Finally, the proposed rule adds a provision for boat and ferry docks.

The comment period was originally scheduled to close on November 8, 1999 during which time one public hearing was scheduled. To facilitate substantive public review of the proposed rule, the Access Board is extending the comment period an additional 30 days to allow for a second public hearing.

Interested members of the public may contact the Access Board at (202) 272–5434 extension 18 or (202) 272–5449 (TTY) to preregister to give testimony or may register on the day of the hearings.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 99–19798 Filed 8–2–99; 8:45 am]

BILLING CODE 8150–01–P

FEDERAL MARITIME COMMISSION

46 CFR Part 535

[Docket No. 99–13]

The Content of Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984

AGENCY: Federal Maritime Commission.

ACTION: Notice of inquiry.

SUMMARY: The Federal Maritime Commission is issuing this Inquiry to solicit comments concerning the appropriate content of agreements filed with the Commission pursuant to the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998. The comments received will assist the Commission in preparing a proposal to update or refine the existing content standards.

DATES: Submit comments on or before October 4, 1999.

ADDRESSES: Address all comments concerning this Inquiry to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol St., N.W., Room 1046, Washington, D.C. 20573–0001.

FOR FURTHER INFORMATION CONTACT:

Florence A. Carr, Director, Bureau of Economics and Agreement Analysis, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573–0001, (202) 523–5787

Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol St., N.W., Washington, D.C. 20573–0001, (202) 523–5740

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission (''Commission'') is seeking comments from interested parties regarding possible changes to its rules that govern the content of ocean common carrier and marine terminal operator agreements filed with the Commission. This proceeding is being initiated in response to the suggestions of several commenters in a recent rulemaking, Docket No. 98–26, *Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984,* 64 FR 11236 (March 8, 1999), urging the Commission to address, by rule, the issue of what is required to be included in agreements subject to the Shipping Act of 1984, 46 U.S.C. app. 1701 *et seq.* (''1984 Act''), as amended by the Ocean Shipping Reform Act of 1998, Pub. L. 105–258, 112 Stat. 1902 (''OSRA'').

Effective May 1, 1999, in Docket No. 98–26, the Commission amended its rules governing agreements among ocean common carriers and marine terminal operators to reflect changes made to the 1984 Act by OSRA. As part of that proceeding, the Commission also eliminated some agreement form and manner requirements that had previously been in effect. The Commission stated, however, that the elimination of the form and manner requirements had no substantive effect on the content requirements for agreements. Rather, the Commission retained the content requirements, which mirror section 5(a) of the 1984 Act, which section was not changed by OSRA. Section 5(a) requires that ''a true copy of every agreement entered into with respect to any activity described in section 4 (a) or (b) of this Act shall be filed with the Commission. * * *'' 46 U.S.C. app. 1704(a).

Section 4, as amended by OSRA, describes the agreements that are within the scope of the 1984 Act. Section 4(a) applies to agreements by or among ocean common carriers to

(1) discuss, fix, or regulate transportation rates, including through rates, cargo space accommodations, and other conditions of service;

(2) pool or apportion traffic, revenues, earnings, or losses;

(3) allot ports or restrict or otherwise regulate the number and character of sailings between ports;

(4) limit or regulate the volume or character of cargo or passenger traffic to be carried;

(5) engage in exclusive, preferential, or cooperative working arrangements among themselves or with one or more marine terminal operators;

(6) control, regulate, or prevent competition in international ocean transportation; or

(7) discuss and agree on any matter related to service contracts.

46 U.S.C. app. 1703(a).

Section 4(b) applies to agreements among marine terminal operators and among one or more marine terminal operators and one or more ocean common carriers to

(1) discuss, fix, or regulate rates or other conditions of service; or

(2) engage in exclusive, preferential, or cooperative working arrangements, to the extent that such agreements involve ocean transportation in the foreign commerce of the United States.

46 U.S.C. app. 1703(b).

The Commission's rules governing agreements echo the requirement in section 5(a) of the 1984 Act that agreements filed with the Commission must be true and complete. 46 CFR 535.103(g) provides:

An agreement filed under the Act must be clear and definite in its terms, must embody the complete understanding of the parties, and must set forth the specific authorities and conditions under which the parties to the agreement will conduct their present operations and regulate the relationships among the agreement members.

Similarly, 46 CFR 535.407(a) states:

Any agreement required to be filed by the Act and this part shall be the complete agreement among the parties and shall specify in detail the substance of the understanding of the parties.

In comments filed in Docket No. 98–26, a number of carrier commenters expressed concerns that elimination of form and manner requirements could create uncertainty as to what substantive content should be included in filed agreements. The Commission rejected these arguments; however, it further determined that it would institute a subsequent rulemaking proceeding on the issue of the content of filed agreements in response to requests from a nearly unanimous carrier community. The carrier commenters sought more specific requirements as to what matters do or do not have to be filed. They also suggested that the Commission's rules should provide protections for confidential business information, provide maximum flexibility for carriers to modify cooperative arrangements without overly burdensome filing requirements or waiting periods, and possibly include guidance tailored for different types of arrangements. 64 FR at 11238–9.

At this juncture, the Commission is undertaking a review of its existing agreement content regulations to determine whether, and in what manner, they should be updated or refined. Comments received in response to this Inquiry will assist the

Commission in fashioning a notice of proposed rulemaking reflecting the evolving shipping industry and the Commission's statutory mission.

Commenters are free to address any issue relevant to the agreement content rules. In addition, set forth below are questions suggesting particular areas of concern or focus for the Commission:

1. Should the current filing exemption for routine operational or administrative matters be eliminated, retained in its current form, or modified? If so, describe how.

2. If parties were required to file every arrangement or understanding among themselves that came within the scope of section 4 (including all operational or administrative matters), would they be subject to commercial harm or burden? If so, describe in detail (providing copies of and using as many specific examples as possible of) actual arrangements or understandings for which filing would give rise to such burdens or harm; explain (and where possible, quantify) exactly what such burdens would be.

3. Should the Commission adopt different standards for agreement content for different types of agreements, i.e., would it be appropriate to tailor content rules to rate agreements (conferences and rate discussion agreements) vis-a-vis operational agreements (alliances and space/vessel charter arrangements)?

4. Are there types of agreements currently filed with the Commission that would be appropriate for exemption from filing under the standard set forth in section 16 of the Act, i.e., the filing exemption will not result in a substantial reduction in competition or be detrimental to commerce? Exemptions may be either partial (e.g., eliminating waiting periods, or requiring notification in lieu of filing) or complete.

5. Should the rates charged by one carrier to another for use of space and/or vessels be exempt from filing or withheld from public disclosure?

6. Is public disclosure of agreements filed with the FMC useful to shippers, intermediaries, labor, non-party carriers, marine terminal operators, or other interested persons? If so, describe in detail the types of agreements and information used, and why the disclosure of such information is useful.

7. Given the public notice requirement of section 6 of the 1984 Act, can the Commission implement measures to protect commercially sensitive information contained in agreements?

8. How are competing concerns of completeness, burden, and confidentiality resolved in the filing requirements of other regulatory authorities, including antitrust and sector specific agencies?

Now therefore, It is ordered that this Notice of Inquiry be published in the **Federal Register**.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–19847 Filed 8–2–99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF42

Endangered and Threatened Wildlife and Plants; Proposal To Remove the Aleutian Canada Goose From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (we) proposes to remove the Aleutian Canada goose (*Branta canadensis leucopareia*), currently listed as threatened, from the list of endangered and threatened wildlife. Current data indicate that the population of Aleutian Canada goose in North America has recovered. This recovery has primarily been the result of four activities: the removal of introduced Arctic foxes (*Alopex lagopus*) from some of its nesting islands; the release of captive-reared and wild, translocated family groups of geese to fox-free islands to establish new breeding colonies; protection of the Aleutian Canada goose throughout its range from mortality due to hunting; and protection and management of migration and wintering habitat. Removal from the list of Endangered and Threatened Wildlife would result in elimination of regulatory protection offered by the Endangered Species Act of 1973, as amended (Act) but would not affect protection provided to the subspecies by the Migratory Bird Treaty Act. Section 4(g) of the Act requires us to implement a system in cooperation with the States to monitor a recovered species for at least 5 years following delisting. This proposal includes a draft monitoring plan that may be implemented if the Aleutian Canada goose is delisted as proposed.

DATES: Comments from all interested parties must be received by November 1, 1999. Requests for a public hearing must be received by September 17, 1999.

ADDRESSES: Comments and information concerning this proposal should be sent to Ann Rappoport, U.S. Fish and Wildlife Service, 605 West 4th Avenue, Room G–62, Anchorage, Alaska 99501. Comments and information received will be available for inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ann Rappoport, at the above address (907) 271–2787, or Greg Balogh, U.S. Fish and Wildlife Service, 605 West 4th Avenue, Room G–62, Anchorage, Alaska 99501, (907) 271–2778.

SUPPLEMENTARY INFORMATION:

Background

The Aleutian Canada goose is a small, island-nesting subspecies of Canada goose. Morphologically (in form), it resembles other small Canada goose subspecies, but nearly all Aleutian Canada geese surviving past their first winter have a distinct white neck ring at the base of a black neck. Other distinguishing characteristics include an abrupt forehead, separation of the white cheek patches by black feathering along the throat, and a narrow border of dark feathering at the base of the white neck ring. The Aleutian Canada goose is the only subspecies of Canada goose whose range once included both North America and Asia (Amaral 1985). It formerly nested in the northern Kuril and Commander Islands, in the Aleutian Archipelago and on islands south of the Alaska Peninsula east to near Kodiak Island. The species formerly wintered in Japan, and in the coastal western United States south to Mexico. Delacour (1954) considered coastal British Columbia within the former wintering range of this subspecies; however, there are no bona fide records of Aleutian Canada geese from this area (P. Springer, pers. comm.).

The decline of the Aleutian Canada goose was primarily the result of the introduction of Arctic foxes (*Alopex lagopus*) and, to a lesser extent, red foxes (*Vulpes vulpes*) to its breeding islands for the purpose of developing a fur industry. Between 1750 and 1936, Arctic and red foxes were introduced to more than 190 islands within the breeding range of the Aleutian Canada goose in Alaska (Bailey 1993). Several life cycle stages of the goose, including eggs, goslings and flightless, molting geese are vulnerable to predation by foxes. The decrease of Aleutian Canada geese on Agattu Island between 1906, when they were termed the most abundant bird (Clark 1910), and 1937,