

follow the provisions at § 1150.44, and notice must be given to shippers.

(c) If the notice contains false or misleading information, the exemption is void *ab initio*. A petition to revoke under 49 U.S.C. 10502(d) does not automatically stay the exemption.

(d) Applicant must preserve intact all sites and structures more than 50 years old until compliance with the requirements of section 106 of the National Historic Preservation Act, 16 U.S.C. 470f, is achieved.

§ 1150.43 Information to be contained in notice for small line acquisitions.

(a) The full name and address of the Class III rail carrier applicant;

(b) The name, address, and telephone number of the representative of the applicant who should receive correspondence;

(c) A statement that an agreement has been reached or details about when an agreement will be reached;

(d) The operator of the property;

(e) A brief summary of the proposed transaction, including:

(1) The name and address of the railroad transferring the subject property to the Class III rail carrier applicant;

(2) The proposed time schedule for consummation of the transaction;

(3) The mile-posts of the subject property, including any branch lines; and

(4) The total route miles being acquired;

(f) A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and states; and

(g) A certificate that applicant's projected revenues following the transaction do not exceed those that would qualify it as a Class III rail carrier.

§ 1150.44 Caption summary.

The caption summary must be in the following form. The information symbolized by numbers is identified in the key in this section as follows:

DEPARTMENT OF TRANSPORTATION—
Surface Transportation Board

Notice of Exemption

STB Finance Docket No. (1)—Exemption
(2)—(3)

(1) Has filed a notice of exemption to (2)
(3)'s line between (4). Comments must be
filed with the Board and served on (5). (6).

Key to symbols:

(1) Name of carrier acquiring or
operating the line, or both.

(2) The type of transaction, e.g., to
acquire, operate, or both.

(3) The transferor.

(4) Describe the line.

(5) Petitioner's representative,
address, and telephone number.

(6) Cross reference to other class
exemptions being used. The notice is
filed under 49 CFR 1150.41. If the notice
contains false or misleading
information, the exemption is void *ab
initio*.

The filing of a petition to revoke will not
automatically stay the transaction.

**§ 1150.45 Procedures and relevant dates—
transactions under 49 U.S.C. 10902 that
involve creation of Class I or Class II
carriers.**

(a) To qualify for this exemption,
applicant must serve a notice of intent
to file a notice of exemption no later
than 14 days before the notice of
exemption is filed with the Board.

(b) The notice of intent must contain
all the information required in § 1150.43
plus:

(1) A general statement of service
intentions; and

(2) A general statement of labor
impacts.

(c) The notice of intent must be served
on:

(1) The Governor of each state in
which track is to be sold;

(2) The state(s) Department of
Transportation or equivalent agency;

(3) The national offices of the labor
unions with employees on the affected
line(s); and

(4) Shippers representing at least 50
percent of the volume of local traffic
and traffic originating or terminating on
the line(s) in the most recent 12 months
for which data are available (beginning
with the largest shipper and working
down).

(d) Applicant must also file a verified
notice of exemption conforming to the
requirements of paragraph (b) of this
section and of § 1150.44, and certify
compliance with § 1150.45 (a), (b), and
(c), attaching a copy of the notice of
intent. In addition to the written
submission, the notice must be
submitted on a 3.5-inch diskette
formatted for WordPerfect 5.1.

(e) The exemption will be effective 21
days after the notice is filed. The Board,
through the Director of the Office of
Proceedings, will publish a notice in the
Federal Register within 30 days of the
filing.

(f) If the notice contains false or
misleading information, the exemption
is void *ab initio*. A petition to revoke
under 49 U.S.C. 10502(d) does not
automatically stay the transaction. Stay
petitions must be filed within 7 days of
the filing of the notice of exemption.
Replies will be due 7 days thereafter. To
be considered, stay petitions must be
timely served on the applicant.

(g) Applicant must preserve intact all
sites and structures more than 50 years
old until compliance with the
requirements of section 106 of the
National Historic Preservation Act, 16
U.S.C. 470f, is achieved.

[FR Doc. 96-6826 Filed 3-21-96; 8:45 am]

BILLING CODE 4915-00-P

49 CFR Part 1121

[Ex Parte No. 400 (Sub-No. 4)]

**New Procedures in Rail Exemption
Revocation Proceedings**

AGENCY: Surface Transportation Board,
DOT.

ACTION: Proposed rule, withdrawal.

SUMMARY: The Surface Transportation
Board is discontinuing the rulemaking
in Ex Parte No. 400 (Sub-No. 4).

DATES: This withdrawal is made on
March 22, 1996.

FOR FURTHER INFORMATION CONTACT:
Thomas J. Stilling, (202) 927-7312.
[TDD for the hearing impaired: (202)
927-5721.]

SUPPLEMENTARY INFORMATION: In an
Advanced Notice of Proposed
Rulemaking (ANPR) served April 28,
1995, 60 FR 22035 (May 4, 1995) the
Interstate Commerce Commission
solicited comments on a proposal to
expedite rail exemption revocation
proceedings. Subsequent to the issuance
of the ANPR, the ICC Termination Act
of 1995 (ICCTA), Pub. L. No. 104-88,
109 Stat. 803 was enacted. The
provisions of 49 U.S.C. 10704(d), part of
section 102(a) of ICCTA, require the
Surface Transportation Board to
establish procedures to expedite the
handling of challenges to the
reasonableness of railroad rates and of
proceedings involving the granting or
revocation of railroad exemptions.

In response to section 10704(d), we
have instituted a new proceeding,
*Expedited Procedures for Processing
Rail Rate Reasonableness, Exemption
and Revocation Proceedings*, Ex Parte
No. 527 (published elsewhere in this
section of the Federal Register). Because
Ex Parte No. 527 will review the
exemption revocation procedures at 49
CFR 1121, we are discontinuing this
proceeding. The comments previously
filed in response to the ANPR will be
made part of the record in Ex Parte No.
527 and need not be refiled.

Decided: March 8, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 96-6987 Filed 3-21-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AD74

Migratory Bird Hunting: Regulations Regarding the Prohibition Against Artificially Altering or Manipulating Natural Vegetation in Moist Soil Areas To Attract Waterfowl for Hunting Purposes

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent and request for comments.

SUMMARY: The principal purpose of this action is to notify the public and invite comments regarding promulgation of a separate rulemaking that will govern the manner in which, or if at all, natural vegetation in moist soil areas may be altered or manipulated artificially to attract waterfowl for hunting purposes. Previously, the subject regulations [§ 20.21(i)] had been part of the ongoing review of 50 CFR Part 20, but henceforth will be considered separately.

DATES: Comments on this proposal must be received by June 20, 1996.

ADDRESSES: Comments regarding this notice should be addressed to: Director (FWS/NAWWO), U.S. Fish and Wildlife Service, 110 ARLSQ, 1849 C ST., NW., Washington, DC 20240. Comments received on this notice will be available for public inspection during normal business hours in Room 110, Arlington Square Building, 4401 No. Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Dr. Byron K. Williams, Executive Director, or Dr. Keith A. Morehouse, Wildlife Biologist, North American Waterfowl and Wetlands Office, 703/358-1784; Faxform 703/358-2282.

SUPPLEMENTARY INFORMATION: The Service is currently undertaking review and revision of the migratory bird hunting regulations contained in 50 CFR Part 20; there have been two earlier notices regarding this review (56 FR 57872; 58 FR 63488). Publication of the proposed rule that incorporates and/or takes into consideration comments submitted as part of that review will occur soon.

In the Part 20 review process, the Service has received many comments concerning waterfowl baiting. In particular, many commenters have expressed the need for changes in regulations addressing manipulation of natural vegetation in moist soil areas to attract waterfowl for hunting. Based on these comments, the Service proposes opening for further review and comment only the particular waterfowl baiting that occurs with natural vegetation in moist soil areas. However, it would not be judicious to treat a single concern of waterfowl baiting in isolation. Thus, the Service further proposes to remove the entire waterfowl aspect of the baiting regulations from the broader review of migratory bird hunting regulations and treat it as a separate rulemaking. Subsequently, the additional review of the manipulation of natural vegetation on moist soil areas will be incorporated with other aspects of waterfowl baiting in a single, proposed rulemaking.

Waterfowl baiting has been an issue for years, possibly extending back to the inception of the regulations and there is a wide diversity of opinion on the subject. Some see the baiting regulations as highly definitive and clear; others believe that they lack definition and subject to broad, individual interpretation. The concern is how and whether to consider changing the waterfowl baiting regulations to allow for management (i.e., mowing or other artificial manipulation) of natural vegetation for waterfowl habitat. There are four key issues:

(1) What are the potential impacts on available habitat? Supporters of a regulatory change suggest that the regulations as currently enforced impose unnecessary economic burdens on landowners (e.g., by altering otherwise cost-effective mowing schedules). As a result, some groups argue that the current baiting regulations will lead to loss of waterfowl habitats as landowners transfer these lands to other uses. Though such losses may occur, at present there is no way to determine their magnitude and importance.

(2) What are the potential impacts on waterfowl populations? Waterfowl harvest is likely to increase; however, the magnitude of the increase and resulting impacts on populations are open to speculation since little or no evidence exists to support a position.

(3) What are the potential impacts on law enforcement? Any change must be enforceable by law enforcement personnel and clearly define what constitutes "natural vegetation." Hunters must be able to clearly recognize what is lawful and what is not

lawful, so that law enforcement agents are not in the position of certifying areas as legal for hunting, or trying to enforce rules that are unclear and subject to wide individual interpretation.

(4) What is the effect on existing law? Courts have interpreted the current baiting regulations in a number of decisions. These judicial opinions add to the ability of those concerned with the regulations to determine accurately the scope of their prohibitions. Any change to the regulations would render some of this existing case law inapplicable and, therefore, would at least temporarily increase the degree of uncertainty associated with the regulations.

The Service is not offering strategies or options to resolve the issue at this time. The intent of this notice is to apprise the public that the Service is beginning a process to review and may propose to change the baiting regulations as they apply to natural vegetation manipulation and waterfowl hunting. At a later date, the Service will provide more detail on the nature of the process and how the Service proposes to involve the public.

You may at any time submit preliminary comments regarding whether revision of the waterfowl baiting regulations is desirable. However, the Service does plan to publish a proposed rule during which specific comments will be solicited. In addition, the Service will consider in future proposed rulemakings any comments received in response to previous notices (referenced earlier in this section) pertaining to waterfowl baiting and moist soil management.

In summary, the principal purpose of this action is to notify the public and invite any comments regarding promulgation of separate rulemakings that will govern the manner in which, or if at all, natural vegetation in moist soil areas may be altered or manipulated artificially to attract waterfowl for hunting purposes.

NEPA Consideration

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)), and the Council on Environmental Quality's regulation for implementing NEPA (40 CFR 1500-1508), the Service will comply with NEPA prior to adopting a final rule.

Endangered Species Act Considerations

Section 7 of the Endangered Species Act (ESA), as amended (16 U.S.C. 1531-1543; 87 Stat. 884), provides that, "The Secretary shall review other programs