

(b) *Exception to the posting requirements.* If any tariff maintained pursuant to paragraph (a)(2) of this section has not been used for a substantial length of time, the posting of that tariff, including its reissues, may be discontinued at that station until such time as a request is made to have it reposted. It shall then be reposted within 20 days.

§ 1312.13 Furnishing copies of tariff publications.

(a) *Definitions.* *Subscriber*, as used in this section, means any person (other than carrier participants in a tariff) that is voluntarily furnished, or that requests that it be furnished, one or more copies of a particular tariff with or without subsequent amendments or reissues of that tariff.

(b) *Sending new publications to subscribers.* (1) The publishing carrier or agent shall send each newly-issued tariff, supplement, or loose-leaf page as requested to each subscriber by first class mail, or other means requested in writing by the subscriber.

(2) Newly-issued tariffs, supplements, or loose-leaf pages shall be sent to each subscriber not later than the time the copies for official filing are sent to the Board.

(3) Carriers or agents may, if acceptable to a subscriber, furnish only specific portions of original tariffs and amendments affecting those portions.

(c) *Certification.* The letter of transmittal accompanying the copies filed with the Board shall contain the following certification:

I certify that compliance with 49 CFR 1312.13 has been made.

(d) *Charges.* (1) If any charge is made, the charge for copies of tariff publications sent to subscribers shall be reasonable, and identical for the same publications.

(2) No charge may be made (even for the cost of sending the publication) for any publication that is invalidated by the Board.

(e) *Notice of invalidation.* If a publication is invalidated, the subscribers shall be notified.

(f) *Alternative subscription services.* The service described in this section must be available to any subscriber requesting it; however, the requirement to offer such service does not preclude the offering of different services to subscribers requesting those services.

§ 1312.14 Powers of attorney and concurrences.

(a) *Authorization.* Rates and services of a carrier must be filed in a tariff issued in that carrier's name unless they are filed:

(1) In an agent's tariff when the carrier has executed a power of attorney authorizing that individual or entity to serve as its tariff agent; or

(2) In a tariff of another carrier through issuance of a concurrence to the latter carrier authorizing the first carrier's participation in joint rates and through routes.

(b) *Disclosure of authorization.* If two or more carriers execute powers of attorney to the same agent, it is not necessary for those carriers to exchange concurrences to participate in joint rates in that agent's tariffs. Powers of attorney and concurrences are not to be filed with the Board, but shall be provided to any person on request.

§ 1312.15 Change of carrier or agent.

(a) *Change in carrier.* When a carrier's name is lawfully changed, or a fiduciary assumes possession and control of a carrier's property, all affected tariffs must be amended to reflect the change. The amendments required by this paragraph shall be filed promptly and, if possible, prior to their effective date, but in no case later than 60 days thereafter. Regardless of the date the tariff is actually filed, the effective date for an amendment required by this paragraph is the date the event occurs.

(b) *Change of agent.* When a new agent is appointed to take over an agency, or when an alternate agent assumes the duties of the principal agent, each of the superseded agent's effective tariffs shall immediately be amended to reflect the change, bearing an effective date the same as the date of the transfer. In the case of a new agent, this may only occur after one or more of the participating carriers issues a power of attorney to the new agent, and revokes the previous power of attorney. At the same time, all affected tariffs will be amended to reflect the new powers of attorney, and all carriers who have not issued them must be canceled from the tariff.

§ 1312.16 Substitution of service.

If a water or motor carrier (hereafter referred to as Carrier A) desires to have the option of substituting the services of a carrier of a different transportation mode (hereafter referred to as Carrier B) for part of its movement of a shipment, it may do so if:

(a) The shipment moves on the bill of lading that would be used if Carrier A were performing the service;

(b) Carrier A assumes the responsibility for the lading while it is in the possession of Carrier B; and

(c) Movement of the lading has been made prior to, or will be made

subsequent to, the service performed by Carrier B.

§ 1312.17 Electronic filing of tariffs.

(a) *Use of FMC system.* Subject to the requirements of this section, the tariffs required by this part may be filed electronically through the Federal Maritime Commission's ATFI system, in lieu of being filed in printed form.

(b) *Compliance with FMC requirements.* All tariffs filed electronically must fully comply with the filing procedures, and the data record format and content requirements, established for the ATFI system (see 46 CFR part 514).

(c) *Fees.* Electronically filed tariffs will be subject to the filing and retrieval fees established by the FMC in 46 CFR 514.21 (g) and (i), but such tariffs will not be subject to fee item 78 in 49 CFR 1002.2(f).

(d) *Relief from this part.* Electronically filed tariffs will not be subject to the filing procedures and format requirements for printed tariffs as set forth in §§ 1312.4, 1312.5, and 1312.7 through 1312.15; however, such tariffs must otherwise fully comply with the requirements of this part.

[FR Doc. 97-9817 Filed 4-17-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961107312-7021-02; I.D. 041197B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Aleutian Islands Subarea

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific ocean perch in the Central Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the total allowable catch (TAC) of Pacific ocean perch in that area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), April 15, 1997, until 1200 hrs, A.l.t., April 16, 1997.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive

economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(3)(iii), the Pacific ocean perch TAC in the Central Aleutian District was established by the Final 1997 Harvest Specifications for Groundfish for the BSAI (62 FR 7168, February 18, 1997) as 3,170 metric tons (mt). The Administrator, Alaska Region, NMFS (Regional Administrator), established a directed fishing allowance of 2,170 mt and set aside the remaining 1,000 mt as bycatch in support of other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator found that the directed fishing allowance would soon be reached and NMFS closed the directed fishery for Pacific ocean perch in the Central Aleutian District of the BSAI on March 24, 1997 (62 FR 14652, March 27, 1997). Subsequently the Regional Administrator reduced the directed fishing allowance from 1,000 mt to 500 mt. Consequently 956 mt remain in the directed fishing allowance. Therefore NMFS is terminating the previous closure and is opening directed fishing for Pacific ocean perch in the Central Aleutian District of the BSAI effective 1200 hrs, A.l.t., April 15, 1997.

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Current information shows the catching capacity of vessels catching Pacific ocean perch is in excess of 400 mt per day. NMFS is closing directed fishing for Pacific ocean perch in the Central Aleutian District of the BSAI at 1200 hrs, A.l.t., April 16, 1997.

All other closures remain in full force and effect.

Classification

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: April 15, 1997.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961126334-7025-02; I.D. 041197C]

Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Apportionment of reserve.

SUMMARY: NMFS is apportioning the initial reserve of Pacific cod in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to allow incidental catch of Pacific cod to be retained in other directed fisheries and to account for previous harvest of the total allowable catch (TAC) in the Central Regulatory Area of the GOA.

DATES: Effective: 1200 hrs, Alaska local time (A.l.t.), April 18, 1997, until 2400, A.l.t., December 31, 1997. Comments must be received by May 5, 1997.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The initial TAC of Pacific cod in the Central Regulatory Area of the GOA was established by the Final 1997 Harvest Specifications for Groundfish of the GOA (62 FR 8179, February 24, 1997) as 34,952 metric tons (mt). Directed fishing for Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA was closed on March 11, 1997, under § 679.20(d)(1)(iii), in order to prevent exceeding the allocation for processing by the inshore component in this area (62 FR 11770, March 13, 1997).

The reserve of Pacific cod in the Central Regulatory Area of the GOA was created as a management buffer to prevent exceeding the TAC and to provide greater assurance that Pacific cod could be retained as bycatch throughout the fishing year by the Final 1997 Harvest Specifications for Groundfish of the GOA (62 FR 8179, February 24, 1997).

The Administrator, Alaska Region, NMFS, (Regional Administrator), has determined that the initial TAC for Pacific cod in the Central Regulatory Area needs to be supplemented from the Pacific cod reserve for that area in order to allow incidental catch of Pacific cod to be retained in other fisheries and to account for prior harvest. Therefore, in accordance with § 679.20(b)(3)(i)(A), NMFS is apportioning 8,738 mt of Pacific cod from the reserve to the TAC in the Central Regulatory Area of the GOA.

Pursuant to § 679.20(a)(6)(iii), the apportionment of the Pacific cod reserve in the Central Regulatory Area of the GOA is allocated to vessels catching Pacific cod for processing by the inshore and offshore components as 7,864 mt and 874 mt respectively. This action increases the total allocation of the 1997 Pacific cod TAC in the Central Regulatory Area for vessels catching Pacific cod for processing by the inshore and offshore components to 39,321 mt and 4,369 mt, respectively.

In accordance with § 679.20(b)(3)(iii)(A), NMFS finds that there is good cause for not providing the public with a prior opportunity to comment. As of April 2, 1997, NMFS estimates the initial TAC of 34,952 mt for the Central Regulatory Area of the GOA has been reached. This action is necessary to allow retention of amounts of Pacific cod that are caught incidentally while conducting directed fishing for other species in the Central Regulatory Area.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

Classification

This action is required by 50 CFR 679.20 and is exempt from review under E.O. 12866.

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

Dated: April 15, 1997.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

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