

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: April 25, 1996.

Richard W. Krimm,

Acting Associate Director, Mitigation Directorate.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 15

CGD 94-041]

RIN 2115-92

Radar-Observer Endorsement for Operators of Uninspected Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Reopening of comment period on interim rule.

SUMMARY: The Coast Guard is reopening the period for public comment on its interim rule requiring a radar-observer endorsement for operators of uninspected towing vessels. It would like public help in clarifying certain issues.

DATES: Comments must be received on or before July 2, 1996.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) [CGD 94-041], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-09001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Don Darcy, Project Manager, Marine Safety and Environmental Protection, Office of Maritime Personnel Qualifications (G-MOS-1) (202) 267-0221.

SUPPLEMENTARY INFORMATION: On October 26, 1994, the Coast Guard published an interim rule requiring a radar-observer endorsement, with appropriate training, for licensed masters, mates, and operators of radar-equipped uninspected towing vessels 8 meters (approximately 26 feet) or more

in length [59 FR 53754]. This rule requires every licensed person to hold either an endorsement as a radar-observer or, if he or she holds a valid license issued before February 15, 1995, a certificate from a radar-operation course. In response to comments from members of the regulated public, the Coast Guard published an amendment to the interim rule on February 14, 1995 [60 FR 8308], which changed the date by which the radar-observer endorsement or the radar-operation course certificate would be required: from February 15, 1995, to June 1, 1995. The effective date of the interim rule remained and remains June 1, 1995.

Further evaluation of the interim rule by the Coast Guard revealed certain issues that require clarification. Therefore, the Coast Guard has decided to reopen the comment period.

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. There is no need to refile comments already submitted. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD 94-041] and the specific section of the interim rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change the interim rule in view of the comments.

Although the Coast Guard invites comments on any feature of the interim rule, it specifically invites comments on the following:

Section 10.305(c)(2)(iii)(C). Should the Coast Guard require the determination of the course and speed of another vessel for inland routes?

Section 10.305(c)(2)(iii)(D). Should the Coast Guard require the determination of the time and distance of closest point of approach of a crossing, meeting, overtaking, or overtaken vessel for inland routes? On most inland routes, towing vessels have a one-person watch in the wheelhouse and may compromise the safety of the tow if they were required to do this.

Section 10.480(f). Currently an endorsement as radar observer issued under this section is valid for five years after the month of issuance of the

certificate of training from a course approved by the Coast Guard. Should there be a 2 year window of acceptability to the renewal date of the license to bring the two dates together and eliminate an expensive license transaction? This would make the normal validity of the endorsement 5 years, but not to exceed 7 years.

Dated: April 25, 1996.

Joseph J. Angelo,

Director for Standards, Marine Safety and Environmental Protection.

[FR Doc. 96-10999 Filed 5-2-96; 8:45 am]

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Surface Transportation Board

49 CFR Parts 1051, 1053 and 1312

[Ex Parte No. MC-180 (Sub-No. 3)]

Regulations Implementing Section 7 of the Negotiated Rates Act of 1993

AGENCY: Surface Transportation Board (Board).¹

ACTION: Final Rule; Termination of Proceeding.

SUMMARY: The Board is rescinding the rules previously issued by the Interstate Commerce Commission (ICC) in this proceeding concerning the off-bill discounting provisions of section 7 of the Negotiated Rates Act of 1993 (NRA), and terminating the proceeding. The ICC Termination Act of 1995 repealed and did not reenact the requirement that the ICC, or any agency, issue or maintain regulations to carry out the remaining requirements of section 7.

EFFECTIVE DATE: The action is effective on May 3, 1996.

FOR FURTHER INFORMATION CONTACT: Michael L. Martin, (202) 927-6033 [TDD for the hearing impaired: (202) 927-5721].

SUPPLEMENTARY INFORMATION: In accord with section 7 of the NRA, Public Law No. 103-180, the ICC adopted regulations relating to off-bill discounting. *Regs. Implementing § 7 of the Negotiated Rates Act 1993*, 9 I.C.C.2d 1263 (1993). The rules, which were published at 59 FR 2303 (Jan. 14, 1994), prohibited, except as to certain services, motor common and contract carriers of property from providing "off-bill discounting." Off-bill discounting is a practice by which a carrier provides a reduction in a tariff rate or contract rate

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions and proceedings to the Board.

to a person who does not pay the freight charges for the services involved.

Section 7 also contained other requirements beyond prohibiting off-bill discounting. To implement these provisions, the regulations also (1) made it unlawful to provide misleading or false billing information to a carrier; and (2) required that freight bills disclose the rates and reductions or allowances involved. 49 CFR 1051.

The ICC issued a further order, 59 FR 14570, March 19, 1994, (served March 23, 1994) responding to inquiries it had received concerning the rules. In that order, the ICC invited additional questions and comments from interested parties, and it indicated that a further decision would be forthcoming. A number of comments have been filed.

Although it retained (with modifications) the other requirements of section 7, the ICCTA repealed and did not reenact the former statutory prohibition against off-bill discounting. See 49 U.S.C. 13708. Moreover, the ICCTA repealed and did not reenact the requirement that the ICC, or any agency, issue or maintain regulations to carry out the remaining requirements of section 7. *Id.* Therefore, the regulations, including the prohibition against off-bill discounting, are rescinded.²

² Section 204(a) of the ICCTA provides that “[t]he Board shall promptly rescind all regulations established by the Interstate Commerce Commission

Consequently, further consideration of the comments is unnecessary, and this proceeding is terminated.³

List of Subjects

49 CFR Part 1051

Buses, Freight, Motor Carriers, Reporting and recordkeeping requirements.

49 CFR Part 1053

Motor contract carriers.

49 CFR Part 1312

Household goods freight forwarders, Motor carriers, Moving of household goods, Pipelines, Tariffs, Water carriers.

Authority: 49 U.S.C. 721(a); Sections 204(a) and 204(b)(3) of the ICC Termination Act.

Decided: April 17, 1996,

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

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is amended as set forth below:

that are based on provisions of law repealed and not substantively reenacted by this Act.”

³ Section 204(b)(3) of the ICCTA provides that, “in the case of a proceeding under a provision of law repeal[ed], and not reenacted, by this Act such proceeding shall be terminated.”

PART 1051—RECEIPTS AND BILLS

1. The authority citation for part 1051 is revised to read as follows:

Authority: 5 U.S.C. 553, 49 U.S.C. 721(a), 13710, 14122.

§ 1051.2 [Amended]

2. In § 1051.2, the introductory text of paragraph (a)(1) is redesignated as the introductory text of paragraph (a) and paragraphs (a)(1)(i) through (a)(1)(xi) are redesignated as paragraphs (a)(1) through (a)(11), and paragraphs (a)(2) and (a)(3) are removed.

PART 1053—[REMOVED]

3. Part 1053 is removed.

PART 1312—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS, SCHEDULES AND RELATED DOCUMENTS OF MOTOR, PIPELINE AND WATER CARRIERS, AND HOUSEHOLD GOODS FREIGHT FORWARDERS

4. The authority citation for Part 1312 is revised to read as follows:

Authority: 5 U.S.C. 553, 49 U.S.C. 721(a), 13702.

§ 1312.14 [Amended]

5. In § 1312.14(a), paragraph (a)(4) is removed.

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