these duties to the Federal Railroad Administrator ("the Administrator") and the new part sets forth procedures by which the Administrator shall discharge such duties.

**DATES:** These rules become effective on September 29, 1980. Written comments on the rules must be received before November 13, 1980. Comments received after that date will be considered so far as possible without incurring additional expense or delay.

**ADDRESS:** Written comments should identify the docket and notice numbers and be submitted in triplicate to: Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Persons desiring notification that their written comments have been received by FRA shall submit a stamped, self-addressed postcard with their comments. FRA will indicate on the postcard the date on which the comments were received and will return the card to the addressees. Written comments will be available for examination, both before and after the closing date for written comments, during regular business hours (8:30 a.m.-5 p.m.) in Room 5101 of the Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Gregory B. McBride, Office of the Chief Counsel, RCC-50, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, 202-472-5438.

**SUPPLEMENTARY INFORMATION:** In order to provide national rail passenger service, Amtrak has entered into numerous agreements with the railroads for the operation of passenger trains and for the use of railroad facilities. Various sections of the Act authorize the Secretary to act when Amtrak and a contracting railroad are unable to agree on modification of preference rights (402(e)), accelerated speeds (402(f)), additional passenger trains (402(h)), and disposal of railroad facilities (406). These rules pertain to the Secretary's duties under subsection 402(e) and section 406 of the Act.

Section 10(2) of the Amtrak Improvement Act of 1973 (Pub. L. 93-146) added subsection (e) to section 402 of the Act. The first paragraph of subsection 402(e) requires that rail passenger trains operated by or on behalf of Amtrak be accorded preference over freight trains in the use of any line of track, junction or crossing. However, the second paragraph allows railroads to apply to the Secretary for relief from that preference. After a hearing under section 553 of Title 5 of the United States Code, the Secretary may, if he finds that adherence to the preference requirement of subsection 402(e) will materially lessen the quality of freight service provided to shippers, issue an order fixing rights of trains, on such terms and conditions as are just and reasonable.

Section 121 of the Amtrak Reorganization Act of 1979 (Pub. L. 96-73) added section 406 to the Act, requiring railroads to obtain Secretarial approval before they downgrade or dispose of facilities no longer used by Amtrak. The section applies to all railroad facilities in use by Amtrak on February 1, 1979, and requires railroads to notify Amtrak of any proposed downgrading or disposal of facilities. If, after 60 days, a railroad and Amtrak do not agree to the retention and maintenance of facilities proposed for downgrading or disposal, the railroad may apply to the Secretary for approval of the downgrading or disposal. If Amtrak does not object within 30 days, the Secretary shall grant approval to a railroad's application. If Amtrak does object, the Secretary shall determine within 180 days the costs which the railroad could avoid if it were not required to maintain or retain the facilities in the condition requested by Amtrak. If Amtrak does not agree within

60 days to reimburse the railroad for those costs, the Secretary shall approve the railroad's application for downgrading or disposal.

Under 49 CFR 1.49(1), the Secretary has delegated the duties under subsection 402(e) and section 406 to the Administrator. The Administrator proposes to execute these duties under this new part. The first paragraph of the part provides a general statement of authority, while the second paragraph contains appropriate definitions. The third paragraph sets forth application requirements for the various sections. The fourth paragraph deals with objections to applications. Informal hearing procedures in accordance with 5 U.S.C. 553, including the creation of a hearing panel, are prescribed in the fifth paragraph. As well as clarifying the relationship between hearing records and determinations, the sixth paragraph specifies the panel's role in and the finality of the Administrator's decisions. The last paragraph of the new part relates to the public notice accorded by FRA regarding hearings, and orders and approvals.

Since this regulation involves agency practice, the rule-making procedures of 5 U.S.C. 553 do not apply. Instead, FRA has determined that this regulation is a non-significant regulation under the criteria stipulated by DOT in its Regulatory Policies and Procedures (44 FR 11034) implementing Executive Order 12044. Since the proposed application and hearing procedures are relatively simple and straight forward and involve only a one-time process rather than a continuing reporting requirement, the economic impact on potential applicants and the railroad industry would be minimal. Therefore, FRA has concluded that a full regulatory evaluation of this proposed amendment is inappropriate. In addition, FRA has determined that, under DOT's Regulatory Policies and Procedures, this is an emergency regulation. Because of short-term statutory deadlines, several pending applications must be acted on in the very near future; therefore, these regulations are issued as final regulations effective on the date of publication. They may be changed, however, in light of written comments.

FRA has evaluated this document and determined that it does not have any special impact on small business.

In consideration of the foregoing, Chapter II of Title 49 of the Code of Federal Regulations is amended by adding a new Part 200, Informal Rules of Practice for Passenger Service, to read as set forth below.



Issued in Washington, D.C. on August 19, 1980.

John M. Sullivan,  
Administrator.

## PART 200—INFORMAL RULES OF PRACTICE FOR PASSENGER SERVICE

Sec.

- 200.1 General.
- 200.3 Definitions.
- 200.5 Applications.
- 200.7 Objections.
- 200.9 Hearings.
- 200.11 Orders and approvals.
- 200.13 Publication.

Authority: Secs. 402(e) and 406 of Pub. L. 91-518, 84 Stat. 1327, as amended by sec. 10(2) of Pub. L. 93-146, 87 Stat. 548 and sec. 121 of Pub. L. 96-73, 93 Stat. 537 (45 U.S.C. 562(e), 566); sec. 1.49 of Title 49, Code of Federal Regulations.

### § 200.1 General.

This part prescribes procedures under which applications will be received and heard and by which rules and orders will be issued under subsection 402(e) and section 406 of the Rail Passenger Service Act (45 U.S.C. 562(e) and 566).

### § 200.3 Definitions.

(a) "Act" means the Rail Passenger Service Act (45 U.S.C. 500 *et seq.*).

(b) "Administrator" means the Federal Railroad Administrator, the Deputy Administrator of FRA, or the delegate of either.

(c) "Amtrak" means the National Railroad Passenger Corporation.

(d) "Amtrak trains" means trains operated by or on behalf of Amtrak.

(e) "Chief Counsel" means the Chief Counsel or Acting Chief Counsel of the FRA.

(f) "Downgrading of a facility" means a reduction in track classification as specified in FRA track safety standards (49 CFR 213), or any other change in facilities which may increase the time required for a passenger train to operate over the route on which such facility is located.

(g) "Facility" means railroad tracks, right-of-way, fixed equipment and facilities, real-property appurtenant thereto, and includes signal systems, passenger station and repair tracks, station buildings, platforms, and adjunct facilities such as water, fuel, steam, electric, and air lines.

(h) "FRA" means the Federal Railroad Administration.

(i) "Railroad" means a person providing railroad transportation for compensation.

(j) "Shipper" means a person contracting with one or more railroads for freight transportation.

### § 200.5 Applications.

(a) Each application and objection under this part shall be submitted in writing to: Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590.

(b) Any procedural issues arising from the submission or consideration of applications under this part, such as timeliness and adequacy, shall be heard and decided by the Administration's panel established under § 200.9.

(c) Any railroad adversely affected by the preference requirement of subsection 402(e) of the Act may apply to the Administrator for an order altering that requirement. Each application shall:

(1) List by endpoints the routes that are so affected; and

(2) Explain for every route listed how the preference requirement of subsection 402(e) will materially lessen the quality of freight service afforded by the applicant to its shippers, including information, data or documents sufficient to support that explanation; and

(3) Include an analysis of whether and by how much Amtrak's compensation to the railroad should be reduced if the preference requirement is altered.

(d) In accordance with section 406 of the Act, any railroad may apply to the Administrator for approval to downgrade or dispose of its facilities. Each application shall:

(1) List the facilities for proposed downgrading or disposal;

(2) Describe and give the location of each such facility and identify the most recent passenger service that made use of such facilities; and

(3) Contain for each facility an analysis of the costs the railroad could avoid if it were not required to maintain or retain the facility in the condition requested by Amtrak, including information, data and documents sufficient to support the analysis.

(e) In addition to the data provided with their applications, applicants shall furnish the Administrator with any other information that the Administrator finds necessary in order to make the determinations required by the Act.

(f) Each applicant shall promptly notify, by registered or certified mail, any party affected by any application, whether Amtrak or a railroad, of the submission of such application under this part, and shall provide a copy of the application with such notice. An official United States Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of notice.

### § 200.7 Objections.

(a) Amtrak or any other party shall have 30 days from the date an application is received by FRA pursuant to section 402(e) of the Act to object to the proposed alteration of the preference requirement. Such objections shall be in writing and shall reference, by date, railroad, and former passenger routes, the application to which it pertains.

(b) Amtrak shall have 30 days from the date an application is received by FRA pursuant to section 406 of the Act to object to any or all of the facility downgradings or disposals proposed in such application. Such objections shall be in writing and shall reference, by date, railroad, and former passenger routes, the application to which it pertains and shall list, by facility description and location, the specific downgradings or disposals to which Amtrak objects.

### § 200.9 Hearings.

(a) Pursuant to any application under this part, a prehearing conference will be held if found necessary or desirable by the Administrator.

(b) Pursuant to any application under this part, an oral hearing will be held if required by statute or if found necessary or desirable by the Administrator.

(c) Hearings shall be conducted by a panel designated by the Administrator, consisting of three FRA employees, including the Chief Counsel or a member of his or her staff who shall serve as chairman of the panel and the Associate Administrator for Intercity Programs or his or her delegate.

(d) Hearings shall be informal fact-finding proceedings, limited to the issues identified by the panel. Sections 556 and 557 of Title 5, United States Code, shall not apply.

(e) All direct evidence shall be reduced to writing and submitted to the Docket Clerk thirty days in advance of the hearing unless this requirement is expressly waived by the panel. Copies shall be furnished to all parties concurrently with the submission to the Docket Clerk.

(f) The panel may provide for oral presentations and cross-examination, and shall apply rules of evidence as it finds necessary.

(g) To the extent deemed appropriate by the panel, interested persons, including members of the public, may participate in the hearings through the submission of written data, oral presentations, or arguments.

### § 200.11 Orders, approvals, and determinations.

(a) The Administrator shall promptly approve the downgrading or disposal of



any facility to which Amtrak does not submit a timely objection under this part.

(b) Orders, approvals, and determinations issued by the Administrator's panel under this part constitute the Administrator's action and shall be final.

(c) Determinations under this part are not required to be based exclusively on the record of a hearing.

#### § 200.13 Publication.

(a) General notice of any hearing under this subpart shall be published in the **Federal Register** not less than 10 days before the hearing, and shall include (1) a statement of the time, place, and nature of the hearing, (2) a reference to the legal authority under which the hearing is being held and (3) a description of the subject and issues involved.

(b) Any order, approval, or determination resulting from any hearing held under this part shall be published in the **Federal Register**.

[FR Doc. 80-29919 Filed 9-26-80; 8:45 am]

BILLING CODE 4910-06-M

## NATIONAL TRANSPORTATION SAFETY BOARD

### 49 CFR Part 801

#### Public Availability of Information, Appendix—Fee Schedule

**AGENCY:** National Transportation Safety Board.

**ACTION:** Final rule.

**SUMMARY:** This revision sets forth price and other changes for obtaining copies of factual investigative records and other documents available from the National Transportation Safety Board (Board) under the Freedom of Information Act. Certain changes in the fee schedule are now required to reflect the price terms of a new contract with the commercial reproducer.

**EFFECTIVE DATE:** October 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** John M. Stuhldreher, General Counsel, National Transportation Safety Board, Washington, D.C. 20594 (202-472-6033).

**SUPPLEMENTARY INFORMATION:** Pursuant to subsection (a)(4)(A) of the Freedom of Information Act (Pub. L. 93-502, November 21, 1974, amending 5 U.S.C. 552), fee schedules for document search and duplication must be published in the **Federal Register**. In 1975, after notice, the Board issued its regulations implementing this subsection. In an amended Appendix to 49 CFR Part 801, which was published at 44 FR 56340,

October 1, 1979, a price list for documents published by or available from the Board was established, based on the provisions of the then current contract between the Board and the commercial reproducer. That contract terminates on September 30, 1980, and the Board has entered into a new contract which necessitates price changes for photocopy and photographic print services. The remaining changes are minor and either update or clarify the fee schedule.

Pursuant to 5 U.S.C. 553, the Board believes that notice of proposed rulemaking is unnecessary and impracticable since the changes in reproduction fees were subject to and are the result of a formally advertised procurement.

Accordingly, 49 CFR Part 801 is hereby amended by revising the Appendix—Fee Schedule as set forth below.

#### Appendix—Fee Schedule

1. Special services fees (pursuant to 31 U.S.C. 483a). Upon request, services relating to public documents are available at the following fees:

- (a) Subscriptions (Calendar year):
  - (1) Initial decisions of the administrative law judges—\$40.00 for one subscription, \$30.00 for each additional subscription.
  - (2) Board safety enforcement opinions and orders—\$20.00 for one subscription, \$15.00 for each additional subscription.
  - (3) Board aircraft accident (probable cause) reports, brief format—\$40.00 (U.S.) and \$80.00 (foreign).
  - (4) Aircraft accident reports, narrative—\$40.00 (U.S.) and \$80.00 (foreign).
  - (5) Board safety recommendations—\$60.00.

**Note.**—Send subscription orders for (a)(1), (a)(2), and (a)(5) above to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Subscription orders for (a)(3) and (4), above, should be forwarded to the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

(b) Document certification under the Board's seal—\$4.

(c) Computer tapes and services for aviation accidents. Duplication of computer tapes (or a fraction thereof)—\$40.

**Note.**—Computer tape requests should be addressed to the Chief, Information Systems Division, Bureau of Technology, National Transportation Safety Board, Washington, D.C. 20594.

(d) The basic fees set forth provide for ordinary first-class postage prepaid. If registered, certified, air, or special delivery mail is used, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, such costs will be added to the basic fee.

(e) Subscription fees for (a) above reproduction fees, and search fees are waived for qualifying foreign countries, international organizations, nonprofit public safety entities, State and Federal transportation agencies, and colleges and

universities, after approval by the Director, Bureau of Administration. In addition, such fees may be waived or reduced for other recipients not in any of the foregoing categories, when determined by the Director, Bureau of Administration, to be appropriate in the interest of and contributing to the Board's program.

2. Reproduction fees. All documents in the Board's public files may be examined, without charge, in the Board's public reference room, located in the Public Inquiries Section, Room 808F, 800 Independence Ave., SW, Washington, D.C. A self-service duplicator in the reference room is available to the public for reproduction at a nominal cost.

All transportation mode accident files. Reproduction of accident files (statements, photographs, hearing transcripts, and other material contained in the board's accident investigation files) is accomplished by commercial contract. Reproductions of all printed matter and photographs are made from the best copy available. Requests must be forwarded to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The contractor may bill and/or collect full payment before duplicating the requested documents. Fees are subject to change depending upon the Board's annual contract award.

Current fees are:

(a) Photocopy:

*Size (in inches):*

8½ by 11.....	\$0.20
8½ by 14.....	.12
10 by 14.....	.01

(b) Photographic prints:

*Size (in inches):*

8 by 10 black/white.....	\$0.65
3½ by 5 color.....	0.60
5 by 7 color.....	1.25
8 by 10 color.....	4.37
2 by 2 color slide.....	0.75

(c) Hearing transcripts \$0.15 per page.

(d) Regular service—Usually, three weeks' time is required to service a request for reproduction. Filling any request for reproduction of a file that must be retrieved from the Federal Records Center will require two additional weeks.

(e) Expedited service—A \$1.00 surcharge will be made for accelerated service which will be provided within 2 working days commencing when the contractor has received advance payment or when telephone arrangements for payment have been made with the contractor. Reproduction service through the commercial contractor will be handled as follows:

Step 1. Customer places telephone or written request to the Board's Public Inquiries Section for desired accident file.

Step 2. The Board forwards order form and file to contractor.

Step 3. Contractor sends advance billing invoice, which shows total cost, to customer.

Step 4. Customer calls contractor direct and verifies that he is wiring payment to contractor, as specified by contractor, or customer returns a copy of the contractor's invoice with full payment enclosed.

Step 5. Contractor copies documents and mails them to the customer.