

(5) Impacts on the quality of the natural and social environments.

(d) The Associate Administrator or Chief Counsel may return a petition that does not comply with the requirements of this section, accompanied by a written statement indicating the deficiencies in the petition.

§ 106.33 [Amended]

5. Section 106.33 is amended by replacing the word "Administrator" with the words "Associate Administrator or the Chief Counsel" wherever it appears.

6. Section 106.33, paragraph (d) is revised to read as follows:

§ 106.33 Processing of Petition.

* * * * *

(d) *Notification.* The Associate Administrator or the Chief Counsel will notify a petitioner, in writing, of his decision to grant or deny a petition for rulemaking.

7. In § 106.35, the first sentence of paragraph (a) is revised to read as follows:

§ 106.35 Petitions for reconsideration.

(a) Except as provided in § 106.39(d), any interested person may petition the Associate Administrator for reconsideration of any regulation issued under this part, or may petition the Chief Counsel for reconsideration of any procedural regulation issued under this part and contained in this part or in Part 107 of this Chapter. * * *

* * * * *

§ 106.35 [Amended]

8. In addition, in § 106.35, paragraphs (b), (c), and (d), the word "Administrator" is amended to read "Associate Administrator or the Chief Counsel" wherever it appears.

§ 106.37 [Amended]

9. In § 106.37, the word "Administrator" is amended to read "Associate Administrator or the Chief Counsel" wherever it appears.

10. Part 106 is amended by adding a new § 106.38 to read as follows:

§ 106.38 Appeals.

(a) Any interested person may appeal a decision of the Associate Administrator or the Chief Counsel, issued under § 106.33 or § 106.37, to the Administrator.

(b) An appeal must be received within 20 days of service of written notice to petitioner of the Associate Administrator's or the Chief Counsel's decision, or within 20 days from the date of publication of the decision in the Federal Register, and should set forth the contested aspects of the decision as

well as any new arguments or information.

(c) It is requested, but not required, that three copies of the appeal be submitted to the Administrator.

(d) Unless the Administrator otherwise provides, the filing of an appeal under this section does not stay the effectiveness of any rule.

11. Part 106 is amended by adding a new § 106.39 to read as follows:

§ 106.39 Direct final rulemaking.

(a) Where practicable, the Administrator will use direct final rulemaking to issue the following types of rules:

(1) Minor, substantive changes to regulations;

(2) Incorporation by reference of the latest edition of technical or industry standards;

(3) Extensions of compliance dates; and

(4) Other noncontroversial rules where the Administrator determines that use of direct final rulemaking is in the public interest, and that a regulation is unlikely to result in adverse comment.

(b) The direct final rule will state an effective date. The direct final rule will also state that unless an adverse comment or notice of intent to file an adverse comment is received within the specified comment period, generally 60 days after publication of the direct final rule in the Federal Register, the Administrator will issue a confirmation document, generally within 15 days after the close of the comment period, advising the public that the direct final rule will either become effective on the date stated in the direct final rule or at least 30 days after the publication date of the confirmation document, whichever is later.

(c) For purposes of this section, an adverse comment is one which explains why the rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. Comments that are frivolous or insubstantial will not be considered adverse under this procedure. A comment recommending a rule change in addition to the rule will not be considered an adverse comment, unless the commenter states why the rule would be ineffective without the additional change.

(d) Only parties who filed comments to a direct final rule issued under this section may petition under § 106.35 for reconsideration of that direct final rule.

(e) If an adverse comment or notice of intent to file an adverse comment is received, a timely document will be

published in the Federal Register advising the public and withdrawing the direct final rule in whole or in part. The Administrator may then incorporate the adverse comment into a subsequent direct final rule or may publish a notice of proposed rulemaking. A notice of proposed rulemaking will provide an opportunity for public comment, generally a minimum of 60 days, and will be processed in accordance with §§ 106.11–106.29.

Issued in Washington, D.C. on May 31, 1996, under the authority delegated in 49 CFR part 1.53 and RSPA Order 1100.2A (May 19, 1992).

Kelley S. Coyner,

Deputy Administrator.

[FR Doc. 96–14371 Filed 6–13–96; 8:45 am]

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Surface Transportation Board ¹

49 CFR Part 1312

[Ex Parte No. MC–220]

The Municipality of Anchorage, AK— Notices for Rate Increases for Alaska Intermodal Motor/Water Traffic; Petition for Rulemaking

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Board is adopting a change in its regulations to require carriers filing new short-notice publications to send the filings to the subscriber not later than the time the copies for official filing are sent to the Board (unless the subscriber agrees in advance in writing that the publication may be sent to the subscriber within 5 working days after the time the copies are sent to the Board). This change will give subscribers earlier notice before the new rate goes into effect.

EFFECTIVE DATE: The final rule is effective July 14, 1996.

¹ The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (the ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC or Commission) and transferred certain functions and proceedings to the Surface Transportation Board (Board). While section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA, the action at issue here, the adoption of new rules with application to future transportation and future tariff filings, necessitates analysis under the new law, and, therefore, this document applies the law in effect after enactment of the ICCTA. Citations are to the current sections of the statute, unless otherwise indicated. This document relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 13701–02 and 13521.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: The Commission instituted a rulemaking proceeding (60 FR 39143, August 1, 1995) in response to a petition filed May 25, 1994, by the Municipality of Anchorage, AK. Petitioner requested, *inter alia*, that short notice increase publications for intermodal motor/water service to and from Alaska be sent to subscribers the same day the filings are sent to the Commission [Board]. The full text of the new regulation is set forth below. The Board is requiring that short notice publications, including (1) short notice publications involving all noncontiguous domestic trade traffic, and not only the intermodal Alaska trade; and (2) rate decreases as well as increases, generally be sent to subscribers on the date the publications are sent to the Board for filing.

Additional information is contained in the Board's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Room 2229, 1201 Constitution Avenue, N.W., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Regulatory Flexibility Analysis

We certify that the new regulation will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) because the rule affects only the mailing date for notification.

Environmental and Energy Considerations

The rule will not significantly affect either the quality of the human environment or the conservation of energy resources because the proposal merely changes time frames for notice. We conclude that an environmental assessment is not necessary under our regulations because the proposed action would not result in changes in carrier operations that exceed the thresholds established in our regulations. See 49 CFR 1105.6(c)(2).

List of Subjects in 49 CFR Part 1312

Freight forwarders, Maritime carriers, Motor carriers, Moving of household goods, Pipelines.

Decided: May 29, 1996.

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

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1312 is amended as follows:

PART 1312—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS, SCHEDULES AND RELATED DOCUMENTS OF MOTOR, PIPELINE AND WATER CARRIERS, AND HOUSEHOLD GOODS FREIGHT FORWARDERS

1. The authority citation for part 1312 is revised to read as follows:

Authority: 5 U.S.C. 553; 49 U.S.C. 721, 13701, 13702, and 13521.

2. Section 1312.6, paragraph (b)(2) is revised to read as follows:

§ 1312.6 Furnishing copies of tariff publications.

* * * * *

(b) * * *

(2) Newly-issued tariffs, supplements, or loose-leaf pages, including short-notice publications, shall be sent to each subscriber not later than the time the copies for official filing are sent to the Board, except that with the advance, written permission of the subscriber, any publication may be sent not later than 5 working days after the time the copies are sent to the Board.

* * * * *

[FR Doc. 96-15161 Filed 6-13-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 060596A]

Atlantic Tuna Fisheries; Bluefin Tuna Adjustments

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

ACTION: Bluefin tuna catch limit adjustment.

SUMMARY: NMFS takes this inseason action to reopen the Angling category fishery for large school and small medium Atlantic Bluefin Tuna (ABT) and to adjust daily catch limits for the Angling category fishery to one fish per angler, which may be from the school or large school size class, and, in addition,

one fish per vessel from the small medium size class ABT. This action is being taken to lengthen the fishing season and ensure reasonable fishing opportunities in all geographic areas without risking overharvest of this category.

EFFECTIVE DATE: The daily catch limit adjustment is effective June 18, 1996, through December 31, 1996.

FOR FURTHER INFORMATION CONTACT: William Hogarth, 301-713-2347.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Implementing regulations for the Atlantic tuna fisheries at § 285.24 allow for inseason adjustments to the daily catch limits in order to lengthen the fishing season and ensure reasonable fishing opportunities for all geographic areas. The Assistant Administrator for Fisheries, NOAA, may increase or reduce the per-angler catch limit for any size class bluefin tuna or may change the per-angler limit to a per-boat limit or a per-boat limit to a per-angler limit.

The 1996 quota of ABT allocated to the Angling category has been adjusted to 243 metric tons (mt) by a final rule effective June 18, 1996. The portion of this recreational catch that may be taken in large school and small medium ABT is 100 mt. As of June 5, 1996, preliminary estimates of recreational fishery landings of ABT between 47 inches (119 cm) and 73 inches (185 cm) total 60 mt. Due to earlier projections on ABT catch by this fishing category, the daily catch limit for ABT was set at one fish per vessel per day (61 FR 8223, March 4, 1996), and subsequently, the fishery for large school and small medium ABT was closed (61 FR 11336, March 20, 1996).

With the adjusted quota for the Angling category and the revised catch estimates, sufficient quota remains to exercise the regulatory authority for inseason adjustments to reopen the large school/small medium category. In addition, the daily catch limit for ABT is adjusted to one fish per angler, which may be from the school or large school size class, and one small medium size class ABT may be landed per vessel.

Fishing for, retention, possessing, or landing large medium or giant ABT by vessels in the Angling category or Charter/Headboat category was previously closed (61 FR 8223, March 4, 1996) to prevent overharvest of the quota established for that category. This