

reopening the comment period for about 45 days.

**DATES:** Comments must arrive on or before March 31, 1996.

**ADDRESSES:** Mail comments to the Executive Secretary, Marine Safety Council (G-LRA, 3406) [CGD 82-004 or CGD 86-074], U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, or deliver them to Room 3406 at that address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Phone, (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at Room 3406, U.S. Coast Guard Headquarters.

**FOR FURTHER INFORMATION CONTACT:** James M. Magill, Commandant (G-MOS-2), Room 1208c, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-1181.

**SUPPLEMENTARY INFORMATION:**

Request for Comments

The IR, published on November 16, 1995, invited and encouraged interested persons to participate in the rulemaking by submitting written comments, including views, data, and arguments, by February 14, 1996. OMSA has asked for more time to prepare comments, citing the need for its members to review the IR in light of the fact that a number of new technical and logistic advances and innovations have been implemented since the publication of the Notice of Proposed Rulemaking (NPRM) on May 9, 1989. Because of this, and the fact that the comment period spanned the holidays of Christmas and New Year, the Coast Guard is reopening the comment period for about 45 days, until March 31, 1996. Interested persons may participate in this rulemaking by submitting written data, views, or arguments on the IR. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD 82-004 and CGD 86-074] and the specific section or paragraph of the IR or related documents to which the comments apply, and give a reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Any person wishing acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments received by the end of the comment

period before it acts further on the rulemaking, and the Final Rule may vary from the IR in light of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, it will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Dated: February 20, 1996.

Joseph J. Angelo,

*Director for Standards, Office of Marine Safety, Security and Environmental Protection.*

[FR Doc. 96-4537 Filed 2-27-96; 8:45 am]

**BILLING CODE 4910-14-M**

**Surface Transportation Board**

**49 CFR Parts 1039, 1134, 1135 and 1145**

[STB Ex Parte No. 531]

**Removal of Obsolete Recyclables Regulations**

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (the Board) is removing obsolete recyclable commodities regulations from the Code of Federal Regulations.

**EFFECTIVE DATE:** January 1, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), abolished the Interstate Commerce Commission (the Commission) and established within the Department of Transportation the Surface Transportation Board. Section 204 of the Act provides that "[t]he Board shall promptly rescind all regulations established by the [Commission] that are based on provisions of law repealed and not substantively reenacted by this Act." 49 U.S.C. 10710, the statutory basis for the part 1134 discrimination against recyclables regulations,<sup>1</sup> and 49 U.S.C.

<sup>1</sup> These regulations were originally issued in *Public Law 93-236—Freight Rates for Recyclables*, 346 I.C.C. 408 (1974), and revised in *Revised Rules of Practice*, 358 I.C.C. 189 (1977). The regulations were redesignated as a result of final rules in Ex Parte No. 55 (Sub-No. 55), *Revision and*

10731, the statutory basis for the part 1145 rail rates on recyclables regulations,<sup>2</sup> have been repealed. We are therefore removing the now obsolete parts 1134 and 1145 regulations, as well as a reference to part 1145 in § 1039.11 and another obsolete regulation pertaining to recyclable rates, § 1135.1(h). These changes are not necessarily the final revisions to the regulations in light of the elimination of § 10710 and § 10731.<sup>3</sup>

Because this action merely reflects, and is required by, the enactment of the Act and will not have an adverse effect on the interests of any person, this action will be deemed to be effective as of January 1, 1996.

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

List of Subjects

*49 CFR Part 1039*

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

*49 CFR Parts 1134 and 1145*

Administrative practice and procedure, Freight, Railroads.

*49 CFR Part 1135*

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements.

Decided: February 15, 1996.

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

Vernon A. Williams,

*Secretary.*

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is amended as set forth below:

**PART 1039—EXEMPTIONS**

1. The authority citation for part 1039 is revised to read as follows:

Authority: 5 U.S.C. 553 and 49 U.S.C. 721 and 10502.

**§ 1039.11 [Amended]**

2. Section 1039.11(a) is amended by removing the following language from the paragraph immediately following

*Redesignation of the Rules of Practice*, 47 FR 49534 (November 1, 1982).

<sup>2</sup> Final rules were adopted and revised in *Cost Ratios for Recyclables-Compliance Procedures*, 6 I.C.C.2d 103 (1989) and 8 I.C.C.2d 182 (1991).

<sup>3</sup> We will consider separately the disposition of 49 CFR 1039.14(b)(5). Parties may inform the Board whether other regulations are affected by the removal of 49 U.S.C. 10710 and 10731.

the table in paragraph (a): "(Note: Certain recyclable commodities may be partially exempted pursuant to the provisions of 49 CFR 1145.9)".

#### PART 1134—[REMOVED]

3. Part 1134 is removed.

#### PART 1135—RAILROAD COST RECOVERY PROCEDURES

4. The authority citation for part 1135 is revised to read as follows:

Authority: 5 U.S.C. 553 and 49 U.S.C. 721 and 10708.

##### § 1135.1 [Amended]

5. Section 1135.1 is amended by removing paragraph (h).

#### PART 1145—[REMOVED]

6. Part 1145 is removed.

[FR Doc. 96-4529 Filed 2-27-96; 8:45 am]

BILLING CODE 4915-00-P

#### 49 CFR Parts 1039, 1138, 1140

[STB Ex Parte No. 532]

#### Removal of Obsolete Regulations for Reasonably Expected Costs and Joint Rates Subject to Surcharge or Cancellation

AGENCY: Surface Transportation Board.

ACTION: Final rule.

**SUMMARY:** The Surface Transportation Board (the Board) is removing obsolete reasonably expected costs and joint rate surcharge and cancellation regulations from the Code of Federal Regulations.

**EFFECTIVE DATE:** January 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), abolished the Interstate Commerce Commission (the Commission) and established within the Department of Transportation the Surface Transportation Board. Section 204 of the Act provides that "[t]he Board shall promptly rescind all regulations established by the [Commission] that are based on provisions of law repealed and not substantively reenacted by this Act." 49 U.S.C. 10705a, the statutory basis for the part 1138 regulations on requesting variable cost and revenue determinations from carriers canceling a joint rate<sup>1</sup> and the part 1140 regulations

for reasonably expected costs,<sup>2</sup> has been repealed. This section allowed carriers to apply a surcharge increasing or reducing a joint rate [§ 10705a(a)],<sup>3</sup> to apply a surcharge on their light density lines [§ 10705a(b)], or to cancel a joint rate [§ 10705a(c)], without the concurrence of other participating carriers.<sup>4</sup> We are therefore removing the now obsolete parts 1138 and 1140 regulations, as well as another obsolete regulation pertaining to § 10705a found at 49 CFR 1039.18. These changes are not necessarily the final revisions in the regulations resulting from the elimination of 49 U.S.C. 10705a.<sup>5</sup> Parties may submit suggested additional changes to the Code of Federal Regulations in light of the elimination of § 10705a.

Because this action merely reflects, and is required by, the enactment of the Act and will not have an adverse effect on the interests of any person, this action will be deemed to be effective as of January 1, 1996.

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

#### List of Subjects

##### 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

##### 49 CFR Part 1138

Administrative practice and procedure, Freight, Railroads.

##### 49 CFR Part 1140

Abandonments and discontinuances, Environmental protection, National resources, National trail system, Public use conditions, Railroads, Recreation

<sup>2</sup> Regulations were originally promulgated in *Reasonably Expected Costs*, 365 I.C.C. 819 (1981), in the proceeding docketed as Ex Parte No. 402. Subsequent revisions to the reasonably expected cost regulations were made in the Ex Parte No. 402 decisions at 1 I.C.C.2d 252 (1984), 1 I.C.C.2d 293 (1984), and 5 I.C.C.2d 819 (1988).

<sup>3</sup> Carriers could also apply negative surcharges under 49 U.S.C. 10705a(a). In *Negative Surcharges Tariff-Exemption*, Docket No. 39777 (ICC served Aug. 16, 1985), we granted an exemption to allow carriers to file rate allowances ("negative surcharges") without obtaining concurrences from other carriers participating in the joint rate. The exemption was codified at 49 CFR 1039.18. The authority to apply the negative surcharge expired on September 30, 1984. We are also removing section 1039.18 in this notice.

<sup>4</sup> There was also another provision concerning joint rate cancellations—former section 10705(e) of title 49. We will consider this section in another proceeding.

<sup>5</sup> At this time, we are not removing related matters found in regulations concerning user fees (§ 1002) and tariffs (§ 1312) because we plan to separately address those parts shortly.

and recreation areas, Reporting and recordkeeping requirements, Uniform System of Accounts.

Decided: February 15, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, Commissioner Owen, Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is amended as set forth below:

#### PART 1039—EXEMPTIONS

1. The authority citation for part 1039 is revised to read as follows:

Authority: 5 U.S.C. 553 and 49 U.S.C. 721 and 10502.

##### § 1039.18 [Amended]

2. Section 1039.18 is removed.

#### PART 1138—[REMOVED]

3. Part 1138 is removed.

#### PART 1140—[REMOVED]

4. Part 1140 is removed.

[FR Doc. 96-4513 Filed 2-27-96; 8:45 am]

BILLING CODE 4915-00-P

#### 49 CFR Part 1153

[STB Ex Parte No. 534]

#### Removal of Obsolete Passenger Train or Ferry Discontinuance Regulations

AGENCY: Surface Transportation Board.

ACTION: Final rule.

**SUMMARY:** The Surface Transportation Board (the Board) is removing obsolete regulations concerning passenger train and ferry discontinuances from the Code of Federal Regulations.

**EFFECTIVE DATE:** January 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), abolished the Interstate Commerce Commission (the Commission) and established within the Department of Transportation the Surface Transportation Board. Section 204 of the Act provides that "[t]he Board shall promptly rescind all regulations established by the [Commission] that are based on provisions of law repealed and not substantively reenacted by this Act." 49 U.S.C. 10908 and 10909, the statutory bases for the part 1153 passenger train

<sup>1</sup> Regulations were promulgated in *Proc. For Rail Variable Cost And Revenue Determination*, 3 I.C.C.2d 703 (1987).