

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Ex Parte No. 533]

FEDERAL MARITIME COMMISSION

[Docket No. 96-04]

Noncontiguous Domestic Trade Tariffs

AGENCIES: Surface Transportation Board, Department of Transportation; Federal Maritime Commission.

ACTION: Request for Comments.

SUMMARY: The Surface Transportation Board (STB or Board) and the Federal Maritime Commission (FMC or Commission) seek comments on how best to implement the provisions of the ICC Termination Act of 1995 involving tariff filing and rate reasonableness in the noncontiguous domestic trade (49 U.S.C. 13701 and 13702).¹

DATES: Comments are due on March 11, 1996. Replies are due on March 25, 1996.

ADDRESSES: Participants must send an original and 10 copies of their comments, referring to STB Ex Parte No. 533/FMC Docket No. 96-04 to: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Ave., N.W., Washington, DC 20423, and 10 copies to Secretary, Federal Maritime Commission, 800 N. Capitol St., N.W., Washington, DC 20573.

FOR FURTHER INFORMATION CONTACT:

Craig Keats, Office of the General Counsel, STB, (202) 927-6046 or C. Douglass Miller, Office of the General Counsel, FMC, (202) 523-5740. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: The ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803 (ICC Termination Act), abolished the Interstate Commerce Commission (ICC). The Act assigned responsibility over certain functions formerly handled by the ICC to either the Secretary of Transportation or the newly-established STB. Section 2 of the ICC Termination Act states that: "Except as otherwise provided in this Act, this Act shall take effect on January 1, 1996."

Historically, the Interstate Commerce Act and the laws administered by the FMC gave both agencies jurisdiction over operations in the "domestic offshore trade" (also referred to as the "noncontiguous domestic trade"). The ICC, under 49 U.S.C. 10521, had jurisdiction over motor carrier

operations in the domestic offshore trade, while the FMC, under the Intercoastal Shipping Act, 1933 (1933 Act) (46 U.S.C. 843-848), had jurisdiction over water carriers operating in the trade. Because section 33 of the Shipping Act, 1916 (1916 Act) (46 U.S.C. 832) foreclosed the FMC from regulating operations that were already subject to ICC jurisdiction, the ICC asserted jurisdiction over joint motor/water rates in the domestic offshore trade, while the FMC asserted jurisdiction over "port to port" water carrier operations. See *Trailer Marine Transport Corp. v. FMC*, 602 F.2d 379 (D.C. Cir. 1979); *Puerto Rico Maritime Shipping Auth. v. ICC*, 645 F.2d 1102 (D.C. Cir. 1981).

The ICC Termination Act alters this regulatory scheme. By their terms, new 49 U.S.C. 13501 and 13521 give the Board jurisdiction over port to port water carrier transportation in the noncontiguous domestic trade. Moreover, the provisions of 49 U.S.C. 13702 require that, with certain exceptions, water carriers operating in the noncontiguous domestic trade file tariffs with the Board. Finally, 49 U.S.C. 13701 provides that water carrier services in the noncontiguous domestic trade are subject to rate regulation by the Board. All of these provisions, standing alone, would appear to establish that, as of January 1, 1996, carriers operating in the noncontiguous domestic trade would need to file tariffs at the Board, and at no other Federal agency.

Under section 335 of the ICC Termination Act, however, repeal of the 1933 Act and section 33 of the 1916 Act does not become effective until September 30, 1996. Given that fact, and the "Except as otherwise provided in this Act" language of section 2 of the ICC Termination Act, there is some ambiguity as to whether, at least until September 30, 1996, water carriers operating in the noncontiguous domestic trade must file their tariffs at the Board or the Commission,² and as to which agency shall be responsible for rate regulation during this interim period. The consequences of filing are not insubstantial, from either a regulatory or a practical perspective: FMC tariffs are filed electronically through an established Automated Tariff Filing and Information System, which the STB cannot practicably access or replicate; and the ICC Termination Act, through 49 U.S.C. 13701, established a

zone of rate freedom that does not appear in the 1916 Act or the 1933 Act.

The transfer of jurisdiction over carriers in the domestic offshore trades from the FMC to the STB also may impact programs that will not be transferred. For example, there is a question regarding whether agreements currently filed pursuant to section 15 of the 1916 Act remain in effect until the repeal of the 1916 Act on September 30, 1996. Whether the FMC has jurisdiction to accept new agreements up to September 30, 1996 is also an issue. Similar questions may arise with regard to terminal operators and forwarders.

The Board and the Commission, therefore, request public comment on how the two agencies can, consistent with the ICC Termination Act and section 33 of the 1916 Act, best administer their respective statutes during the transition period ending September 30, 1996, in a manner that is most efficient and least disruptive to the industry and the shipping public.

Regulatory Flexibility Analysis

The Board and the Commission certify that this action will not have a significant impact on a substantial number of small entities. No new regulatory burdens are imposed, directly or indirectly, on such entities. The purpose of the decision is simply to seek comment on how best to make the transition to a new regulatory regime.

Environmental And Energy Analysis

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

Decided: February 8, 1996.

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

Vernon A. Williams,
Secretary, Surface Transportation Board.

By the Commission, Chairman Creel,
Commissioners Hsu, Scroggins, and Won.

Joseph C. Polking,
Secretary, Federal Maritime Commission.

[FR Doc. 96-3265 Filed 2-13-96; 8:45 am]

BILLING CODE 4915-00-P (1/2); 6730-01-P (1/2)

DEPARTMENT OF THE TREASURY**Office of Thrift Supervision**

[AC-14; OTS No. 13495]

Catskill Savings Bank, Catskill, New York; Approval of Conversion Application

Notice is hereby given that on February 8, 1996, the Director,

¹ The two agencies are handling this matter simultaneously.

² As noted, section 33 of the 1916 Act, as amended by section 205 of the ICC Termination Act, precludes the FMC from exercising concurrent power or jurisdiction over any matter within the power or jurisdiction of the Board.

Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Catskill Savings Bank, Catskill, New York, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: February 8, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,
Corporate Secretary.

[FR Doc. 96-3270 Filed 2-13-96; 8:45 am]

BILLING CODE 6720-01-P

[AC-11; OTS Nos. H-2137 and 04569]

Commonwealth M.H.C., Valley Forge, Pennsylvania; Approval of Conversion Application

Notice is hereby given that on January 31, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Commonwealth M.H.C., Valley Forge, Pennsylvania, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: February 8, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,
Corporate Secretary.

[FR Doc. 96-3267 Filed 2-13-96; 8:45 am]

BILLING CODE 6720-01-P

[AC-12; OTS No. 0086]

Great American Federal Savings and Loan Association, Pittsburgh, Pennsylvania; Approval of Conversion Application

Notice is hereby given that on February 5, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Great American Federal Savings and Loan Association, Pittsburgh, Pennsylvania, to convert to the stock form of

organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: February 8, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,
Corporate Secretary.

[FR Doc. 96-3268 Filed 2-13-96; 8:45 am]

BILLING CODE 6720-01-P

[AC-15; OTS Nos. H-2651 and 05843]

North Central Bancshares M.H.C., Ft. Dodge, Iowa; Approval of Conversion Application

Notice is hereby given that on February 8, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of North Central Bancshares M.H.C., Ft. Dodge, Iowa, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Dallas, Texas 75039-2010.

Dated: February 8, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,
Corporate Secretary.

[FR Doc. 96-3271 Filed 2-13-96; 8:45 am]

BILLING CODE 6720-01-P

[AC-13; OTS Nos. H-2628 and 01405]

Pomona First Federal Savings and Loan Association, Pomona, California; Approval of Conversion Application

Notice is hereby given that on February 6, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Pomona First Federal Savings and Loan Association, Pomona, California, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the West Regional Office, Office of Thrift

Supervision, 1 Montgomery Street, Suite 400, San Francisco, California 94104.

Dated: February 8, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 96-3269 Filed 2-13-96; 8:45 am]

BILLING CODE 6720-01-P

DEPARTMENT OF VETERANS AFFAIRS

Cost-of-Living Adjustments for Service-Connected Benefits

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As required by the Veterans' Compensation Cost-of-Living Adjustment Act of 1995, Public Law 104-57, the Department of Veterans Affairs (VA) is hereby giving notice of cost-of-living adjustments (COLAs) in certain benefit rates. These COLAs affect the compensation and dependency and indemnity compensation (DIC) programs.

DATES: These COLAs are effective December 1, 1995, the date provided by Public Law 104-57.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, Consultant, Regulations Staff, Compensation and Pension Service (211B), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-7210.

SUPPLEMENTARY INFORMATION: The Veterans' Compensation Cost-of-Living Adjustment Act of 1995, Public Law 104-57, provides for a COLA for each of the rates in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code. VA is required to increase these benefit rates by the same percentage as increases in the benefit amounts payable under title II of the Social Security Act. In the computation of increased rates, fractions of a dollar are rounded to the next lower dollar amount. The increased rates are required to be published in the Federal Register.

The Social Security Administration has announced that there will be a 2.6 percent cost-of-living increase in Social Security benefits. Therefore, applying the same percentage, the following increased rates for VA compensation and DIC programs will be effective December 1, 1995: