

**§ 1300.5 Additional publication requirement for agricultural products and fertilizer.**

(a) With respect to transportation of agricultural products (including grain, as defined in 7 U.S.C. 75, and all products thereof) and fertilizer, a rail carrier shall publish, make available, and retain for public inspection its currently effective rates, schedules of rates, charges, and other service terms, and any scheduled changes to such rates, charges, and service terms. This requirement is in addition to the requirements imposed by §§ 1300.2, 1300.3, and 1300.4 of this part.

(b) The information published under this section must include an accurate description of the services offered to the public; must provide the specific applicable rates (or the basis for calculating the specific applicable rates), charges, and service terms; and must be arranged in a way that allows for the determination of the exact rate, charges, and service terms applicable to any given shipment (or to any given group of shipments). Increases, reductions and other changes must be symbolized or highlighted in some way to facilitate ready identification of the changes, the nature of those changes and their effective dates.

(c) A rail carrier must make the information available at offices where it normally keeps rate information. Access to the information at such offices must be provided to any person, without charge, during normal business hours.

(d) A rail carrier must also make the required publications available to all persons (hereinafter referred to as subscribers) who have subscribed to a publication service operated either by the rail carrier itself or by an agent acting at the rail carrier's direction. Such publications may be made available either in printed or in electronic form as agreed to by the parties. Any scheduled changes must be published in a manner that provides timely notice to subscribers. A rail carrier may impose reasonable charges for such publications. Publications may be limited to the specific information requested by the subscriber, and charges for such limited publications should be set accordingly.

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**49 CFR Part 1305**

[STB Ex Parte No. 538]

**Disclosure and Notice of Change of Rates and Other Service Terms for Pipeline Common Carriage**

**AGENCY:** Surface Transportation Board  
**ACTION:** Final rules.

**SUMMARY:** The ICC Termination Act of 1995 (ICCTA) eliminated the tariff requirements formerly applicable to pipeline carriers transporting commodities other than water, gas or oil. Instead, the ICCTA imposed certain obligations to disclose rates and service terms, as well as a requirement for advance notice of an increase in such rates or a change in service terms. The ICCTA requires the Board to promulgate regulations to administer these new obligations by June 29, 1996. The Board adds a new part 1305 to its regulations for that purpose.

**EFFECTIVE DATE:** These rules are effective August 4, 1996.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** The Board's decision adopting these regulations is available to all persons for a charge by phoning DC NEWS & DATA, INC., at (202) 289-4357.

A notice of proposed rulemaking was published in the Federal Register on May 15, 1996 at 61 FR 24474.

**Small Entities**

The Board certifies that this rule will not have a significant economic effect on a substantial number of small entities. The rules should result in easier access to pipeline rate and service information, and, to that extent, our action should benefit small entities.

**Environment**

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

**List of Subjects in 49 CFR Part 1305**

Pipelines, Reporting and recordkeeping requirements, Transportation.

Decided: June 27, 1996.

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

Vernon A. Williams,  
*Secretary.*

For the reasons set forth in the preamble, the Board adds a new part 1305 to title 49, chapter X, of the Code

of Federal Regulations, to read as follows:

**PART 1305—DISCLOSURE AND NOTICE OF CHANGE OF RATES AND OTHER SERVICE TERMS FOR PIPELINE COMMON CARRIAGE**

Sec.

1305.1 Scope; definitions.

1305.2 Disclosure requirement for existing rates.

1305.3 Response to request for establishment of a new rate.

1305.4 Notice requirement.

Authority: 49 U.S.C. 721(a) and 15701(e).

**§ 1305.1 Scope; definitions.**

(a) The provisions of this part address the requirements imposed on pipeline carriers by 49 U.S.C. 15701(b) and 15701(c). Such requirements apply to pipeline carriers only with respect to the transportation of commodities other than water, gas, or oil.

(b) Except as otherwise provided in paragraph (c) of this section, the provisions of this part apply to any transportation or service provided by a pipeline carrier subject to the jurisdiction of the Surface Transportation Board under 49 U.S.C. 15301.

(c) The provisions of this part do not apply to any transportation or service provided by a pipeline carrier to the extent that such transportation or service is exempted from rate notice and disclosure requirements pursuant to 49 U.S.C. 15302.

(d) For the purposes of this part, *service terms* means all classifications, rules, and practices that affect the rates, charges, or level of service for pipeline transportation.

**§ 1305.2 Disclosure requirement for existing rates.**

(a) A pipeline carrier must disclose to any person, on request, the specific rate(s) requested (or the basis for calculating the specific rate(s)), as well as all charges and service terms that may be applicable to transportation covered by those rate(s).

(b) The information provided by a pipeline carrier under this section must be provided immediately. (It is expected that the response will be sent within hours, or at the latest by the next business day, in most situations.) Such information may be provided either in writing or in electronic form, as agreed to by the parties. If the parties cannot agree, such information is to be provided in electronic form where both parties have the requisite capabilities; otherwise, it is to be provided in writing.

(c) A pipeline carrier may, at its option, require that all requests

submitted under this section be in writing or electronic form, or the carrier may permit oral requests.

### **§ 1305.3 Response to request for establishment of a new rate.**

Where a shipper or a prospective shipper, or a person acting on behalf of a shipper or a prospective shipper, requests that the carrier establish a rate in the absence of an existing rate for particular transportation, the carrier must promptly establish and provide to the requester a rate and applicable service terms. The information may be provided either in writing or in electronic form, as agreed to by the parties. If the parties cannot agree, such information is to be provided in electronic form where both parties have the requisite capabilities; otherwise, it is to be provided in writing. The response should be provided as soon as reasonably possible, but no later than 10 business days from receipt of the request. If a carrier determines that additional information is required from the requester before a rate or term can be established, the carrier must so notify the requester as soon as possible, but no later than 10 business days after receipt of the request. Once the additional information is received, the carrier must set the rate and related service terms, and relay them to the requester, as soon as possible, but no later than 10 business days. The time period for response set forth in this section will not apply when the parties agree to a different time period. A pipeline carrier may, at its option, require that requests submitted under this section be in writing or electronic form, or the carrier may permit oral requests.

### **§ 1305.4 Notice requirement.**

(a) A pipeline carrier may not increase any rates or charges, or change any service terms (except for changes that are equivalent to rate reductions) unless 20 days have expired after written or electronic notice has been provided to all persons who, within the previous 12 months:

- (1) Have requested, under § 1305.2 or § 1305.3, the affected rates or service terms; or
- (2) Have made arrangements with the carrier for a shipment that would be subject to the increased rates or changed service terms.

(b) The notice required by this section may be provided either in writing or in electronic form, as agreed to by the parties. If the parties cannot agree, the information is to be provided in electronic form where both parties have the requisite capabilities; otherwise, it is to be provided in writing.

(c) For purposes of this section, a mailed notice is deemed "provided" on the date such notice is postmarked.

(d) The notice required by this section must clearly identify the increase in rates or charges or the change in service terms.

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[I.D. 062896B]

### **Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exempted Fisheries**

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

**ACTION:** Additions and modifications to fishery exemptions.

**SUMMARY:** NMFS issues this notification to authorize new fishery exemptions and to modify an existing exemption under the regulations implementing the Northeast Multispecies Fishery Management Plan (FMP). This notification advises the public of three additional exempted fisheries to be conducted in the Gulf of Maine/Georges Bank (GOM/GB) and Southern New England (SNE) regulated mesh areas, adds restrictions to an existing exempted fishery, and adds two species to the list of allowed bycatch species in the Cultivator Shoal whiting exemption program. The intent of this notification is to maximize fishing opportunities in a manner that is consistent with the conservation objectives of the FMP.

**EFFECTIVE DATE:** The GOM/GB monkfish exempted fishery is effective from July 1, 1996, through September 14, 1996. The GOM/GB dogfish exempted fishery is effective from July 1, 1996, through August 31, 1996. The SNE monkfish exempted fishery is effective from July 1, 1996, through October 31, 1996. The SNE dogfish exempted fishery modifications are effective from July 29, 1996 through October 31, 1996. The Cultivator Shoals whiting exemption program bycatch modification is effective from July 1, 1996, through December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Susan A. Murphy, Fishery Policy Analyst, 508-281-9252.

### **SUPPLEMENTARY INFORMATION:**

Regulations implementing Amendment 7 to the FMP are effective on July 1, 1996 (61 FR 27710, May 31, 1996). These regulations implement a comprehensive set of measures to control fishing mortality and rebuild the primary stocks of regulated multispecies. Among the specific measures is a bycatch control measure that prohibits prosecution of any fishery that has not been determined to have a minimal bycatch of regulated multispecies.

The bycatch control restriction is applied on a fishery basis in each of two specific geographical areas, referred to as regulated mesh areas: GOM/GB and SNE. A vessel may not fish in these areas unless it is fishing lawfully in the multispecies fishery, under a scallop days-at-sea allocation, with exempted gear, or in an exempted fishery. A list of the exempted fisheries that have been previously determined to meet the bycatch criteria and that may currently be conducted in each area appears in § 648.80.

Additions or deletions to the list of exempted fisheries may be authorized by the Director, Northeast Region, NMFS (Regional Director), if he/she determines that the bycatch of regulated species is, or can be reduced to, less than 5 percent by weight of the total catch and that such exemption will not jeopardize fishing mortality objectives (§ 648.80(a)(7), (c)(5), and (d)(4)). The Regional Director is also authorized to impose specific gear and area limitations to exempted fisheries. Proposals for exemptions were submitted by members of the fishing industry and have been examined by the NMFS Northeast Fisheries Science Center. The proposals were to allow a sink gillnet fishery for monkfish and dogfish and to allow squid (two species) to be retained as bycatch in the Cultivator Shoals whiting fishery within the GOM/GB area. Based on the data available, the Regional Director has determined that these fisheries meet the exemption criteria in specific areas during limited open seasons and under certain minimum mesh-size restrictions.

#### **GOM/GB Monkfish Exempted Fishery**

For the period July 1, 1996, through September 14, 1996, an exempted fishery for monkfish may be conducted by vessels using sink gillnet gear within a specific portion of the GOM/GB regulated mesh area. This is defined by connecting the following coordinates:

Latitude	Longitude
41°35' N.	70°00' W.
42°49.5' N.	70°00' W.