

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****49 CFR Part 1111**

[STB Ex Parte No. 586]

Arbitration—Various Matters Relating to Its Use as an Effective Means of Resolving Disputes That Are Subject to the Board's Jurisdiction**AGENCY:** Surface Transportation Board, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Board is instituting this proceeding to address various matters relating to arbitration of disputes in lieu of Board adjudication. The Board is proposing to: Update the Board's files regarding qualified arbitrators that are available to handle the types of disputes that could be brought to arbitration under the Board's existing rules at 49 CFR 1108; establish a requirement that a formal complaint include a statement that the complainant has considered arbitration but either decided against it or could not obtain the agreement of the other parties to the dispute; and solicit public comments, in order to assist Congress, by providing a record on whether binding arbitration should be legislatively prescribed for small rate disputes.

DATES: An original and 10 copies of written comments are due by November 23, 2001, and an original and 10 copies of replies are due December 24, 2001. In addition, parties must submit to the Board, on 3.5-inch IBM-compatible floppy diskettes (in, or convertible by and into, Word Perfect 9.0 format) an electronic copy of their comments, including any graphics. The diskettes shall be clearly labeled with the filer's name and the docket number, STB Ex Parte No. 586. Any party may seek a waiver from the electronic submission requirements.¹

Additionally, all interested qualified persons (those experienced in rail transportation or economic issues similar to those arising before the Board) who wish to be placed on a roster of arbitrators available to arbitrate disputes pursuant to 49 CFR 1108 (including those who previously submitted their names and qualifications in 1997, if they remain available) should submit (or, as relevant, resubmit) an original and 3 copies of their names and qualifications by November 8, 2001.

ADDRESSES: All pleadings, referring to STB Ex Parte No. 586, must be filed

with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. Copies of the written comments and replies will be available from the Board's contractor, Dā-2-Dā Legal, 1925 K Street, NW., Room 405, Washington, DC 20423-0001, phone (202) 293-7776. The comments and replies will also be available for viewing and self-copying in the Board's Microfilm unit, Room 755, and posted on the Board's Web site (www.stb.dot.gov).

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600. (TDD for the hearing impaired: 1-800-877-8339).

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the decision, write to, call, or pick up in person from Dā-2-Dā Legal. The decision is also posted on the Board's Web site at www.stb.dot.gov.

List of Subjects in 49 CFR Part 1111

Administrative practice and procedure.

Authority: 49 U.S.C. 721(a).

Decided: September 18, 2001.

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

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1111 of the Code of Federal Regulations, is proposed to be amended as follows:

PART 1111—[AMENDED]

1. The authority citation for 1111 continues to read as follows: 49 U.S.C. 721, 10704, and 11701.

2. In § 1111.1(a), paragraph (11) is added to read as follows:

§ 1111.1 Content of formal complaints; joinder.

* * * * *

(a) * * *

(11) For matters for which voluntary, binding arbitration is available pursuant to 49 CFR part 1108, the complaint shall state that arbitration was considered, but rejected, as a means of resolving the dispute.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 697**

[I.D. 091701B]

American Lobster; Intent To Prepare an Environmental Impact Statement

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

ACTION: Notice of intent (NOI) to prepare an environmental impact statement (EIS); request for comments.

SUMMARY: NMFS announces its intent to prepare an EIS to assess the impact on the human environment of potential management measures for the American lobster fishery in the U.S. Exclusive Economic Zone (EEZ). This NOI requests public input in the form of written comments regarding issues that NMFS should address in the EIS relative to Addendum II to Amendment 3 of the Interstate Fishery Management Plan for American lobster (ISFMP).

DATES: Written comments on the intent to prepare the EIS must be received no later than 5 p.m. Eastern Standard Time on or before October 24, 2001.

ADDRESSES: Written Comments should be sent to Harold C. Mears, Director, State, Federal, and Constituent Programs Office, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930. Comments may also be sent via fax to (978) 281-9117. Comments submitted via e-mail or Internet will not be accepted.

FOR FURTHER INFORMATION CONTACT: Peter Burns, (978) 281-9144, fax (978) 281-9117, e-mail peter.burns@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for American lobster takes place from North Carolina to Maine. More than 50 percent of American lobsters harvested are landed in Maine, with the balance landed mostly in or from Massachusetts, Rhode Island, Long Island Sound, and Georges Bank. Over 80 percent of the lobster harvest occurs in state waters, which extend from the coast to 3 nautical miles (5.56 km) from shore. The lobster fishery occurs year-round in the United States, including the summer and fall months when the lobsters are molting. Approximately 97 percent of lobsters are taken in lobster traps. The rest are taken in trawls, gillnets, dredges, and by divers.

Prior to December 1999, the American lobster resource was managed in state waters by the Atlantic States Marine

¹ Documents transmitted by facsimile (FAX) or electronic mail (e-mail) will not be accepted.