§ 69.111 [Amended]

72. Amend § 69.111(g)(4), by removing the reference ''§ 61.43(e)(2)(v)'' and adding, in its place, the reference ''§ 61.42(e)(2)(v)'', and by removing the reference ''§ 61.43(e)(2)(vi)'' and adding, in its place, the reference ''§ 61.42(e)(2)(vi)''.

§ 69.113 [Amended]

73. In § 69.113(c), remove the reference ''§ 61.3(v)'' and add, in its place, the reference ''§ 61.3(x)''.

§ 69.114 [Amended]

In § 69.114(a), remove the reference ''§ 61.3(v)'' and add, in its place, the reference ''§ 61.3(x)''.

75. Amend § 69.153, by revising paragraphs (c)(1), (d)(1)(i), and (d)(2)(i), to read as follows:

§ 69.153 Presubscribed interexchange carrier charge (PICC).

* * * * *

(c) * * *

(1) One twelfth of the sum of annual common line revenues and residual interconnection charge revenues permitted under our price cap rules divided by the historical base period local exchange service subscriber lines in use during such annual period, minus the maximum subscriber line charge calculated pursuant to § 69.152(d)(2); or * * *

* * * * *

(d) * * *

(1) * * *

(i) One twelfth of the annual common line, residual interconnection charge, and § 69.156(a) marketing expense revenues permitted under our price cap rules, less the maximum amounts permitted to be recovered through the recovery mechanisms under §§ 69.152, 69.153(c), and 69.156(b) and (c), divided by the total number of historical base period non-primary residential and multi-line business subscriber lines in use during such annual period; or * * *

(2) * * *

(i) One twelfth of the annual common line, residual interconnection charge, and § 69.156(a) marketing expense revenues permitted under parts 61 and 69 of our rules, less the maximum amounts permitted to be recovered through the recovery mechanisms under §§ 69.152, 69.153(c) and (d)(1), and 69.156(b) and (c), divided by the total number of historical base period multi-line business subscriber lines in use during such annual period; or

* * * * *

[FR Doc. 99–21721 Filed 8–25–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST–99–6158, Amdt. 1–301]

Organization and Delegation of Powers and Duties; Delegation to the Commandant, United States Coast Guard

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation is delegating to the Commandant of the United States Coast Guard, authority to implement and enforce measures to prevent the introduction and spread of aquatic nuisance species (ANS) into the waters of the United States.

DATES: Effective: August 26, 1999.

FOR FURTHER INFORMATION CONTACT: Lt. Mary Pat McKeown, Office of Operating and Environmental Standards (G–MSO), (202) 267–0500, United States Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

SUPPLEMENTARY INFORMATION: In 1990, Congress passed the Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) (Pub. L. 101–646) (codified at 16 U.S.C. 4701–4751). NANPCA authorized the Secretary of Transportation, as Secretary of the Department in which the Coast Guard was operating, to implement regulations to prevent the introduction and spread of aquatic nuisance species (ANS) into the waters of only the Great Lakes. In 1992, the Secretary of Transportation delegated to the Coast Guard his authority under NANPCA to implement ANS regulations for the Great Lakes. In 1996, Congress amended NANPCA by passing the National Invasive Species Act (NISA), (Pub. L. 104–332). NISA authorized the Secretary of Transportation, as Secretary of the Department in which the Coast Guard was operating, to implement regulations to prevent the introduction and spread of aquatic nuisance species into ALL waters of the United States by issuing voluntary guidelines which are to become mandatory if voluntary compliance proves ineffective. Thus, NISA simply expanded to include all waters of the United States, the authority previously granted under NANPCA for the Great Lakes only. The Secretary of Transportation is amending the existing delegation of authority to the Commandant of the Coast Guard to include NISA's additional authority to implement ANS requirements for all waters of the United States.

We publish this rule as a final rule effective on the date of publication. Since this amendment relates to the Departmental management, organization, procedure, and practice, notice and comment are unnecessary under 5 U.S.C. 553(b). Furthermore, since this amendment expedites the Coast Guard's ability to meet the needs of its conservation and enforcement obligations, the Secretary finds good cause, under 5 U.S.C. 553(b) and 5 U.S.C. 553(d)(3), that notice and public comment on the rule are unnecessary and that this rule should be made effective on the date of publication.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, part 1 of title 49, Code of Federal Regulations, is amended to read as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101–552, 28 U.S.C. 2672, 31 U.S.C. 3711 (a)(2).

In § 1.46, paragraph (ww) is revised to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(ww) Carry out the functions and exercise the authority vested in the Secretary by 16 U.S.C. 4711, which pertain to establishing and enforcing regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes and other waters of the United States through the ballast water of vessels. This authority may be redelegated.

* * * * *

Issued in Washington, DC this 18th day of June, 1999.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 99–22212 Filed 8–25–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

49 CFR Part 1121

[STB Ex Parte No. 527 (Sub-No. 2)]

Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is modifying the regulations concerning exemption and revocation proceedings. This rule clarifies when additional information or public comment will be sought in response to a petition for a class exemption or a petition for an individual exemption.

EFFECTIVE DATE: September 25, 1999.

FOR FURTHER INFORMATION CONTACT: John Sado, (202) 565–1642. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking served and published in the **Federal Register** on June 25, 1999 (64 FR 34185) (NPR), the Board proposed revisions to our exemption regulations at 49 CFR 1121.4(c) to clarify when we would seek additional information or public comment in response to a petition for a class exemption or a petition for an individual exemption. In response to changes resulting from the ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803 (1995) (ICCTA), the Board had modified its rail exemption procedures in *Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings,* Ex Parte No. 527 (STB served Oct. 1, 1996) (*Expedited Procedures*), *modified* by decision served Nov. 15, 1996, *aff'd sub nom. United Transp. Union-Ill. Legis. Bd.* v. *Surface Transp. Bd.,* 132 F.3d 71 (D.C. Cir. 1998). As a result, the regulations at 49 CFR 1121.4(c) state:

> If the impact of the proposed exemption cannot be ascertained from the information contained in the petition or accompanying submissions, or significant adverse impacts might occur if the proposed exemption were granted, or a class exemption is sought, the Board will:
>
> (1) Direct that additional information be filed; or
>
> (2) Publish a notice in the **Federal Register** requesting public comments.

In our NPR, we noted that, in our decision in *San Joaquin Valley Railroad Company—Abandonment Exemption—In Kings and Fresno Counties, CA,* STB Docket No. AB–398 (Sub-No. 4X) (STB served Mar. 5, 1999), slip op. at 7, we indicated that the rule could be interpreted as requiring the Board to seek comments where a class exemption is sought, and whenever the impact of a proposed individual exemption cannot be determined or if there would be significant adverse impacts if an exemption were granted. While stating that the filing of additional comments would be sought for class exemption requests, we indicated that we believed we had the discretion to determine whether additional evidence was needed in individual exemption proceedings. *Id.*

Consequently, we issued our NPR proposing to modify § 1121.4(c) to make clear how we would treat petitions for class exemptions and individual exemptions. When a class exemption is sought, we proposed to require that additional information or public comments be filed before granting the new class exemption. We also proposed to modify the rule to indicate that, although we retain the discretion to do so, we are not required to seek public comment when we deny a class exemption petition. Finally, we proposed to modify the rule to indicate that, where the impact of an individual exemption could not be determined from the petition, or if significant adverse impacts might occur if the individual exemption were granted, we had the discretion to seek additional information or comment.[1]

The American Short Line and Regional Railroad Association (ASLRRA) filed the only comment in response to the NPR. No comments were filed opposing the substance of the rule. ASLRRA seeks clarification concerning proposed 49 CFR 1121.4(c)(2). Because 49 CFR 1121.1 indicates that the procedures under part 1121 ''also apply to notices of exemption,'' [2] ASLRRA expresses its concern that the proposed rule could be read to apply to notices of exemption filed under an already-existing class exemption. This, ASLRRA contends, could be read as requiring the publication of the notice in the **Federal Register** requesting comments, an ''unintended result that would undercut the effectiveness of these very important notice filing provisions.''

We will adopt the substance of the proposed rule, but clarify it to indicate that the notice and comment requirement pertains to petitions for class exemptions, and not to notices of exemption filed pursuant to an existing class exemption. Specifically, we will adopt a revised version of § 1121.4(c)(2), replacing the language proposed in our NPR (''If a class exemption is sought, the Board will publish a notice in the **Federal Register** requesting public comments before granting the class exemption. The Board may deny a request for a class exemption without seeking public comments.'') with the following: ''If a petition for a new class exemption is filed, the Board will publish a notice in the **Federal Register** requesting public comments before granting the class exemption. This requirement does not pertain to individual notices of exemption filed under existing class exemptions. The Board may deny a request for a class exemption without seeking public comments.'' This is in conformance with our NPR at 3, which stated that we were ''modify[ing] § 1121.4(c) to make clear the treatment that will be accorded petitions for class exemptions and individual exemptions.''

In our NPR, we indicated that the proposed rule would not have a significant economic impact on a substantial number of small entities. No one addressed this issue, and we certify that the final rule will not have a significant economic impact on a substantial number of small entities.

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 1121

Administrative practice and procedure, Rail exemption procedures, Railroads.

Decided: August 19, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, title 49 chapter X, Part 1121 of the Code of Federal Regulations is amended to read as follows:

PART 1121—RAIL EXEMPTION PROCEDURES

1. The authority citation for part 1121 is revised to read as follows:

Authority: 49 U.S.C. 10502 and 10704.

2. In § 1121.4, paragraph (c) is revised to read as follows:

§ 1121.4 Procedures.

* * * * *

(c)(1) If the impact of the proposed individual exemption cannot be ascertained from the information

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[1] Our NPR proposed that 49 CFR 1121.4 read:

(c)(1) If the impact of the proposed individual exemption cannot be ascertained from the information contained in the petition or accompanying submissions, or significant adverse impacts might occur if the proposed exemption were granted, the Board may, in its discretion:

(i) Direct that additional information be filed; or

(ii) Publish a notice in the **Federal Register** requesting public comments.

(2) If a class exemption is sought, the Board will publish a notice in the **Federal Register** requesting public comments before granting the class exemption. The Board may deny a request for a class exemption without seeking public comments.

[2] Notices of exemption are filed under the Board's class exemption procedures that exempt a transaction as a class from the statutory prior approval requirements. These procedures are generally a simpler, more expedited method of proceeding than filing a petition for exemption.

contained in the petition or accompanying submissions, or significant adverse impacts might occur if the proposed exemption were granted, the Board may, in its discretion:

(i) Direct that additional information be filed; or

(ii) Publish a notice in the **Federal Register** requesting public comments.

(2) If a petition for a new class exemption is filed, the Board will publish a notice in the **Federal Register** requesting public comments before granting the class exemption. This requirement does not pertain to individual notices of exemption filed under existing class exemptions. The Board may deny a request for a class exemption without seeking public comments.

* * * * *

[FR Doc. 99–22125 Filed 8–25–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 990506120–9220–02; I.D. 082399B]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

ACTION: Closure.

SUMMARY: NMFS closes the commercial fishery for king mackerel in the exclusive economic zone (EEZ) in the western zone of the Gulf of Mexico. This closure is necessary to protect the overfished Gulf king mackerel resource.

DATES: The closure is effective 12:01 a.m., local time, August 25, 1999, through June 30, 2000.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, 727–570–5305.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, NMFS implemented a commercial quota for the Gulf of Mexico migratory group of king mackerel in the western zone of 1.05 million lb (0.48 million kg) (63 FR 8353, February 19, 1998).

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel commercial fishery when its quota has been reached, or is projected to be reached, by filing a notification at the Office of Federal Register. NMFS has determined that the commercial quota of 1.05 million lb (0.48 million kg) for Gulf group king mackerel in the western zone will be reached on August 24, 1999. Accordingly, the commercial fishery for Gulf group king mackerel in the western zone is closed effective 12:01 a.m., local time, August 25, 1999, through June 30, 2000, the end of the fishing year. The boundary between the eastern and western zones is 87°31'06'' W. long., which is a line directly south from the Alabama/Florida boundary.

Until July 1, 2000, no person aboard a vessel, other than a vessel operating as a charter vessel or headboat, for which a commercial permit for king or Spanish mackerel has been issued may fish for or retain king mackerel in or from the western zone in the EEZ. A vessel for which a charter vessel/headboat permit and a commercial king mackerel permit have been issued is operating as a charter vessel or headboat (for-hire vessel) when it carries a paying passenger or when more than three persons are aboard, including captain and crew. A person aboard a vessel operating as a charter vessel or headboat may fish for or retain king mackerel in or from the western zone under the bag and possession limits of 50 CFR 622.39(c)(1)(ii). However, beginning September 20, 1999, the bag limit is zero for captain and crew on for-hire vessels (64 FR 45457, August 20, 1999).

During the closure, king mackerel taken from the western zone in the EEZ, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in king mackerel from the western zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor.

Classification

This action is taken under 50 CFR 622.43(a) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 23, 1999.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–22176 Filed 8–23–99; 4:57 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 981014259–8312–02; I.D. 081199A]

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustments to the 1999 Summer Flounder Commercial Quota

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

ACTION: Commercial quota adjustment for 1999.

SUMMARY: NMFS issues a listing of final adjustments to the 1999 commercial summer flounder state quotas. This action complies with the regulations that implement the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP) that require landings in excess of a given state's individual commercial quota be deducted from that state's quota for the following year. The intent of this action is to continue the rate of rebuilding of the overfished stock of summer flounder in 1999 as described in the FMP's objectives, while also taking into account 1998 overages of state quotas.

DATES: Effective August 26, 1999, through December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fisheries Policy Analyst, (978) 281–9273.

SUPPLEMENTARY INFORMATION:

Background

NMFS published a document in the **Federal Register** on April 15, 1999 (64 FR 18582) announcing preliminary adjustments to the 1999 summer flounder commercial quotas. Further adjustment is necessary in this notification due to late data received from the States of Connecticut, Maryland, Virginia, and North Carolina.