

rail service. As a result of the comments received, the Board is discontinuing the collection of cost data on switching and terminal companies found in 49 CFR 1241.14. The Board is also adopting certain modifications to the procedures used to develop the costs associated with movements of intermodal traffic and revising the train switching conversion factor used in its costing procedures. All other proposals previously made in this proceeding are withdrawn. (The Board's decision may be reviewed at the agency's offices in Washington, DC during normal business hours and is available for a charge by calling DC NEWS & DATA INC. at (202) 289-4357.) Finally, as discussed below, the Board modifies the procedures for determining the variable cost of using privately-owned rail cars (an issue which has not been previously noticed for comment), subject to receiving no objections within 30 days.

Privately-Owned Car Costing

In the past, with the exception of unit-coal trains, the Board developed the variable cost associated with using privately-owned rail cars by applying an average car rental cost for privately-owned cars if no mileage rate for that particular car was shown in the Car Hire Rate Master (CHARMS) file.¹ In its comments in Ex Parte No. 347 (Sub-No. 2), *Rate Guidelines—Non-Coal Proceedings*,² the AAR pointed out that more than 43% of all U.S.-based rail cars are now owned by entities other than railroads, and that increasingly shippers that provide their own cars obtain lower rates in return for the railroad not incurring any cost for the use of the privately-owned cars.

In view of this current practice, we believe that more accurate costs will be obtained by applying a zero car rental cost to privately-owned cars that do not have mileage rates shown in CHARMS. Thus, we will tentatively modify our costing procedures to assume that all privately-owned car types that show no mileage allowance in the CHARMS file incur no car cost, except for railroad-owned pool cars (for which an allowance is always paid).³ For such pool cars, we will continue to use an average car rental cost, because it is the best estimate available to us. Absent the

receipt of comments voicing opposition to this modification within 30 days of this decision, it will become a permanent change effective December 1, 1997. If the effective date of this modification is delayed, timely notice will be published in the **Federal Register**.

The Board certifies that the new procedures will not have a significant economic effect on a substantial number of small entities. The impact on small entities, if any, will be to provide them with better cost estimates.

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 1241

Administrative practice and procedure, Railroads.

Decided: September 19, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, 49 CFR Chapter X is amended as set forth below:

PART 1241—ANNUAL, SPECIAL, OR PERIODIC REPORTS—CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

1. The authority citation for part 1241 is revised to read as follows:

Authority: 49 U.S.C. 11145.

§ 1241.14 [Removed]

2. Section 1241.14 is removed.

[FR Doc. 97-26029 Filed 9-30-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 970318057-7158-02; I.D. 022097C]

RIN 0648-AJ42

Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 1997 Summer Flounder Fishery; Correction

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

ACTION: Correction to final rule.

SUMMARY: NMFS issued a final rule which was published in the **Federal Register** on July 11, 1997 (62 FR 37154). This final rule implemented management measures for the 1997 summer flounder recreational fishery and also made minor technical changes to 50 CFR part 648 that were unrelated to the implementing management measures. The technical changes included the redesignation of two paragraphs. As a result of the redesignation, several errors occurred in cross-references to these renumbered paragraphs. This document corrects those cross-references.

DATES: Effective July 8, 1997.

FOR FURTHER INFORMATION CONTACT: Mary Tokarcik, 978-281-9326.

SUPPLEMENTARY INFORMATION:

Background

NMFS is correcting the final regulations published on July 11, 1997 (62 FR 37154). In addition to implementing management measures for the 1997 summer flounder recreational fishery, the final rule made minor technical changes to 50 CFR part 648 that were unrelated to implementing the management measures. The technical changes merely corrected omissions and errors that occurred in making earlier revisions to the consolidated Northeast fisheries regulations. A final rule published on April 1, 1997 (62 FR 15381) was worded as if a paragraph (j) was added to § 648.82, when in effect it actually inadvertently overwrote the original paragraph (j). In the July 11, 1997, final rule, paragraph (j) was redesignated as (k) and the original (j) was added to § 648.82. In § 648.82, cross-references to (j) were revised to reflect its redesignation.

Need for the Correction

The final rule published July 11, 1997, revised the cross-references discussed above contained in § 648.82. However, the cross-references to paragraph § 648.82(k) were not revised in the definition of "Days-at-Sea (DAS)" in § 648.2, and paragraphs 648.4(c)(2)(iii)(B) and 648.10(f)(2). This correction document revises those cross-references to reflect accurately the redesignated paragraph (k).

Correction

Accordingly, the publication on July 11, 1997, of the final regulations (I.D. 022097C), which was the subject of FR Doc. 97-18117 is corrected as follows:

Correction to Preamble

On page 37155, in the third column, fifth paragraph, add the following

¹ The CHARMS file is maintained by the Association of American Railroads (AAR) and contains all car-hire rates.

² See Verified statement of Rockey and Railroad Costing Officers at 17, filed Feb. 20, 1996.

³ Railroad-owned pool cars are cars that are owned by companies that are themselves owned and controlled by the railroads. Railroad-owned pool cars are generally committed to pools for the benefit of certain shippers. A rental rate is paid for the use of these cars.

sentence to the end of the paragraph: "The redesignation of paragraph (j) as (k) effects three additional cross-references in 50 CFR part 648. Therefore, the cross-references to paragraph (j) contained in the following paragraphs are also revised to reflect paragraph (k). In § 648.2, the cross-reference to § 648.82(j)(1)(iv) contained in the definition for "Day(s)-at-Sea (DAS)" is revised to read "§ 648.82(k)(1)(v)". In § 648.4(c)(2)(iii)(B), the cross-reference to § 648.80(j) is revised to read "§ 648.82(k)". In § 648.10(f)(2), the cross-reference to § 648.82(j)(1)(iii) is revised to read "§ 648.82(k)(1)(iv)".

Correction to Regulatory Text

On page 37156, in the first column, the following amendatory instructions are added after the authority citation to read as follows:

1a. In § 648.2, the definition for "Days-at-Sea (DAS)" is revised to read as follows:

§ 648.2 Definitions.

* * * * *

Day(s)-at-Sea (DAS), with respect to the NE multispecies and scallop fisheries, except as described in § 648.82(k)(1)(v), means the 24-hour periods of time during which a fishing vessel is absent from port in which the vessel intends to fish for, possess or land, or fishes for, possesses, or lands regulated species or scallops.

* * * * *

1b. In § 648.4, the first sentence of paragraph (c)(2)(iii)(B) is revised to read as follows:

§ 648.4 Vessel and individual commercial permits.

* * * * *

- (c) * * *
- (2) * * *
- (iii) * * *

(B) For vessels fishing for NE multispecies with gillnet gear, with the exception of vessels under the Small Vessel permit category, an annual declaration as either a Day or Trip gillnet vessel designation as described in § 648.82(k). * * *

* * * * *

1c. In § 648.10, paragraph (f)(2) is revised to read as follows:

§ 648.10 DAS notification requirements.

* * * * *

- (f) * * *

(2) *Gillnet call-in*. Vessels subject to the gillnet restriction described in § 648.82(k)(1)(iv) must notify the Regional Administrator of the commencement date of their time out of the NE multispecies gillnet fishery using

the procedure described in paragraph (f)(1) of this section.

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

Dated: September 25, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97-25981 Filed 9-30-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 961227373-6373-01; I.D. 092497C]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Nontrawl Sablefish Mop-Up Fishery

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

ACTION: Announcement of nontrawl sablefish mop-up fishery; fishing restrictions; request for comments.

SUMMARY: NMFS announces adjustments to the management measures for the Pacific Coast groundfish fishery off Washington, Oregon, and California. This action establishes beginning and ending dates and the cumulative period landings limit for the mop-up fishery for nontrawl limited entry sablefish, and sets daily and cumulative trip limits for the nontrawl limited entry sablefish fishery after the mop-up fishery. These actions are intended to provide for harvest of the remainder of the 1997 limited entry nontrawl allocation for sablefish.

DATES: The nontrawl sablefish mop-up fishery will begin at 1201 hours local time (l.t.), October 1, 1997, and will end at 1200 hours l.t., October 15, 1997, at which time the limited entry daily trip limit fishery resumes. The daily trip limits for the nontrawl sablefish fishery will remain in effect until the effective date of the 1998 annual specifications and management measures for the Pacific coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted until October 15, 1997.

ADDRESSES: Comments on these actions should be sent to William Stelle, Jr., Administrator, Northwest Region, (Regional Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle,

WA 98115-0070; or to William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to these actions has been compiled in aggregate form and is available for public review during business hours at the office of the Regional Administrator.

FOR FURTHER INFORMATION CONTACT:

William L. Robinson at 206-526-6140; or Svein Fougner at 562-980-4034.

SUPPLEMENTARY INFORMATION: The regulations at 50 CFR 660.323(a)(2) (62 FR 45350, August 27, 1997) established a new season structure for the limited entry nontrawl sablefish fishery in 1997. The "regular season" was an equal cumulative limit fishery during which each limited entry permit holder with a sablefish endorsement had the opportunity to fish under an equal cumulative limit. Other than the large, equal cumulative limit, the only trip limit in this fishery was for sablefish smaller than 22 inches (56 cm). The 1997 regular season started at noon on August 25, 1997, and lasted for 9 days to noon on September 3, 1997.

Preseason estimates of the likely total harvest in the regular season fishery were conservative in order to minimize the risk of the fishery exceeding its total allocation. Because of the conservative projections, the regular fishery was not expected to harvest all of the limited entry, fixed gear allocation for north of 36° N. lat. in excess of that required for the daily trip limit fishery. The Regional Administrator is authorized to announce a mop-up fishery for any excess, if it is large enough, about 3 weeks after the end of the regular season and consisting of one cumulative trip limit for each vessel.

Only individuals holding limited entry permits with sablefish endorsements may participate in the mop-up fishery. No more than one cumulative limit may be landed on each limited entry permit with a sablefish endorsement. Approximately 3 weeks are needed for the Pacific Fishery Management Council (Council) Groundfish Management Team to compile all of the landings receipts from the regular season and to calculate the amount available for the mop-up season, if any. This notice establishes the 1997 mop-up fishery for limited entry, fixed gear permit holders with sablefish endorsements.

Following the mop-up fishery, daily trip limits are reimposed until the end of the year. At the September 8-12, 1997, Council meeting, the Council recommended that the limited entry, fixed gear daily trip limits for sablefish