

605(b), that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units or small governmental organizations.

The Paperwork Reduction Act, 44 U.S.C. 3501-3520, does not apply to this Notice of Proposed Rulemaking because the proposed amendments to Part 502 of Title 46, Code of Federal Regulations, do not impose any additional reporting or recordkeeping requirements or change the collection of information from members of the public which require the approval of the Office of Management and Budget.

#### List of Subjects in 46 CFR Part 502

Administrative practice and procedure.

Therefore, pursuant to 5 U.S.C. 553 and section 17 of the Shipping Act of 1984, 46 U.S.C. app. 1716(a), Part 502 of Title 46, Code of Federal Regulations, is proposed to be amended as follows:

#### PART 502—[AMENDED]

1. The authority citation for Part 502 reads as follows:

**Authority:** 5 U.S.C. 552, 553, 559; 18 U.S.C. 207; secs. 18, 20, 22, 27 and 43 of the Shipping Act, 1916 (46 U.S.C. app. 817, 820, 821, 826, 841a); secs. 6, 8, 9, 10, 11, 12, 14, 15, 16 and 17 of the Shipping Act of 1984 (46 U.S.C. app. 1705, 1707-1711, 1713-1716); sec. 204(b) of the Merchant Marine Act, 1936 (46 U.S.C. app. 1114(b)); and E.O. 11222 of May 8, 1965 (30 FR 6469).

2. Section 502.92 is amended by revising paragraphs (a) (1), (2), (3)(i), and (c) to read as follows:

#### § 502.92 Special docket applications and fee.

(a)(1) A common carrier by water in foreign commerce, or a shipper, may file an application for permission to refund or waive collection of a portion of freight charges where it appears that there is (i) an error in the tariff of a clerical or administrative nature or (ii) an error due to inadvertence in failing to file a new tariff. Such refund or waiver must not result in discrimination among shippers, ports, or carriers.

(2) When the application is filed by a carrier, the Commission must have received prior to the filing of the application a new tariff which sets forth the rate on which refund or waiver would be based.

(3)(i) The application for refund or waiver must be filed with the Commission within one hundred eighty

(180) days from the date of shipment and served upon other persons involved pursuant to Subpart H of this part.

When a rate published in a conference tariff is involved, the carrier or shipper must serve a copy of the application on the conference and so certify in accordance with Rule 117 (46 CFR 502.117) to that service in the application. A shipper must also make a similar service and certification with respect to the common carrier. An application is filed when it is placed in the mail, delivered to a courier, or, if delivered by another method, when it is received by the Commission. Filings by mail or courier must include a certification as to date of mailing or delivery to the courier.

\* \* \* \* \*

(c) Applications under paragraphs (a) and (b) of this section shall be submitted in an original and three (3) copies to the Office of the Secretary, Federal Maritime Commission, Washington, DC 20573-0001. Each application shall be acknowledged with a reference to the assigned docket number and referred to the Office of Administrative Law Judges. The presiding Administrative Law Judge may, in his or her discretion, require the submission of additional information or oral testimony. Formal proceedings as described in other rules of this part need not be conducted. If the application is granted, the initial decision shall describe the content of the appropriate notice if required to be published, and shall designate the tariff in which it is to appear, or other steps that are required to be taken which give notice of the rate on which such refund or waiver is to be based. The presiding Administrative Law Judge shall issue an initial decision to which the provisions of § 502.227 shall be applicable. [Rule 92].

3. Exhibit No. 1 to Subpart F is amended to remove the reference to "conference" in the introductory paragraph.

4. The requirement for an "Affidavit of Carrier(s) and/or Conference" is amended by removing "and/or Conference" and the language in brackets is amended by removing everything after the word "rate."

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 88-8059 Filed 4-13-88; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

#### Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 175, 176, 177, 178, and 179

[Docket No. 181, Notice No. 87-4]

#### Performance-Oriented Packaging Standards; Miscellaneous Proposals; Reopening of Comment Period

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** On May 5, 1987, RSPA published a notice of proposed rulemaking (NPRM) (Docket No. HM-181; Notice No. 87-4) in the *Federal Register* (52 FR 16482) concerning performance-oriented packaging standards. On November 6, 1987, RSPA published a supplemental NPRM (52 FR 42772) containing corrections to the initial NPRM and additional proposals. An extension of the comment period from November 2, 1987 to February 26, 1988 was published in the *Federal Register* (52 FR 33906) on September 8, 1987, due to the pending supplemental NPRM and in response to several requests for additional time to submit comments. Due to the size and scope of Notice No. 87-4, several commenters have again indicated that additional time is needed to fully develop their responses to specific proposals. The areas addressed by these commenters included proposed bulk packaging provisions, reclassification of certain materials such as anhydrous ammonia, and non-bulk packaging requirements for poisonous liquids which are toxic by inhalation. RSPA believes that reopening the comment period is consistent with the public interest and, by this notice, is reopening the comment period for Notice No. 87-4 from February 26, 1988 to May 25, 1988.

**DATE:** Comments must be received on or before May 25, 1988.

**ADDRESS:** Address comments to the Dockets Unit, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590. Comments should identify the docket and notice number and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The

Dockets Unit is located in Room 8426 of the Nassif Building, 400 7th Street SW., Washington, DC 20590. Public dockets may be reviewed between the hours of 8:30 a.m., and 5:00 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:**

Ann Boylan, Standards Division, Office of Hazardous Materials Transportation, U.S. Department of Transportation, 400 7th Street SW., Washington, DC 20590, telephone (202) 366-4488.

Issued in Washington, DC, on April 8, 1988, under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 88-8214 Filed 4-13-88; 8:45 am]

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## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1185

[Ex Parte No. 474]

#### Certain Interlocking Directorates; Exemption

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed rulemaking—exemption.

**SUMMARY:** The Commission proposes to exempt individuals from the prior approval requirements of 49 U.S.C. 11322(a) when they seek to assume positions as officers or directors of one rail carrier while holding the position of officer or director of another rail carrier, except where both carriers are class I railroads. The Commission believes that the prior approval requirements for this type of transaction are no longer necessary to carry out the national rail transportation policy of 49 U.S.C. 10101a, that these transactions are of limited scope, and that regulation is not necessary to protect shippers from abuse of market power. This action is being proposed to eliminate unwarranted government regulation and the accompanying delay. To accomplish this, the regulations at 49 CFR Part 1185 would be revised and a new § 1185.1, *Scope of exemption*, would be added, as set forth below. Comments are invited on the proposed exemption, as well as on expanding it to encompass

interlocking directorates involving two class I railroads.

**DATES:** An original and 10 copies of comments must be filed by May 16, 1988.

**ADDRESS:** Comments referring to Ex Parte No. 474 should be addressed to: Office of the Secretary, Case Control Branch, Room 1324, Interstate Commerce Commission, Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar (202) 275-7245. [TDD for hearing impaired: (202) 275-1721]

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to the Office of the Secretary, Room 2215, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 275-7428. (Assistance for the hearing impaired is available through TDD services (202) 275-1721).

This action will not significantly affect either the quality of the human environment or energy conservation.

#### Regulatory Flexibility Analysis

The Commission certifies that the proposed exemption, if promulgated, will not have a significant impact on a substantial number of small entities, because the proposal would merely remove prior approval requirements for individuals in certain circumstances to hold the position of officer or director of more than one carrier. The proposed exemption may have some positive impact on small carriers since it will remove a regulatory barrier to qualified individuals becoming officers or directors of those entities.

#### List of Subjects in 49 CFR Part 1185:

Administrative practice and procedure, Antitrust, Railroads.

Decided: April 7, 1988.

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

Noreta R. McGee,  
Secretary.

Title 49, Subtitle B, Chapter X, Part 1185 of the Code of Federal Regulations is proposed to be revised as follows:

#### PART 1185—INTERLOCKING OFFICERS

1. The authority citation for 49 CFR

Part 1185 would be revised to read as follows.

Authority: 49 U.S.C. 10321, 11322, and 10505; 5 U.S.C. 553 and 559.

#### §§ 185.1-1185.10 [Redesignated as §§ 1185.2-1185.11]

2. Sections 1185.1-1185.10 would be redesignated as §§ 1185.2-1185.11 respectively.

3. Section 1185.1 would be added to read as follows:

#### § 1185.1 Scope of exemption.

(a) Subject to the exception in paragraph (c) of this section, "interlocking directorates," as defined in paragraph (b) of this section, are exempt from the prior approval requirements of 49 U.S.C. 1132(a).

(b) An "interlocking directorate" exists whenever an individual holds the position of officer (as defined in § 1185.3) or director of one carrier and assumes the position of officer or director of another carrier.

(c) The exemption in paragraph (a) of this section does not apply to those interlocking directorates sought where the carriers are class I railroads. An application under 49 U.S.C. 11322(a) or petition for exemption under 49 U.S.C. 10505 for authority for this type of interlocking arrangement must be filed.

(d) This exemption does not affect the competitive bidding requirements of Section 10 of the Clayton Act (15 U.S.C. 20), as implemented in part in 49 CFR Part 1010.

4. Newly redesignated § 1185.3 would be revised to read as follows:

#### § 1185.3 Application of regulations.

The regulations in this part apply to any person authorized by or undertaking for each of two or more class I rail carriers to perform the duties, or any of the duties, ordinarily performed by a director, president, vice president, secretary, treasurer, general counsel, general solicitor, general attorney, comptroller, general auditor, general manager, freight traffic manager, passenger traffic manager, chief engineer, general superintendent, general land and tax agent, or chief purchasing agent of a carrier.

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