

TABLE—TOTAL ESTIMATED BURDEN HOURS FOR RESPONDENTS—Continued

Type of filing	Estimated hours per response	Number of respondents	Estimated frequency	Total burden hours
Total Burden Hours .....	.....	.....	.....	2,564

*Total “Non-Hour Burden” Cost:* There are no non-hourly burdens, as the reports will be submitted electronically.

*Needs and Uses:* A reciprocal switching agreement provides for the transfer of a rail shipment between Class I rail carriers or their affiliated companies within the terminal area in which the shipment begins or ends its journey on the rail system. An agreement facilitates line-haul service by a rail carrier that serves the terminal area, other than the rail carrier on whose tracks the shipment begins or ends its journey. Several years ago, the Board began to consider new regulations to require rail carriers to enter into reciprocal switching agreements. Those proposed regulations were never promulgated. Due to subsequent developments in the rail sector, including the emergence of service problems as a critical and ongoing issue, the Board is now considering a new set of regulations to prescribe reciprocal switching agreements in cases of inadequate rail service.

The newly proposed regulations would allow for terminal-area shippers or receivers to seek the prescription of a reciprocal switching agreement when service to them fails to meet certain objective performance standards. The standards reflect what the Board believes to be the minimal level of rail service that is compatible with the public need, considering shippers and receivers’ need for reliable, predictable, and efficient rail service as well as rail carriers’ need for a certain degree of operating flexibility. When an incumbent rail carrier’s service fails to meet the performance standards, and when other conditions to a prescription are met (including the absence of a valid affirmative defense), the Board will consider if it would be in the public interest to allow access to an alternate rail carrier through prescription of a reciprocal switching agreement. To facilitate implementation of the new regulations, the Board proposes to require weekly reporting of certain service data by Class I carriers and to grant shippers and receivers the right to receive their own individualized service data from a Class I carrier. The proposed reporting and submissions are necessary to the purposes of the proposed regulation and therefore to enable the Board to implement its statutory authority in this important area.

[FR Doc. 2023–19543 Filed 9–15–23; 8:45 am]

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**SURFACE TRANSPORTATION BOARD**

**49 CFR Parts 1144 and 1145**

[Docket No. EP 711 (Sub-No. 1)]

**Reciprocal Switching**

**AGENCY:** Surface Transportation Board.

**ACTION:** Proposed rule; closure of Docket No. EP 711 (Sub-docket No. 1).

**SUMMARY:** On July 27, 2016, in Docket No. EP 711 (Sub-No. 1), the Surface Transportation Board (Board or STB) proposed to revise its reciprocal switching regulations. After considering the full record and the developments in the freight rail industry, the Board has decided not to pursue those revisions and to close Docket No. EP 711 (Sub-No. 1). Instead, in Docket No. EP 711 (Sub-No. 2), the Board is proposing a new set of regulations that would provide access to reciprocal switching when there is inadequate service. The Board will continue to assess what other action, if any, the Board should take with respect to reciprocal switching.

**DATES:** September 18, 2023.

**ADDRESSES:** All filings must be submitted to the Surface Transportation Board either via e-filing on the Board’s website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. Filings will be posted to the Board’s website and need not be served on other commenters or any other party to the proceedings.

**FOR FURTHER INFORMATION CONTACT:** Valerie Quinn at (202) 740–5567. If you require accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

**SUPPLEMENTARY INFORMATION:** On July 27, 2016, the Board granted in part a petition for rulemaking filed by the National Industrial Transportation League seeking revised reciprocal switching regulations. The Board proposed regulations in Docket No. EP 711 (Sub-No. 1) that would provide for prescription of a reciprocal switching agreement when either practicable and in the public interest or necessary to provide competitive rail service. Due to developments in the freight rail industry since the Board’s 2016 notice, including critical and ongoing service problems, the Board has decided to focus, at this time, its reciprocal switching reforms on more specific and objective remedies for inadequate rail service. *See Reciprocal Switching*, EP 711 (Sub-No. 1) et al., slip op. at 1–21, 31 (STB served Sept. 7, 2023). *See also id.* at 7 n.8 (welcoming comment on what other actions, if any, the Board should consider with respect to competitive access and, in particular,

whether the Board should further broaden the application of the public interest prong of 49 U.S.C. 11102). Accordingly, for the reasons discussed in *Reciprocal Switching*, the Board is closing Docket No. EP 711 (Sub-No. 1) and is instead proposing, in Docket No. EP 711 (Sub-No. 2), a new rule focused on more defined processes for the prescription of a reciprocal switching agreement in cases of inadequate service. Notice of the rule proposed in Docket No. EP 711 (Sub-No. 2) is being published concurrently with this notice. That concurrent notice includes the full discussion from the Board’s September 7, 2023 decision, which is fully incorporated by reference herein.

*It is ordered:*

1. Docket No. EP 711 (Sub-No. 1) is discontinued as of the service date of the Board’s decision in *Reciprocal Switching*, EP 711 (Sub-No. 1) et al.

Decided: September 13, 2023.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2023–20137 Filed 9–15–23; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 229**

[Docket No. 230912–0217]

RIN 0648–BM31

**Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations**

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

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

**SUMMARY:** NMFS is proposing an amendment to the Atlantic Large Whale Take Reduction Plan (Plan) to expand the boundaries of the Massachusetts Restricted Area to include the wedge between State and Federal waters