

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the Federal Register pursuant to the authority indicated below. Comment closing date: November 6, 1996.

(49 U.S.C. 30118, 30120; delegation of authority at 49 CFR 1.50 and 501.8)

Issued on: October 1, 1996.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96-25611 Filed 10-4-96; 8:45 am]

BILLING CODE 4910-59-P

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: Notice.

SUMMARY: The Surface Transportation Board (STB or Board) and the Federal Maritime Commission (FMC or Commission) provide notice as to how they are implementing 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

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Craig Keats, Office of the General Counsel, STB, (202) 927-6046 or John Cunningham, 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, Pub. L. No. 104-88, 109 Stat. 803 (ICC Termination Act), abolished the Interstate Commerce Commission (ICC). The ICC Termination Act transferred jurisdiction over "port to port" operations in the noncontiguous domestic trade, which had formerly been regulated by the FMC under the Intercoastal Shipping Act, 1933 (1933 Act) (46 U.S.C. 843-848), to the Board. See new 49 U.S.C. 13501 and 13521 (giving the Board jurisdiction over port

to port water carrier transportation in the noncontiguous domestic trade); 49 U.S.C. 13702 (requiring that, with certain exceptions, water carriers operating in the noncontiguous domestic trade file tariffs with the Board); and 49 U.S.C. 13701 (providing that water carrier services in the noncontiguous domestic trade are subject to rate regulation by the Board).

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." Under section 335 of the ICC Termination Act, however, repeal of the 1933 Act, and of portions of the Shipping Act, 1916 (1916 Act), does not become effective until September 30, 1996. In light of these two statutory provisions, the two agencies, in a notice published at 61 FR 5835 (Feb. 14, 1996), found that 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, and as to which agency would be responsible for rate regulation during this interim period. The Board and the Commission, therefore, sought public comment on how the two agencies could best administer their respective statutes during the transition period ending September 30, 1996, in a manner that would be most efficient and least disruptive to the industry and the shipping public.

Comments and/or replies were filed by 13 carriers, shippers, and government entities. Of the comments that were responsive to the questions raised, some took the position that Congress, by postponing the date on which the relevant provisions of the 1916 Act and the 1933 Act were repealed, must have intended a 9-month transition period. The majority of the commentors, however, expressed the view that, because section 33 of the 1916 Act (46 U.S.C. 832) foreclosed the FMC from regulating operations already subject to ICC (now Board) jurisdiction, the Board assumed exclusive jurisdiction over operations in the noncontiguous domestic trade as of January 1, 1996. Although one of those commentors (Caribbean Shippers' Association) asserted that all tariffs and agreements on file with the FMC must be canceled immediately, most concluded that the Board could, under delegation of authority principles, permit continued tariff filing at the FMC.

After reviewing the comments, we determined that we would monitor the way in which the industry adapted to the new statute before acting. We found

that, although some carriers preferred filing electronically at the FMC, while others preferred to file on paper at the Board, there were no complaints from the shipping public that carriers were not filing their port to port tariffs. For that reason, and in light of the statutory ambiguity, we concluded that we could best facilitate the transition to exclusive Board jurisdiction by permitting carriers to continue filing at either agency, as they saw fit, until September 30, 1996. Therefore, since passage of the ICC Termination Act, each agency has recognized and respected the port to port tariffs filed at the other.

Beginning on October 1, 1996, jurisdiction over port to port transportation will clearly rest only with the Board. Therefore, as of that date, all tariffs for such services must be filed with the Board, rather than the FMC.² In light of the Congressional report language urging the Board "to continue the FMC's practice of allowing carriers to file their tariffs electronically,"³ the two agencies have worked together to permit the Board to receive tariffs filed through the FMC's Automated Tariff Filing and Information System (ATFI). Accordingly, carriers that have filed their port to port tariffs electronically with the FMC may continue to do so. Additionally, the Board will allow carriers to use the ATFI system to file their joint intermodal rate tariffs for noncontiguous domestic transportation electronically. Electronic filing, however, will not be mandatory; carriers may file their port to port and intermodal tariffs in printed form at the Board.⁴

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 facilitate 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.

² Similarly, all agreements filed with the FMC pursuant to section 15 of the 1916 Act will be subject to the antitrust laws as of that date.

³ H.R. Rep. No. 422, 104th Cong., 1st Sess. 206 (1995).

⁴ The Board is authorizing these filings by order issued in *Electronic Tariff Filing of Noncontiguous Domestic Trade Tariffs*, STB Special Tariff Authority No. 4, which is being served concurrently with this notice.

¹ The two agencies are handling this matter simultaneously.

Decided: September 19, 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. 96-25617 Filed 10-4-96; 8:45 am]

BILLING CODE 4915-00-P; 6730-01-P

Surface Transportation Board¹

[STB Finance Docket No. 32714]

Fox Valley & Western Ltd.—Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP), a Class I railroad, has agreed to grant trackage rights to Fox Valley & Western Ltd. (FVW), a Class II railroad, over UP's line of railway: (1) Between milepost 99.5, in Granville, WI, to milepost 92.4, in Wiscona, WI; (2) from milepost 8.59, in Wiscona, WI, to milepost 13.97, near Butler, WI; and (3) from milepost 17.31M to milepost 14.50, in Butler, WI, a total distance of 15.29 miles.

The transaction is scheduled to be consummated on September 27, 1996.

The trackage rights will provide for an efficient interchange route for FVW with UP in UP's Butler Yard at Butler, WI.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32714, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a

copy of each pleading must be served on Janet H. Gilbert, Esq., Fox Valley & Western, Ltd., 6250 N. River Road, Suite No. 9000, Rosemont, IL 60018.

Decided: September 27, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96-25615 Filed 10-4-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33121]

RailTex, Inc.—Continuance in Control Exemption—Connecticut Southern Railroad, Inc.; Correction

The notice appearing on page 50904 in the issue of Friday, September 27, 1996, incorrectly cited the docket number as [STB Finance Docket No. 32121]. The correct docket number is shown above.

Vernon A. Williams,

Secretary.

[FR Doc. 96-25616 Filed 10-4-96; 8:45 am]

BILLING CODE 4915-00-P

Surface Transportation Board¹

[STB Finance Docket No. 32713]

Wisconsin Central Ltd.—Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP), a Class I railroad, has agreed to grant joint trackage rights to Wisconsin Central Ltd. (WCL), a Class II railroad, over its trackage between UP's milepost 58.95 and UP's milepost 60.55 at South Itasca, WI, a distance of 1.6 miles.

The transaction is scheduled to be consummated on September 27, 1996. The trackage rights will enable WCL to use UP's main line and wye tracks at Itasca Yard for coordination of train movements.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or

misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32713, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Janet H. Gilbert, Esq., Wisconsin Central Ltd., 6250 N. River Road, Suite No. 9000, Rosemont, IL 60018.

Decided: September 27, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96-25618 Filed 10-4-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Office of the Deputy Assistant Secretary For Information Systems; Government Information Locator Service (GILS)

AGENCY: Office of Information Resources Management, Office of the Deputy Assistant Secretary for Information Systems, Office of the Assistant Secretary for Management/CFO, U.S. Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The U.S. Department of the Treasury, as part of its continuing information dissemination activities, announces the establishment of the Treasury GILS. Treasury invites the general public and other Federal agencies to access information resources on the Treasury GILS. Further, in order to improve its dissemination of information and delivery of services to the public, Treasury requests that the public take this opportunity to comment on the Treasury GILS.

DATES: Electronic mail, written or telefaxed comments should be received on or before November 15, 1996, to be considered for the next major update for January 1997. Comments will be welcomed on a continuing basis after that date.

ADDRESSES: Submit comments electronically via <http://www.treas.gov> or via facsimile to (202) 622-1595. Written comments can be submitted to Department of the Treasury, Office of Information Resources Management,

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323-24.

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323-24.