

Commission shall determine that the cancellation is not consistent with the public interest under 49 U.S.C. 10705 if it finds that:

(1) The ratio of revenue to variable cost for the cancelling railroad under the affected joint rate and through route is equal to or greater than the lowest ratio over the cancelling railroad's remaining alternative single or joint line routes on the affected traffic between the origin and destination involved; or

(2) That such cancellation would reduce effective railroad competition for the affected traffic between the origin and destination, or any portion of the affected routes.

(c) Complaint proceeding regarding cancellations. In a complaint proceeding regarding a cancellation of a through route and/or joint rate, the Commission shall determine that the cancellation is not consistent with the public interest under 49 U.S.C. 10705 if it finds:

(1) That the ratio of revenue to variable cost for the cancelling railroad under the affected joint rate and through route is equal to or greater than the lowest ratio over the cancelling railroad's remaining alternative single or joint line routes on the affected traffic between the origin and destination affected; or

(2) That such cancellation would reduce effective railroad competition for the affected traffic between the origin and destination, or any portion of the affected routes.

In a complaint proceeding, the cancellation of a through route or joint rate shall be presumed to violate the public interest standard of section 10705 if the complainant demonstrates that the route at issue is of reasonably comparable or superior efficiency to any competitive rail route in which the cancelling carrier participates, and the rates of the cancelling carrier will reduce effective railroad competition for the traffic at issue. The cancelling carrier may rebut the presumption by a showing that the cancellation or subsequently applicable rates will not reduce effective railroad competition for the traffic at issue.

(d) *Establishment of through routes and joint rates.* (1) Upon petition of an interested party or on motion of the Commission, a through route or joint rate shall be prescribed if the Commission determines:

(i) That the prescription or establishment is necessary to remedy or prevent an act or condition that is contrary to the competition policies of 49 U.S.C. 10101a, or that is otherwise anticompetitive; or

(ii) That the ratio of revenue to variable cost for any nonconcurring railroad is no lower than the lowest ratio over the alternative joint or single line rail routes on the affected traffic between the origin and destination affected.

(2) In making its determination, the Commission shall take into account all relevant factors, including:

(i) Whether the prescription or establishment is necessary to provide effective railroad competition for the affected traffic between the origin and destination, or any portion of the affected routes, and

(ii) The efficiency of the rail routes in question, and

(iii) The comparison of the revenues and variable costs of all involved railroads over the alternative routes.

Except that product and geographic competition and revenue adequacy and inadequacy shall not be considered.

(e) *Prescription of reciprocal switching and charges.* Reciprocal switching shall be prescribed by the Commission upon an application filed by a shipper or carrier who demonstrates said switching is either practicable and in the public interest or necessary to provide competitive rail service if the Commission determines:

(1) That a shipper has utilized or would utilize such reciprocal switching to meet a significant portion of its current or future transportation needs; or

(2) That the complaining carrier has utilized or would utilize such reciprocal switching for a significant amount of traffic.

(3) Charges for reciprocal switching established by the Commission shall not exceed the fully allocated cost of providing such service.

(4) Any establishment or prescription under the terms of this paragraph will be conducted and concluded by the Commission on an expedited basis.

(5) The provisions of this paragraph are inapplicable if the carrier physically serving the industry is a Class III, Class II or Class I railroad having less than two percent of the railroad industry gross freight revenue.

(f) *Prescription of terminal trackage rights.* Terminal trackage rights, including main line tracks for a reasonable distance outside of a terminal shall be prescribed by the Commission upon an application filed by a carrier who demonstrates said trackage rights are practicable and in the public interest, unless the owning carrier establishes that the granting of an application would substantially

impair its ability to handle its own business:

(1) The foregoing provision is inapplicable if the owning carrier is a Class III, Class II or Class I railroad having less than two percent of railroad industry gross freight revenues.

(2) To accomplish the objectives of 49 U.S.C. 1103(a), charges for terminal trackage rights established by the Commission shall put the tenant in the same position as the owning carrier.

(3) Any establishment or prescription under the terms of this paragraph will be conducted and concluded by the Commission on an expedited basis.

[FR Doc. 85-7797 Filed 4-1-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. 38904]

49 CFR Part 1207 and 1249

Elimination of Accounting and Reporting Requirements for Motor Carriers of Property; Extension of Time to File Comments

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to notice of proposed rulemaking.

SUMMARY: At 50 FR 7201, February 21, 1985, the Commission proposed to eliminate the uniform system of accounts (49 CFR Part 1207) and revise the periodic reporting requirements (49 CFR Part 1249) for Class I and Class II common and contract motor carriers of property. In response to petitions, the April 8, 1985 due date for comments set by that notice is being extended for 180 days by this notice.

DATE: Comments must be received by October 8, 1985.

ADDRESS: Send comments (original and 15 copies) to: Docket No. 38904, Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: The American Trucking Associations, Inc. (ATA) and the Regular Common Carrier Conference (RCCC), by joint petition on behalf of their motor carrier members, have requested that the time for filing comments in this proceeding be extended 180 days. The Household Goods Carrier's Bureau, Inc. (HGCB), on behalf of its members, has made a similar request for a 90-day extension. ATA and RCCC state that they need the extension to provide adequate time to assess the burdens and costs that the

current, proposed, or alternate reporting requirements will have on carriers.

The 180-day extension is warranted. The additional time will give all interested parties an opportunity to provide informed comments on this action while not unduly delaying the Commission's consideration of the proposal.

It is ordered: The date for filing comments is extended to October 8, 1985.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: March 27, 1985.

James H. Bayne,

Secretary.

[FR Doc. 85-7795 Filed 4-1-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Findings on Four Petitions, and of Review of One Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and review.

SUMMARY: The Service announces findings that a petition to reclassify the American alligator to threatened due to similarity of appearance throughout South Carolina has presented substantial information indicating that such action may be warranted, that petitions to add the spiny river snail and desert tortoise to the List of Endangered and Threatened Wildlife have also presented substantial information, and that a petition to list McKay's bunting and the St. Matthew vole has not presented substantial information. The Service also announces a review of the status of the alligator in South Carolina.

DATES: Relevant information or comments may be submitted until further notice.

ADDRESSES: Information, comments, or questions should be submitted to the Associate Director—Federal Assistance (OES), U.S. Fish and Wildlife Service, Washington, D.C. 20240. The petitions, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the Service's Office of

Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771 or FTS 235-2771).

SUPPLEMENTARY INFORMATION: Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982, requires the Service to make a finding on whether a petition to add a species to the Lists of Endangered and Threatened Wildlife and Plants, or to remove or reclassify a species, presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, such a finding is to be made within 90 days of receipt of the petition, and the finding is then to be promptly published in the Federal Register. If the finding is positive, the Service is also required to promptly commence a review of the status of the involved species. Recently, the Service received and made findings on the following four petitions.

1. A petition from the South Carolina Wildlife and Marine Resources Department, dated July 27, 1984, and received by the Service on August 15, 1984, requested reclassification of the American alligator (*Alligator mississippiensis*) to threatened due to similarity of appearance throughout the State of South Carolina. At present, the alligator is classified as endangered in some parts of South Carolina and threatened in other parts of the State. The Service has made the finding that this petition does present substantial information indicating that the requested action may be warranted.

2. A petition from the American Malacological Union, dated August 13, 1984, and received by the Service on August 22, 1984, requested determination of either endangered or threatened status for the spiny river snail (*Io fluviatilis*) of Tennessee and Virginia. The Service has made the finding that this petition does present substantial information indicating that the requested action may be warranted.

3. A petition from the National Audubon Society, dated August 29, 1984, and received by the Service on the same day, requested determination of endangered status for McKay's bunting (*Plectrophenax hyperboreus*) and the St. Matthew vole (*Microtus abbreviatus fisheri*), both found on St. Matthew Island, Alaska. The petition expressed concern that prospective development on the island could jeopardize these two

species and their habitats. This contention, however, is contradicted by detailed additional information available to the Service. Specifically, the proposed development would effect, at most, only about five percent of the island. The petition's expressed fear that development would lead to an increase in the number of predatory arctic foxes, and to introduction of new predators and competitors, does not appear valid, based on experience on other arctic islands and because of various controls and prohibitions. The Service, therefore, has made the finding that this petition does not present substantial information indicating that the requested action may be warranted.

4. A petition submitted jointly by Defenders of Wildlife, the National Resources Defense Council, and the Environmental Defense Fund, dated September 11, 1984, and received by the Service on September 14, 1984, requested determination of endangered status for the desert tortoise (*Gopherus agassizii*) throughout its entire range in Arizona, California, Nevada, and Utah. Currently, only the Beaver Dam Slope, Utah, population of this species is classified as endangered. The Service has made the finding that this petition does present substantial information indicating that the requested action may be warranted.

As required in the case of a positive finding, the Service hereby initiates a review of the status of the American alligator in South Carolina. Reviews of the spiny river snail and desert tortoise are already in progress, as those species were covered, respectively, by the Service's Review of Invertebrate Wildlife in the Federal Register of May 22, 1984 (49 FR 21664-21675), and Review of Vertebrate Wildlife in the Federal Register of December 30, 1982 (47 FR 58454-58460).

Section 4(b)(3)(B) of the Act requires that within 12 months of receipt of a petition found to present substantial information, a finding be made as to whether the petitioned action is not warranted, warranted, or warranted but precluded by other listing activity. All comments and information received in response to the status reviews of the spiny river snail, American alligator, and desert tortoise will be considered in making such findings regarding these species.

The authors of this notice are Linda M. Hurley and Ronald M. Nowak, Office

of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975 or FTS 235-1975).

Authority: Endangered Species Act (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 98 Stat. 1411).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: March 25, 1985.

J. Craig Potter,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-7826 Filed 4-1-85; 8:45 am]

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Notices

Federal Register

Vol. 50, No. 63

Tuesday, April 2, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Adjudication; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Adjudication of the Administrative Conference of the United States, to be held at 10:00 a.m., Tuesday, April 9, 1985, at 2120 L Street, NW, Suite 500, Washington, D.C. Agenda: (1) Further discussion of legislative proposals to establish a unified corps of administrative law judges; and (2) implications of the recent Supreme Court decision in *Cleveland Board of Education v. Loudermill*. Contact: Richard K. Berg, 202-254-7065.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least one day in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting. Minutes of the meeting will be available on request.

Richard K. Berg,
General Counsel,
March 28, 1985.

[FR Doc 85-7840 Filed 4-1-85; 8:45 a.m.]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Human Nutrition Information Service

Joint Nutrition Monitoring Evaluation Committee Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92-463) announcement is made of the following committee meeting:

Name: Joint Nutrition Monitoring Evaluation Committee.

Date: April 29, 30, and May 1.

Place: Conference Room 561A, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Time: 8:30 a.m. to 4:00 p.m.

Purpose: To evaluate the findings of the Nationwide Food Consumption Survey (NFCS), the National Health and Nutrition Examination Survey (NHANES), and other Federal nutrition monitoring efforts and develop a report on the nutritional status of the U.S. population.

Agenda: The agenda for the seventh meeting will include the following items: review text and charts completed to date and plan future work.

The meeting is open to the public. There is a limited amount of space available for public attendance. Written statements or comments of concern to the committee may be submitted to Isabel D. Wolf, Administrator, Human Nutrition Information Service, 6505 Belcrest Road, Room 360, Hyattsville, MD 20782.

Done at Washington, DC, this 26th day of March 1985.

Isabel D. Wolf,

Administrator.

[FR Doc. 85-7859 Filed 4-1-85; 8:45 am]

BILLING CODE 3410-KE-M

COMMISSION ON CIVIL RIGHTS

Arkansas Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Arkansas Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 4:00 p.m. on April 23, 1985, at the Riverfront Hilton Inn, 2 Riverfront Place, the Barring Crossing Room, North Little Rock, Arkansas. The purpose of the meeting is to discuss planning and programming, fair housing, desegregation of colleges and universities, and affirmative action in state government.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Marcia McIvor or Richard Avena in the

Southwestern Regional Office (512) 229-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 26, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-7844 Filed 4-1-85; 8:45 am]

BILLING CODE 6335-01-M

Colorado Advisory Committee; Agenda for Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Colorado Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12:00 noon, on April 20, 1985, at the Executive Tower Building, 1405 Curtis Street, Denver, Colorado. The purpose of the meeting is to hold a mini-forum to gather information on the civil rights enforcement effort in the State.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Minoru Yasui or William Muldrow of the Rocky Mountain Regional Office at (303) 844-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 28, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-7845 Filed 4-1-85; 8:45 am]

BILLING CODE 6335-01-M

Kentucky Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:00 p.m., on April 26, 1985, at the Hyatt Regency Lexington 400 West Vine Street, The Board Room Lexington, Kentucky. The purpose of the meeting is to meet with city/county housing officials and representatives from local civil and human rights organizations.