

Under title 49 CFR 1.57(l) the General Counsel has authority to make corrections to regulations of the Office of the Secretary. In accordance with that authority, the following correction is made.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322.

2. Section 1.48 is amended by adding a new paragraph (ff) to read as follows:

§ 1.48 Delegations to Federal Highway Administrator.

(ff) Carry out the functions vested in the Secretary of Transportation by section 114 of the "Act Making Continuing Appropriations For Fiscal Year 1987 And For Other Purposes," Pub. L. 99-591, October 30, 1986, relating to construction of Interstate highway H-3 in Hawaii.

Issued on: November 30, 1987.

B. Wayne Vance,

General Counsel, U.S. Department of Transportation.

[FR Doc. 87-27971 Filed 12-7-87; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking; Brake Hoses

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: The agency denies a petition for rulemaking from the Parker Hannifin Corporation requesting two changes to the requirements of Federal Motor Vehicle Safety Standard No. 106, *Brake Hoses*, for air brake hoses and assemblies. First, Parker Hannifin asked that NHTSA amend Standard 106 to adopt the performance requirements of SAE Standard J1131, to ensure that manufacturers of air brake hoses will comply with the applicable requirements of J1131 on a compulsory,

and not voluntary, basis. Second, the petitioner requested that NHTSA set a marking requirement for hoses used with "push-in" fittings to ensure that fittings would be properly inserted into the hoses. The agency has found no data or supporting information that indicate a safety need for the petitioner's suggested amendments. Therefore, the petition is denied.

FOR FURTHER INFORMATION CONTACT:

Mr. Vern Bloom, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Telephone (202) 366-5277.

SUPPLEMENTARY INFORMATION: This notice denies a petition for rulemaking from the Parker Hannifin Corporation requesting two changes to the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 106, *Brake Hoses*, for air brake hoses and assemblies. (Parker Hannifin's petition concerns the type of brake hoses that are made from plastic tubing. For convenience, we will refer to these as "air brake tubing.") First, the petitioner asked that NHTSA amend Standard 106 to adopt the performance requirements of the Society of Automotive Engineers (SAE) Standard J1131, *Performance Requirements for SAE J844d Nonmetallic Tubing and Fitting Assemblies Used in Automotive Air Brake Systems*, to ensure that manufacturers of air brake hoses will comply with the applicable requirements of J1131 on a compulsory, and not voluntary, basis. Second, the petitioner requested that NHTSA set a marking requirement for hoses used with "push-in" fittings to ensure that fittings would be properly inserted (i.e., pushed deep enough) into the hoses.

Additional Performance Requirements

According to the petitioner, although not required by NHTSA, domestic manufacturers of air brake tubing currently voluntarily ensure that their products comply with the performance requirements of J1131. The petitioner asserts that the requirements of J1131 "result from actual duty cycles and expected road hazards encountered in various parts of the U.S." The petitioner argued that the voluntary standard and FMVSS No. 106, taken together, have a proven safety record justifying their continued application to all air brake tubing sold in this country. The petitioner expressed a concern that, because compliance with SAE J1131 is only voluntary, "foreign manufacturers are in a position to use material (air-brake fittings and tubing) which comply with the D.O.T. 106 Standard only on

equipment sold in the U.S.A." Parker Hannifin believed that permitting the manufacture and sale of air brake tubing that do not meet SAE J1131 "may create additional and unwanted safety risks." In addition, Parker Hannifin said it is economically unfair that compliance with SAE J1131 is not mandatory for some manufacturers. The petitioner stated: "As it is possible to design these materials (air-brake fittings and tubing) to achieve lower manufacturing costs if only the D.O.T. 106 Standards are to be met, this creates an unfair economic disadvantage to U.S. suppliers and users." In order to ensure that the requirements of SAE J1131 are met by all brake tubing manufacturers, Parker Hannifin requested that FMVSS No. 106 include the requirements of the SAE standard.

NHTSA is not persuaded by the petitioner that adoption of J1131 is warranted. First, the petitioner did not substantiate its claim that "domestic" and "foreign" manufacturers produce brake hoses that meet different performance specifications, or that hoses produced by the latter are substandard as compared to the hoses manufactured domestically. The agency's review of data obtained through our enforcement division found no evidence that distinctions can be drawn between domestic- and foreign-manufactured hoses, based on hose performance in certification tests and on-road use. In fact, the compliance record for air brake tubing performance as a whole appears to be quite good. Second, the petitioner provided no safety data or other information supportive of its implicit argument that FMVSS No. 106 is insufficient in and of itself to ensure that proper safety levels are met. Any brake hose, including those installed in a motor vehicle, must pass all the performance requirements set forth in FMVSS No. 106 to be sold in this country. The agency is aware of no indications that requiring compliance with those performance requirements alone enables the marketing of unsafe hoses whose sale in this country would have been otherwise prevented if compliance with SAE J1131 were mandatory.

The petitioner claims that manufacturers who meet both FMVSS No. 106 and SAE J1131 are at an "unfair economic disadvantage" vis-a-vis manufacturers who meet only FMVSS No. 106. Since NHTSA does not require any manufacturer to comply with J1131, manufacturers who do meet that standard do so on a voluntary basis. The agency cannot adopt J1131 to reduce the effects of an action that some

manufacturers have chosen to take voluntarily. Only if there is a safety need can the agency adopt additional requirements.

The petitioner has argued that there is a safety need to ensure that all air brake tubing manufactured for sale in this country meet SAE J1131. NHTSA has been unable to substantiate this claim. Because there are no data or other information available to support amending Standard No. 106 in the manner requested by the petitioner, the agency denies the first part of the petition. We note, however, that the agency carefully reviews any new developments in brake hose manufacture. If new information indicates a safety need to consider amending the requirements of Standard No. 106, the agency will not hesitate to take appropriate action.

Marking Requirement

The second part of the petition requested NHTSA to set a marking requirement for hoses used with "push-in" fittings to ensure that fittings would be properly inserted (i.e., pushed deep enough) into the hoses. According to the petitioner, one of the factors affecting the compliance of an air brake assembly with Standard No. 106's tensile requirement is the "insertion force." Parker Hannifin believed that an "indicator mark" was needed on the outside of the hose that would act as a "visual gage" to assure proper insertion depth. The petitioner suggested that, "All suppliers of air-brake tubing must be compelled to supply this visual gauge, and/or information relating to its use."

NHTSA has found no data indicating a need for the marking requirement requested by the petitioner. Our review of consumer complaint and defect records found no significant problems with air brake tubing separating from their end fittings that would support petitioner's claim that an "indicator mark" is necessary to assure proper insertion of the end fitting. Further, air brake hoses typically are capable of being used with several different types of fittings. NHTSA believes it is likely that it would be impractical, therefore, to require marking the hose with an "indicator mark" that might be appropriate only for a certain type of fitting. For these reasons, the agency denies the second part of the petition.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 40 CFR 1.50 and 501.8)

Issued on December 1, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87-28078 Filed 12-7-87; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies the petition of General Motors Corporation (GM) for an amendment to Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment* to exempt center highmounted stop lamps from the 5 degree down photometric test points if the lamp is mounted on a vehicle at less than 35.5 inches above the pavement. GM argued that an amendment of this nature would relax a design restriction without reducing the effectiveness of the lamp. The petition is being denied because GM has not supported its argument that the effectiveness of the lamp would not be reduced in certain driving situations.

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Rulemaking, NHTSA, (202-366-5271).

SUPPLEMENTARY INFORMATION: Figure 10 of Motor Vehicle Safety Standard No. 108 specifies minimum photometric requirements for center highmounted stop lamps, that must be met at specified test points, including certain points at a position 5 degrees below the horizontal. After this requirement was adopted on October 18, 1983 (48 FR 48235), GM petitioned for reconsideration of the 5 degree down requirement, stating that there may be some current vehicle configurations and mounting locations where these test points might not be visible. This could exist when a lamp is mounted at the bottom of the glazing, and a spoiler or luggage rack is mounted on the deck lid. It therefore requested an amendment that these test points need not be met if the lamp "is visible at a point 10 feet from its lens and 35.5 inches above ground but is not visible at the 5 degree down test point." According to GM, 35.5 inches above the ground is the driving eye height for 95% of the operators of GM's vehicles. The agency denied GM's petition for reconsideration on May 17, 1984 (49 FR 20818) with these words:

Such an amendment, as NHTSA interprets it, would eliminate all photometric requirements below the horizontal for all vehicles whose high-mounted lamps were mounted less than 46 inches from the ground. Visibility of the lamp from this angle could be important for viewing vehicles from the rear when coming over a hill. The agency has reduced its restrictions regarding mounting location, and if a lamp mounted in the lowest permissible position would not meet the 5 degree test points, the lamp could be located to a higher height where the requirements may be met.

Further, the photometric requirements do not specify that the entire lens must be visible from each 5 degree down test point. Instead, they specify the intensity of light that must be visible from those points. Therefore, the requirement can be met with a lamp whose lens is partially obscured by a portion of the vehicle when viewed from some of the test points.

On March 23, 1987, GM again petitioned NHTSA for rulemaking to amend the requirements for meeting the 5 degree down test points. Specifically, the company stated that if the lamp were mounted at a height between 35.5 inches and 46 inches the 5 degree down specifications should "be applied at the down angle formed by a line extending from the geometric center of the * * * lens through a point located horizontally 10 feet from the lens and 35.5 inches above the ground." If the lamp were mounted below 35.5 inches, the specifications would not apply.

GM supported its petition with the observation that the nonobstruction requirement had caused it to raise the height of the lamp on certain carlines, and in some cases to develop more than one version of the lamp. An example of the latter is the optional luggage rack for which a specialized lamp has been developed. It believes its proposed revision to Standard No. 108 "will permit motor vehicle manufacturers increased design and packaging flexibility without compromising the intended function of the device."

The agency has carefully reviewed GM's petition. It did not address in any manner the reason its earlier petition was denied, and therefore has presented no plausible reason why the existing requirements should be modified. Under GM's suggested approach, a lamp at 35.5 inches mounting height would have no effective downward directed light. As a result, when the following car is at any lower elevation, even on a very slight hill crest, a driver whose driving eye height is 35.5 inches would not be able to see the light. Expressed in another manner, on a hill with an 8 percent grade, a center lamp mounted at 35.5 inches on a car at the crest needs to produce sufficient light at 1.3 degrees

below horizontal for a driver (whose driving eye height is 35.5 inches) to see it when he is 50 feet behind it; at 2.6 degrees for him to see it at 100 feet, etc. According to GM's own data, at least 5 percent of the operators of GM's vehicles have a driving eye height of 35.5 inches or less. Therefore, visibility of the light would be reduced under GM's requested amendment.

Furthermore, NHTSA does not encourage mounting the lamp at lower locations. It has been found to be especially effective in reducing rear end collisions involving more than two vehicles, probably because in higher locations the lamp on a leading vehicle can be viewed by the driver of a trailing vehicle through the windows of a vehicle between the two. Mounting the lamp lower than the top of a typical deck lid would reduce its effectiveness in this mode of crash prevention.

At the conclusion of its technical review, NHTSA has determined that there is not a reasonable possibility that at the end of a rulemaking proceeding Standard No. 108 would be amended in the manner petitioned for, and the petition is hereby denied.

The program official and attorney principally responsible for the development of this agency position are Kevin Cavey and Taylor Vinson, respectively.

(Secs. 103, and 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, and 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on December 1, 1987.

Barry Felrice,
Associate Administrator for Rulemaking.

[FR Doc. 87-28080 Filed 12-7-87; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1002, 1007, 1103, 1150, 1160, 1162, 1169, 1171, 1177, 1180, and 1182

[Ex Parte No. 246; Sub-No. 5]

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services; 1987 Update

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: In this decision the Commission adopts modifications of its costing and update formulas for calculating fees, as proposed at 52 FR 32573 (8-28-87) and as corrected at 52

FR 34819 (9-15-87). The 1987 user fee update is adopted. The fee for self-insurance applications at 49 CFR 1002.2(f)(77) is recalculated and a new fee for petitions for substitution of applicant at 49 CFR 1002.2(f)(15) is adopted.

EFFECTIVE DATE: February 1, 1988.

FOR FURTHER INFORMATION CONTACT:

Kathleen M. King, 202-275-7428.

For Costing Information:

William W. England, 202-275-7472

TDD for the hearing impaired: 202-275-1721.

SUPPLEMENTARY INFORMATION: The Commission is required by its regulations at 49 CFR 1002.3 to update user fees annually. After a review of the comments submitted by the National Motor Freight Traffic Association, the Household Goods Carrier Bureau and the American Bus Association, the Commission has determined that the proposed modifications of its fee costing and update formula, the 1987 fee update, and the proposed fee item modifications should be adopted.

Further information is contained in the Commission's decision which may be purchased from Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 202-289-4357. (Assistance for the hearing impaired is available through TDD services, 202-275-1721.)

This decision will not have a significant impact upon the quality of the human environment or conservation of energy resources. Nor will it have a significant effect on a substantial number of small entities.

List of Subjects in 49 CFR Parts 1002, 1007, 1103, 1150, 1160, 1162, 1169, 1171, 1177, 1180, and 1182

Administrative practice and procedure.

It is ordered:

Title 49 of the Code of Federal Regulations is amended as set forth below. These rule changes will be effective on February 1, 1988.

Decided: November 30, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre and Simmons. Commissioner Sterrett dissented in part with a separate expression.

Noreta R. McGee,

Secretary.

Title 49 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), 5 U.S.C. 553, 31 U.S.C. 9701 and 49 U.S.C. 10321.

§ 1002.1 [Amended]

2. In § 1002.1, the dollar amount of "\$3.00" in paragraph (a) is revised to read "\$5.00".

3. In § 1002.1, the dollar amount of "\$11.00" in paragraph (c) is revised to read "\$12.00".

4. In § 1002.1, the table in paragraph (f)(6) is revised to read as follows:

GS-1.....	\$5.22
GS-2.....	5.69
GS-3.....	6.41
GS-4.....	7.20
GS-5.....	8.05
GS-6.....	8.97
GS-7.....	9.97
GS-8.....	11.04
GS-9.....	12.20
GS-10.....	13.43
GS-11.....	14.76
GS-12.....	17.69
GS-13.....	21.03
GS-14.....	24.85
GS-15 & above.....	29.23

5. In § 1002.2, paragraph (f) is revised to read:

§ 1002.2 Filing fees.

* * * * *

(f) Schedule of filing fees.

Type of proceedings	Fees
Part I: Non-Rail Applications for Operating Authority or Exemptions	
(1) An application for motor carrier operating authority; a certificate of registration including a certificate of registration for certain foreign carriers; broker authority; water carrier operating or exemption authority; or household goods freight forwarder authority.	\$200
(2) A fitness only application for motor common carrier authority under 49 U.S.C. 10922(b)(4)(E) or motor contract authority under 49 U.S.C. 10923(b)(5)(A) to transport food and related products.	100
(3) A petition to interpret or clarify an operating authority under 49 CFR 1160.64.	2,000
(4) A request seeking the modification of operating authority only to the extent of making a ministerial correction, when the original error was caused by applicant, a change in the name of the shipper or owner of a plantsite or the change of a highway name or number.	30
(5) A petition to renew authority to transport explosives under 49 U.S.C. 10922 or 10923.	30
(6) An application to remove restriction or broaden unduly narrow authority under 49 CFR 1160.107-1160.114.	200
(7) An application for authority to deviate from authorized regular route authority 49 U.S.C. 10923(a).	100
(8) An application for motor carrier or water carrier temporary authority under 49 U.S.C. 10928(b).	90
(9) An application for motor carrier emergency temporary authority under 49 U.S.C. 10928(c)(1).	70
(10) An extension of the time period during which an outstanding application for emergency temporary authority as defined in 49 U.S.C. 10928(c)(1) may continue.	17

Type of proceedings	Fees	Type of proceedings	Fees	Type of proceedings	Fees
(11) Request for name change of carrier, broker, or household goods freight forwarder.	7	(40) Abandonments filed by bankrupt railroads. 49 CFR 1152.40.	650	(56) An application for forced sale of bankrupt railroad lines. 49 CFR 1180.40-49, 45 U.S.C. 915.	1,400.
(12) A notice required by 49 U.S.C. 10524(b) to engage in compensated intercorporate hauling including an updated notice required by 49 CFR 1167.4.	60	(41) Exempt abandonments. 49 CFR 1152.50.	750	(57)-(59) [Reserved]	
(13) A notice of intent to operate under the agricultural co-operative exemption in 49 U.S.C. 10526(a)(5).	60	(42) A notice or petition to discontinue passenger train service.	8,100	Part VII: Formal Proceedings	
(14) [Reserved]		(43) [Reserved]		(60) A complaint alleging unlawful rates or practices of carriers, property brokers or freight forwarders of household goods.	500
(15) A joint petition to substitute applicant in a pending operating rights proceeding.	20	Part VI: Rail Applications To Enter Upon a Particular Financial Transaction or Joint Arrangement		(61) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates, fares or charges. 49 U.S.C. 10705(f)(1)(A).	1,500
(16) [Reserved]		(44) An application for use of terminal facilities or other applications under 49 U.S.C. 11103.	6,800	(62) A petition for declaratory order:	
Part II: Non-Rail Applications To Discontinue Transportation		(45) An application for the pooling or division of traffic. 49 U.S.C. 11342.	4,700	(i) A petition for declaratory order involving dispute over an existing rate or practice which is comparable to a complaint proceeding.	500
(17) A notice or petition to discontinue ferry service 49 U.S.C. 10908.	8,100	(46) 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. 11343.		(ii) All other petitions for declaratory order.	850
(18) A petition to discontinue motor carrier of passenger transportation in one state.	500	(i) Major transaction	100,000	(63) Requests for nationwide and regional collectively filed general rate increases and major rate restructures accompanied by supporting cost and financial information justifying the increase.	5,500
(19) [Reserved]		(ii) Significant transaction	20,000	(64) A petition for exemption from filing tariffs by water and bus carriers.	150
Part III: Non-Rail Applications To Enter Upon a Particular Financial Transaction or Joint Arrangement		(iii) Minor transaction	2,200	(65) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A).	2,500
(20) An application for the pooling or division of traffic.	1,500	(iv) Exempt transaction [49 CFR 1080.2(d)].	550	(66) Petition for review of state regulations of intrastate rates, rules or practices filed by interstate rail carriers. 49 U.S.C. 11501.	500
(21) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor or water carrier or carriers under 49 U.S.C. 11343.	750	(v) Responsive application	2,200	(67) Petition for review of state regulations of intrastate rates, rules or practices filed by interstate bus carriers. 49 U.S.C. 11501.	500
(22) An application for approval of a non-rail rate association agreement. 49 U.S.C. 10706.	9,900	(47) An application for a noncarrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11343.		(68)-(71) [Reserved]	
(23) An application for approval of an amendment to a non-rail rate association agreement.		(i) Major transaction	100,000	Part VIII: Informal Proceedings	
(i) Significant Amendment	4,700	(ii) Significant transaction	20,000	(72) An application for authority to establish released value rates or ratings under 49 U.S.C. 10730 (Except that no fee will be assessed for applications seeking such authority in connection with reduced rates established to relieve distress caused by drought or other natural disaster).	400
(ii) Minor Amendment	30	(iii) Minor transaction	2,200	(73) An application for special permission for short notice or the waiver of other tariff publishing requirements.	40
(24) An application for temporary authority to operate a motor or water carrier. 49 U.S.C. 11349.	150	(iv) Exempt transaction [49 CFR 1080.2(d)].	550	(74) The filing of tariffs, rate schedules and contracts including supplements.	7 per series transmitted.
(25) An application to transfer or lease a certificate or permit, including a certificate of registration, and a broker license or change of control of companies holding broker's license 49 U.S.C. 10926, or a transfer of a water carrier exemption authorized under 49 U.S.C. 10542 and 10544.	200	(v) Responsive application	2,200	(75) Special docket application from rail and water carriers. (There is no fee for requests involving sums of \$25,000 or less).	50
(26) An application for approval of a motor vehicle rental contract. 49 CFR 1057.41(d).	150	(49) 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. 11343.		(76) Informal complaint about rail rate application.	100
(27) A petition for exemption under 49 U.S.C. 11343(e).	200	(i) Major transaction	100,000	(77) An application for original qualification as self-insurer.	250
(28)-(32) [Reserved]		(ii) Significant transaction	20,000	(78) A service fee for insurer, surety or self-insurer accepted certificate of insurance, surety bond or other instrument submitted in lieu of a broker surety bond. The fee is based on a formula of \$10 per accepted certificate of insurance or surety bond as indication of ICC insurance activity. (There is a \$50 annual minimum; but the minimum does not apply to an instrument submitted in lieu of a surety bond).	10 per accepted certificate or instrument submitted in lieu of a broker surety bond)
Part IV: Rail Applications for Operating Authority		(iii) Minor transaction	2,200	(79) A petition for waiver of any provision of the lease and interchange regulations. 49 CFR Part 1057.	300
(33) (i) An application for a certificate authorizing the construction, extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901.	2,600	(iv) Exempt transaction [49 CFR 1080.2(d)].	550	(80) A petition for reinstatement of revoked operating authority.	40
(ii) Exempt transaction under 49 CFR 1150.31.	550	(v) Responsive application	2,200	(81)-(82) [Reserved]	
(34) Feeder Line Development Program application filed under 49 U.S.C. 10910(b)(1)(A)(i).	3,200	(50) An application for a determination of fact of competition. 49 U.S.C. 11321(a)(2) or (b).	20,000	(83) Petition for reinstatement of a dismissed operating rights application.	200
(35) A Feeder Line Development Program application filed under 49 U.S.C. 10910(b)(1)(A)(ii).	1,800	(51) An application for approval of a rail rate association agreement. 49 U.S.C. 10706.	25,100	(84) Filing of documents for recordation. 49 U.S.C. 11303 and 49 CFR 1177.3(c).	13 per document.
(36)-(37) [Reserved]		(52) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706.		(85) Valuations of railroad lines in conjunction with purchase offers in abandonment proceedings.	1,000
Part V: Rail Applications To Discontinue Transportation Services		(i) Significant Amendment	4,700	(86) Informal opinions about rate applications (all modes).	40
(38) An application for authority to abandon all or a portion of a line of railroad or operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the North East Rail Service Act, bankrupt railroads or exempt abandonments under 49 CFR 1152.50).	2,100	(ii) Minor Amendment	30	(87)-(95) [Reserved]	
(39) An application for authority to abandon all or a portion of a line of railroad or operation thereof filed by Consolidated Rail Corporation pursuant to North East Rail Service Act.	150	(53) An application for authority to hold a position as officer or director. 49 U.S.C. 11322.	250		
		(54)(i) An application to issue securities; an application to assume obligation or liability in respect to securities of another; an application or petition for modification of an outstanding authorization; or an application for exemption from competitive bidding requirements of Ex Parte No. 158, 49 CFR 1175 49 U.S.C. 11301.	1,200		
		(ii) An exempt transaction under 49 CFR 1175.	550		
		(55) A petition for exemption (other than a rulemaking) filed by rail carriers. 49 U.S.C. 10505.	650		

Type of proceedings	Fees
Part IX: Services	
(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent.	10 per delivery.
(97) Request for service list for proceedings.	7 per list.
(98) Requests for copies of the one-percent carload waybill sample.	100
(99) Verification of surcharge level pursuant to Ex Parte No. 389, Procedures for Requesting Rail Variable Cost & Revenue Determination for Joint Rates Subject to Surcharge or Cancellation.	14 per movement verified.
(100) Application fee for Interstate Commerce Commission Practitioners' Exam.	50

6. In § 1002.3, paragraphs (d)(2) through (d)(4) are revised to read as follows:

§ 1002.3 Updating user fees.

* * * * *

(d) * * *

(2) Operations overhead shall be developed each year on the basis of current relationships existing on a weighted basis, for indirect labor applicable to the first supervisory work centers directly associated with user fee activity. Actual updating of operations overhead will be accomplished by applying the current percentage factor to updated direct labor, including current governmental overhead costs.

(3)(i) Office general and administrative costs shall be developed each year on the basis of current level costs, i.e., dividing actual office general and administrative costs for the current fiscal year by total office costs for the Offices and Bureaus directly associated with user fee activity. Actual updating of office general and administrative costs will be accomplished by applying the current percentage factor to updated direct labor, including current governmental overhead and current operations overhead costs.

(ii) Commission general and administrative costs shall be developed each year on the basis of current level costs; i.e., dividing actual Commission general and administrative costs for the current fiscal year by total agency expenses for the current fiscal year. Actual updating of Commission general and administrative costs will be accomplished by applying the current percentage factor to updated direct labor, including current governmental overhead, operations overhead and office general and administrative costs.

(4) Publication costs shall be adjusted on the basis of known changes in the costs applicable to publication of material in the **Federal Register** or ICC Register.

* * * * *

PART 1007—RECORDS CONTAINING INFORMATION ABOUT INDIVIDUALS

7. In Part 1007, the authority citation is revised to read:

Authority: 5 U.S.C. 552, 553, and 559.

§ 1007.5 [Amended]

8. In § 1007.5 paragraph (f), the phrase "of 10 cents per letter size or legal-size exposure duplicated electrostatically" is revised to read "set forth in 49 CFR § 1002.1(d)".

PART 1103—PRACTITIONERS

9. The authority citation for Part 1103 continues to read:

Authority: 49 U.S.C. 10308 and 10321; 5 U.S.C. 559.

10. In § 1103.3 paragraphs (d), (k), (l), and (m) are revised to read as follows:

§ 1103.3 Persons not attorneys-at-law—qualifications and requirements for practice before the Commission.

* * * * *

(d) *Application fee.* Each application filed pursuant to this rule must be accompanied by the non-refundable fee in the amount set forth in 49 CFR 1002.2(f)(100). Payment must be made either by check or money order payable to the Interstate Commerce Commission. Cash payment will not be accepted.

* * * * *

(k) Failing or postponing the examination. Applicants who fail the examination may reapply by submitting a request in writing with an additional filing fee in the amount set forth in 49 CFR 1002.2(f)(100). Applicants who postpone taking the examination three times without showing good cause will have their applications returned.

(l) The filing fee in the amount set forth in 49 CFR 1002.2(f)(100) is not refundable.

(m) Any application resubmitted to the Commission after being returned must be accompanied by a filing fee in the amount set forth in 49 CFR 1002.2(f)(100).

* * * * *

PART 1150—CERTIFICATE TO CONSTRUCT, ACQUIRE OR OPERATE RAILROAD LINES

11. The authority citation for Part 1150 is revised to read:

Authority: 49 U.S.C. 10321, 10326, 10901, 10903, and 10505; 5 U.S.C. 553 and 559.

§ 1150.10 [Amended]

12. In § 1150.10, paragraph (b) is amended by removing the sentence "A \$700 fee is required to file an application. (49 CFR 1002.2(d)(1).)" and

substituting in its place "A filing fee in the amount set forth in 49 CFR 1002.2(f)(33) is required to file an application."

PART 1160—HOW TO APPLY FOR OPERATING AUTHORITY

13. The authority citation for Part 1160 continues to read:

Authority: 49 U.S.C. 10101, 10305, 10321, 10921, 10922, 10923, 10924, and 11102; 5 U.S.C. 553 and 559; and 16 U.S.C. 1456.

14. In § 1160.64, paragraph (b) is revised to read as follows:

§ 1160.64 Petition to clarify or interpret formally an operating authority.

* * * * *

(b) No application form need be used. Petitioner shall file its entire argument with the petition, with the fee in the amount set forth in 49 CFR 1002.2(f)(3). The petition shall be sent to the Office of the Secretary.

* * * * *

PART 1162—TEMPORARY AUTHORITY (TA) AND EMERGENCY TEMPORARY AUTHORITY (ETA) PROCEDURES UNDER 49 U.S.C. 10928

15. The authority citation for Part 1162 continues to read:

Authority: 49 U.S.C. 10321, 10928; 5 U.S.C. 559.

16. In § 1162.2, paragraph (c) is revised to read as follows:

§ 1162.2 Filing of applications.

* * * * *

(c) *Filing fees.* A filing fee in the amount set forth in 49 CFR 1002.2(f)(8) shall accompany each temporary authority application. The filing fee for ETA applications is set forth in 49 CFR 1002.2(f)(9). If applicant seeks any extension of the ETA, a filing fee in the amount set forth in 49 CFR 1002.2(f)(10) is required.

* * * * *

§ 1162.2 [Amended]

17. In § 1162.2 paragraph (e)(4)(ii), the first sentence of that paragraph is revised to read: "Any request for extension of ETA, not conforming to the rules in paragraph (e)(4)(i) of this section shall be made by filing an original and two (2) copies of form OCCA-19 and shall be accompanied by the fee set forth in 49 CFR 1002.2(f)(10)." The rest of the text of the paragraph remains unchanged.

PART 1169—RULES GOVERNING DISCONTINUING BUS TRANSPORTATION IN ONE STATE

18. The authority citation for Part 1169 continues to read:

Authority: 49 U.S.C. 10321 and 10935; 5 U.S.C. 553.

§ 1169.3 [Amended]

19. In § 1169.3, the last sentence of the section is revised to read "The filing fee is set forth in 49 CFR 1002.2(f)(67)."

PART 1171—RULES GOVERNING APPLICATIONS FOR CERTIFICATES OF REGISTRATION BY FOREIGN MOTOR CARRIERS AND FOREIGN MOTOR PRIVATE CARRIERS UNDER 49 U.S.C. 10530

20. The authority citation for Part 1171 continues to read:

Authority: 49 U.S.C. 10922 and 10530; 5 U.S.C. 553.

21. In § 1171.5, paragraph (a) is revised to read as follows:

§ 1171.5 Where to send the application.

(a) The original and one copy shall be sent to the Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, with the filing fee set forth in 49 CFR 1002.2(f)(1). A check or money order for that amount payable to the Interstate Commerce Commission in United States dollars must be submitted.

* * *

PART 1177—RECORDATION OF DOCUMENTS

22. The authority citation for Part 1177 continues to read:

Authority: 49 U.S.C. 10321 and 11303; 5 U.S.C. 559.

23. In § 1177.3, paragraph (c) is revised to read:

§ 1177.3 Requirements for submission.

* * *

(c) Be accompanied by the fee set forth in 49 CFR 1002.2(f)(84). However, assignments which are executed prior to the filing of the primary document and which are submitted concurrently will be treated along with the primary document as one for fee purposes and will be assessed only one fee. A lease and agreement (Philadelphia Plan) shall be similarly treated.

* * *

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

24. The authority citation for Part 1180 continues to read:

Authority: 49 U.S.C. 10321, 10505, 10903-10906, 11341, 11343-11346; 5 U.S.C. 553 and 559; 45 U.S.C. 904 and 915.

25. In § 1180.4, paragraph (c)(1) is revised to read as follows:

§ 1180.4 Procedures.

* * *

(c) * * *

(1) The fee to file a primary application with the Commission under these procedures is set forth at 49 CFR 1002.2(f) (46) through (49). There is no filing fee for a directly related application filed by a party that filed the primary application. The fee for a directly related or responsive application filed by another party is set forth in 49 CFR 1002.2(f) (46) through (49). For finance-related exemption filed by a party, the fee is set forth in 49 CFR 1002.2(f) (46) through (49).

* * *

26. In § 1180.41, paragraph (d) is revised to read as follows:

§ 1180.41 Submission and contents of offer.

* * *

(d) Applications shall be accompanied by a filing fee in the amount set forth in 49 CFR 1002.2(f)(56).

* * *

PART 1182—MOTOR CARRIER OF PASSENGERS APPLICATIONS TO CONSOLIDATE, MERGE OR ACQUIRE CONTROL UNDER 49 U.S.C. 11343-11344

27. The authority citation for Part 1182 continues to read:

Authority: 49 U.S.C. 10321, 11343, 11344 and 11345; 5 U.S.C. 559.

§ 1182.1 [Amended]

28. In § 1182.1 paragraph (b), the third sentence beginning with the words "The filing fee" and ending with the words "Interstate Commerce Commission" is removed and the following sentence substituted in its place "The filing fee set forth at 49 CFR 1002.2(f)(21) must be paid at the time and place of application with a check or money order made payable to the Interstate Commerce Commission."

29. In § 1182.5, paragraph (c)(1) is revised to read as follows:

§ 1182.5 Processing temporary authority applications filed under 49 U.S.C. 11349 corresponding to applications filed under 49 U.S.C. 11343-11344 or 10926.

* * *

(c) *Starting the application process.*

(1) Persons seeking temporary authority under this section shall properly complete application form OP-F-46. The application fee is set forth in 49 CFR 1002.2(f)(46).

* * *

[FR Doc. 87-28091 Filed 12-7-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 611 and 675**

[Docket No. 61225-7052]

Groundfish of the Bering Sea and Aleutian Islands Area; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure and request for comments; correction.

SUMMARY: This document removes a coordinate that was inadvertently published in two places in the notice to close the Bering Sea area to fishing for sablefish and "other rockfish" that was published November 20, 1987 (52 FR 44597).

DATES: The closure is effective November 16, 1987, until December 31, 1987.

FOR FURTHER INFORMATION CONTACT: Janet E. Smoker (Resource Management Specialist), 907-586-7230.

In rule document 87-26811 beginning on page 44597 in the issue of November 20, 1987, make the following corrections:

1. On page 44597, under the "SUMMARY" heading, column 3, line 10 from the top of the page, remove "south of 55° north latitude and".

2. On page 44598, under the "Notice of Closure" heading, column 3, beginning on line 24 from the bottom of the page, remove the same coordinate, "south of 55 degrees north latitude and".

Dated: December 2, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 87-28087 Filed 12-7-87; 8:45 am]

BILLING CODE 3510-22-M