

**List of Subjects****49 CFR Parts 1104, 1112 and 1115**

Administrative practice and procedure.

**49 CFR Part 1111**

Administrative practice and procedure, Investigations.

**49 CFR Part 1121**

Administrative practice and procedure, Rail exemption procedures, Railroads.

Decided: November 8, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen. Commissioner Owen commented with a separate expression.

Vernon A. Williams,  
*Secretary.*

For the reasons set forth in the preamble, title 49, chapter X, parts 1104, 1111, 1112, 1115 and 1121 of the Code of Federal Regulations are amended as follows:

**PART 1104—FILING WITH THE BOARD-COPIES-VERIFICATIONS-SERVICE-PLEADINGS, GENERALLY**

1. The authority citation for part 1104 continues to read as follows:

Authority: 5 U.S.C. 559; 21 U.S.C. 853a; 49 U.S.C. 721.

2. Section 1104.3 is amended by revising paragraph (a)(2) to read as follows:

**§ 1104.3 Copies.**

(a) \* \* \*

(1) \* \* \*

(2) All electronic spreadsheets should be submitted on 3.5 inch, IBM compatible formatted diskettes or QIC-80 tapes. Textual materials must be in WordPerfect 5.1 format, and electronic spreadsheets must be in LOTUS 1-2-3 release 5 or earlier format. One copy of each such computer diskette or tape submitted to the Board should, if possible, be provided to any other party requesting a copy.

\* \* \* \* \*

**PART 1111—COMPLAINT AND INVESTIGATION PROCEDURES**

3. The authority citation for part 1111 continues to read as follows:

Authority: 5 U.S.C. 559; 49 U.S.C. 721.

**§ 1111.3 [Amended]**

4. Section 1111.3, 6th sentence, is amended by removing the words "Ten copies of the complaint" and adding in their place the words "An original and ten copies of the complaint".

**PART 1112—MODIFIED PROCEDURES**

5. The authority citation for part 1112 is revised to read as follows:

Authority: 5 U.S.C. 559; 49 U.S.C. 721.

6. Section 1112.2 is amended by adding the following two sentences to the end of the paragraph to read as follows:

**§ 1112.2 Decisions directing modified procedure.**

\* \* \* The filing of motions or other pleadings will not automatically stay or delay the established procedural schedule. Parties will adhere to this schedule unless the Board issues an order modifying the schedule.

**PART 1115—APPELLATE PROCEDURES**

7. The authority citation for part 1115 continues to read as follows:

Authority: 5 U.S.C. 559; 49 U.S.C. 721.

8. Section 1115.3 is amended by revising paragraph (a) to read as follows:

**§ 1115.3 Board actions other than initial decisions.**

(a) A discretionary appeal of an entire Board action is permitted. Such an appeal should be designated a "petition for reconsideration."

\* \* \* \* \*

9. Section 1115.9 is amended by revising paragraph (b) to read as follows:

**§ 1115.9 Interlocutory appeals.**

\* \* \* \* \*

(b) In stand-alone cost complaints, any interlocutory appeal of a ruling shall be filed with the Board within three (3) business days of the ruling. Replies to any interlocutory appeal shall be filed with the Board within three (3) business days after the filing of any such appeal. In all other cases, interlocutory appeals shall be filed with the Board within seven (7) calendar days of the ruling and replies to interlocutory appeals shall be filed with Board within seven (7) calendar days after the filing of any such appeal as computed under 49 CFR 1104.7.

**PART 1121—RAIL EXEMPTION PROCEDURES**

10. The authority citation for part 1121 continues to read as follows:

Authority: 5 U.S.C. 553; 49 U.S.C. 10502 and 10704.

**§ 1121.4 [Amended]**

11. Section 1121.4(e), second sentence, is amended by adding the

words "petitions for reconsideration or" prior to the words "petitions to reopen".

[FR Doc. 96-29379 Filed 11-14-96; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 960129019-6019-01; I.D. 110896C]

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area.**

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the directed fishery for Pacific cod by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1996 bycatch allowance of Pacific halibut apportioned to the trawl Pacific cod fishery in the BSAI.

**EFFECTIVE DATE:** 1200 hrs, Alaska local time (A.l.t.), November 8, 1996, until 2400 hrs, A.l.t., December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1996 bycatch allowance of Pacific halibut for the BSAI trawl Pacific cod fishery category, which is defined at § 679.21(e)(3)(iv)(E), was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) as 1,685 metric tons.

The Administrator, Alaska Region, NMFS, has determined, in accordance with § 679.21(e)(7)(iv), that the 1996 bycatch allowance of Pacific halibut apportioned to the trawl Pacific cod fishery in the BSAI has been caught.

Therefore, NMFS is prohibiting directed fishing for Pacific cod by vessels using trawl gear in the BSAI.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

Classification

This action is taken under 50 CFR 679.21 and is exempt from review under E.O. 12866.

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

Dated: November 8, 1996.

Bruce Morehead,

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

[FR Doc. 96-29246 Filed 11-8-96; 3:43 pm]

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