

and trailers, rather than two different types of bars. Accordingly, NHTSA anticipates that the costs of the final rule will be so minimal as not to warrant preparation of a full regulatory evaluation.

Regulatory Flexibility Act

The agency has also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.* I certify that this rulemaking action will not have a significant economic impact upon a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. 605(b)). The final rule does not have a mandatory effect upon any person. It provides manufacturers of truck tractors and large trailers an optional means of compliance with an optional requirement already in effect. If such manufacturers are installing white reflex reflectors in horizontal and vertical segments on the upper corners of these vehicles instead of retroreflective sheeting as a means of complying with paragraph S5.7, the final rule allows these manufacturers to use in vertical positions reflex reflectors designed to be mounted horizontally that meet horizontal photometric requirements. Before the final rule, manufacturers of vehicles covered by the requirements could not use horizontal reflex reflectors in vertical positions unless they also met the photometric requirements for reflex reflectors mounted vertically. The effect of the final rule, therefore, is to simplify compliance. The cost of white reflex reflectors and the costs of truck tractors and trailers on which they are installed should not be affected. Since there is no economic impact, let alone one that is significant, it is not necessary to determine formally whether the entities affected by the rules are "small businesses" within the meaning of the Regulatory Flexibility Act. In NHTSA's experience, manufacturers of truck tractors, trailers, and reflex reflectors are generally not "small businesses." Accordingly, no regulatory flexibility analysis has been prepared.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The final rule will not have a significant effect upon the environment as it does not affect the present method of manufacturing reflex reflectors.

Executive Order 12612 (Federalism)

This rulemaking action has also been analyzed in accordance with the

principles and criteria contained in Executive Order 12612, and NHTSA has determined that this rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice

The final rule will not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

2. Section 571.108 is amended by adding new paragraph S5.7.2.1(d) to read as set forth below:

S5.7.2.1 * * *

(d) A white reflex reflector complying with S5.7.2.1(a) and (c) when tested in a horizontal orientation may be installed in all orientations specified for rear upper locations in S5.7.1.4.1(b) or S5.7.1.4.3(b) if, when tested in a vertical orientation, it provides an observation angle of 0.2 degree not less than 1680 millicandelas/lux at a light entrance angle of 0 degree, not less than 1120 millicandelas/lux at any light entrance angle from 10 degrees down to 10 degrees up, and not less than 560 millicandelas/lux at any light entrance angle from 20 degrees right to 20 degrees left.

Issued on: February 10, 1998.

Ricardo Martinez,
Administrator.

[FR Doc. 98-3904 Filed 2-17-98; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1002

[STB Ex Parte No. 542 (Sub-No. 2)]

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—1998 Update

AGENCY: Surface Transportation Board.

ACTION: Final rules.

SUMMARY: The Board adopts its 1998 User Fee Update and revises its fee schedule at this time to recover the cost associated with the January 1998 Government salary increases.

EFFECTIVE DATE: These rules are effective March 20, 1998.

FOR FURTHER INFORMATION CONTACT: David T. Groves, (202) 565-1551, or Anne Quinlan, (202) 565-1652. [TDD for the hearing impaired: (202) 565-1695.]

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

Because Board employees received a salary increase of 2.45% in January 1998, we are updating our user fees to recover our increased personnel cost. With certain exceptions, all fees will be updated based on our cost formula contained in 49 CFR 1002.3(d).

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

We conclude that the fee changes, which are being adopted here, will not have a significant economic impact on a substantial number of small entities

because the Board's regulations provide for waiver of filing fees for those entities that can make the required showing of financial hardship.

Additional information is contained in the Board's decision. To obtain a copy of the full decision, write, call, or pick up in person from DC News & Data, Inc., Suite 210, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. Telephone: (202) 289-4357. [Assistance for the hearing impaired is available through TDD services (202) 565-1695.]

List of Subjects in 49 CFR Part 1002

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

Decided: February 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1002,

of the Code of Federal Regulations is amended as follows:

PART 1002—FEES

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

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

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

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

(a) Certificate of the Secretary, \$11.00.

(e) * * *
(1) A fee of \$45.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

(f) * * *
(6) * * *

Grade	Rate	Grade	Rate
GS-1 ...	\$7.55	GS-9 ...	\$17.63
GS-2 ...	8.22	GS-10	19.41
GS-3 ...	9.26	GS-11	21.32
GS-4 ...	10.40	GS-12	25.56
GS-5 ...	11.63	GS-13	30.39
GS-6 ...	12.97	GS-14	35.92
GS-7 ...	14.41	GS-15	42.25
		and over.	
GS-8 ...	15.96		

* * * * *

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

§ 1002.2 Filing fees.

(a) * * *

(f) *Schedule of filing fees.*

Type of proceeding	Fee
PART I: Non-Rail Applications or Proceedings to Enter Upon a Particular Financial Transaction or Joint Arrangement:	
(1) An application for the pooling or division of traffic	\$2,800
(2) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303.	1,300
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13706	17,900
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment	3,000
(ii) Minor amendment	60
(5) An application for temporary authority to operate a motor carrier of passengers. 49 U.S.C. 14303(i)	300
(6)–(10) [Reserved]	
PART II: Rail Licensing Proceedings other than Abandonment or Discontinuance Proceedings:	
(11) (i) An application for a certificate authorizing the extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901.	4,700
(ii) Notice of exemption under 49 CFR 1150.31–1150.35	1,200
(iii) Petition for exemption under 49 U.S.C. 10502	8,100
(12) (i) An application involving the construction of a rail line	48,300
(ii) A notice of exemption involving construction of a rail line under 49 CFR 1150.36	1,200
(iii) A petition for exemption under 49 U.S.C. 10502 involving construction of a rail line	48,300
(13) A Feeder Line Development Program application filed under 49 U.S.C. 10907(b)(1)(A)(i) or 10907(b)(1)(A)(ii)	2,600
(14) (i) An application of a class II or class III carrier to acquire an extended or additional rail line under 49 U.S.C. 10902	4,000
(ii) Notice of exemption under 49 CFR 1150.41–1150.45	1,200
(iii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902 ..	4,300
(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21–1150.24	1,100
(16)–(20) [Reserved]	
PART III: Rail Abandonment or Discontinuance of Transportation Services Proceedings:	
(21) (i) An application for authority to abandon all or a portion of a line of railroad or discontinue operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the Northeast Rail Service Act [Subtitle E of Title XI of Pub. L. 97–35], bankrupt railroads, or exempt abandonments.	14,300
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50	2,400
(iii) A petition for exemption under 49 U.S.C. 10502	4,100
(22) An application for authority to abandon all or a portion of a line of a railroad or operation thereof filed by Consolidated Rail Corporation pursuant to Northeast Rail Service Act.	300
(23) Abandonments filed by bankrupt railroads	1,200
(24) A request for waiver of filing requirements for abandonment application proceedings	1,100
(25) An offer of financial assistance under 49 U.S.C. 10904 relating to the purchase of or subsidy for a rail line proposed for abandonment.	1,000
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned	14,600
(27) A request for a trail use condition in an abandonment proceeding under 16 U.S.C. 1247(d)	150
(28)–(35) [Reserved]	
PART IV: Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement:	
(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102	12,300
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322	6,600

Type of proceeding	Fee
(38) An application for two or more carriers to consolidate or merge their properties or franchises (or a part thereof) into one corporation for ownership, management, and operation of the properties previously in separate ownership. 49 U.S.C. 11324:	
(i) Major transaction	966,700
(ii) Significant transaction	193,300
(iii) Minor transaction	5,000
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	1,100
(v) Responsive application	5,000
(vi) Petition for exemption under 49 U.S.C. 10502	6,100
(39) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	966,700
(ii) Significant transaction	193,300
(iii) Minor transaction	5,000
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	900
(v) Responsive application	5,000
(vi) Petition for exemption under 49 U.S.C. 10502	6,100
(40) An application to acquire trackage rights over, joint ownership in, or joint use of any railroad lines owned and operated by any other carrier and terminals incidental thereto. 49 U.S.C. 11324:	
(i) Major transaction	966,700
(ii) Significant transaction	193,300
(iii) Minor transaction	5,000
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	800
(v) Responsive application	5,000
(vi) Petition for exemption under 49 U.S.C. 10502	6,100
(41) An application of a carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	966,700
(ii) Significant transaction	193,300
(iii) Minor transaction	5,000
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	950
(v) Responsive application	5,000
(vi) Petition for exemption under 49 U.S.C. 10502	4,300
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5)	1,600
(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706	45,200
(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:	
(i) Significant amendment	8,400
(ii) Minor amendment	60
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328	500
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered	5,200
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562	150
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act.	150
(49)–(55) [Reserved]	
PART V: Formal Proceedings:	
(56) A formal complaint alleging unlawful rates or practices of carriers:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1) except a complaint filed by small shipper.	27,000
(ii) A formal complaint involving rail maximum rates filed by a small shipper	1,000
(iii) All other formal complaints (except competitive access complaints)	2,600
(iv) Competitive access complaints	150
(57) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates or charges. 49 U.S.C. 10705.	5,700
(58) A petition for declaratory order:	
(i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding.	1,000
(ii) All other petitions for declaratory order	1,400
(59) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A)	4,500
(60) Labor arbitration proceedings	150
(61) Appeals to a Surface Transportation Board decision and petitions to revoke an exemption pursuant to 49 U.S.C. 10502(d).	150
(62) Motor carrier undercharge proceedings	150
(63)–(75) [Reserved]	
PART VI: Informal Proceedings:	
(76) An application for authority to establish released value rates or ratings for motor carriers and freight forwarders of household goods under 49 U.S.C. 14706.	800
(77) An application for special permission for short notice or the waiver of other tariff publishing requirements	80
(78) (i) The filing of tariffs, including supplements, or contract summaries	\$1 per page (\$16 minimum charge.)
(ii) Tariffs transmitted by fax	\$1 per page

Type of proceeding	Fee
(79) Special docket applications from rail and water carriers:	
(i) Applications involving \$25,000 or less	50
(ii) Applications involving over \$25,000	100
(80) Informal complaint about rail rate applications	350
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving \$25,000 or less	50
(ii) Petitions involving over \$25,000	100
(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a) (2) and (3).	150
(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c)	26 per document
(84) Informal opinions about rate applications (all modes)	150
(85) A railroad accounting interpretation	700
(86) An operational interpretation	950
(87) Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board under 49 CFR 1108:	
(i) Complaint	75
(ii) Answer (per defendant), Unless Declining to Submit to Any Arbitration	75
(iii) Third Party Complaint	75
(iv) Third Party Answer (per defendant), Unless Declining to Submit to Any Arbitration	75
(v) Appeals of Arbitration Decisions or Petitions to Modify or Vacate an Arbitration Award	150
(88)–(95) [Reserved]	
PART VII: Services:	
(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent	20 per delivery
(97) Request for service or pleading list for proceedings	15 per list
(98) (i) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Surface Transportation Board or State proceeding that does not require a Federal Register notice.	200
(ii) Processing the paperwork related to a request for Carload Waybill Sample to be used for reasons other than a Surface Transportation Board or State proceeding that requires a FEDERAL REGISTER notice.	400
(99) (i) Application fee for the Surface Transportation Board's Practitioners' Exam	100
(ii) Practitioners' Exam Information Package	25
(100) Uniform Railroad Costing System (URCS) software and information:	
(i) Initial PC version URCS Phase III software program and manual	50
(ii) Updated URCS PC version Phase III cost file, if computer disk provided by requestor	10
(iii) Updated URCS PC version Phase III cost file, if computer disk provided by the Board	20
(iv) Public requests for <i>Source Codes</i> to the PC version URCS Phase III	500
(v) PC version or mainframe version URCS Phase II	400
(vi) PC version or mainframe version Updated Phase II databases	50
(vii) Public requests for <i>Source Codes</i> to PC version URCS Phase II	1,500
(101) Carload Waybill Sample data on recordable compact disk (R-CD):	
(i) Requests for Public Use File on R-CD—First Year	450
(ii) Requests for Public Use File on R-CD Each Additional Year	150
(iii) Waybill—Surface Transportation Board or State proceedings on R-CD—First Year	650
(iv) Waybill—Surface Transportation Board or State proceedings on R-CD—Second Year on same R-CD	450
(v) Waybill—Surface Transportation Board or State proceeding on R-CD—Second Year on different R-CD	500
(vi) User Guide for latest available Carload Waybill Sample	50