

**952.215 [Removed]**

41. Section 952.215 and subsections 952.215-22 and 952.215-23 are removed.

42. Subsection 952.233-2 is revised to read as follows:

**952.233-2 Service of protest.**

As prescribed in 48 CFR 933.106(a), add the following to the end of the clause at FAR 52.233-2:

(c) Another copy of a protest filed with the General Accounting Office or the General Services Administration Board of Contract Appeals shall be furnished to the following address within the time periods described in paragraph (b) of this clause: U.S. Department of Energy, Assistant General Counsel for Procurement and Financial Assistance (GC-61), 1000 Independence Avenue, SW., Washington, DC 20585. Fax: (202) 586-4546.

43. Subsection 952.233-4 is added to read as follows:

**952.233-4 Notice of protest file availability.**

As prescribed in 933.106(b), insert the following provision:

**NOTICE OF PROTEST FILE AVAILABILITY (XXX)**

(a) If a protest of this procurement is filed with the General Accounting Office (GAO) in accordance with 4 CFR part 21, any actual or prospective offeror may request the Department of Energy to provide it with reasonable access to the protest file pursuant to FAR 33.104(a)(3)(ii), implementing section 1065 of Pub.L. 103-355. Such request must be in writing and addressed to the contracting officer for this procurement.

(b) Any offeror who submits information or documents to the Department for the purpose of competing in this procurement is hereby notified that information or documents it submits may be included in the protest file that will be available to actual or prospective offerors in accordance with the requirements of FAR 33.104(a)(3)(ii). The Department will be required to make such documents available unless they are exempt from disclosure pursuant to the Freedom of Information Act. Therefore, offerors should mark any documents as to which they would assert that an exemption applies. (See 10 CFR part 1004.)

44. Subsection 952.233-5 is added to read as follows:

**952.233-5 Agency protest review.**

As prescribed in 48 CFR 933.106(c), insert the following provision:

**AGENCY PROTEST REVIEW (XXX)**

Protests to the Agency will be decided either at the level of the Head of the Contracting Activity or at the Headquarters level. The Department of Energy's agency protest procedures, set forth in 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the agency. The Department encourages potential protesters

to discuss their concerns with the contracting officer prior to filing a protest.

**952.251-70 [Amended]**

45. Subsection 952.251-70 is amended by revising the date of the clause to read "(June 1995)".

**PART 971—REVIEW AND APPROVAL OF CONTRACT ACTIONS [REMOVED]**

46. Part 971 is removed.

[FR Doc. 96-10757 Filed 5-2-96; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****49 CFR Part 1312**

[Ex Parte No. MC-212]

**Review of Motor Tariff Regulations-1993**

AGENCY: Surface Transportation Board (Board).<sup>1</sup>

ACTION: Proposed rule; termination of proceeding.

**SUMMARY:** The Board is terminating this proceeding in which modifications to motor carrier tariff filing requirements were being considered, because intervening legislation has made consideration of those modifications unnecessary.

**DATES:** This action is made on May 3, 1996.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Martin, (202) 927-6033; [TDD for the hearing impaired: (202) 927-5721].

**SUPPLEMENTARY INFORMATION:** In a Notice of Proposed Rulemaking published at 58 FR 14198 (March 16, 1993), the ICC instituted a proceeding to seek public comment on whether certain motor carrier tariff filing requirements should be modified. The

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Board. Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. Section 204(b)(3) provides that, "[i]n the case of a proceeding under a provision of law repeal[ed], and not reenacted, by this Act such proceeding shall be terminated." Although the motor carrier tariff filing provisions were sharply curtailed in the ICCTA and in prior legislation, they were not entirely repealed. Therefore, it is not pursuant to the automatic termination provisions of section 204(b)(3) of ICCTA that this pending proceeding is being terminated.

proceeding was initiated in response to a Congressional directive that the ICC increase its motor carrier tariff oversight.<sup>2</sup>

In recent legislation,<sup>3</sup> Congress has repealed the tariff filing requirements for most motor common carriers of property, and voided such tariffs. Now, the only rates that motor carriers must publish and file in tariffs are those relating to joint motor-water movements in the noncontiguous domestic trade. Because carriers are no longer required to file the tariffs that precipitated the notice of proposed rulemaking, we are terminating this proceeding.

Authority: 49 U.S.C. 10321.

Decided: April 17, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96-11089 Filed 5-2-96; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 673**

[I.D. 042496B]

RIN 0648-AF81

**Scallop Fishery off Alaska; Implementation of Federal Management Measures**

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) has submitted Amendment 1 to the Fishery Management Plan for the Scallop Fishery off Alaska for Secretarial review. Amendment 1 would establish a Federal management regime for the scallop fishery in Federal waters off Alaska. Comments from the public are requested.

**DATES:** Comments on Amendment 1 must be submitted on or before June 28, 1996.

<sup>2</sup> Senate Report No. 102-351, dated July 30, 1992, accompanying the U.S. Department of Transportation and Related Agencies Appropriations Bill, 1993.

<sup>3</sup> The Trucking Industry Regulatory Reform Act of 1994, Pub. L. No. 103-311, 108 Stat. 1683, enacted August 26, 1994, and ICCTA.

**ADDRESSES:** Comments on Amendment 1 should be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of Amendment 1 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis prepared for the amendment are available from the Council, 605 West Fourth Avenue, Anchorage, AK 99501-2252; telephone 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Kent Lind, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that each Regional Fishery

Management Council submit any fishery management plan (FMP) or plan amendment it prepares to NMFS for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish a document that the FMP or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the FMP or amendment.

The management measures proposed under Amendment 1 include: (1) Gear and efficiency restrictions, (2) scallop registration areas and districts, (3) procedures for specifying total allowable catch and crab bycatch limits, (4) time and area closures, (5) inseason

management authority, (6) fishing seasons, and (7) observer coverage requirements.

NMFS will consider the public comments received during the comment period in determining whether to approve the proposed amendments. A proposed rule to implement Amendment 1 has been submitted for Secretarial review and approval. The proposed rule to implement this amendment is scheduled to be published within 15 days of this document.

Dated: April 29, 1996.

Richard H. Schaefer,

*Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 96-10993 Filed 4-29-96; 4:44 pm]

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