

persons, or has caused death or injury, a penalty not to exceed \$22,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See appendix A to this part for a statement of agency civil penalty policy.

Appendix A to Part 234—[Amended]

60. Footnote 1 to appendix A of part 234 is amended by removing the numerical amount "\$20,000" and adding in its place the numerical amount "\$22,000".

PART 236—[AMENDED]

61. The authority citation for part 236 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107 and 49 CFR 1.49.

§ 236.0 [Amended]

62. Section 236.0(f) is amended by:

a. Removing the parenthetical text following the word "person" and adding in its place: "(an entity of any type covered under 1 U.S.C. 1, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor)".

b. Removing the numerical amount "\$250" and adding in its place the numerical amount "\$500"; removing the numerical amount "\$10,000"; and adding in its place the numerical amount "\$11,000"; and removing the numerical amount "\$20,000" and adding in its place the numerical amount "\$22,000".

Appendix A to Part 236—[Amended]

63. Footnote 1 to appendix A of part 236 is amended by removing the numerical amount "\$20,000" and adding in its place the numerical amount "\$22,000".

PART 240—[AMENDED]

64. The authority citation for part 240 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107 and 49 CFR 1.49.

§ 240.11 [Amended]

65. Section 240.11 is amended by:

a. Removing the parenthetical text following the word "person" and adding in its place: "(an entity of any type covered under 1 U.S.C. 1, including but not limited to the

following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor)".

b. Removing the numerical amount "\$250" and adding in its place the numerical amount "\$500"; removing the numerical amount "\$10,000"; and adding in its place the numerical amount "\$11,000"; and removing the numerical amount "\$20,000" and adding in its place the numerical amount "\$22,000".

Appendix A to Part 240—[Amended]

66. Footnote 1 to appendix A of part 240 is amended by removing the numerical amount "\$20,000" and adding in its place the numerical amount "\$22,000".

Issued in Washington, D.C. on February 27, 1998.

Jolene M. Molitoris,

Administrator, Federal Railroad Administration.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 377

RIN 2125-AD96

Payment of Transportation Charges; Authority Correction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; technical correction.

SUMMARY: This document makes a technical amendment to the authority statement for the regulation on payment of transportation charges in order to remove the obsolete authority citations provided in the subparts. This correction is necessitated by changes in the statute and the transfer of regulatory functions to the FHWA from the former Interstate Commerce Commission (ICC) as a result of the ICC Termination Act of 1995 (ICCTA). This amendment would remove the outdated ICC authority citations in 49 CFR part 377 of the Code of Federal Regulations.

DATES: This final rule is effective March 10, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Falk, Office of the Chief Counsel, Motor Carrier Law Division,

(202) 366-1384, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The ICCTA, Pub. L. 104-88, 109 Stat. 803, abolished the ICC and transferred certain functions to the Department of Transportation. On October 21, 1996, the FHWA published a final rule that transferred and redesignated certain motor carrier transportation regulations from 49 CFR chapter X, to the FHWA in 49 CFR chapter III. In part 377, of title 49 CFR, "Payment of Transportation Charges," subparts A and B (formerly parts 1052 and 1320, respectively) included the new statutory authority at the part level, but inadvertently failed to remove the outdated ICC authority citations at the subpart levels.

In consideration of the foregoing, the FHWA removes the former ICC authority at the subpart levels and retains the part level authority statement as set forth below:

PART 377—[AMENDED]

The authority citation for 49 CFR part 377 continues to read as follows and the authority citations for subparts A and B are removed:

Authority: 49 U.S.C. 13101, 13301, 13701-13702, 13706, 13707, and 14101; 49 CFR 1.48.

Issued: March 3, 1998.

Frank L. Calhoun,

Assistant Chief Counsel, Federal Highway Administration.

[FR Doc. 98-6111 Filed 3-9-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 38

RIN 1018-AE19

Supplemental Regulations for Administration of Midway Atoll National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule provides for the administration of the Midway Islands and Midway Atoll National Wildlife Refuge. Under the provisions of Executive Order 13022 of October 31, 1996, the Midway Islands were transferred from the jurisdiction and control of the Department of the Navy