

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: April 30, 2003.

Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate.

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FEDERAL MARITIME COMMISSION

46 CFR Part 540

[Docket No. 02-15]

Passenger Vessel Financial Responsibility

AGENCY: Federal Maritime Commission.

ACTION: Notice of Public Hearing Date.

SUMMARY: The Commission has determined to set June 11, 2003, as the date for the public hearing in this proceeding.

DATES: Requests to participate in Public Hearing due May 28, 2003.

ADDRESSES: Address all submissions to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1046, Washington, DC 20573-0001, (202) 523-5725, E-mail: secretary@fmc.gov.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1046, Washington, DC 20573-0001, (202) 523-5725, E-mail: secretary@fmc.gov.

SUPPLEMENTARY INFORMATION: On April 3, 2003, the Commission announced that it had determined to hold a public hearing at which interested parties could make presentations and field questions from the Commissioners concerning the issues raised in this proceeding. The Commission has now determined to convene this public hearing on June 11, 2003. The hearing will be held in the Commission's Main Hearing Room, Room 100, 800 North Capitol Street, NW., Washington, DC, at a time which will be announced in a subsequent notice. Parties wishing to participate in this hearing must notify the Office of the Secretary by close-of-business May 28, 2003, of the name, street address, e-mail address, telephone number, and the name of your company or employer, if any. Parties wishing to participate should also provide a short, brief statement describing their position on the proposed rule.

Submissions should be addressed to the Office of the Secretary: by e-mail to secretary@fmc.gov; by facsimile to 202-523-0014 or by U.S. mail or courier to Federal Maritime Commission, 800

North Capitol Street, NW., Washington, DC 20573. (To avoid delay, electronic or facsimile submissions are encouraged.)

The Commission will announce the time of the hearing and the order of presentation and time allotment during the week of June 2, 2003.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 03-11089 Filed 5-5-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1137

[STB Ex Parte No. 637 (Sub-No. 1)]

Removal of Divisions of Revenue Regulations

AGENCY: Surface Transportation Board, Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board (Board) is proposing to remove its regulations concerning divisions of revenue proceedings because of changes in the statute and the infrequency of divisions of revenue complaints.

DATES: Comments are due June 5, 2003.

FOR FURTHER INFORMATION CONTACT: John Sado, (202) 565-1661. [Federal Information Relay Service for the hearing impaired: 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: In *Removal and Revision of Regulations*, STB Ex Parte No. 637, served and published in the *Federal Register* on August 28, 2002 (67 FR 55166), the Board, *inter alia*, removed regulations at 49 CFR 1137.2 concerning expeditious procedures for the publication of separate rates for distinct service. In that proceeding, the Board indicated that we were not revising our rules at 49 CFR 1137.1 concerning divisions of revenue, but would "examine this regulation in a separate proceeding."

The regulations at 49 CFR 1137.1 concerning divisions of revenue between carriers participating in a joint rate were issued in response to the enactment of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act). The 4R Act amended former section 15(6) of the Interstate Commerce Act by adding provisions that would expedite the handling of divisions of revenue cases. In response, the Interstate Commerce Commission (ICC) issued the original divisions of revenue rules in *Expeditious Handling of*

Divisions of Revenue Cases, 353 I.C.C. 349 (1976).¹ Section 15(6) was recodified at former 49 U.S.C. 10705, which was later modified by the Staggers Rail Act of 1980. Former section 10705 in general required that evidentiary proceedings in cases brought by complaint be completed in 9 months and a final decision be issued within 180 days after the close of the record.²

Under the ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (1995), section 10705 has been modified. Although the Board retains jurisdiction over divisions of joint rates, the provision for the filing of a notice of intent and the deadlines for gathering evidence and issuing a final decision have been removed.

We are proposing to remove the rules at section 1137.1. Our records indicate that we have not had a divisions of revenue complaint in over 20 years,³ and, accordingly, retaining the regulations appears to be administratively inefficient. The rules, moreover, contain the notice of intent and deadline provisions that no longer have a statutory basis. The Board has general rules for filing and handling complaints at 49 CFR part 1111, which appear to be adequate for any future divisions complaints.

Because these rules have been rarely used, retention of the evidentiary guidelines in 1137.1(g) appears to be unnecessary, and we propose to remove them. However, parties may believe that these guidelines with modifications (such as removing the obsolete reference to Rail Form A) or alternative guidelines are helpful. If so, they should explain why codified guidelines are necessary, when parties, on a case-by-case basis, are free to use any evidence they consider relevant.⁴

We certify that the proposed rule will not have a significant impact on a substantial number of small entities, because the rules are partly obsolete and have been infrequently used. We seek comments on all matters raised by this notice.

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

¹ The regulations were originally issued at 49 CFR 1109.5. They were later redesignated at 49 CFR 1137.1 in *Revision of the Rules of Practice*, Ex Parte No. 55 (Sub-No. 55), 47 FR 49534 (Nov. 1, 1982).

² The ICC subsequently modified the regulations in section 1137.1 in *Revised Procedures for Divisions of Revenue Cases*, 367 I.C.C. 353 (1983).

³ *Increases in Freight Rates and Charges—1973*, 365 I.C.C. 193 (1981).

⁴ Parties could indeed, if they wish, use former guidelines following their removal.

List of Subjects in 49 CFR Part 1137

Administrative practice and procedure, Railroads.

Decided: April 29, 2003.

By the Board, Chairman Nober and Commissioner Morgan.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, the Surface Transportation Board proposes to amend title 49, chapter X, of the Code of Federal Regulations as follows:

PART 1137—[REMOVED]

1. Part 1137 consisting of § 1137.1 is removed.

[FR Doc. 03–11150 Filed 5–5–03; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[I.D. 042803F]

New England Fishery Management Council; Public Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 3–day Council meeting on May 20 through 22, 2003, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, Wednesday, and Thursday, May 20, 21, and 22, 2003. The meeting will begin at 9 a.m. on Tuesday and 8:30 a.m. on Wednesday and Thursday.

ADDRESSES: The meeting will be held at Tavern on the Harbor, 30 Western Avenue, Gloucester, MA 01930; telephone (978) 283–4200. Requests for special accommodations should be addressed to the New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465–0492.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council, (978) 465–0492.

SUPPLEMENTARY INFORMATION:**Tuesday, May 20, 2003**

Following introductions, the Council will receive reports on recent activities

from the Council Chairman and Executive Director, the NMFS Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel and representatives of the U.S. Coast Guard, NMFS Enforcement and the Atlantic States Marine Fisheries Commission. This will be followed by a briefing on coordination of groundfish and scallop management actions. Specifically, the Council will discuss the development of Framework Adjustment 39 to the Northeast Multispecies Fishery Management Plan (FMP), which involves measures that would allow scallop vessels to fish in the Georges Bank groundfish closed areas on a controlled basis during 2004–2007. Following this agenda item and a noon time break, the Council will provide a brief opportunity for comments from the public on issues that are not otherwise listed on the agenda, but are relevant to Council business. The Enforcement Committee will then review the enforcement analyses developed for Amendment 2 to the Monkfish FMP and the groundfish habitat alternatives in Amendment 13 to the Northeast Multispecies FMP. They will also forward recommendations concerning the use of Vessel Monitoring Systems as it relates to the U.S./Canada Resource Sharing Agreement now included in draft Amendment 13. Also during the afternoon session of the meeting the Council will be provided with a progress report on the development of the Draft Supplemental Environmental Impact Statement being prepared in conjunction with Northeast Multispecies FMP Amendment 13. Before adjournment for the day, there will be an opportunity for comment on the NMFS proposed rule to extend the multispecies settlement agreement measures until Amendment 13 implementation. Items in this discussion may include but are not limited to issues that affect the recreational sector and the gillnet fishery.

Wednesday, May 21, 2003

The Monkfish Committee is scheduled to ask for approval of measures to be analyzed in the Draft Supplemental Environmental Impact Statement being prepared for Amendment 2 to the Monkfish FMP. This action is being proposed to address various problems in the monkfish management program, including the following: possible adjustments to the days-at-sea system (de-linking the use of monkfish days-at-sea from multispecies and scallop days-at-sea); incidental

catch limits, measures to minimize impacts on essential fish habitat, and other components of the plan; a separate offshore fishery program in the Southern Management Area and adjustments to the limited access permit qualification criteria for vessels fishing south of 38 degrees. The Council will also consider a recommendation concerning the vessel upgrade baseline on permits that have been transferred to smaller vessels. The Superintendent of the Stellwagen Bank National Marine Sanctuary (SBNMS) will speak to the Council about revisions to the SBNMS Management Plan. The remainder of the afternoon will be spent addressing habitat issues. The Habitat Committee will review and ask for approval of habitat alternatives for inclusion in the Herring and Salmon FMPs to comply with the American Oceans Campaign versus Daley lawsuit and Magnuson-Stevens Act requirements. They will also discuss and may ask for approval of a final recommendation from the joint advisory panel on a habitat closed area alternative to be included in Amendment 13 to the Multispecies Plan. Finally, there will be discussion of the second amendment to the Omnibus Habitat Amendment including a review of the purpose and timeline.

Thursday, May 22, 2003

The final day of the meeting will begin with a presentation on the NMFS Observer Program. In addition to providing an overview, NMFS staff will address mandatory coverage, program requirements and data confidentiality. The Herring Committee will review herring assessment results forwarded by the U.S./Canada Transboundary Assessment Committee as well as the Herring Plan Development Team's recommendations concerning annual specifications for the 2004 fishing year (January 1 through December 31, 2004). The Council will also consider a recommendation to "rollover" current (2003) specifications until Amendment 2 is completed (for the 2005 fishing year) and final approval of the specifications for the 2004 fishing year. Following a noon time break there will be a report from the Rhode Island Sea Grant staff about a series of bycatch workshops hosted by the Sea Grant College Programs and held throughout New England in 2002. Prior to addressing any other outstanding business, the Council will receive an update from its Research Steering Committee on recent activities.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal