

(4) Following completion of the examination of a witness, counsel for the witness may on the record request the person conducting the deposition to permit the witness to clarify any of his or her answers. The grant or denial of such request shall be within the sole discretion of the person conducting the deposition.

(5) The person conducting the deposition shall take all necessary action to regulate the course of the deposition, to avoid delay, and to prevent or restrain disorderly, dilatory, obstructionist, or contumacious conduct, or contemptuous language. Such person shall, for reasons stated on the record, immediately report to the Board any instances where an attorney has allegedly refused to comply with his or her directions, or has allegedly engaged in disorderly, dilatory, obstructionist, or contumacious conduct, or contemptuous language in the course of the deposition. The Board may thereupon take such further action, if any, as the circumstances warrant, including exclusion of that attorney from further participation in the particular investigation.

(b) *Voluntary interviews.* Witnesses appearing voluntarily do not have a right to have an attorney present during questioning. The Investigator-in-Charge (IIC), in consultation with the General Counsel, may permit a witness to be accompanied by an attorney or non-attorney representative. If so accompanied, the role of the attorney or non-attorney representative is limited to raising objections to questions that are outside the scope of the investigation and to advising the witness with respect to any legal privilege such as, for example, under the Fifth Amendment to the U. S. Constitution. Attorney and non-attorney representatives may not represent more than one witness in each investigation in this fashion, absent the consent of the IIC and the General Counsel.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1247

[STB Ex Parte No. 583]

Modification of the Class I Reporting Regulations

AGENCY: Surface Transportation Board.

ACTION: Final rules.

SUMMARY: New regulations, requiring all Class I railroads to report the number of railroad cars loaded and terminated annually are adopted. The new reporting requirement will ensure the continued availability of important data—heretofore only voluntarily reported to, and supplied to the Surface Transportation Board (Board) by, the Association of American Railroads (AAR)—needed by the Board for application of the Uniform Railroad Costing System (URCS), its railroad cost accounting system.

EFFECTIVE DATE: January 1, 2001.

FOR FURTHER INFORMATION CONTACT: Paul A. Aguiar, (202) 565-1527 or H. Jeff Warren, (202) 565-1533. [Assistance for the hearing impaired is available through the Federal Information Relay Service 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking (NPR) served July 18, 2000, comments were solicited on modifying Chapter X of the Code of Federal Regulations Title 49, Part 1247 to require Class I railroads to submit a new report—Annual Report of Cars Loaded and Cars Terminated (Form STB-54). This new report would require Class I railroads to report the number of cars loaded and terminated during each calendar year. Currently, the AAR collects such data quarterly and aggregates the information on a yearly basis in its annual reports (AAR Form CS-54-1) for each railroad.

Historically, we have relied on AAR Form CS-54-1 to obtain certain inputs for URCS. However, to ensure the continued availability of these data, we proposed that Class I railroads file an abbreviated version of AAR Form CS-54-1 with the Board. We proposed to require the reporting of only that data used as inputs for URCS—sections A and B of AAR Form CS-54-1.

Comments on the NPR were filed by the Western Coal Traffic League, United Transportation Union-Illinois Legislative Board (UTU-IL), and the U.S. Department of Agriculture. All three parties fully support the proposal. In addition, UTU-IL suggests that we: (1) Require the carriers to file quarterly, as well as annual, information; (2) make Form STB-54 data available for inspection in our public reference room rather than in the Office of Economics, Environmental Analysis, and Administration (OEEAA); and (3) adopt a definition of “dependent short line” railroads and require Class I railroads to list their dependent short lines.¹

¹ Traffic loaded and terminated on dependent short line railroads is to be reported by Class I railroads as if it was loaded or terminated by the Class I carrier.

We will adopt the proposed reporting requirement supported by all commenters. We decline, however, to adopt UTU-IL’s additional proposals. Regarding the suggestion to have railroads file quarterly data, it would be inappropriate to adopt the UTU-IL proposal without first affording railroads the opportunity to comment. More importantly, we see no reason to burden the railroads with filing quarterly data that we would not use. While UTU-IL contends that the filing of quarterly data will assure “the integrity of the process,” it has not explained why that is so, and we fail to see how filing such data would provide any benefit.

In addition, we see no need to maintain a second set of Form STB-54 data in our public reference room. UTU-IL has not shown that housing the data in OEEAA will place any unreasonable burden on the public or limit access to the information. Indeed, all other cost and traffic data reported by the railroads are available to the public only in OEEAA and we have received no reports of dissatisfaction with this arrangement. Because the data is used on a regular basis by OEEAA staff, it is administratively most practical to house the data where it is used and UTU-IL has provided no compelling reason to maintain a duplicate set of data in the public reference room.

Finally, under our proposal, we expect the railroads to apply the term “dependent short line” in the same manner as it has been applied in prior years to compile AAR Form CS-54-1. This will ensure comparability of data from year-to-year. We see no need, and UTU-IL has suggested none, to have railroads provide a list of their dependent short lines. Because it is our longstanding policy not to burden the industry by requiring the filing of unneeded information, we reject this proposal.

The regulations set forth below are adopted and will be codified at 49 CFR 1247. Copies of Form STB-54 and its instructions will be available on the Board’s web site under forms (<http://www.stb.dot.gov/infoex1.htm#forms>). Alternatively, copies can be requested by writing or calling the contact persons listed above.

This action will not significantly affect either the quality of the human environment or energy conservation.

Because only large railroads will be affected by the new reporting requirement, we conclude that our action will not have a significant economic impact on a substantial number of small entities within the

meaning of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 1247

Freight, Railroads, Reporting and recordkeeping requirements.

Decided: December 29, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, Commissioner Clyburn.

Vernon A. Williams,
Secretary.

For the reasons set forth above, Title 49, Part 1247 Report of Cars Loaded and Cars Terminated is added to Chapter X of the Code of Federal Regulations to read as follows:

PART 1247—REPORT OF CARS LOADED AND CARS TERMINATED

Authority: 49 U.S.C. 721, 10707, 11144, 11145.

§ 1247.1 Annual Report of Cars Loaded and Cars Terminated.

Beginning with the reporting period commencing January 1, 2001, and annually thereafter, each Class I railroad shall file Form STB-54, Annual Report of Cars Loaded and Cars Terminated, together with the accompanying certification, with the Office of Economics, Environmental Analysis, and Administration (OEEAA), Surface Transportation Board, Washington, DC 20243, within 90 days after the end of the reporting year. Blank forms and instructions are available on the Board's web site (<http://www.stb.dot.gov/infoex1.htm#forms>) or can be obtained by contacting OEEAA.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AG08

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter Service or we) published a document in the September 28, 2000, **Federal Register** prescribing the hunting seasons, hours, areas, and

daily bag and possession limits for general waterfowl seasons and those early seasons for which States previously deferred selection. This document corrects errors in the season dates and other pertinent information for the States of Florida, Idaho, and Tennessee.

DATES: This rule was effective on September 29, 2000.

FOR FURTHER INFORMATION CONTACT: Jon Andrew, Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, (703) 358-1714.

SUPPLEMENTARY INFORMATION: In the September 28, 2000, **Federal Register** (65 FR 58314), we published a final rule prescribing hunting seasons, hours, areas, and daily bag and possession limits for general waterfowl seasons, certain other migratory bird seasons, and those early seasons for which States previously deferred selection. The rule contained errors in the introductory language for several sections and entries for Florida, Idaho, and Tennessee, which are discussed briefly below and corrected by this notice.

We received public comment on the proposed rules for the seasons and limits established by the September 28 final rule. We addressed these comments in the August 23, 2000, (65 FR 51496) and September 27, 2000, (65 FR 58152) **Federal Register**. The corrections are typographical in nature and involve no change in substance in the contents of the prior proposed and final rules.

§ 20.104 [Corrected]

1. On page 58316 under the heading *Seasons, limits, and shooting hours for rails, woodcock, and common snipe*, the second introductory paragraph is corrected to read "Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 23, 2000, (65 FR 51496) and September 27, 2000, (65 FR 58152) **Federal Register**."

2. On page 58316 under the heading *Pacific Flyway*, the heading "Idaho" is inserted above the heading *Nevada*; under the heading *Idaho*, the subheading "Zone 1" is inserted; across from the subheading *Zone 1*, the season dates of "Oct. 7-Jan. 19" are inserted in the column for *common snipe*; under the subheading *Zone 1*, the subheading "Zone 2 & 3" is inserted; across from the

subheading *Zone 2 & 3*, the season dates of "Oct. 7-Oct. 18 & Oct. 21-Jan. 21" are inserted in the column for *common snipe*.

§ 20.105 [Corrected]

1. On page 58317 under the heading *Seasons, limits, and shooting hours for waterfowl, coots, and gallinules*, the second introductory paragraph is corrected to read "Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 23, 2000, (65 FR 51496) and September 27, 2000, (65 FR 58152) **Federal Register**."

2. On page 58325 under the heading *Tennessee*, subheading *Geese*, subheading *Light Geese*, the possession limit of "30" is corrected to read "none."

3. On page 58330 under the heading *Florida*, the season dates "Jan. 27 &" are corrected to read "Jan. 27 & 28."

§ 20.107 [Corrected]

1. On page 58332 footnote (3) is corrected to read, "Harvests of trumpeter swans will be limited by quotas established in the September 27, 2000, **Federal Register** (65 FR 58152). When it has been determined that the quota of trumpeter swans allotted to Nevada and Utah will have been filled, the season for taking of any swan species in the respective State will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary."

§ 20.109 [Corrected]

1. On page 58332 under the heading *Extended seasons, limits, and hours for taking migratory game birds by falconry*, the second introductory paragraph is corrected to read "Hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 23, 2000, (65 FR 51496) and September 27, 2000, (65 FR 58152) **Federal Registers**."

Dated: December 15, 2000.

Kenneth L. Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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