

13563, and DOT's Regulatory Policies and Procedures. It has been reviewed by the Office of Management and Budget under that Order. Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) require agencies to regulate in the "most cost-effective manner," to make a "reasoned determination that the benefits of the intended regulation justify its costs," and to develop regulations that "impose the least burden on society." In addition, Executive Orders 12866 and 13563 require agencies to provide a meaningful opportunity for public participation. Accordingly, we have asked commenters to answer a variety of questions to elicit practical information about alternative approaches and relevant technical data. These comments will help the Department evaluate whether a proposed rulemaking is needed and appropriate. This action is not subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because it is an advance notice of proposed rulemaking.

Authority: 49 U.S.C. 30101 *et seq.*, 49 U.S.C. 30182.

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.5.

James C. Owens,

Deputy Administrator.

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SURFACE TRANSPORTATION BOARD

49 CFR Part 1039

[Docket No. EP 704 (Sub-No. 1)]

Review of Commodity, Boxcar, and TOFC/COFC Exemptions

AGENCY: Surface Transportation Board.

ACTION: Announcement of technical conference.

SUMMARY: Granted a request for a technical conference.

DATES: A technical conference will be held on December 18, 2020, at 10:00 a.m. Comments are due by January 22, 2021, and replies are due by February 22, 2021.

ADDRESSES: Comments and replies may be filed with the Board via e-filing on the Board's website at www.stb.gov and will be posted to the Board's website.

FOR FURTHER INFORMATION CONTACT:

Amy Ziehm at (202) 245-0391.

Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: By notice served on September 30, 2020, the Board requested public comment on an approach developed by the Office of Economics (OE) for possible use in considering class exemption and revocation issues to help the Board evaluate market conditions by taking into account a variety of metrics related to or indicative of rail transportation competition. *Review of Commodity, Boxcar, & TOFC/COFC Exemptions*, EP 704 (Sub-No. 1), slip op. at 1, 6 (STB served Sept. 30, 2020).¹ The Board directed that initial comments on the proposed approach be submitted on or before December 4, 2020, and that replies to initial comments be submitted on or before January 4, 2021.

On November 3, 2020, the Association of American Railroads (AAR) filed a request for the Board to schedule a "staff-supervised technical conference" in early December 2020 to discuss the proposed approach. On November 12, 2020, the American Short Line and Regional Railroad Association (ASLRRRA) filed in support of AAR's proposal for a technical conference.

Also on November 3, 2020, AAR separately filed a request for the Board to extend the deadlines for submitting written comments and replies. AAR asks that the Board extend both deadlines by 60 days, or, if a technical conference is held, set the deadlines for 60 and 90 days after the date of the technical conference. According to AAR, given the technical nature of the proposed approach, the voluminous workpapers, the need for data-intensive analysis, and the importance of the issues raised, the current comment deadline of December 4, 2020, does not allow stakeholders sufficient time to analyze the proposed approach and underlying data and prepare responsive comments. On November 12, 2020, ASLRRRA also filed a request that the Board extend the deadlines, asking for the same adjustment to the deadlines.

On November 13, 2020, the American Forest & Paper Association (AF&PA), the Institute of Scrap Recycling Industries, Inc. (ISRI), and the National Industrial Transportation League (NITL) filed a joint reply. They object to AAR's request for a technical conference, arguing that it would add further delay to this rulemaking proceeding, but agree

¹The Board stated that it would make the workpapers underlying the appendices to its decision available to interested parties under an appropriate confidentiality agreement pursuant to 49 CFR 1244.9. Recently, OE discovered that the workpapers include duplicative queries associated with six input files. The parties in receipt of the workpapers have been notified and provided with clarifying instructions.

to a two-week extension of the comment and reply deadlines. On November 16, 2020, the Portland Cement Association (PCA) replied likewise objecting to the requested technical conference but agreeing to a two-week extension of the comment and reply deadlines.

A technical conference may help to facilitate a better understanding among the interested parties of how the proposal is intended to work. Therefore, the Board will hold a technical conference concerning the approach described in the September 30 decision. The technical conference will take place on December 18, 2020, at 10:00 a.m. The purpose of the technical conference is for Board staff to provide a presentation on the approach and to answer technical questions about the mechanics of the approach. The Board will soon issue a separate decision announcing details on participation.

In light of the technical conference, the Board will provide additional time for interested parties to file comments and subsequent replies. Comments will be due January 22, 2021, and replies will be due February 22, 2021.

It is ordered:

1. AAR's request for a technical conference is granted. The technical conference will be held on December 18, 2020, at 10:00 a.m., as discussed above.

2. Comments are due by January 22, 2021, and replies are due by February 22, 2021.

3. Notice of this decision will be published in the **Federal Register**.

4. This decision is effective on its service date.

Decided: November 24, 2020.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2020-26420 Filed 12-2-20; 8:45 am]

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SURFACE TRANSPORTATION BOARD

49 CFR Part 1108

[Docket No. EP 765]

Joint Petition for Rulemaking To Establish a Voluntary Arbitration Program for Small Rate Disputes

AGENCY: Surface Transportation Board.

ACTION: Petition for rulemaking.

SUMMARY: The Board institutes a rulemaking proceeding to consider a proposal to establish a new, voluntary arbitration program intended to help resolve small rate disputes.

DATES: Published in the **Federal Register** on December 3, 2020, the Board will provide an opportunity for additional public participation in a subsequent decision.

ADDRESSES: Comments and replies may be filed with the Board via e-filing on the Board's website at www.stb.gov and will be posted to the Board's website.

FOR FURTHER INFORMATION CONTACT: Amy Ziehm at (202) 245-0391.

Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: On July 31, 2020, five railroad parties—Canadian National Railway Company (CN); CSX Transportation, Inc. (CSXT); The Kansas City Southern Railway Company (KCS); Norfolk Southern Corporation; and Union Pacific Railroad Company (UP) (collectively, Petitioners)¹—filed a petition for rulemaking to create a new, voluntary small rate case arbitration program, to be codified at 49 CFR part 1108a, which would function alongside the Board's existing arbitration program at 49 CFR part 1108. Petitioners pledge to participate in their proposed arbitration program for a period of five years, provided the Board adopts the program according to the terms set forth in the petition, including (among other things) a right to withdraw from the program if the Board adopts the Final Offer Rate Review (FORR) process² without exempting carriers that participate in the program from the FORR process. (Pet. 2, 17.)

Replies to the petition were filed on August 20, 2020, by the National Grain and Feed Association (NGFA); Olin Corporation (Olin); the American Fuel & Petrochemical Manufacturers (AFPM); and (filing jointly) the American Chemistry Council, Corn Refiners Association, Institute of Scrap Recycling Industries, National Industrial Transportation League, The Chlorine Institute, and The Fertilizer Institute (Joint Shippers). The U.S. Department of Agriculture (USDA) also filed a reply. Olin, AFPM, and the Joint Shippers generally object to the Petitioners' requested program.³ While USDA and

NGFA express support for commencing a rulemaking proceeding, they advocate for certain changes to the program requested by the Petitioners. (USDA Reply 1; NGFA Reply 1–2.) By decision issued on August 26, 2020, the Director of the Office of Proceedings directed Petitioners to submit a supplemental pleading responding to the replies and allowed other interested persons to respond as well.

On September 10, 2020, Petitioners submitted a supplemental filing, as did AFPM, U.S. Wheat, and the Joint Shippers. Petitioners state that they are agreeable to some modifications to their proposed program, but not to the modifications suggested by other interested parties on confidentiality, exemption from FORR, and a prohibition on revenue adequacy considerations. The shipper groups renewed their objections to Petitioners' proposed program.

The Board favors the resolution of disputes through alternative dispute resolution whenever possible, *see* 49 CFR 1109.1, and has also been actively working to expand access to rate relief, particularly for smaller disputes. The Rate Reform Task Force (RRTF), which the Board established in 2018 to develop recommendations for rate reform, recommended legislation that would permit mandatory arbitration of small disputes, in addition to a Board-administered final offer decision-making process,⁴ the latter of which the Board has proposed in Docket No. EP 755. (RRTF Report 14–20.) In order for the Board to give further consideration to providing a new arbitration program under which parties would voluntarily participate to resolve rate disputes, the Board concludes that it is appropriate to institute a rulemaking proceeding to consider Petitioners' proposal.⁵ The Board will provide an opportunity for additional public participation in a subsequent decision.

List of Subjects in 49 CFR 1108

Administrative practice and procedure, Railroads.

It is ordered:

1. Petitioners' request to initiate a rulemaking proceeding is granted, as discussed above.

Group (U.S. Wheat) also expressed "several concerns" regarding the Petitioners' requested program. *See* U.S. Wheat Comment 6, Aug. 12, 2020, *Final Offer Rate Review*, EP 755.

⁴ The RRTF issued its report on April 25, 2019. The RRTF Report is available on the Board's website at <https://prod.stb.gov/wp-content/uploads/Rate-Reform-Task-Force-Report-April-2019.pdf>.

⁵ The Board also notes the Petitioners' proposed interrelationship between their proposed arbitration program and the Board's proposal in Docket No. EP 755.

2. Notice of this decision will be published in the **Federal Register**.

3. This decision is effective on its service date.

Decided: November 24, 2020.

By the Board, Board Members Begeman, Fuchs, and Oberman.

Tammy Lowery,
Clearance Clerk.

[FR Doc. 2020-26506 Filed 12-2-20; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 201125-0318; RTID 0648-XY115]

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Proposed 2021 and 2022 Harvest Specifications for Groundfish

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

ACTION: Proposed rule; harvest specifications and request for comments.

SUMMARY: NMFS proposes 2021 and 2022 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits for groundfish during the 2021 and 2022 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska. The 2021 harvest specifications supersede those previously set in the final 2020 and 2021 harvest specifications, and the 2022 harvest specifications will be superseded in early 2022 when the final 2022 and 2023 harvest specifications are published. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments must be received by January 4, 2021.

ADDRESSES: Submit comments on this document, identified by NOAA-NMFS-2020-0140, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to www.regulations.gov/ #/docketDetail;D=NOAA-NMFS-2020-

¹ The petition lists one of the petitioners only as "CN." In their supplemental filing, Petitioners identify this party as the "U.S. operating subsidiaries of CN." Although not identified in either filing, the Board understands "CN" to mean Canadian National Railway Company. Another petitioner is listed as Norfolk Southern Corp., but in the supplemental filing, the party is identified as Norfolk Southern Railway Company (NSR), the operating affiliate of Norfolk Southern Corp.

² The Board proposed FORR in *Final Offer Rate Review*, EP 755 (STB served Sept. 12, 2019).

³ In a comment filed in Docket No. EP 755, the U.S. Wheat Associates Transportation Working