

found at 49 CFR 393.100 through 393.106 be amended to adopt the standard.

#### Request for Comments

The FHWA is not offering for comment at this time any proposed language for the North American Cargo Securement Standard or amendments to the FMCSRs. The Agency is, however, soliciting comments on its decision to consider a rulemaking to overhaul its cargo securement regulations based upon the research program described and other published cargo-securement related research, such as Southern Illinois University's March 1995 report entitled "Analysis of Rules and Regulations for Steel Coil Truck Transport." (A copy of this report is included in the docket file.) The FHWA anticipates that a notice of proposed rulemaking will be issued by the end of 1997 and, depending on the comments received, a final rule issued in 1998. The FHWA is also requesting comments on the process that would be used to develop the North American Cargo Securement Standard. Following a review of the docket comments sent in response to this notice, the FHWA will publish a notice that summarizes the comments and identifies any issues that warrant reconsideration of the standard development process.

#### Rulemaking Analyses and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket room at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, the FHWA will also continue to file in the docket relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

#### Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866. The FHWA has preliminarily determined that this rulemaking is a significant rulemaking action under the Department of Transportation's regulatory policies and procedures. The regulatory action being considered is not expected to have an annual effect on the economy of \$100 million or more nor is it likely to adversely affect the economy in a

material way. Due to the preliminary nature of this document and a lack of necessary information on costs, however, the FHWA is unable to evaluate fully the economic impact of the potential regulatory changes being considered in this rulemaking. Based upon the information received in response to this advance notice of proposed rulemaking, the FHWA intends to carefully consider the potential costs and benefits associated with establishing new cargo securement requirements. Comments, information, and data are solicited on the economic impact of establishing new requirements.

#### Regulatory Flexibility Act

Due to the preliminary nature of this document and lack of necessary information on costs, the FHWA is unable to evaluate fully the effects of the potential regulatory changes on small entities. Based upon the information received in response to this advance notice of proposed rulemaking, the FHWA intends, in compliance with the Regulatory Flexibility Act (5 U.S.C. 601-612), to carefully consider the economic impacts of these potential changes on small entities. The FHWA solicits comments, information, and data on these impacts.

#### Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. This document merely solicits comments on the FHWA's consideration of proposing to replace the existing cargo securement regulations with the North American Standard currently under development. No additional costs or burdens will be imposed on the States as a result of this notice and the States' ability to discharge traditional State government functions will not be affected.

#### Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

#### Paperwork Reduction Act

This action does not contain a collection of information requirement

for the purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520.

#### National Environmental Policy Act

The agency has analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and has determined that publication of this notice will not result in any effect on the quality of the environment.

#### Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

#### List of Subjects in 49 CFR Part 393

Highway safety, Motor carriers, Motor vehicle safety.

Authority: 49 U.S.C. 31136, 31502; 49 CFR 1.48.

Issued on: October 8, 1996.

Rodney E. Slater,

*Federal Highway Administrator.*

[FR Doc. 96-26670 Filed 10-16-96; 8:45 am]

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## Surface Transportation Board

### 49 CFR Part 1313

[STB Ex Parte No. 541]

### Railroad Contracts

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Board proposes to modify its existing regulations that govern contracts under 49 U.S.C. 10709 that are entered into between one or more rail carriers and one or more purchasers of rail services for the transportation of agricultural products. The proposed regulations eliminate provisions for filings that are no longer required, and otherwise largely continue existing filing and information disclosure requirements for agricultural contract summaries.

**DATES:** Comments are due on November 18, 1996.

**ADDRESSES:** Send comments (an original and 10 copies) referring to STB Ex Parte No. 541 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution

Avenue, N.W., Washington, DC 20423-0001.

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

**SUPPLEMENTARY INFORMATION:** The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (1995) (ICCTA), abolished the Interstate Commerce Commission (ICC) and transferred responsibility for regulating rail transportation to the Surface Transportation Board (Board). As pertinent here, the ICCTA also reduced regulatory oversight of rail transportation contracts in several significant ways. First, the ICCTA limited such oversight to contracts covering the transportation of agricultural products. Second, even as to contracts for agricultural products, the ICCTA eliminated the requirement that railroads file copies of the contracts with the Board; railroads need only file a summary of each contract. Third, the ICCTA removed various outdated provisions and procedural details, leaving it to the Board to maintain appropriate implementing procedures.

In an advance notice of proposed rulemaking in this proceeding, served March 26, 1996 (61 FR 13147), we invited interested persons to submit suggestions for appropriate regulations to implement 49 U.S.C. 10709, in place of the now-outdated rules at 49 CFR part 1313. In response, we received comments from shipper, carrier and rail employee interests. Shippers contended that the existing information disclosure requirements for agricultural contracts have proven to be adequate, and that all of them should be continued. Rail carriers proposed to reduce the information required to be disclosed.

After considering the comments, we propose to revise our regulations to eliminate provisions for filings that are no longer required, and otherwise to continue many of the existing filing and information disclosure requirements for agricultural contract summaries. Certain other minor revisions, such as changes to the time period within which the Board must take action against new and amended contracts, are proposed to reflect related changes made by the ICCTA. Additionally, we propose to add a new requirement that summaries for agricultural contracts be filed within seven days of the date of a contract or amended contract. In other respects, the proposed regulations do not significantly change the existing rules.

#### Availability

The full text of the proposed rules is available to all persons for a charge by

phoning DC News and Data, Inc., at (202) 289-4357.

#### Request for Comments

We invite comments on all aspects of the proposed regulations. 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

The Board preliminarily concludes that these rules, if adopted, would not have a significant economic effect on a substantial number of small entities. One commenter, the Kansas Grain and Feed Association (KGFA), asserts that these regulations will have a significant economic impact on a substantial number of small entities by influencing its members' daily markets for the sale and purchase of agricultural products. KGFA's contention relates to the rail contracting practices permitted by both the former and new statutes, not the impact of these regulations. The proposed regulations merely reflect the modest changes effected by the ICCTA, and largely continue existing contract disclosure requirements for agricultural products.

The Board, nevertheless, seeks comment on whether there would be effects on small entities that should be considered, so that the Board can determine whether to prepare a regulatory flexibility analysis at the final rule stage.

#### 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 1313

Agricultural products, Contract summaries, Rail carriers, Transportation contracts.

Decided: October 4, 1996.

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

Vernon A. Williams,  
Secretary.

[FR Doc. 96-26438 Filed 10-16-96; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 100996A]

RIN 0648-A163

### Fisheries of the Exclusive Economic Zone off Alaska; Definition of Overfishing

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

**ACTION:** Notice of availability of amendments to fishery management plans; request for comments.

**SUMMARY:** These amendments would revise definitions of acceptable biological catch (ABC) and overfishing levels (OFLs) for groundfish species or species groups. The North Pacific Fishery Management Council (Council) has submitted Amendment 44 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA) and Amendment 44 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) (FMPs). This action is necessary to ensure that conservation and management measures continue to be based upon the best scientific information available and is intended to advance the Council's ability to achieve, on a continuing basis, the optimum yield from fisheries under its jurisdiction. NMFS is requesting comments from the public on the proposed amendments, copies of which may be obtained from the Council (see **ADDRESSES**).

**DATES:** Comments on Amendments 44/44 must be submitted by December 10, 1996.

**ADDRESSES:** Comments on the FMP amendments should be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of Amendments 44/44 and the environmental assessment (EA) and related economic analysis prepared for the proposed action are available from the North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501-2252; telephone: 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** James Hale, 907-586-7228.