

be strictly a contractual agreement between the carrier and the subsidizer without the involvement of the Board.

Also regarding subsidies, we propose that the rules continue to provide for interim financial status reports, as presently included in the abandonment regulations. However, with certain exceptions, the subsidizer's final responsibility would be limited to a maximum of 15% over the agreed-to amount of the operating subsidy. The exceptions would be: (1) If the subsidizer is notified of a higher amount within the first 10 months of the agreement; or (2) the increase results from an expense that has been preapproved by the subsidizer. We believe that limiting potential liability in this fashion would provide needed certainty for a party that wishes to subsidize operation of a line approved for abandonment.

11. Return on Investment

Past experience with the rules for establishing return on investment has resulted in the identification of several problem areas. To address these problems, we are proposing changes regarding the determination of the net liquidation value (NLV) of road properties on the branch line, a component used in calculating return on investment. These changes involve the inclusion of assets with negative net salvage values, adjustments to right-of-way land values, and the bases used to value right-of-way land.

a. Negative Salvage Values

There are instances where the cost to remove and dismantle a particular asset on the branch line is higher than its resale value. This occurs most frequently with bridges where the cost of removal exceeds the market value of the salvaged materials. The Board proposes that these assets be included if the asset would actually be removed for whatever reason. For example, as a result of an abandonment approval, municipal zoning requirements or the land use regulations of a state or other governmental agency may require that a structure be removed or torn down. This is the type of situation where the inclusion of a negative net salvage value is proper. Another instance where inclusion might be appropriate would be when the carrier decides on its own to dismantle the structure even though it is not required to do so.

b. Adjustments to Land Values

In abandonment proceedings, land values are often reduced below their fair market value. This reduction results from imputed real estate commissions,

selling expenses, or discounting the present value of the land due to a projected sell-off period of 1 or more years. In past ICC cases, there has oftentimes been a lack of support for these types of reductions to the land value. Accordingly, our proposed regulations emphasize the need for parties adequately to support and explain any adjustments. Without the necessary support and explanation, we will reject these adjustments.

c. Bases for Valuing Land

There are several methodologies acceptable for appraising right-of-way land acreage. The methodology most frequently used is the "across-the-fence" (ATF) method. This procedure estimates the values of the surrounding land parcels using recent comparable sales, and then adjusts them to reflect the physical and economic characteristics of the specific parcels appraised.

In the past, parties have sometimes failed to support the application of unadjusted ATF values to value railroad rights-of-way. Differing physical characteristics such as elevation, grading and drainage would warrant some adjustment to the ATF value. Therefore, we propose, at a minimum, that some explanation be given as to why no adjustment is necessary. Conversely, some parties have made adjustments to the ATF value to arrive at right-of-way values without explaining the nature of the adjustments. We propose to require justification for the use of either unadjusted or adjusted ATF values for land acreage on the railroad right-of-way.

12. Holding Gains and Losses

Holding gains and losses are computed for freight cars, locomotives, and road property accounts. Currently, parties may determine the holding gain or loss for the particular type of asset or parties may use the Gross National Product (GNP) Implicit Price Deflator rate. The GNP deflator is published by the U.S. Department of Commerce, Bureau of Economic Analysis (Commerce).

In 1991, Commerce introduced a comprehensive revision of the national income and product accounts, including a shift to the use of the Gross Domestic Product (GDP), rather than the GNP, as the primary measure of production. The GDP is similar to the GNP, but covers only goods and services produced in the United States. The GDP is generally regarded as a better indicator of the performance of this country's economy.

We propose to include the GDP deflator as the alternate basis of estimating the holding gain or loss in rail abandonment and subsidy proceedings in our new rules. This would bring our rules in line with the current measures used at Commerce, which has concluded that the GDP is "the appropriate measure" for most short-term monitoring of the U.S. economy.

13. Appendix Listing of Carriers and AB Numbers

We propose to delete the Appendix to part 1152 that lists carriers and their assigned AB numbers. We preliminarily conclude that the list serves no useful purpose. Interested persons could instead contact the Board's Office of the Secretary if they have a need to ascertain a particular carrier's assigned AB number.

Small Entities

The Board certifies that these regulations, if adopted, would not have a significant economic effect on a substantial number of small entities. The Board seeks comment on whether there would be effects on small entities that should be considered. If comments provide information that there would be significant effects on small entities, the Board will prepare a regulatory flexibility analysis before adopting final regulations.

Environmental Finding

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

List of Subjects

49 CFR Part 1105

Environmental impact statements, Reporting and recordkeeping requirements.

49 CFR Part 1152

Administrative practice and procedure, Conservation, Environmental protection, National forests, National parks, National trails system, Public lands-grants, Public lands-rights-of-way, Railroads, Recreation and recreation areas, Reporting and recordkeeping requirements.

Decided: March 13, 1996.

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

Vernon A. Williams,
Secretary

[FR Doc. 96-6546 Filed 3-18-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Parts 10, 14, 15, 16, 17, 18, and 23****Proposed Consolidation of Lists of Wildlife and Plants**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Request for comments.

SUMMARY: Fish and Wildlife Service announces contemplated consolidation and changes in format and presentation of numerous lists of wild plants or animals (hereinafter "wildlife") subject to Federal regulation pursuant to several statutes and treaties. The intent is to provide a simplified, consolidated means for interested persons to determine whether anticipated activities involving wildlife are subject to such regulation and, if so, to refer the user directly to relevant regulations where he or she can learn what must be done to conduct such activities lawfully. This contemplated action will not add, delete or transfer any taxon to, from or between any existing list(s) nor, in any other way, modify the legal status of any wildlife now included on those lists.

DATES: Comments must be received on or before May 3, 1996.

ADDRESSES: Comments and materials concerning this proposal may be submitted to the Assistant Director, International Affairs, U.S. FWS, 4401 North Fairfax Drive, Mail Stop: 434, Arlington, Virginia 22203 (Fax 703-358-2280).

FOR FURTHER INFORMATION CONTACT: Mr. Earl B. Baysinger, telephone (703) 358-1915.

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service (Service) hereby notifies interested persons, as a part of the President's "Regulatory Reform Initiative," that the Service contemplates consolidating and changing the format and presentation of certain lists of wildlife now maintained in Title 50 of the Code of Federal Regulations (50 CFR).

The purpose of this action is to simplify the task of determining what actions are permitted, restricted or otherwise regulated with regard to wildlife protected or otherwise subject to certain provisions of: The Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249; the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531-1543; the Migratory Bird Treaty Act, as amended, 16 U.S.C. 703-712; the Wild Bird Conservation Act, 16 U.S.C. 4901-

4916; the "Injurious Wildlife" provisions of the Lacey Act, as amended, 18 U.S.C. 42; and the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1361-1407.

At present, approximately 17 lists identifying such wildlife and relevant regulations are scattered throughout 50 CFR and there are no effective cross-references. Many species or other taxa appear on two or more lists and the legal requirements associated with each list apply to such taxa. It is possible that persons attempting to determine what restrictions may apply to contemplated activities involving a given taxon could overlook one or more relevant list(s) and, therefore, inadvertently fail to conduct their activities in compliance with applicable laws or regulations. Such violations frequently are subject to serious penalties.

The opposite also is true. A person unable easily to determine what restrictions apply to his or her activities may be inhibited from carrying out activities that are not prohibited by law. Some wildlife may receive protection not needed; others may fail to receive needed and entitled consideration and both governmental personnel and those whose activities may be regulated spend considerable time and effort attempting to explain, understand and/or comply with those regulations. These situations work to the detriment of the wildlife of concern, the individual conducting the activities, the Service, and also exacerbate public concern over Federal regulations.

This action also is intended to enhance the efficiency and effectiveness of personnel of the Service, other Federal, State, and foreign agencies, non-governmental organizations and individuals who enforce those statutes, those who advise the public concerning their provisions or those who have other interests in such legally classified wildlife. This action will not add, delete or transfer any taxon to, from or between any existing list(s), nor will it, in any other way, modify the legal status of any wildlife now included on any of those lists.

This action will consolidate the numerous lists of wildlife promulgated pursuant to those statutes into a single list. That list will be subdivided into two major divisions: animals and plants. Each of those lists will be subdivided into yet-to-be determined taxonomic groups (probably Orders or Families). Taxa within those taxonomic groups will be listed alphabetically by genus and by species within genus sequence. This consolidated list will be presented in two forms: alphabetic by Latin name

and alphabetic by English (where available) Common Name.

Those alphabetized lists will be presented in a matrix format with the names of the taxa in rows down the vertical axis. References to the relevant lists and the statutes from which they derive will be arrayed, at the heads of vertical columns, across the horizontal axis. Indicators in the box formed by intersection of a row containing a taxon's name with a vertical column containing the name of a list will indicate that taxon is on that list. Information at the top of the vertical column(s) will refer the reader to the Section(s) in 50 CFR containing relevant regulations. The matrix also will refer the user to a set of expansive "footnotes" containing further information concerning specific taxa. Such information will include, but not necessarily be limited to: descriptions of any administratively determined "populations;" applicable "special rules," or other relevant information not otherwise easily locatable.

These consolidated lists and matrix will provide a "user friendly," species-oriented index to regulations in 50 CFR that relate to taxa on those lists. A user simply would scan down whatever alphabetical list is most easily used with the information available (Latin or Common name). If the name of the taxon is not included, there will be no need to search out and scan other lists.

Assuming the user used the correct Latin or common name, he or she safely can assume the taxon of interest has not been placed on any of those lists and statutes relevant to the combined list are not applicable.

If the name is found, a quick scan across the row in which the name appears will inform the user whether any administrative "population" or "special regulation" is involved and upon which list(s) the taxon has been placed. The built-in cross references would direct the user to that information.

Experience has shown users frequently are aware of the significance of a taxon's presence on these existing lists but, since other Federal agencies' regulations are published in different titles of the CFR, are unaware those agencies also regulate activities involving that taxon. Conscientious persons who complied with regulations published in 50 CFR have found themselves in noncompliance with other agencies' regulations in other titles that apply to that same taxon. As a public service and to reduce the likelihood of such unintentional violations, the Service contemplates inclusion in the matrix of a cross

reference to identify and alert the user to taxa on the consolidated list that also are of concern to other Federal agencies.

This action still is in the conceptual stage and comments or suggestions are welcomed. This notice was prepared under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 21, 1996.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96-6453 Filed 3-18-96; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Finding on Petition and Initiation of Status Review for Cheetah in Namibia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding and status review.

SUMMARY: The U.S. Fish and Wildlife Service announces the 90-day finding that a petition to change the classification of the cheetah in Namibia from endangered to threatened has presented substantial information indicating that the action may be warranted. A status review of this population is initiated.

DATES: The finding announced herein was made on March 8, 1996. Comments and information may be submitted until July 17, 1996.

ADDRESSES: Comments, information, and questions should be submitted to the Chief, Office of Scientific Authority; Mail Stop: Room 725, Arlington Square; U.S. Fish and Wildlife Service; Washington, D.C. 20240 (Fax number 703-358-2276). Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; Room 750, 4401 North Fairfax Drive; Arlington, Virginia 22203. The petition finding, supporting data, and comments will be available for public inspection, by appointment, from 8:00 a.m. to 4:00 p.m., Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address (phone 703-358-1708).

SUPPLEMENTARY INFORMATION: Section 4(b)(3) of the Endangered Species Act of 1973, as amended, requires that within 90 days of receipt of a petition to list, delist, or reclassify a species, or to revise a critical habitat designation, a

finding be made on whether the petition has presented substantial information indicating that the requested action may be warranted, and that such finding be published promptly in the Federal Register. If the finding is positive, Section 4(b)(3) also requires commencement of a review of the status of the involved species. The U.S. Fish and Wildlife Service (Service) now announces a 90-day finding on a recently received petition.

The petition was submitted by John J. Jackson, III (Jackson and Stovall, Attorneys and Counsellors at Law, One Lakeway Center, Ste. 1380, 3900 Causeway Boulevard, Metairie, Louisiana 70002), on behalf of the Republic of Namibia and Safari Club International. It was dated August 11, 1995, and was received by the Service on August 17, 1995. It requests that the population of the cheetah (*Acinonyx jubata*) in Namibia be reclassified from endangered to threatened.

The cheetah is a large spotted cat that once occurred over most of Africa and southwestern Asia. It has nearly disappeared in Asia and has declined substantially in Africa because of hunting for its attractive skin, conflict with human agricultural interests, habitat disruption, and possible deterioration of genetic viability. It was classified as endangered throughout its range in the Federal Register of March 30, 1972 (37 FR 6176).

The petition presents information, including recent reports from authorities on the species, suggesting that the population of cheetah in the country of Namibia, in southwestern Africa, is relatively large (possibly 2,500-3,000 cats out of a worldwide total of only 9,000-12,000) and stable, as compared to that in most other regions. The petition also basically suggests that a threatened classification would allow issuance of special regulations, pursuant to the Endangered Species Act, authorizing the importation of sport-hunted trophies of cheetah into the United States. Sportsmen from the United States then would be willing to spend substantial sums of money to hunt cheetah in Namibia, thereby providing a financial stimulus to landowners in that country to conserve the species and its habitat.

The Service has found that the petition presents substantial information indicating that the requested action may be warranted. Also, pursuant to Section 4(b)(3), the Service hereby commences a review of the status of the involved species. Submission of appropriate data, opinions, and publications regarding this petition is encouraged. In

accordance with Section 4(b)(3), within 12 months of receipt of the petition, the Service will make another finding as to whether the requested action is warranted, not warranted, or warranted but precluded by other listing measures.

Authority: 16 U.S.C. 1531-1544. 3500; unless otherwise noted.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: March 8, 1996.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 96-6572 Filed 3-18-96; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 659

[I.D. 031196A]

Shrimp Fishery Off the Southern Atlantic States; Amendment 1

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

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NMFS announces that the South Atlantic Fishery Management Council (Council) has submitted Amendment 1 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP) for review, approval, and implementation by NMFS. Written comments are requested from the public.

DATES: Written comments must be received on or before May 9, 1996.

ADDRESSES: Comments must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702.

Requests for copies of Amendment 1, which includes an environmental assessment, an initial regulatory flexibility analysis, a social impact analysis, and a regulatory impact review, should be sent to the South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, SC 29407-4699, telephone (803) 571-4366, FAX (803) 769-4520.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813-570-5305.