

List of Subjects in 46 CFR Part 125

Administrative practice and procedures, Authority delegation, Hazardous materials transportation, Marine Safety, Offshore supply vessels, Oil and gas exploration, Vessels.

For the reasons set out in the preamble, the Coast Guard amends 46 CFR part 125 as follows:

PART 125—GENERAL

1. The authority citation for part 125 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307, 14104; 49 U.S.C. App. 1804; 49 CFR 1.46.

2. In § 125.160, in the definition of *Offshore supply vessel* or *OSV*, the introductory text is republished and paragraph (3) is revised to read as follows:

§ 125.160 Definition.

* * * * *

Offshore supply vessel or *OSV* means a vessel that—

* * * * *

(3) Is more than 15 but less than 500 gross tons (as measured under the Standard, Dual, or Simplified Measurement System under part 69, subpart C, D, or E of this chapter) or less than 6,000 gross tons (as measured under the Convention Measurement System under part 69, subpart B of this chapter); and

* * * * *

Dated: November 15, 1996

J. C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Marine Safety and Environmental Protection.
[FR Doc. 96-31991 Filed 12-17-96; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL MARITIME COMMISSION**46 CFR Parts 501, 502, 504, 514, 552, and 560**

[Docket No. 96-23]

Regulations Affecting Maritime Carriers and Related Activities in Domestic Commerce

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission ("FMC" or "Commission") is removing its rules governing the financial reporting and agreement activity of, and rate proceedings involving, vessel-operating common carriers by water in the domestic offshore trades. Jurisdiction over the port to port operations of those carriers has been transferred to the Surface

Transportation Board. The Commission is also amending various other parts of its regulations to delete references to the removed parts.

EFFECTIVE DATE: December 18, 1996.

FOR FURTHER INFORMATION CONTACT:

Austin L. Schmitt, Director, Bureau of Economics and Agreement Analysis, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001, 202-523-5787.

SUPPLEMENTARY INFORMATION: The ICC Termination Act of 1995, Public Law No. 104-88, 109 Stat. 803 ("ICC Termination Act"), transferred jurisdiction over port to port operations in the noncontiguous domestic trade, which formerly had been regulated by the FMC under the Intercoastal Shipping Act, 1933, 46 U.S.C. app. 843-848 ("1933 Act") and the Shipping Act, 1916, 46 U.S.C. app. 801-842 ("1916 Act"), to the Surface Transportation Board ("Board"). Accordingly, the Commission is removing its major regulations governing domestic offshore carriers, namely Part 552—Financial Reports of Vessel Operating Common Carriers by Water in the Domestic Offshore Trades, Part 560—Agreements by Common Carriers and Other Persons Subject to the Shipping Act, 1916, and 46 CFR 502.67—Proceedings under section 3(a) of the Intercoastal Shipping Act, 1933. Only these major regulations governing domestic carriers and references thereto are being deleted at this time. All remaining references to the domestic offshore trades in 46 CFR and any technical conforming amendments necessary will be made at a later date.

The Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this final rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units, and small governmental organizations.

The removal of Parts 552, 560 and § 502.67, and references thereto, is housekeeping in nature and will not impact a substantial number of small entities.

This final rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995, as amended. Therefore, OMB review is not required.

Notice and opportunity for public comment are not necessary prior to issuance of these amendments because they reduce existing requirements by deleting rules to reflect statutory changes to the Commission's jurisdiction. For the same reason, the

amendments are effective upon publication in the Federal Register, rather than being delayed for 30 days. 5 U.S.C. 553.

List of Subjects**46 CFR Part 501**

Organization and functions, Delegation of authority, Seals and insignia.

46 CFR Part 502

Administrative practice and procedure, Claims, Equal access to justice, Investigations, Lawyers, Reporting and recordkeeping requirements.

46 CFR Part 504

Environmental impact statements, Reporting and recordkeeping requirements.

46 CFR Part 514

Freight, Harbors, Maritime carriers, Reporting and recordkeeping requirements.

46 CFR Part 552

Maritime Carriers, Reporting and recordkeeping requirements, Uniform System of Accounts.

46 CFR Part 560

Administrative practice and procedure, Antitrust, Freight, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

Therefore, pursuant to 5 U.S.C. 553; and Pub. L. 104-88, 109 Stat. 803, chapter IV of title 46 of the Code of Federal Regulations is amended as follows:

PART 501—THE FEDERAL MARITIME COMMISSION—GENERAL

1. The authority citation for Part 501 continues to read as follows:

Authority: 5 U.S.C. 551-557, 701-706, 2903 and 6304; 31 U.S.C. 3721; 41 U.S.C. 414 and 418; 44 U.S.C. 501-520 and 3501-3520; 46 U.S.C. app. 801-848, 876, 1111, and 1701-1720; Reorganization Plan No. 7 of 1961, 26 FR 7315, August 12, 1961; Pub.L. 89-56, 79 Stat. 195; 5 CFR Part 2638.

2. In § 501.5, paragraph (e) is amended by removing the words "Shipping Act, 1916" and the comma immediately thereafter; and paragraph (g) is revised; and the second sentence of paragraph (h) is revised to read as follows:

§ 501.5 Functions of the organizational components of the Federal Maritime Commission.

* * * * *

(g) Under the direction and management of the Bureau Director, the

Bureau of Economics and Agreement Analysis develops and administers programs in connection with the anticompetitive and cooperative arrangements and practices of common carriers by water, freight forwarders and terminal operators in the foreign commerce of the U.S., including the filing of ocean common carrier agreements under section 5 of the Shipping Act of 1984, and the filing of agreements by marine terminal operators under section 5 of the Shipping Act of 1984. The Bureau provides expert economic testimony and support in formal proceedings, particularly regarding unfair foreign shipping practices under section 19 of the Merchant Marine Act, 1920, and the Foreign Shipping Practices Act of 1988.

(h) * * * These programs carry out provisions of the Shipping Act of 1984; and Public Law 89-777, as implemented under Parts 510, 514, 540, 582 and 583 of this chapter. * * *

* * * * *

3. In § 501.24, paragraph (e) is revised to read as follows; and paragraph (h) is removed and reserved.

§ 501.24 Delegation to the Secretary.

* * * * *

(e) Authority to prescribe a time limit for the submission of written comments with reference to agreements filed pursuant to section 5 of the Shipping Act of 1984.

* * * * *

4. In § 501.26, paragraphs (a) through (d) are removed and reserved; paragraph (l) introductory text is amended by removing the words “the Shipping Act, 1916, or”; paragraph (m) is amended by removing the words “section 15 of the Shipping Act, 1916, or”; and paragraph (p) is removed.

PART 502—RULES OF PRACTICE AND PROCEDURE

5. The authority citation for Part 502 continues to read as follows:

Authority: 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561-569, 571-596; 12 U.S.C. 1141j(a); 18 U.S.C. 207; 26 U.S.C. 501(c)(3); 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. app. 817, 820, 821, 826, 841a, 1114(b), 1705, 1707-1711, 1713-1716; E.O. 11222 of May 8, 1965 (30 FR 6469); 21 U.S.C. 853a; and Pub. L. 88-777 (46 U.S.C. app. 817d, 817e).

6. In § 502.41, the third sentence is revised to read as follows.

§ 502.41 Parties; how designated.

* * * A party against whom relief or other affirmative action is sought in any proceeding commenced under § 502.62 or § 502.66, or a party named in an order of investigation issued by the

Commission, shall be designated as “respondent,” except that in investigations instituted under section 11(c) of the Shipping Act of 1984, the parties to the agreement shall be designated as “proponents” and the parties protesting the agreement shall be designated as “protestants.” * * *

§ 502.67 [Removed and Reserved]

7. Section 502.67 is removed and reserved.

§ 502.74 [Amended]

8. In § 502.74, paragraph (b) is amended by removing the words “protests seeking suspension of tariffs (§ 502.67)” and the comma immediately thereafter.

9. Section 502.111 is amended by revising the first two sentences of paragraph (b) to read as follows:

§ 502.111 Form and appearance of documents filed with Commission.

* * * * *

(b) Filings by facsimile will not be accepted. Photocopies of facsimile transmissions of signature pages on filings will be tentatively accepted for the purpose of meeting filing deadlines pending receipt of the original within seven working days. * * *

§ 502.114 [Amended]

10. In § 502.114, paragraph (c) is amended by removing the words “protests pursuant to § 502.67”.

§ 502.118 [Amended]

11. In § 502.118, paragraph (b)(5) is amended by removing the words “§ 502.67(d) and”.

12. Section 502.155 is revised to read as follows.

§ 502.155 Burden of proof.

In all cases, as prescribed by the Administrative Procedure Act, 5 U.S.C. 556(d), the burden of proof shall be on the proponent of the rule or order. [Rule 155.]

§ 502.227 [Amended]

13. In § 502.227, paragraph (a)(6) is amended by removing the words “§ 502.67 and”.

§ 502.271 [Amended]

14. In § 502.271, paragraph (b) is removed and reserved.

PART 504—PROCEDURES FOR ENVIRONMENTAL POLICY ANALYSIS

15. The authority citation for Part 504 continues to read as follows:

Authority: 5 U.S.C. 552, 553; secs. 21 and 43 of the Shipping Act, 1916 (46 U.S.C. app. 820 and 841a); secs. 13 and 17 of the Shipping Act of 1984 (46 U.S.C. app. 1712

and 1716); sec. 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(b)) and sec. 382(b) of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6362).

16. In § 504.4, paragraph (a)(5) is amended by removing the words “and domestic”; paragraph (a)(8) is removed and reserved; paragraph (a)(9) is amended by removing the words “section 15 of the Shipping Act, 1916 or”; paragraphs (a)(17) and (a)(21) are removed and reserved; and paragraph (a)(22) is amended by removing the words “the Shipping Act, 1916 or”.

PART 514—TARIFFS AND SERVICE CONTRACTS

17. The authority citation for Part 514 continues to read as follows:

Authority: 5 U.S.C. 552 and 553; 31 U.S.C. 9701; 46 U.S.C. app. 804, 812, 814-817(a), 820, 833a, 841a, 843, 844, 845, 845a, 845b, 847, 1702-1712, 1714-1716, 1718, 1721 and 1722; and sec. 2(b) of Pub. L. 101-92, 103 Stat. 601.

18. In § 514.1, the last sentence of paragraph (d)(1) and paragraph (d)(2) are revised to read as follows:

§ 514.1 Scope, purpose, requirements, penalties and fees.

* * * * *

(d)(1) * * * The mere filing of a tariff does not excuse the tariff owner or publisher from the obligations of the 1984 Act or this chapter, regardless of whether these obligations preceded or followed the filing of the tariff in question.

(2) Any tariff matter submitted for filing, including service contracts and their essential terms, which fails in any respect to conform with the applicable shipping statutes, with the provisions of this part, or with a Commission Order, is subject to rejection or partial rejection after filing.

* * * * *

§ 514.2 [Amended]

19. In § 514.2, the definition of *conference* is amended by removing “§ 560.307(b) and”; the definition of *marine terminal services agreement* is amended by removing “§ 560.308(a) or”; the definition of *round trip excursion voyage* is removed; and the text of the definition of *through transportation (domestic offshore commerce)* is amended by removing the last two sentences.

20. In § 514.3, the first sentence of paragraph (a)(1) is revised to read as follows; paragraphs (a)(3), (a)(5) and (a)(6) are removed and reserved; the introductory text of paragraph (a)(7) is revised to read as follows; paragraph

(a)(8)(ii) is amended by removing “§ 560.308(a) or” and “§ 560.307(b) and”; paragraph (a)(10) is removed and reserved; the text of paragraphs (b)(3) and (b)(5) is revised to read as follows; and paragraph (e) is amended by removing the words “under parts 515, 550, 580 and/or 581 of this chapter”.

§ 514.3 Exemptions and exclusions.

* * * * *

(a) * * *

(1) * * * Equipment-interchange agreements between common carriers subject to this part and inland carriers, where such agreements are not referred to in the carriers' tariffs and do not affect the tariff rates, charges or practices of the carriers, are exempt from the tariff filing requirements of the 1984 Act and the rules of this part.

* * *

* * * * *

(7) *Terminal barge operators in Pacific Slope States.* Transportation provided by terminal barge operators in Pacific Slope States barging containers and containerized cargo by barge between points in the United States are exempt from the tariff filing requirements of 1984 Act and the rules of this part, where:

* * * * *

(b) * * *

(3) * * * Transportation of used military household goods and personal effects by non-vessel-operating common carriers is exempt from the filing requirements of the 1984 Act and the rules of this part.

* * * * *

(5) * * * Transportation of used military household goods and personal effects by non-vessel-operating common carriers shipped by federal civilian executive agencies under the International Household Goods Program administered by the General Services Administration is exempt from the filing requirements of the 1984 Act and the rules of this part.

* * * * *

21. In § 514.9, paragraph (b)(1)(i)(A) is redesignated as paragraph (b)(1)(i), and paragraph (b)(1)(i)(B) is removed; the text of paragraph (b)(7) is revised to read as follows; paragraph (b)(9)(i)(A) is redesignated as paragraph (b)(9)(i), and paragraph (b)(9)(i)(B) is removed; and paragraph (b)(24)(ii)(B) is removed and reserved.

§ 514.9 Filing/Amendment codes and required notice periods.

* * * * *

(b) * * *

(7) * * * Amendments of domestic offshore tariffs which change rates,

fares, charges, Tariff Rules, or other tariff provisions and which constitute a general increase or decrease in rates, shall be filed at least 60 days prior to their effective date and shall use the symbol “G.”

* * * * *

PART 552—[REMOVED]

22. Part 552 is removed.

PART 560—[REMOVED]

23. Part 560 is removed.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 96-32064 Filed 12-17-96; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-88; RM-8641, RM-8688, RM-8689]

Radio Broadcasting Services; Rose Hill, Trenton, Aurora, Ocracoke, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Aurora Broadcasting, allots Channel 283A to Aurora, NC, as the community's first local aural transmission service. The request of Duplin County Broadcasters to substitute Channel 284C2 for Channel 284A at Rose Hill, NC, reallocate Channel 284C2 to Trenton, NC, as the community's first local aural service, and modify the license of Station WBSY accordingly, is denied. At the request of JEE, the Commission dismisses its counterproposal to allot Channel 284C3 to Ocracoke, NC, as the community's second local FM service. See 60 FR 32933, June 26, 1995. Channel 283A can be allotted to Aurora in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 35-18-13 NL; 76-47-18 WL. With this action, this proceeding is terminated.

DATES: Effective January 27, 1997. The window period for filing applications will open on January 27, 1997, and close on February 27, 1997.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 95-88, adopted December 6, 1996, and released December 13, 1996.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by adding Aurora, Channel 283A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-32023 Filed 12-17-96; 8:45 am]

BILLING CODE 6712-01-U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 121096A]

Atlantic Tuna Fisheries; Adjustment

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

ACTION: Catch limit adjustment.

SUMMARY: NMFS adjusts the daily catch limit for the Angling category fishery for Atlantic bluefin tuna (ABT) to one fish per vessel, which may be from the school, large school, or small medium size class of ABT. This action is being taken to lengthen the fishing season and to ensure reasonable fishing opportunities in all geographic areas without risking overharvest of this category.