conducted at the site to date have been protective of public health, welfare, and the environment. This deletion does not preclude future action under Superfund.

EFFECTIVE DATE: June 1, 1996.

FOR FURTHER INFORMATION CONTACT: Liza Montalvo, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, North Superfund Remedial Branch, 345 Courtland Street NE., Atlanta, GA 30365, (404) 347–7791, extension 2030.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: A.L. Taylor Superfund Site, Brooks, Kentucky.

A Notice of Intent to Delete for this site was published in July, 1988. A Revised Notice of Intent to Delete was published on March 8, 1996 (FRL–5436–8). The closing date for comments on the Revised Notice of Intent to Delete was April 17, 1996. EPA received no comments.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action in the future. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recorkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: May 6, 1996.

A. Stanley Meiburg,

Acting Regional Administrator, USEPA Region 4.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757; 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B to Part 300—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site A.L. Taylor, Brooks, Kentucky.

[FR Doc. 96–12485 Filed 5–16–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 381

[Docket No. R–165]

RIN 2133–AB25

Cargo Preference—U.S.-Flag Vessels; Available U.S.-Flag Commercial Vessels

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment to the cargo preference regulations of the Maritime Administration (MARAD) provides that during the five year period beginning with the 1996 Great Lakes shipping season when the St. Lawrence Seaway is in use, MARAD will consider the legal requirement for the carriage of bulk agricultural commodity preference cargoes on privately-owned ''available'' U.S.-flag commercial vessels to have been satisfied where the cargo is initially loaded at a Great Lakes port on one or more U.S.-flag or foreign-flag vessels, transferred to a U.S.-flag commercial vessel at a Canadian transshipment point outside the St. Lawrence Seaway, and carried on that U.S.-flag vessel to a foreign destination. This provision will allow U.S. Great Lakes ports to compete for certain bulk agricultural commodity preference cargoes under agricultural assistance programs administered by the U.S. Department of Agriculture (USDA) and the U.S. Agency for International Development (USAID). This rule will extend that policy for an additional five years, after which the Agency would assess the merits of making the rule permanent. MARAD issued substantially identical rules in 1994 and 1995 related to the Great Lakes Shipping season for each of those years, respectively.

EFFECTIVE DATE: May 17, 1996.

FOR FURTHER INFORMATION CONTACT: John E. Graykowski, Deputy Maritime Administrator for Inland Waterways and Great Lakes, Maritime Administration, Washington, DC, Telephone (202)366–1718.

SUPPLEMENTARY INFORMATION: United States law at sections 901(b) and 901b, Merchant Marine Act, 1936, as amended (the ''Act''), 46 App. U.S.C. 1241(b) and 1241f, requires that at least 75 percent of certain agricultural product cargoes ''impelled'' by Federal programs (preference cargoes), and transported by sea, be carried on privately-owned United States-flag commercial vessels, to the extent that such vessels ''are available at fair and reasonable rates for United States-flag commercial vessels, in such manner as will insure a fair and reasonable participation of United States-Flag commercial vessels in such cargoes by geographical areas.'' The Secretary of Transportation wishes to administer that program so that all ports and port ranges, including U.S. Great Lakes ports, may participate in the carriage of preference cargoes under five programs administered by the United States Department of Agriculture (USDA) and United States Agency for International Development (USAID), pursuant to Titles I, II and III of the Agricultural Trade Development and Assistance Act of 1954, as amended; P.L. 480 (7 U.S.C. 1701–1727); the Agricultural Act of 1949, as amended (7 U.S.C. 2791(c)); and the Food for Progress Act of 1985, as amended (7 U.S.C. 1736).

Prior Rulemakings

On August 18, 1994, MARAD published a final rule on this subject in the Federal Register (59 FR 40261). That rule stated that it was intended to allow U.S. Great Lakes ports to participate with ports in other U.S. port ranges in the carriage of bulk agricultural commodity preference cargoes. It stated that dramatic changes in shipping conditions have occurred since 1990, including the disappearance of any all-U.S.-flag commercial ocean-going bulk cargo service to foreign countries from U.S. Great Lakes ports. The static configuration of the St. Lawrence Seaway system and the evolving greater size of commercial vessels contributed to the disappearance of any all-U.S.-flag service.

No bulk grain preference cargo has moved on U.S.-flag vessels out of the Great Lakes since 1989, with the exception of one trial shipment in 1993. Under the Food Security Act of 1985, Public Law 99–198, codified at 46 app. U.S.C. 1241f(c)(2), a certain minimum amount of Government-impelled cargo was required to be allocated to Great Lakes ports during the Great Lakes shipping seasons of 1986, 1987, 1988 and 1989. That ''set-aside'' expired in 1989, and was not renewed by the Congress. The disappearance of

Government-impelled agricultural cargo flowing from the Great Lakes coincided with the expiration of the Great Lakes ''set-aside.''

At the time of the opening of the 1994 Great Lakes shipping season on April 5, 1994, the Great Lakes did not have any all-U.S.-flag ocean freight capability for carriage of bulk preference cargo. The absence of any all-U.S.-flag ocean freight capability on the Great Lakes continues to this day. In contrast, the total export nationwide by non-liner vessels of USDA and USAID agricultural assistance program cargoes subject to cargo preference in the 1994–1995 cargo preference year (the latest program year for which figures are available) amounted to 6.2 million metric tons, of which 4.9 million (78 percent) was transported on U.S.-flag vessels.

As predicted by numerous commenters, the timing of the 1994 final rule, published on August 18, 1994, did not allow for a true trial period since it actually extended for less than one-half of the 1994 Great Lakes Shipping season. Because of the long lead time required for arranging shipments of bulk agriculture commodity preference cargoes, there apparently was no real opportunity for U.S.-flag vessel operators to make the necessary arrangements and bid on preference cargoes. Accordingly, MARAD proposed to extend this policy to the 1995 Great Lakes shipping season and issued a final rule that was published in the Federal Register on May 9, 1995 (60 FR 24560).

Great Lakes participation in cargo preference shipments under the five programs administered by the USDA and USAID could be significantly improved if foreign-flag feeder vessels were authorized to transport bulk grain commodities from Great Lakes ports to Canadian transshipment points for export on oceangoing U.S.-flag bulk carriers to the final destination port. MARAD issued its 1994 and 1995 final rules to authorize the use of foreign-flag feeder vessels for the transportation of bulk agricultural commodities cargoes from the Great Lakes ports to Canadian transshipment ports outside the St. Lawrence Seaway during the 1994 and 1995 Great Lakes shipping seasons, respectively. Outside the St. Lawrence Seaway, the cargo will be transferred to a U.S.-flag vessel for delivery to its foreign destination.

Subsequently, USDA indicated that section 406(b)(4) of P.L. 480 regulating the payment of freight by USDA for shipments under Title II, Section 416(b) and the Food For Progress Act of 1985, negatively impacted on suppliers that bid on Great Lakes cargoes to be transhipped to Canadian shipping points. USDA indicated that these provisions prevent them from paying for freight on commodities shipped from a Canadian port. The P.L. 480 Title I program is not affected by this provision. As a consequence, the Great Lakes region has been, in effect, prohibited from utilizing the rule and participating during the past two years in the shipment of bulk cargo under Title II of P.L. 480, Section 416 of the Agricultural Act of 1949 and the Food for Progress Act of 1985 programs.

USDA proposed an amendment to Section 406 in the 1996 Farm Bill which would allow USDA to pay the cost of the foreign-flag Great Lakes transit leg and for the transshipment from Canadian ports.

MARAD proposed in a new NPRM to extend its policy stated in the 1994 and 1995 rules for an additional five years, after which it would reassess the merits of making the rule permanent, consistent with the USDA legislative proposal (61 FR 9670; March 11, 1996). The amendment proposed by the USDA is included in the Federal Agriculture Improvement and Reform Act of 1966, Pub. L. 104–127, 110 Stat. 888. It amends Section 406(b)(4) of the Agricultural Trade, Development and Assistance Act of 1954, 7 U.S.C. 1736, to accomplish USDA's proposal, above.

Comments on 1996 NPRM

MARAD received 12 comments on this NPRM from 11 commenters representing business, trade associations, State and local port authorities, and State Transportation Departments. All commenters were in favor of the policy stated in the NPRM, without reservation. One commenter supporting the proposal to establish a five-year trial period stated, ''Similar rulemakings in the 1994 and 1995 years provided too limited of a window of opportunity to truly test this concept.'' That commenter referred to the current common practice in the private sector of exporting bulk agricultural commodities from Great Lakes ports in foreign-flag feeder vessels to transshipment points east of the St. Lawrence Seaway, concluding that ''transshipping Government agricultural exports should, on occasion, be cost effective.''

Another commenter stated that taxpayers, food aid recipient countries and vessel owners will benefit from this competition. From the perspective of U.S. maritime labor, one commenter stated, ''International cargoes are the lifeblood of Great Lakes longshoremen and return of P.L. 480 cargoes to the Great Lakes will generate thousands of manhours for dockworkers in virtually every Great Lakes port.'' Another commenter was hopeful that the trend of increased international trade ''to the Lakes via the Seaway in the past three navigation seasons will continue because of this rulemaking.''

One commenter, while acknowledging that the proposed rule offers some possible relief for Great Lakes-originated cargo, requested MARAD to issue a rule which allows shipment of bulk agricultural commodities from Great Lakes ports for the entire voyage from origin to destination on foreign-flag vessels where U.S.-flag vessels are not available for such voyages from Great Lakes ports. Unless U.S.-flag vessels are unavailable from any port range in the United States, MARAD lacks the authority to issue such a rule under the cargo preference laws of the United States.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review)

This rulemaking is not considered to be an economically significant regulatory action under section 3(f) of Executive Order 12866. Also, it is not a major rule under Pub. L. 104–121, 5 U.S.C. 804, or a significant rule under the Department's Regulatory Policies and Procedures. Accordingly, it has not been reviewed by the Office of Management and Budget.

MARAD projects that this rule will allow the annual movement of up to 300,000 metric tons of agricultural commodities from Great Lakes ports, with a reduction in the shipping cost to sponsoring Federal agencies of up to $2 per metric ton ($600,000). MARAD will evaluate the results of this rulemaking over a five-year trial period before determining whether to issue a rule to make this provision permanent.

Since the 1996 Great Lakes shipping season opened on March 29, 1996, a delay in the effective date of this rule for 30 days would be conterproductive to the accomplishment of the purpose of this rule to allow U.S. Great Lakes ports to compete effectively for agricultural commodity preference cargo shipments. Accordingly, pursuant to section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), MARAD finds that good cause exists for the rule to become effective on publication.

Federalism

The Maritime Administration has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that these regulations do not have sufficient

federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Maritime Administration certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Environmental Assessment

The Maritime Administration has considered the environmental impact of this rulemaking and has concluded that an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This rulemaking contains no reporting requirement that is subject to OMB approval under 5 CFR Part 1320, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*)

List of Subjects in 46 CFR Part 381

Freight, Maritime carriers.

Accordingly, MARAD hereby amends 46 CFR Part 381 as follows:

PART 381—[AMENDED]

1. The authority citation for Part 381 continues to read as follows:

Authority: 46 App. U.S.C. 1101, 1114(b), 1122(d) and 1241; 49 CFR 1.66.

2. Section 381.9 is revised to read as follows:

§ 381.9 Available U.S.-flag service.

For purposes of shipping bulk agricultural commodities under programs administered by sponsoring Federal agencies from U.S. Great Lakes ports during the 1996–2000 Great Lakes shipping seasons, if direct all-U.S.-flag service, at fair and reasonable rates, is not available at U.S. Great Lakes ports, a joint service involving a foreign-flag vessel(s) carrying cargo no farther than a Canadian port(s) or other point(s) on the Gulf of St. Lawrence, with transshipment via a U.S.-flag privately-owned commercial vessel to the ultimate foreign destination, will be deemed to comply with the requirement of ''available'' commercial U.S.-flag service under the Cargo Preference Act of 1954. Shipper agencies considering bids resulting in the lowest landed cost of transportation based on U.S.-flag rates and service shall include within the comparison of U.S.-flag rates and service, for shipments originating in U.S. Great Lakes ports, through rates (if offered) to a Canadian port or other point on the Gulf of St. Lawrence and a U.S.-flag leg for the remainder of the voyage. The ''fair and reasonable'' rate for this mixed service will be determined by considering the U.S.-flag component under the existing regulations at 46 CFR Part 382 or 383, as appropriate, and incorporating the cost for the foreign-flag component into the U.S.-flag ''fair and reasonable'' rate in the same way as the cost of foreign-flag vessels used to lighten U.S.-flag vessels in the recipient country's territorial waters. Alternatively, the supplier of the commodity may offer the Cargo FOB Canadian transshipment point, and MARAD will determine fair and reasonable rates accordingly.

Dated: May 10, 1996.

By Order of the Maritime Administrator.

Joel Richard,

Secretary, Maritime Administration.

[FR Doc. 96–12188 Filed 5–16–96; 8:45 am]

BILLING CODE 4910–81–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[GC Docket No. 96–42; FCC 96–205]

Implementation of Section 273(d)(5) of the Communications Act of 1934, as Amended by the Telecommunications Act of 1996; Dispute Resolution Regarding Equipment Standards

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In order to implement a new statutory provision of the Telecommunications Act of 1996, the Commission adopts rules establishing a default dispute resolution process to be used when technical disputes arise between a non-accredited standards development organization (NASDO) and any party who funds the activities of the NASDO. Under the new rules, disputes will be resolved by a recommendation of a three-person expert panel, selected by both the disputing party and the NASDO, with the recommendation subject to disapproval by a vote of three-fourths of the other funding parties. As intended by Congress, this procedure ensures that disputes can be resolved in an open, non-discriminatory, and unbiased fashion within 30 days, and it will be used only when all of the parties are unable to agree on a process for resolving their disputes. In addition, persons who willfully refer frivolous disputes will be subject to forfeiture pursuant to section 503(b) of the Communications Act.

EFFECTIVE DATE: June 17, 1996.

FOR FURTHER INFORMATION CONTACT: Sharon B. Kelley, Office of General Counsel, (202) 418–1720.

SUPPLEMENTARY INFORMATION:

Adopted: May 7, 1996.
Released: May 7, 1996.

I. Introduction

1. The Telecommunications Act of 1996,[1] amended the Communications Act by creating new sections 273 (d)(4) and (d)(5), which set forth procedures to be followed by non-accredited standards development organizations (NASDOs),[2] such as Bellcore, when these organizations promulgate industry-wide[3] standards and generic requirements[4] for telecommunications equipment. Typically, as in the case of Bellcore, carriers fund these voluntary standard setting activities in order to assist the carriers in developing standards to guide their subsequent purchases of telecommunications equipment.

2. In this *Report and Order,* the Commission adopts rules to implement new section 273(d)(5), which requires the Commission to prescribe a default dispute resolution process when technical disputes arise between the NASDO and any parties who fund the standards setting activities of the NASDO. In accordance with the statute, this ''default'' procedure would be used only when all funding parties are unable to reach agreement as to a means for resolving technical disputes. As described below, we have decided that disputes governed by section 273(d)(5) should be resolved in accordance with the recommendation of a three-person

[1] Pub. L. 104–104, 110 Stat. 56 (1996).

[2] As defined in section 273(d)(8)(E), ''[t]he term 'accredited standards development organization' means any entity composed of industry members which have been accredited by an institution vested with the responsibility for standards accreditation by the industry.'' 47 U.S.C. 273(d)(8)(E). Thus, for example, Bell Communications Research, Inc. (Bellcore) would not be an accredited standards development organization and is subject to the section 273 procedures. H.R. Cong. Rep. No. 230, 104th Cong., 2d Sess. 39 (1996).

[3] As defined in section 273(d)(8)(C), ''[t]he term 'industry-wide' means activities funded by or performed on behalf of local exchange carriers for use in providing wireline telephone exchange service whose combined total of deployed access lines in the United States constitutes at least 30 percent of all access lines deployed by telecommunications carriers in the United States as of the date of the enactment of the Telecommunications Act of 1996.'' 47 U.S.C. 273(d)(8)(C).

[4] As defined in section 273(d)(8)(B), ''[t]he term 'generic requirement' means a description of acceptable product attributes for use by local exchange carriers in establishing product specification for the purchase of telecommunications equipment, customer premises equipment, and software integral thereto.'' 47 U.S.C. 273(d)(8)(B).