

or ferry discontinuance regulations, have been repealed. We are therefore removing the now obsolete part 1153 regulations.<sup>1</sup> These changes are not necessarily the final changes in the regulations resulting from the elimination of 49 U.S.C. 10908 and 10909.<sup>2</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 in 49 CFR Part 1153

Administrative practice and procedure, Railroads.

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 by removing part 1153.

[FR Doc. 96-4515 Filed 2-27-96; 8:45 am]

BILLING CODE 4915-00-P

#### 49 CFR Part 1175

[STB Ex Parte No. 535]

#### Removal of Obsolete Securities Regulations

AGENCY: Surface Transportation Board.

ACTION: Final rule.

**SUMMARY:** The Surface Transportation Board (the Board) is removing obsolete regulations concerning securities 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

<sup>1</sup> These regulations were last modified in *Discontinuance or Change of Train or Ferry Service*, 366 I.C.C. 877 (1983).

<sup>2</sup> At this time, we are not removing related matters found in the regulations concerning user fees (§ 1002) and environmental regulations (§ 1105.6), because we plan to separately address those parts shortly. Parties may submit other suggested changes to the Code of Federal Regulations in light of the elimination of § 10908 and § 10909.

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"[t]he Board shall promptly rescind all regulations established by the [Commission] that are based on provisions of law repealed and not substantively reenacted by this Act." 49 U.S.C. 11301, the statutory basis for the part 1175 exempt issuance of securities and assumption of obligations regulations, has been repealed. We are therefore removing the now obsolete part 1175 regulations.<sup>1</sup> These changes are not necessarily the final modifications in the regulations resulting from the elimination of 49 U.S.C. 11301.<sup>2</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 in 49 CFR Part 1175

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

Decided: February 20, 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 by removing part 1175.

[FR Doc. 96-4528 Filed 2-27-96; 8:45 am]

BILLING CODE 4915-00-P

<sup>1</sup> These regulations were issued in *Exemption—Railroad Regulation Under 49 U.S.C. 11301*, 1 I.C.C.2d 915 (1985).

<sup>2</sup> At this time, we are not removing related matters found in the regulations concerning user fees (§ 1002), the environment (§ 1105.6(c)(2)(ii)), certificates to construct, acquire or operate railroad lines (§ 1150.10(d)), and interlocking officers (§ 1185.2), because we plan to separately address those parts shortly. Parties may submit other suggested changes to the Code of Federal Regulation in light of the elimination of § 11301.

#### 49 CFR Part 1314

[STB Ex Parte No. 530]

#### Removal of Obsolete Rail Tariff Regulations

AGENCY: Surface Transportation Board.

ACTION: Final rule.

**SUMMARY:** The Surface Transportation Board (the Board) is removing obsolete rail tariff 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. 10761 and 10762, the statutory bases for the part 1314 rail tariff regulations,<sup>1</sup> have been repealed. Carriers no longer have to file or maintain tariffs. We are therefore removing the now obsolete part 1314 regulations.<sup>2</sup> Tariff regulations at part 1312, which cover other modes of transportation for which tariff filing requirements were not completely eliminated, will be separately addressed and revised.<sup>3</sup>

Because this action merely reflects, and is required by, the enactment of the

<sup>1</sup> These regulations were promulgated in *Electronic Filing of Tariffs*, 5 I.C.C.2d 279 (1989), rules stayed, 5 I.C.C.2d 1052 (1989), stay lifted as to rail carrier tariffs, 6 I.C.C.2d 153 (1989). We subsequently amended our regulations to reflect the status quo for publishing electronic and printed tariffs, and we terminated the proceeding. *Electronic Filing of Tariffs 49 CFR Parts 1312 and 1314*, Ex Parte No. 444 (ICC served Mar. 10, 1995).

<sup>2</sup> While the Act removes the requirement that a tariff be filed or maintained, rail carriers must establish and maintain rates and service terms for transportation that are provided under common carriage. Moreover, under 49 U.S.C. 11101(b), rail carriers must disclose those rates to any person upon request. For agricultural products, the rail carrier shall also "publish, make available, and retain for public inspection its common carrier rates, schedules of rates, and other service terms. \* \* \*" 49 U.S.C. 11101(d). The Board will separately issue new regulations implementing these requirements. Under 49 U.S.C. 11101(e), a rail carrier is required to provide transportation and service according to the rates and service terms it has published or otherwise made available.

<sup>3</sup> Parties may inform the Board whether other regulations are affected by the elimination of § 10761 and § 10762.

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 in 49 CFR Part 1314

Railroads, Tariffs.

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 by removing part 1314.

[FR Doc. 96-4514 Filed 2-27-96; 8:45 am]

BILLING CODE 4915-00-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 216**

[Docket No. 960220037-6037-01; I.D. 112895B]

RIN 0648-XX45

**Taking and Importing of Marine Mammals; Consolidation of Regulations; Removal of Expired General Permit Requirements**

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** NMFS issues this technical amendment to remove outdated regulations governing the issuance of general permits. This technical amendment is intended to provide uniform, updated, and streamlined regulations. This action is consistent with the President's Regulatory Reform Initiative.

**EFFECTIVE DATE:** This rule is effective February 28, 1996.

**FOR FURTHER INFORMATION CONTACT:** Wanda L. Cain, Fishery Biologist; telephone: 301-713-2055, or fax: 301-713-0376.

**SUPPLEMENTARY INFORMATION:** On August 30, 1995 (60 FR 45086), NMFS published a final rule implementing the new management regime for the taking

of marine mammals incidental to commercial fishing operations established by section 118 of the Marine Mammal Protection Act (MMPA). The provisions of 50 CFR part 229, rather than 50 CFR § 216.24, govern the incidental taking of marine mammals in the course of commercial fishing operations by persons using vessels of the United States, other than vessels used in the eastern tropical Pacific Ocean yellowfin tuna purse seine fishery. Because the only general permit for U.S. vessels operating in the yellowfin tuna purse seine fishery in the eastern tropical Pacific Ocean is that issued to the American Tunaboat Association (ATA), NMFS is removing other general permit requirements from 50 CFR § 216.24. In addition, a correction is made to the Harmonized Tariff Schedule Item Numbers found at § 216.24(e)(2)(i)(A). A definition for the Regional Director, Southwest Region, NMFS, is added to § 216.3. In the reporting requirements for ATA certificate holders, NMFS is removing the obsolete requirement that masters of certificated vessels allow observers to make coded radio reports to NMFS. Finally, minor editorial corrections are made.

**Classification**

This final rule is exempt from review under E.O. 12866. Because this rule only makes technical amendments, the Assistant Administrator for Fisheries, NOAA, under section 553(b)(B) and (d) of the Administrative Procedure Act, for good cause finds that it is unnecessary to provide prior notice and opportunity for public comment on this rule or to delay for 30 days its effective date. Because this rule is being issued without prior notice and opportunity for public comment, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, and none has been prepared.

This action is categorically excluded from the requirement to prepare an environmental assessment by section 6.02b.3(b)(ii)(aa) of NOAA Administrative Order 216-6 as revised.

List of Subjects in 50 CFR Part 216

Administrative practice and procedure, Imports, Indians, Marine mammals, Penalties, Reporting and recordkeeping requirements, Transportation.

Dated: February 21, 1996.

Gary C. Matlock,  
Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 216 is amended as follows:

**PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS**

1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

**§ 216.3 [Amended]**

2. In § 216.3, a definition for "Regional Director" is added in alphabetical order to read as follows:

\* \* \* \* \*

*Regional Director* means the Director, Southwest Region, NMFS, 501 W. Ocean Blvd., Long Beach, CA 90802, or his/her designee.

\* \* \* \* \*

3. In § 216.24, paragraphs (b), (d)(l), (d)(2)(i)(A)(l) through (d)(2)(i)(A)(2), (d)(2)(iii)(B), and (e)(7) are removed and reserved, and paragraphs (c), (d)(2)(ii)(C), (d)(2)(iii)(A), the second sentence of paragraph (d)(2)(v)(B), (e)(2)(i)(A), and (e)(5)(v)(B) are revised to read as follows:

**§ 216.24 Taking and related acts incidental to commercial fishing operations.**

\* \* \* \* \*

(c) *Certificates of inclusion*—(1) *Vessel certificates of inclusion.* The owner or managing owner of a vessel that participates in commercial fishing operations under the ATA permit must hold a valid vessel certificate of inclusion. Such certificates are not transferable and must be renewed annually. If a vessel certificate holder surrenders his/her certificate to the Regional Director, the certificate shall not be returned nor shall a new certificate be issued before the end of the calendar year. This provision does not apply when a change of vessel ownership occurs.

(2) *Operator's certificate of inclusion.* The person in charge of and actually controlling fishing operations (hereinafter referred to as the operator) on a vessel engaged in commercial fishing operations under the ATA permit, must hold a valid operator's certificate of inclusion. Such certificates are not transferable, and must be renewed annually. In order to receive a certification of inclusion, the operator must have satisfactorily completed all required training.

(3) A vessel certificate issued pursuant to paragraph (c)(1) of this