

(d) The generator(s) must be tightly packed in steel drums (1A2), aluminum drums (1B2), plywood drums 1(D), fibre drums (1G), plastic drums (1H2), steel jerricans (3A2), plastic jerricans (3H2), metal boxes (4A, 4B), wooden boxes (4C1, 4C2), plywood boxes (4D), reconstituted wood boxes (4F), fibreboard boxes (4G) or solid plastic boxes (4H2).

RSPA expects that this packing instruction will become effective in the ICAO Technical Instructions in the near future. RSPA anticipates that any approval it issues under new Special Provision 60 for a chemical oxygen generator intended for transportation aboard cargo aircraft will require the chemical oxygen generator to be packaged in accordance with the ICAO provisions.

List of Subjects in 49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing 49 CFR Part 172 is amended as follows:

PART 172—[AMENDED]

1. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 172.101 [Corrected]

2. In the § 172.101 Hazardous Materials Table, as amended at 62 FR 30771, for the entry "Oxygen generator, chemical", in columns (5) through (10B), the first entry PG I is removed, and, for the second entry PG II, the identification number "UN3353" in Column (4) is corrected to read "UN3356" and the number "(1)" in column (10A) is corrected to read "D".

3. In § 172.102(c)(1), Special Provision 60 is revised to read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

* * * * *

60 After September 30, 1997, an oxygen generator, chemical, that is shipped with its means of initiation attached must incorporate at least two positive means of preventing unintentional actuation of the generator, and be classed and approved by the Associate Administrator for Hazardous Materials Safety. The procedures for approval of a chemical oxygen generator that contains an explosive means of initiation (e.g., a primer or electric match) are specified in § 173.56 of this subchapter. Each person who offers a chemical oxygen generator for transportation after September 30, 1997, shall: (1) ensure that it is offered in conformance with the

conditions of the approval; (2) maintain a copy of the approval at each facility where the chemical oxygen generator is packaged; and (3) mark the approval number on the outside of the package.

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Issued in Washington, DC on June 23, 1997, under the authority delegated in 49 CFR part 1.

Kelley S. Coyner,

Deputy Administrator, Research and Special Programs Administration.

[FR Doc. 97-16778 Filed 6-26-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1152

[STB Ex Parte No. 537]

Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903

AGENCY: Surface Transportation Board; Transportation.

ACTION: Final rules; amendment.

SUMMARY: The ICC Termination Act of 1995 revised the law governing applications by rail carriers to abandon or discontinue service over lines of railroad and related offers of financial assistance that would continue rail service after approval of abandonment or discontinuance by the Surface Transportation Board (Board). Accordingly, by decision served December 24, 1996, the Board revised 49 CFR part 1152 to implement the changes and update the pertinent regulations, and to streamline the abandonment and discontinuance process consistent with the new law. The Board also made conforming changes to the environmental rules at part 1105. These new regulations, which were adopted following a notice and comment rulemaking proceeding, went into effect on January 23, 1997. The Board now makes some clarifying changes to the rules, makes delegations of authority that will permit agency employees to carry out certain responsibilities under these procedures, and corrects one typographical error.

EFFECTIVE DATE: These modifications and clarifying changes are effective July 27, 1997.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: The Board's decision adopting these modifications and clarifying changes is

available to all persons for a charge by phoning DC News & Data, Inc., at (202) 289-4357.

The Board certifies that these rules will not have a significant economic effect on a substantial number of small entities. The rules should result in streamlining, improving and updating the abandonment process while ensuring the opportunity for full public participation in our proceedings.

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

List of Subjects in 49 CFR Part 1152

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements.

Decided: June 18, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1152 of the Code of Federal Regulations is amended as follows:

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

1. The authority citation for part 1152 continues to read as follows:

Authority: 5 U.S.C. 553, 559, and 704; 11 U.S.C. 1170; 16 U.S.C. 1247(d) and 1248; and 49 U.S.C. 701 note (1995) (section 204 of the ICC Termination Act of 1995), 721(a), 10502, 10903-10905, and 11161.

§ 1152.24 [Amended]

2. Section 1152.24(e)(2), third sentence, is amended by adding the phrase ", through the Director of the Office of Proceedings," after the phrase "in the **Federal Register** by the Board".

3. Section 1152.25(d)(6)(i) is amended by adding the following two sentences to the beginning of the paragraph:

§ 1152.25 Participation in abandonment or discontinuance proceedings.

* * * * *

(d) * * *

(6) * * *

(i) Any oral hearing request is due 10 days after the filing of the application. The Board, through the Director of the Office of Proceedings, will issue a decision on any oral hearing request within 15 days after the filing of the application.* * *

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4. Section 1152.26(b) is amended by adding the following two sentences to the end of the paragraph:

§ 1152.26 Board Determination under 49 U.S.C. 10903.

* * * * *

(b) * * * Because Board action on abandonment applications by bankrupt railroads is advisory only, no environmental filings or analysis is necessary. See 49 CFR 1105.5(c).

5. Section 1152.29(e)(2) is amended by adding the following two sentences to the end of the paragraph:

§ 1152.29 Prospective use of rights-of-way for interim trail use and rail banking.

(e) * * *

(2) * * * If, however, any legal or regulatory barrier to consummation exists at the end of the one-year time period, the notice of consummation must be filed not later than 60 days after satisfaction, expiration or removal of the legal or regulatory barrier. For good cause shown, a railroad may file a request for an extension of time to file a notice so long as it does so sufficiently in advance of the expiration of the deadline for notifying the Board of consummation to allow for timely processing.

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§ 1152.50 [Amended]

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6. Section 1152.50(d)(2), second sentence, is amended by changing "(e)(5)" to "(e)(4)."

§ 1152.60 [Amended]

7. Section 1152.60(a), third sentence, is amended by adding the phrase "by the Board, through the Director of the Office of Proceedings," after the word "published".

[FR Doc. 97-16902 Filed 6-26-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970311053-7139-02; I.D. 020397B]

RIN 0648-AJ23

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 9

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

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to implement Amendment 9 to the Fishery

Management Plan for the Pacific Coast Groundfish Fishery (FMP). Amendment 9 requires a sablefish endorsement on limited entry permits for permit holders to participate in the regular and mop-up limited entry fixed gear sablefish fishery north of 36° N. lat. (the U.S.-Vancouver, Columbia, Eureka, and Monterey management areas). The intended effect of this sablefish endorsement is to promote safety, stability, and economic viability of the sablefish fishery by limiting or reducing harvesting capacity in the Pacific Coast sablefish fishery. This rule also eliminates limited entry permit "B" endorsement language that expired January 1, 1997. Elimination of "B" endorsement language is a routine update of the Pacific Coast groundfish regulations.

DATES: This rule will become effective July 28, 1997.

ADDRESSES: Copies of Amendment 9, the Environmental Assessment (EA) and the Regulatory Impact Review (RIR) are available from Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201. Comments regarding the collection-of-information requirements contained in this rule should be sent to Mr. William Stelle, Administrator, Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C157000, Seattle, WA 98115-0070; or to Mr. William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, Rodney McInnis at 562-980-4040, or the Pacific Fishery Management Council at 503-326-6352.

SUPPLEMENTARY INFORMATION: NMFS issues this final rule to implement a recommendation from the Pacific Fishery Management Council (Council), under the authority of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The background and rationale for the Council's recommendation were fully described in the notice of proposed rulemaking for this action (62 FR 13583, March 21, 1997). Public comments were requested through May 5, 1997. Twelve letters were received and are addressed later in the preamble to this final rule. The comments resulted in no change to the regulatory text that was published as a proposed rule.

In summary, a sablefish endorsement will be required on a limited entry permit of a vessel in order for that vessel to harvest sablefish in the area north of 36° N. lat. during the regular (derby or cumulative limit) or mop-up limited entry sablefish fishery. A sablefish endorsement will not be required for a vessel with a limited entry permit to participate in the daily trip limit fishery that operates outside of the time period of the regular or mop-up season. NMFS has accepted the Council's recommendation for sablefish endorsement qualifying criteria: at least 16,000 lb (7,257.5 kg) of sablefish catch from the sablefish fishery, taken in any one calendar year from 1984 through 1994.

Adoption of the above qualifying criteria is a compromise that recognizes historical participation by including the early years of the license limitation qualifying period, that acknowledges more recent participants in the sablefish derby by including 2 years after the Council adoption of the limited entry program, and that considers dependence on the fishery by granting permit endorsements only to those persons who landed quantities of sablefish large enough to constitute a significant portion of their incomes. Maintaining a qualifying requirement that includes years from the mid and late 1980s prevents the disenfranchisement of vessels that were forced to choose between Alaska and West Coast fisheries during the recent years in which the Council set the West Coast opening to coincide with the Alaska opening.

Only persons holding current limited entry permits may qualify for a sablefish endorsement. Permit catch history will be used to determine whether a permit meets the qualifying criteria for a fixed gear sablefish endorsement. Permit catch history includes the catch history of the vessel(s) that initially qualified for the permit, and subsequent catch histories accrued by vessel(s) associated with the limited entry permit or permit rights. If the current permit is the result of the combination of multiple permits, then for the combined permit to qualify for an endorsement, at least one of the permits that were combined must have had sufficient sablefish history to qualify for an endorsement; or the permit must qualify based on catch occurring after it was combined, but taken within the qualifying period. The catch history of a permit also includes the catch of any interim permit held by the current owner of the permit during the appeal of an initial NMFS decision to deny the initial issuance of a limited entry permit, but only if (1) the appeal