

limited to ten interrogatories (including subparts) absent advance authorization from the Board.

10. Amend § 1114.30 by adding new paragraph (c) to read as follows:

**§ 1114.30 Production of documents and records and entry upon land for inspection and other purposes.**

\* \* \* \* \*

(c) *Limitation under simplified standards.* In a case using the Three-Benchmark methodology, each party is limited to ten document requests (including subparts) absent advance authorization from the Board.

11. Amend § 1114.31 by revising paragraphs (a)(1) through (4) to read as follows:

**§ 1114.31 Failure to respond to discovery.**

(a) \* \* \*

(1) *Reply to motion to compel generally.* Except in rate cases to be considered under the stand-alone cost methodology or simplified standards, the time for filing a reply to a motion to compel is governed by 49 CFR 1104.13.

(2) *Reply to motion to compel in stand-alone cost and simplified standards rate cases.* A reply to a motion to compel must be filed with the Board within 10 days thereafter in a rate case to be considered under the stand-alone cost methodology or under the simplified standards.

(3) *Conference with parties on motion to compel.* Within 5 business days after the filing of a reply to a motion to compel in a rate case to be considered under the stand-alone cost methodology or under the simplified standards, Board staff may convene a conference with the parties to discuss the dispute, attempt to narrow the issues, and gather any further information needed to render a ruling.

(4) *Ruling on motion to compel in stand-alone cost and simplified standards rate cases.* Within 5 business days after a conference with the parties convened pursuant to paragraph (a)(3) of this section, the Secretary will issue a summary ruling on the motion to compel discovery. If no conference is convened, the Secretary will issue this summary ruling within 10 days after the filing of the reply to a motion to compel. Appeals of a Secretary's ruling will proceed under 49 CFR 1115.9, and the Board will attempt to rule on such appeals within 20 days after the filing of the reply to the appeal.

\* \* \* \* \*

**PART 1115—APPELLATE PROCEDURES**

12. The authority citation for part 1115 continues to read as follows:

Authority: 5 U.S.C. 559, 49 U.S.C. 721.

13. Amend § 1115.9 by revising the first sentence of paragraph (b) to read as follows:

**§ 1115.9 Interlocutory appeals.**

\* \* \* \* \*

(b) In stand-alone cost complaints or in cases filed under the simplified standards, any interlocutory appeal of a ruling shall be filed with the Board within three (3) business days of the ruling. \* \* \*

\* \* \* \* \*

**PART 1244—WAYBILL ANALYSIS OF TRANSPORTATION OF PROPERTY-RAILROADS**

13. The authority citation for part 1244 continues to read as follows:

Authority: 49 U.S.C. 721, 10707, 11144, 11145.

14. Amend § 1244.9 as follows:

A. Redesignate paragraph (b)(5) as (b)(6) and add new paragraph (b)(5).

B. In paragraph (c), remove the word “(b)(5)” and add, in its place, the word “(b)(6)”.

C. In paragraph (d) introductory text, remove the word “(b)(5)” and add, in its place, the word “(b)(6)”.

**§ 1244.9 Procedures for the release of waybill data.**

\* \* \* \* \*

(b) \* \* \*

(5) *Transportation practitioners, consulting firms and law firms in simplified standards cases.* Once the Board determines that a complainant is eligible to use the Three-Benchmark method, the Board, without any further request from the parties, would release all movements in the most recent Waybill Sample of the same 2-digit STCC code as the issue movement and with a revenue-to-variable cost ratio above 180%. Confidential contract rate information will be encrypted. A signed confidentiality agreement consistent with paragraph (b)(4)(v) of this section must accompany the parties' complaint and answer.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[I.D. 072806A]

RIN 0648-AS67

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Individual Fishing Quota Program for Gulf Commercial Red Snapper Fishery**

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

**ACTION:** Announcement of availability of fishery management plan amendment; request for comments.

**SUMMARY:** NMFS announces the availability of Amendment 26 to the Fishery Management Plan (FMP) for the Reef Fish Resource of the Gulf of Mexico (Amendment 26) prepared by the Gulf of Mexico Fishery Management Council (Council). Amendment 26 would establish an Individual Fishing Quota (IFQ) program for the Gulf of Mexico commercial red snapper fishery. The intended effect of Amendment 26 is to reduce overcapacity in the commercial red snapper fishery and to eliminate, to the extent possible, the problems associated with derby fishing, in order to assist the Council in achieving optimum yield (OY) from the fishery.

**DATES:** Written comments must be received no later than 5 p.m., eastern time, on October 2, 2006.

**ADDRESSES:** You may submit comments by any of the following methods:

• E-mail: 0648-AS67.NOA@noaa.gov. Include in the subject line the following document identifier: 0648-AS67-NOA.

• Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

• Mail: Phil Steele, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

• Fax: 727-824-5308, Attention: Phil Steele.

Copies of Amendment 26, which includes a supplemental environmental impact statement (SEIS), a regulatory impact review (RIR), and an initial regulatory flexibility analysis (IRFA), may be obtained from the Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: 813-348-1630; fax: 813-348-1711; e-mail: [gulfcouncil@gulfcouncil.org](mailto:gulfcouncil@gulfcouncil.org). In

addition, copies of the final SEIS, a revised RIR, and a revised IRFA, prepared by NMFS are also available from the Council at the address above. Copies of all of these documents may also be downloaded from the Council's Web site at [www.gulfcouncil.org](http://www.gulfcouncil.org).

The final supplemental environmental impact statement (FSEIS) for this amendment includes discussion and analyses NMFS added to the environmental impact statement contained in the amendment the Council approved and submitted for Secretarial review. In the FSEIS, NMFS also included a revision of the IFRA originally integrated in the Council amendment. Additional text and analyses clarify the distinction between IFQ shareholders and IFQ allocation holders, and more clearly distinguish the roles and responsibilities of these two participant types.

**FOR FURTHER INFORMATION CONTACT:** Phil Steele, 727 824 5305; fax 727-824-5308; e-mail: [phil.steele@noaa.gov](mailto:phil.steele@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Council addressed overcapacity in the red snapper fishery in 1995 through Amendment 8 to the FMP. In this amendment, the Council examined several management alternatives including license limitation, IFQs, and more traditional management measures (i.e., open access), and determined an IFQ program had the most potential to address the immediate overcapitalization problems and achieve OY from the fishery. However, Amendment 8 was never implemented because of congressional action. Following the expiration of the congressional IFQ moratorium, NMFS conducted a referendum required by Section 407(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to determine whether commercial red snapper fishermen supported further consideration of an IFQ program. The Council began developing this amendment following a majority "yes" vote on the referendum. NMFS conducted the second referendum required by the Magnuson-Stevens Act to determine whether fishermen approved the IFQ amendment developed by the Council for submission to the Secretary of Commerce (Secretary). Following a majority "yes" vote in the second referendum, the Council at its March 2006 meeting voted to submit the IFQ amendment to the Secretary for review.

The main action in this amendment (Action 1) is to establish an IFQ program. The following actions (Actions 2-11) determine the structure of the

program. These actions are: IFQ program duration; ownership caps and restrictions on IFQ share certificates; eligibility for initial IFQ allocation; initial apportionment of IFQ shares; establishment and structure of an appeals process; transfer eligibility requirements; use it or lose it clause for IFQ shares or allocations; adjustments in commercial quota; use of a vessel monitoring system; and a cost recovery plan.

A proposed rule that would implement the measures outlined in Amendment 26 has been received from the Council. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMPs, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Comments received by October 2, 2006, whether specifically directed to Amendment 26 or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 28, 2006.

**James P. Burgess,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 06-6645 Filed 7-28-06; 2:19 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 060719196-6196-01.; I.D. 071106F]

RIN 0648-AU54

#### Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries

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

**ACTION:** Proposed rule, request for comments.

**SUMMARY:** The final rule implementing the specifications for the 2005 fishing year for Atlantic mackerel, squid, and butterfish (MSB) clarified the expiration date of the limited entry program for *Illex* squid, established a minimum mesh requirement for the butterfish fishery, and removed a regulatory requirement for annual specifications to be published by a specific date. These regulatory measures were intended to be of a permanent nature, unlike the specifications themselves, which expired January 1, 2006. An error in the final rule caused these three measures to expire; this proposed rule would restore the regulatory requirements. This action is being taken by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Public comments must be received no later than 5 p.m., Eastern Daylight Time, on August 17, 2006.

**ADDRESSES:** Copies of supporting documents used by the Mid-Atlantic Fishery Management Council (Council), including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), for the 2005 specifications are available from: Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790. The EA/RIR/IRFA is accessible via the Internet at <http://www.nero.noaa.gov>.

Comments on the proposed rule should be sent to: Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Please mark the envelope, "Comments-2005 MSB Specifications Corrections." Comments also may be sent via facsimile (fax) to 978-281-9135. Comments on the specifications may be submitted by e-mail. The mailbox address for providing e-mail comments is [MSB2005corrections@noaa.gov](mailto:MSB2005corrections@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: "Comments-2005 MSB Corrections." Comments may also be submitted via Webform at the Federal eRulemaking Portal [www.regulations.com](http://www.regulations.com) by following the instructions at that site for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Don Frei, Fishery Management Specialist, 978-281-9221, fax 978-281-9135.

**SUPPLEMENTARY INFORMATION:**

#### Background

NMFS published final specifications for the 2005 fishing year for MSB in the