

FEHBP CLAUSE MATRIX—Continued

| Clause No. | Text reference | Title | Use status | Use with experience rated contracts | Use with community rated contracts |
|---------------------|------------------------|--|------------|-------------------------------------|------------------------------------|
| FAR 52.246–25 | FAR 46.805(a)(4) | Limitation of Liability—Services. | M | T | |
| 1652.246–70 | 1646.301 | FEHB Inspection | M | T | T |
| FAR 52.247–63 | FAR 47.405 | Preference for U.S.-Flag Carriers. | M | T | T |
| 1652.249–70 | 1649.101–70 | Renewal and Withdrawal of Approval. | M | T | T |
| 1652.249–71 | 1649.101–71 | FEHBP Termination for Convenience of the Government—Negotiated Benefits Contracts. | M | T | T |
| 1652.249–72 | 1649.101–72 | FEHBP Termination for Default—Negotiated Benefits Contracts. | M | T | T |
| FAR 52.251–1 | FAR 51.107 | Government Supply Sources. | M | T | |
| FAR 52.252–4 | FAR 52.107(d) | Alterations in Contract | M | T | T |
| FAR 52.252–6 | FAR 52.107(f) | Authorized Deviations in Clauses. | M | T | T |

PART 1653—FORMS [AMENDED]

34. Part 1653 is amended by removing all references to § 53.215–2(b), § 53.301–1412, and SF–1412 in the chart.

[FR Doc. 97–23883 Filed 9–9–97; 8:45 am]

BILLING CODE 6325–01–P

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****49 CFR Parts 1121 and 1150**

[STB Ex Parte No. 562]

Acquisition of Rail Lines Under 49 U.S.C. 10901 and 10902; Advance Notice of Proposed Transaction

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board), after reviewing public comments filed pursuant to the notice of proposed rulemaking, adopts a 60-day notice requirement for certain transactions in which rail lines are transferred to a new owner or operator under 49 U.S.C. 10901 and 10902. Final regulations implementing the notice requirement are set forth below.

EFFECTIVE DATE: October 10, 1997.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1600. (TDD for the hearing impaired: (202) 565–1695.)

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking served and published in the **Federal Register** on May 1, 1997 (62 FR 23742–44), we

sought public comments on our proposal to amend our exemption procedures to establish a 60-day notice to rail employees who work on rail lines undergoing transfer to a new owner or operator. We proposed that the notice requirement would apply to transactions processed pursuant to the Board's exemption authority from: (1) 49 U.S.C. 10902 for Class II rail carriers to acquire or operate additional lines; (2) 49 U.S.C. 10902 for Class III rail carriers to acquire or operate additional rail lines where the lines to be acquired or operated, together with the acquiring carrier's existing lines, would produce annual revenue exceeding \$5 million; or (3) 49 U.S.C. 10901 for noncarriers to acquire or operate rail lines where the lines to be acquired or operated would produce annual revenue exceeding \$5 million. A number of comments were filed by interested parties, including comments from railroads, railroad associations, rail employee unions, and members of both Houses of Congress. Upon reviewing the comments, the Board is adopting the proposal with some modifications and clarifications based on the public comments received. Additional information is contained in the Board's decision served on [date of service]. To purchase a copy of the decision, write to, call, or pick up in person from: DC News & Data, Inc. (202) 289–4357, 1925 K Street, N.W., Room 210, Washington, D.C. 20006. (Assistance for the hearing impaired is available through TDD services (202) 565–1695.)

List of Subjects**49 CFR Part 1121**

Administrative practice and procedure, Railroads.

49 CFR Part 1150

Administrative practice and procedure, Railroads.

Decided: September 2, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, the Board amends title 49, Chapter X, parts 1121 and 1150 of the Code of Federal Regulations, to read as follows:

PART 1121—RAIL EXEMPTION PROCEDURES

1. The authority citation for part 1121 continues to read as follows:

Authority: 5 U.S.C. 553; 49 U.S.C. 10502 and 10704.

2. Section 1121.4 is amended by adding a new paragraph (h) to read as follows:

§ 1121.4 Procedures.

* * * * *

(h) In transactions for the acquisition or operation of rail lines by Class II rail carriers under 49 U.S.C. 10902, the exemption may not become effective until 60 days after applicant certifies to the Board that it has posted at the workplace of the employees on the affected line(s) and served a notice of the transaction on the national offices of

the labor unions with employees on the affected line(s), setting forth the types and numbers of jobs expected to be available, the terms of employment and principles of employee selection, and the lines that are to be transferred.

PART 1150—CERTIFICATE TO CONSTRUCT, ACQUIRE, OR OPERATE RAILROAD LINES

3. The authority citation for part 1150 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 49 U.S.C. 721(a), 10502, 10901 and 10902.

4. Section 1150.32 is amended by adding a new paragraph (e) to read as follows:

§ 1150.32 Procedures and relevant dates—transactions that involve creation of Class III carriers.

* * * * *

(e) If the projected annual revenue of the carrier to be created by a transaction under this exemption exceeds \$5 million, applicant must, at least 60 days before the exemption becomes effective, post a notice of intent to undertake the proposed transaction at the workplace of the employees on the affected line(s) and serve a copy of the notice on the national offices of the labor unions with employees on the affected line(s), setting forth the types and numbers of jobs expected to be available, the terms of employment and principles of employee selection, and the lines that are to be transferred, and certify to the Board that it has done so.

5. Section 1150.35 is amended by revising paragraph (a) to read as follows:

§ 1150.35 Procedures and relevant dates—transactions that involve creation of Class I or Class II carriers.

(a) To qualify for this exemption, applicant must serve a notice of intent to file a notice of exemption no later than 14 days before the notice of exemption is filed with the Board, and applicant must comply with the notice requirement of § 1150.32(e).

* * * * *

6. Section 1150.42 is amended by adding a new paragraph (e) to read as follows:

§ 1150.42 Procedures and relevant dates for small line acquisitions.

* * * * *

(e) If the projected annual revenue of the rail lines to be acquired or operated, together with the acquiring carrier's projected annual revenue, exceeds \$5 million, the applicant must, at least 60 days before the exemption becomes effective, post a notice of applicant's intent to undertake the proposed transaction at the workplace of the

employees on the affected line(s) and serve a copy of the notice on the national offices of the labor unions with employees on the affected line(s), setting forth the types and numbers of jobs expected to be available, the terms of employment and principles of employee selection, and the lines that are to be transferred, and certify to the Board that it has done so.

7. Section 1150.45 is amended by revising paragraph (a) to read as follows:

§ 1150.45 Procedures and relevant dates—transactions under section 10902 that involve creation of Class I or Class II rail carriers.

(a) To qualify for this exemption, applicant must serve a notice of intent to file a notice of exemption no later than 14 days before the notice of exemption is filed with the Board, and applicant must comply with the notice requirement of § 1150.42(e).

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[FR Doc. 97-23827 Filed 9-9-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 970527125-7219-02; I.D. 032797B]

RIN 0648-AJ95

Magnuson Act Provisions; Appointment of Regional Fishery Management Council Members

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to amend the regulations governing the nomination and appointment of members of regional fishery management councils to establish the procedures applicable to the nomination and appointment to the Pacific Fishery Management Council of a representative of an Indian tribe with federally recognized fishing rights from California, Oregon, Washington, or Idaho. The purpose of this rule is to implement certain sections of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) as amended by the Sustainable Fisheries Act (SFA) which require such an appointment.

EFFECTIVE DATE: September 5, 1997.

ADDRESSES: Comments on the collection of information aspects of this rule should be sent to Mr. William Stelle, Jr., Administrator, Northwest Region, NMFS, 76000 Sand Point Way, BIN C15700, Seattle, WA 98115-0070; or to Mr. William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6142 or Rodney McInnis at 562-980-4040.

SUPPLEMENTARY INFORMATION: On October 11, 1996, President Clinton signed into law the Sustainable Fisheries Act, which, in pertinent part, amended the Magnuson-Stevens Act to add a seat on the Pacific Fishery Management Council (Pacific Council) exclusively for a representative of an Indian tribe with federally recognized fishing rights:

The Secretary shall appoint to the Pacific Council one representative of an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho from a list of not less than 3 individuals submitted by the tribal governments. The Secretary, in consultation with the Secretary of the Interior and tribal governments, shall establish by regulation the procedure for submitting a list under this subparagraph (section 302(b)(5)(A)).

Sections 302(b)(5)(B)(i), (ii), and (iii) of the Magnuson-Stevens Act require that representation be rotated among the tribes taking into consideration the qualifications of the individuals on the list, the various rights of the Indian tribes involved and judicial cases that set out how those rights are to be exercised, and the geographic area in which the tribe of the representative is located.

NMFS published a proposed rule to implement these provisions of the Magnuson-Stevens Act with a 30-day comment period on July 1, 1997 (62 FR 35468). The comment period was subsequently extended through August 11, 1997, at the request of the Quileute Tribal Council.

As in the proposed rule, the final rule requires the Secretary of Commerce (Secretary) to consult with the Bureau of Indian Affairs (BIA), Department of the Interior, to determine from which Indian tribes to solicit nominations for the Council seat. By statute, NMFS must solicit nominees from those Indian tribes with federally recognized fishing rights from California, Oregon, Washington, or Idaho. The rule requires the Secretary to solicit written nominations from each tribal government and produce a list of not less than three individuals who are