§ 11101, with respect to rail transportation not provided under such a contract. This is a new provision that clarifies prior law.

New § 10709(g) reenacts the complaint provisions of former § 10713(d), but limits their applicability. Under new § 10709(g), complaints may only be filed against contracts for the transportation of agricultural products. As to such contracts, four grounds of complaint are available. They are: (1) a complaint by any shipper alleging that it will be harmed because the contract will unduly impair the ability of the contracting carrier to meet its common carrier obligations to the complainant under new § 11101 (new § 10709(g)(2)(A)(i)); (2) a complaint by a port alleging that it will be harmed because the contract will result in unreasonable discrimination against it (new § 10709(g)(2)(A)(ii)); (3) a complaint by an agricultural shipper seeking matching terms (new § 10709(g)(2)(B)(i)); and (4) a complaint by an agricultural shipper alleging that the contract constitutes a destructive competitive practice (new § 10709(g)(2)(B)(ii)).

Such complaints must be filed within 30 days after the contract summary is filed (new § 10709(g)(1)), and the Board has 30 days to resolve complaints (new § 10709(g)(3)). It should be noted that, in contrast to former § 10713(b)(2)(A), new § 10709(g) does not address discovery by agricultural shippers seeking remedies. This is a matter left to the Board's discretion.

New § 10709(h) retains the fleetwide equipment limitation of former § 10713(k), which prohibits a carrier from committing more than 40 percent of its equipment capacity (by car type) in contracts for the transportation of agricultural commodities (including forest products, but not including wood pulp, wood chips, pulpwood or paper), without special permission from the Board. However, that limitation is set to expire on September 30, 1998. (A further limitation in former § 10713(k), on the amount of equipment that could be committed by contract to an individual shipper, was not reenacted.)

It is important to note that a rail carrier may enter into transportation contracts only to the extent that such contracts do not impair that carrier's ability to meet its common carrier obligations. New § 11101(a) provides that a rail carrier does not violate its common carrier obligations merely because it fulfills reasonable contractual commitments before responding to reasonable requests for common carrier service. New § 11101(a) further provides, however, that contractual commitments which deprive a carrier of its ability to respond to reasonable requests for common carrier service are not reasonable.

New § 10709 does not retain the railroad contract rate advisory service of former § 10713(m).

Request for Comments

The ICC's regulations implementing former § 10713, set forth at 49 CFR Part 1313, are not appropriate for implementing new § 10709. Therefore, we invite all interested persons to submit suggestions for regulations that would be appropriate to implement new § 10709. We encourage the various sectors of the transportation community to discuss these matters and present a proposal for the Board's consideration.

Comments (an original and 10 copies) must be in writing, and are due on April 25, 1996.

We encourage any commenter that has the necessary technical wherewithal to submit its comments as computer data on a 3.5-inch floppy diskette formatted for WordPerfect 5.1, or formatted so that it can be readily converted into WordPerfect 5.1. Any such diskette submission (one diskette will be sufficient) should be in addition to the written submission (an original and 10 copies).

Small Entities

Because this is not a notice of proposed rulemaking within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), we need not conduct at this point an examination of impacts on small entities. We will certainly welcome, of course, any comments respecting whether any regulations that commenters may suggest would have significant economic effects on any substantial number of small entities.

Environment

The issuance of this advance notice of proposed rulemaking will not significantly affect either the quality of the human environment or the conservation of energy resources. Furthermore, we would not expect that regulations suggested for implementing new 49 U.S.C. 10709 would significantly affect either the quality of the human environment or the conservation of energy resources. We certainly welcome, of course, any comments respecting whether any suggested regulations would have any such effects.

Authority: 49 U.S.C. 721(a) and 10709.

Decided: March 12, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96–7238 Filed 3–25–96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 662

[Docket No. 960314075–6077–03; I.D. 031196F]

RIN 0648–AI16

Northern Anchovy Fishery; Removal of Regulations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Initial decision to withdraw plan approval, proposed rule to remove regulations, and request for comments.

SUMMARY: NMFS announces its initial determination to withdraw Secretarial approval of the Northern Anchovy Fishery Management Plan (FMP), and proposes to remove the regulations implementing the FMP. The anchovy fishery would continue to be regulated by the State of California. This action is being proposed because conditions have changed significantly since approval of the FMP. Harvests of northern anchovy have greatly declined since 1982 and this is unlikely to change in the foreseeable future. The intent of this rulemaking is to remove regulations that duplicate state management and are no longer necessary. This rulemaking is in accordance with the President's Regulatory Reinvention Initiative.

DATES: Comments on the proposed rule must be received on or before May 9, 1996.

ADDRESSES: Send comments on the proposed withdrawal and removal, and on the Environmental Assessment/Regulatory Impact Review (EA/RIR) to Ms. Hilda Diaz-Soltero, Director, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213. A copy of the EA/RIR may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Rodney McInnis or Mr. James Morgan at (310) 980–4030.

SUPPLEMENTARY INFORMATION: The FMP to manage the central subpopulation of northern anchovy was implemented on September 13, 1978 (43 FR 40868). The

anchovy resource is a major forage species for marine mammals, other fish, and birds such as the California brown pelican, which is listed as endangered under the Endangered Species Act (ESA). There have been six amendments to the FMP.

The FMP was one of the first fishery management plans developed by the Pacific Fishery Management Council, under the authority of the Magnuson Fishery Conservation and Management Act. At the time, substantial reduction fisheries existed in the United States and Mexico. (Reduction fisheries processed anchovy into fish flour/meal, oil, fertilizer, or other products not intended for human consumption). Further, recreational fisheries for kelp/sand bass, white seabass, bonito, barracuda, yellowtail, and tunas depended on northern anchovy as live bait for its livelihood, as it still does today. The FMP was designed to resolve difficult allocation issues. There was, and still is, no agreement with Mexico on how to manage the fishery.

With the decline in U.S. harvests and little prospect for growth in the fishery, interjurisdictional and allocation issues, which might require Federal intervention, no longer exist. In recent years, virtually the entire fishery has occurred in California waters, and nearly all harvesters and processors are California citizens utilizing vessels registered in California. The condition of the fishery is such that no management authority over this fishery is exercised through Federal regulations that are beyond those available to the State.

California has management measures in place for anchovy and other components of the coastal pelagic species complex. Should this proposed removal of Federal regulations be finalized, NMFS anticipates that California will broaden its management to include the anchovy fishery with substantially the same controls as were provided by Federal regulations. This would also unify management of the coastal species complex fisheries.

Therefore, Federal management is neither necessary nor appropriate for this fishery and unnecessarily duplicates the State of California's management. For these reasons, NMFS proposes to withdraw approval for the FMP and remove the FMP's implementing regulations (50 CFR part 662), leaving management of the anchovy resource to the State of California.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. We expect that California will regulate fishing in the same manner that we currently do. Because virtually the entire anchovy fishery takes place in California waters, conditions in the fishery should not change.

NMFS is conducting an ESA consultation with the U.S. Fish and Wildlife Service regarding the effects of this proposed action on the endangered brown pelican.

List of Subjects in 50 CFR Part 662

Fisheries.

Dated: March 20, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, under the authority of 16 U.S.C. 1801 *et seq.*, 50 CFR part 662 is proposed to be removed.

[FR Doc. 96–7185 Filed 3–25–96; 8:45 am]

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50 CFR Part 674

[Docket No. 960314075–6083–04; I.D. 031196D]

RIN 0648–AI16

Salmon Fisheries Off the Coast of Alaska; Removal of Implementing Regulations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS announces its initial determination to withdraw approval of the Fishery Management Plan for the Salmon Fisheries in the Exclusive Economic Zone (EEZ) off the Coast of Alaska East of 175° E. Long. (FMP). NMFS proposes to remove the regulations implementing the FMP. This action is necessary, because NMFS has determined that the State of Alaska adequately manages the salmon fisheries in Federal waters, and, therefore, the need for a Federal FMP no longer exists. This action is in accordance with the President's Regulatory Reinvention Initiative.

DATES: Comments must be received at the following address by May 9, 1996.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel. Individual copies of the Environmental Assessment/Regulatory Impact Review prepared for this action may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907–586–7228.

SUPPLEMENTARY INFORMATION:

The Magnuson Fishery Conservation and Management Act (Magnuson Act) authorizes the North Pacific Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. In December 1978, the Council prepared the FMP and submitted it to the Secretary of Commerce (Secretary) for approval. The Secretary approved the FMP, and it was implemented in May 1979 with Federal regulations at 50 CFR part 674.

The Assistant Administrator for Fisheries, NOAA, submitted a letter, dated February 23, 1996, to the Council Chairman, expressing NMFS' intent to withdraw approval of the FMP and to remove its implementing regulations. The State of Alaska would retain its authority to manage State-permitted vessels in Federal waters. Currently, all vessels that fish for salmon in Federal waters are registered under the laws of the State of Alaska, and, therefore, are subject to the State laws governing the fishery. In the unlikely event that unregistered vessels were to conduct directed salmon fishing operations in the EEZ, NMFS could address the problem through regulatory action pursuant to the Pacific Salmon Treaty Act of 1985 or the Magnuson Act.

The FMP originally established the Council's management authority over the salmon fisheries in the Federal waters off the coast of Alaska east of 175° E. long., including parts of the Gulf of Alaska, Bering Sea, Chuckchi Sea, and Arctic Ocean. The International North Pacific Fisheries Commission, which is authorized by the International Convention for the High Seas Fisheries of the North Pacific Ocean, manages salmon fisheries west of 175° E. long.

The FMP management area is divided into two management units located east and west of the longitude of Cape Suckling (143°53′35″ W. long.). The FMP has historically focused on the troll fishery in the eastern management