

in the absence of a specified date, the sixty-first day following completion of the rental period. Interest will accrue at the "Renegotiation Board Interest Rate" (published in the Federal Register semiannually on or about January 1st and July 1st) for the period in which the rent is due.

(3) The Government's acceptance of any rental payment under this clause, in whole or in part, shall not be construed as a waiver or relinquishment of any rights it may have against the Contractor stemming from the Contractor's unauthorized use of government property or any other failure to perform this contract according to its terms.

(e) *Use revocation.* At any time during the rental period, the Government may revoke commercial use authorization and require the Contractor, at the Contractor's expense, to return the property to the Government, restore the property to its pre-rental condition, or both.

(f) *Unauthorized use.* The unauthorized use of government property can subject a person to fines, imprisonment, or both, under 18 U.S.C. 641.

(End of clause)

#### List of Subjects in 48 CFR Part 52

Government procurement.

Michele P. Peterson,  
*Executive Editor, Defense Acquisition  
Regulations Council.*

[FR Doc. 96-12025 Filed 5-14-96; 8:45 am]

BILLING CODE 5000-04-M

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1305

[STB Ex Parte No. 538]

#### Disclosure and Notice of Change of Rates and Other Service Terms for Pipeline Common Carriage

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The ICC Termination Act of 1995 (ICCTA) eliminated the tariff and tariff filing requirements formerly applicable to pipeline carriers, but imposed in lieu thereof certain obligations to disclose common carriage rates and service terms as well as a requirement for advance notice of increases in such rates or changes in service terms. ICCTA requires the Board to promulgate regulations to administer these new obligations by June 29, 1996. The Board proposes to add a new part 1305 to its regulations for that purpose as set forth below.

**DATES:** Comments are due on June 4, 1996.

**ADDRESSES:** Send comments (an original and 10 copies) referring to STB Ex Parte

No. 538 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-7513. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** The Board's decision discussing this proposal is available to all persons for a charge by phoning DC NEWS & DATA, INC., at (202) 289-4357.

The Board certifies that this rule, if adopted, would not have a significant economic effect on a substantial number of small entities. The proposed rules should result in easier access to pipeline rate and service information and to that extent our action should benefit 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 at the final rule stage.

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 1305

Disclosure requirement, Notice requirement, Pipeline carriers.

Decided: May 8, 1996.

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

Vernon A. Williams,  
*Secretary.*

For the reasons set forth in the preamble, the Board proposes to add a new part 1305 to title 49, Chapter X, of the Code of Federal Regulations, to read as follows:

#### PART 1305—DISCLOSURE AND NOTICE OF CHANGE OF RATES AND OTHER SERVICE TERMS FOR PIPELINE COMMON CARRIAGE

Sec.

1305.1 Scope; definitions.

1305.2 Disclosure requirement for existing rates.

1305.3 Response to request for establishment of a new rate.

1305.4 Notice requirement.

Authority: 49 U.S.C. 721(a) and 15701(e).

##### § 1305.1 Scope; definitions.

(a) The provisions of this part address the requirements imposed on pipeline carriers by 49 U.S.C. 15701(b) and 15701(c). Such requirements apply to pipeline carriers only with respect to the transportation of commodities other than water, gas, or oil.

(b) Except as otherwise provided in paragraph (c) of this section, the provisions of this part apply to any transportation or service provided by a pipeline carrier subject to the jurisdiction of the Surface Transportation Board under 49 U.S.C. 15301.

(c) The provisions of this part do not apply to any transportation or service provided by a pipeline carrier to the extent that such transportation or service is exempted from rate notice and disclosure requirements pursuant to 49 U.S.C. 15302.

(d) For the purposes of this part, service terms means all classifications, rules, and practices that affect the rates, charges, or level of service for pipeline transportation.

##### § 1305.2 Disclosure requirement for existing rates.

(a) A pipeline carrier must disclose to any person, on request, the specific rate(s) requested (or the basis for calculating the specific rate(s)), as well as all charges and service terms that may be applicable to transportation covered by that rate(s).

(b) The information provided by a pipeline carrier under this section must be provided immediately. Such information may be provided either in writing or in electronic form as agreed to by the parties.

##### § 1305.3 Response to request for establishment of a new rate.

Where a shipper or a prospective shipper requests that the carrier establish a rate in the absence of an appropriate applicable rate for particular transportation, the carrier must promptly establish and provide to the requester, in writing or in electronic form as agreed to by the parties, an appropriate rate and applicable service terms. The response should be provided as soon as reasonably possible, but no later than 10 business days from receipt of the request. If a carrier determines that additional information is required from the requester before a rate or term can be established, the carrier must so notify the requester as soon as possible, but no later than 10 business days after receipt of the request. Once the additional information is received, the carrier must set the rate and related service terms, and relay them to the requester, within 10 business days.

##### § 1305.4 Notice Requirement.

(a) A pipeline carrier may not increase any rates or charges, or change any service terms (except for changes that are equivalent to rate reductions) unless 20 days have expired after written or

electronic notice has been provided to all persons who, within the previous 12 months:

(1) Have requested under section 15701(b) the affected rates or service terms; or

(2) Have made a shipment that was subject to the affected rates or terms; or

(3) Have made arrangements with the carrier for a future shipment that would be subject to the affected rates or terms.

(b) The notice required by this section may be in writing or in electronic form, as agreed to by the parties.

(c) For purposes of this section, a mailed notice is deemed "provided" on the date such notice is postmarked.

(d) The notice required by this section must clearly identify the increase in rates or charges or the change in service terms.

[FR Doc. 96-12277 Filed 5-14-96; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 672, 675, and 676

[Docket No. 960501122-6122-01; I.D. 042596A]

RIN 0648-A146

#### Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Limited Access Management of Federal Fisheries Off of Alaska; Addition of the City of Akutan To the List of Communities Eligible to Participate in the Community Development Quota Programs (CDQ)

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to add the city of Akutan to the list of western Alaska communities that are eligible to participate in the CDQ programs, to remove the authority to use scales to weigh total catch in the pollock CDQ fishery, and to prohibit processor vessels from filling fish holding bins above the level of the viewing port. These actions are necessary to further the objectives of the CDQ programs.

**DATES:** Comments must be received at the following address by June 13, 1996.

**ADDRESSES:** Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region,

NMFS, P.O. Box 21668, Juneau, AK 99802-1668; Attn: Lori Gravel. The Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) may be obtained from the same address or by calling 907-586-7228.

**FOR FURTHER INFORMATION CONTACT:** David Ham, 907-586-7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska and the Bering Sea and Aleutian Islands management area (BSAI) are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area (BSAI FMP). The FMPs were prepared by the Council and approved by NMFS under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620.

Beginning with the 1995 fishing season, the Pacific halibut and sablefish fixed gear fisheries have been managed under the Individual Fishing Quota (IFQ) program. The IFQ program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson Act and the Northern Pacific Halibut Act. Further information on the implementation of the IFQ program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the Federal Register, November 9, 1993 (58 FR 59375), and revised in subsequent amendments to the program published in the Federal Register.

Information on the halibut and sablefish (H/S) CDQ program, and the rationale supporting it, are contained in the preamble to the proposed rule to implement the program that was published in the Federal Register on December 3, 1992 (57 FR 57130).

The pollock CDQ program originally was developed by the Council and submitted as part of Amendment 18 to the BSAI FMP. Amendment 18 was approved in part by NMFS (57 FR 23321, June 3, 1992). Initial Federal regulations implementing the pollock CDQ program became effective on November 18, 1992 (57 FR 54936, November 23, 1992), and expired on

December 31, 1995. The Council proposed re-authorizing the pollock CDQ program for an additional 3 years as part of Amendment 38 to the FMP, and NMFS approved this amendment on November 28, 1995. Regulations implementing the pollock CDQ program for 1996, 1997, and 1998, were published on December 12, 1995 (60 FR 63654), and corrected on January 2, 1996 (61 FR 20).

The pollock and H/S CDQ programs apportion designated percentages of the annual total allowable catch for pollock, Pacific halibut, and fixed gear sablefish to a CDQ reserve that may be allocated to eligible western Alaska communities. The purpose of the CDQ program is to provide the CDQ communities with a means for starting or supporting commercial seafood activities that will result in ongoing, regionally based, commercial seafood or related businesses.

##### CDQ Eligibility for Akutan

The pollock CDQ regulations and the H/S CDQ regulations (§ 675.27(d)(2) and § 676.24(f)(2), respectively), list four criteria for determining the eligibility of western Alaska communities to participate in the CDQ programs. In 1992, NMFS determined that the city of Akutan met the first three criteria but did not meet the fourth criterion. The fourth criterion states that: "the community must not have previously developed harvesting or processing capability sufficient to support substantial groundfish fisheries participation in the BSAI, except if the community can show that benefits from an approved community development plan (CDP) would be the only way to realize a return from previous investments."

Akutan was excluded from CDQ participation because a large groundfish processing plant—the Trident plant—was located within Akutan's city limits.

Despite the presence of this processing plant, the city of Akutan apparently gains little benefit. The Council, at its September 1995, meeting, recommended to NMFS that Akutan be added to the list of CDQ-eligible communities. The Council took this action because the Aleutian Pribilof Island Community Development Association, a CDQ group, put forward evidence showing that Akutan should not be denied CDQ eligibility because of the fourth criterion. The evidence showed that the residents of Akutan have little economic interaction with the Trident processing plant in Akutan due to the nature of the processing plant's operations. The processing plant physically is detached from the city of