

sections was incorrect. This document corrects that language.

**DATES:** This correction becomes effective January 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Joseph Nevola, Special Review Branch, (7508C), Special Review and Reregistration Division, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460. Office location: Special Review Branch, Crystal Mall #2, 6th floor, 1921 Jefferson Davis Hwy., Arlington, VA. Telephone: (703) 308-8037; e-mail: nevola.joseph@epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA published a document on October 26, 1998 (63 FR 57067) (FRL-6035-6), announcing the revocation of tolerances for residues of the pesticides listed in the regulatory text. As part of that final rule, the Agency amended §§ 180.410 and 180.416. However, amendments to paragraphs (b), (c), and (d) within those two sections had already been properly addressed at a previous time, so these changes were redundant. Moreover, the final rule incorrectly reserved paragraph (b) for both sections. This document will correct those errors. Therefore, this document rectifies the original tolerance final rule by retaining only that portion of the amendatory language that is correct for those two sections; i.e., retaining only the amendments to paragraphs (a) within §§ 180.410 and 180.416.

### I. Regulatory Assessment Requirements

This final rule does not impose any new requirements. It only implements a technical correction to the Code of Federal Regulations (CFR). As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination*

*with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104-113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act (APA) or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

### II. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This is a technical correction to the **Federal Register** and is not a "major rule" as defined by 5 U.S.C. 804(2).

### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and record keeping requirements.

Dated: January 20, 1999.

**Jack E. Housenger,**

*Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

In FR Doc. 98-28485 published on October 26, 1998 (63 FR 57067), make the following corrections:

#### § 180.410 [Corrected]

1. On page 57077, in the second column, the amendatory language for § 180.410 is corrected to read as follows: yy. In § 180.410, by amending paragraph (a) in the table, by removing the entries for "almonds"; "almond,

hulls"; "apricots"; "peaches"; and "plums (fresh prunes)".

#### § 180.416 [Corrected]

2. On page 57077, in the third column, the amendatory language for § 180.416 is corrected to read as follows: zz. In § 180.416, by amending paragraph (a) in the table, by removing the entries for "cattle, fat", "cattle, meat", "cattle, mbyp", "eggs", "hogs, fat", "hogs, meat", "hogs, mbyp", "horses, fat", "horses, meat", "horses, mbyp", "milk", "poultry, fat", "poultry, meat", "poultry, mbyp", "sheep, fat", "sheep, meat", and "sheep, mbyp".

[FR Doc. 99-2226 Filed 2-2-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1002

[STB Ex Parte No. 542 (Sub-No. 3)]

#### Regulations Governing Fees For Services Performed in Connection With Licensing and Related Services—1999 Update

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Final rules.

**SUMMARY:** The Board adopts its 1999 User Fee Update and revises its fee schedule at this time to recover the cost associated with the January 1999 Government salary increases plus increases to its **Federal Register** publication costs.

**EFFECTIVE DATE:** These rules are effective on March 5, 1999.

**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 3.68% in January 1999, we are updating our user fees to recover the increased personnel cost.

We also are increasing the fees to take into account a 12.7% increase in our publication costs. 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 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: January 27, 1999.

By the Board, Chairman Morgan and Vice Chairman Clyburn.

**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 (b) through (d) 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.**

\* \* \* \* \*

(b) Service involved in examination of tariffs or schedules for preparation of certified copies of tariffs or schedules or extracts therefrom at the rate of \$26.00 per hour.

(c) Service involved in checking records to be certified to determine authenticity, including clerical work, etc., incidental thereto, at the rate of \$18.00 per hour.

(d) Electrostatic copies of tariffs, reports, and other public documents, at the rate of \$0.90 per letter or legal size exposure. A minimum charge of \$5.00 will be made for this service.

\* \* \* \* \*

(e) \* \* \*

(1) A fee of \$46.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

\* \* \* \* \*

(f) \* \* \*

(6) \* \* \*

Grade	Rate
GS-1 .....	\$7.83
GS-2 .....	8.52
GS-3 .....	9.60
GS-4 .....	10.78
GS-5 .....	12.06
GS-6 .....	13.44
GS-7 .....	14.94
GS-8 .....	16.54
GS-9 .....	18.27
GS-10 .....	20.12
GS-11 .....	22.11
GS-12 .....	26.50
GS-13 .....	31.51
GS-14 .....	37.24
GS-15 and over .....	43.80

\* \* \* \* \*

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

**§ 1002.2 Filing fees.**

\* \* \* \* \*

(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 .....	\$2,900
(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. 13703 .....	18,100
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment .....	3,000
(ii) Minor amendment .....	60

Type of proceeding	Fee
(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 .....	8,200
(12):	
(i) An application involving the construction of a rail line .....	48,800
(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 .....	48,800
(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 .....	4,100
(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) .....	14,500
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50 .....	2,500
(iii) A petition for exemption under 49 U.S.C. 10502 .....	4,100

Type of proceeding	Fee	Type of proceeding	Fee	Type of proceeding	Fee
(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	(ii) Significant transaction .....	195,300	(58) A petition for declaratory order:	
(23) Abandonments filed by bankrupt railroads .....	1,200	(iii) Minor transaction .....	5,200	(i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding .....	1,000
(24) A request for waiver of filing requirements for abandonment application proceedings .....	1,100	(iv) A notice of an exempt transaction under 49 CFR 1180.2(d) .....	800	(ii) All other petitions for declaratory order .....	1,400
(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	(v) Responsive application .....	5,200	(59) An application for shipper anti-trust immunity. 49 U.S.C. 10706(a)(5)(A) .....	4,600
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned .....	14,800	(vi) Petition for exemption under 49 U.S.C. 10502 .....	6,100	(60) Labor arbitration proceedings	150
(27) A request for a trail use condition in an abandonment proceeding under 16 U.S.C. 1247(d) .....	150	(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:		(61) Appeals to a Surface Transportation Board decision and petitions to revoke an exemption pursuant to 49 U.S.C. 10502(d) ..	150
(28)–(35) [Reserved]		(i) Major transaction .....	976,500	(62) Motor carrier undercharge proceedings .....	150
PART IV: Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement		(ii) Significant transaction .....	195,300	(63)–(75) [Reserved]	
(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102 .....	12,400	(iii) Minor transaction .....	5,200	PART VI: Informal Proceedings	
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322 .....	6,700	(iv) Notice of an exempt transaction under 49 CFR 1180.2(d) .....	950	(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
(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:		(v) Responsive application .....	5,200	(77) An application for special permission for short notice or the waiver of other tariff publishing requirements .....	80
(i) Major transaction .....	976,500	(vi) Petition for exemption under 49 U.S.C. 10502 .....	6,100	(78):	
(ii) Significant transaction .....	195,300	(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5) .....	1,600	(i) The filing of tariffs, including supplements, or contract summaries (per page, \$16 minimum charge) .....	1
(iii) Minor transaction .....	5,200	(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706 .....	45,700	(ii) Tariffs transmitted by fax (per page) .....	1
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d) .....	1,100	(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:		(79) Special docket applications from rail and water carriers:	
(v) Responsive application .....	5,200	(i) Significant amendment .....	8,500	(i) Applications involving \$25,000 or less .....	50
(vi) Petition for exemption under 49 U.S.C. 10502 .....	6,100	(ii) Minor amendment .....	60	(ii) Applications involving over \$25,000 .....	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:		(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328 .....	500	(80) Informal complaint about rail rate applications .....	400
(i) Major transaction .....	976,500	(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered .....	5,200	(81) Tariff reconciliation petitions from motor common carriers:	
(ii) Significant transaction .....	195,300	(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562 .....	150	(i) Petitions involving \$25,000 or less .....	50
(iii) Minor transaction .....	5,200	(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act .....	150	(ii) Petitions involving over \$25,000 .....	100
(iv) A notice of an exempt transaction under 49 CFR 1180.2(d) .....	900	(49)–(55) [Reserved]		(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
(v) Responsive application .....	5,200	PART V: Formal Proceedings		(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c) (per document) .....	26
(vi) Petition for exemption under 49 U.S.C. 10502 .....	6,100	(56) A formal complaint alleging unlawful rates or practices of carriers:		(84) Informal opinions about rate applications (all modes) .....	150
(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) 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) .....	54,500	(85) A railroad accounting interpretation .....	700
(i) Major transaction .....	976,500	(ii) All other formal complaints (except competitive access complaints) .....	5,400	(86) An operational interpretation ...	950
		(iii) Competitive access complaints .....	150	(87) Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board under 49 CFR 1108:	
		(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 .....	5,800.	(i) Complaint .....	75
				(ii) Answer (per defendant), Unless Declining to Submit to Any Arbitration .....	75
				(iii) Third Party Complaint .....	75

Type of proceeding	Fee	Type of proceeding	Fee
(iv) Third Party Answer (per defendant), Unless Declining to Submit to Any Arbitration	75	(iii) Waybill—Surface Transportation Board or State proceedings on R-CD—First Year .....	650
(v) Appeals of Arbitration Decisions or Petitions to Modify or Vacate an Arbitration Award .....	150	(iv) Waybill—Surface Transportation Board or State proceedings on R-CD—Second Year on same R-CD .....	450
(88)–(95) [Reserved]		(v) Waybill—Surface Transportation Board or State proceeding on R-CD—Second Year on different R-CD .....	500
PART VII: Services		(vi) User Guide for latest available Carload Waybill Sample	450
(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent (per delivery) .....	21		
(97) Request for service or pleading list for proceedings (per list)	16		
(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	[FR Doc. 99-2428 Filed 2-2-99; 8:45 am]	
(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	BILLING CODE 4915-00-P	
(99):			
(i) Application fee for the Surface Transportation Board's Practitioners' Exam .....	100	<b>DEPARTMENT OF TRANSPORTATION</b>	
(ii) Practitioners' Exam Information Package .....	25	<b>Surface Transportation Board</b>	
(100) Uniform Railroad Costing System (URCS) software and information:		<b>49 CFR Part 1312</b>	
(i) Initial PC version URCS Phase III software program and manual .....	50	[STB Ex Parte No. 580]	
(ii) Updated URCS PC version Phase III cost file, if computer disk provided by requestor .....	10	<b>Regulations for the Publication, Posting and Filing of Tariffs for the Transportation of Property by or With a Water Carrier in the Noncontiguous Domestic Trade</b>	
(iii) Updated URCS PC version Phase III cost file, if computer disk provided by the Board .....	20	<b>AGENCY:</b> Surface Transportation Board.	
(iv) Public requests for Source Codes to the PC version URCS Phase III .....	500	<b>ACTION:</b> Final rules.	
(v) PC version or mainframe version URCS Phase II .....	400	<b>SUMMARY:</b> The Surface Transportation Board (Board) revises its tariff filing regulations to eliminate the option of filing tariffs with the Board electronically through the Federal Maritime Commission's (FMC) Automated Tariff Filing and Information System (ATFI), which is being phased out effective May 1, 1999. The Board will, however, entertain special tariff authority requests by individual carriers seeking to file their tariffs in alternative electronic formats.	
(vi) PC version or mainframe version Updated Phase II databases .....	50	<b>EFFECTIVE DATE:</b> These rules are effective May 1, 1999.	
(vii) Public requests for Source Codes to PC version URCS Phase II .....	1,500	<b>FOR FURTHER INFORMATION CONTACT:</b> James W. Greene (202) 565-1578. [TDD for the hearing impaired: (202) 565-1695.]	
(101) Carload Waybill Sample data on recordable compact disk (R-CD):		<b>SUPPLEMENTARY INFORMATION:</b> In a notice of proposed rulemaking (NPR) served on December 2, 1998, and published at 63 FR 66521, the Board proposed to revise its tariff filing regulations to eliminate the option to file tariffs with the Board electronically through the FMC's ATFI system. The action was proposed because the Ocean Shipping Reform Act of 1998, Pub. L. No. 105-258, 112 Stat. 1902 (1998) (OSRA) will eliminate the requirement that ocean carriers file their tariffs with the FMC effective May 1,	
(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		

1999, and, in these circumstances, the FMC will not be accepting new ATFI tariff filings on or after that date. As explained in the NPR, the use of ATFI to file tariffs with the Board has always been predicated upon the basic system being operated and maintained by the FMC to support its own tariff filing requirements, and, with FMC's discontinuance of the system, it will no longer be available for carriers to use to file their tariffs with the Board.

Comments in response to the NPR were received from South Seas Steamship Line (South Seas) and Tropical Shipping & Construction Co. Ltd. (Tropical).<sup>1</sup> Both commenters note that, while OSRA eliminates FMC's tariff filing requirements, it continues to mandate that carriers publish their tariffs in private, automated systems which must comport with requirements to be established by the FMC. They suggest that the Board delay taking any action to revise its regulations until the FMC adopts final rules for the automated systems, in order to facilitate as much commonality as possible between the respective agencies' requirements. South Seas acknowledges that the "publication of tariffs" is not equivalent to the "filing of tariffs with a government agency" but it suggest that the publication requirements to be adopted by the FMC might assist the Board in connection with amending its rules.

Upon consideration of the comments, we have determined to finalize the regulations as proposed. The revisions do not establish requirements for future electronic tariff filings; rather, they merely eliminate the option to use ATFI, and there is no disagreement that ATFI will cease to be available for new filings effective May 1, 1999. As we stated in the NPR, we encourage electronic tariff filing and we will be receptive to alternative electronic tariff filing proposals from interested carriers. Further, we share the commenters' concerns that tariff filing and publishing burdens be minimized, and we will relax those burdens to the extent possible. However, termination of the ATFI system for noncontiguous domestic trade filings, which is all that our proposal contemplates, will have no effect on our ability to meet our objectives.

For several reasons, we do not believe that we should postpone any new rules we issue pending adoption of final rules by the FMC. First, there could be some differences in future FMC and Board

<sup>1</sup> South Seas currently files its tariffs with the Board electronically through ATFI, and Tropical currently files printed tariffs with the Board.