

\* \* \* \* \*

[FR Doc. 95-2499 Filed 1-31-95; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF TRANSPORTATION****Maritime Administration****46 CFR Part 381**

[Docket No. R-153]

RIN 2133-AB17

**Cargo Preference—U.S.-Flag Vessels; Available U.S.-Flag Commercial Vessels****AGENCY:** Maritime Administration, Department of Transportation.**ACTION:** Proposed rule.

**SUMMARY:** This amendment to the cargo preference regulations of the Maritime Administration (MARAD) would provide that during the 1995 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 amendment would allow Great Lakes ports to compete for agricultural commodity preference cargoes during an entire season trial period. MARAD issued a prior final rule on August 8, 1994, that adopted this policy for the 1994 Great Lakes shipping season that had been in progress since April 1994. This did not allow for a true trial period that MARAD could evaluate in determining whether to make this a permanent policy.

**DATES:** Comments must be received on or before March 3, 1995.

**ADDRESSES:** Send original and two copies of comments to the Secretary, Maritime Administration, Room 7210, Department of Transportation, 400 7th Street S.W., Washington, D.C. 20590. To expedite review of comments, the Agency requests, but does not require, submission of an additional ten (10) copies. All comments will be made available for inspection during normal business hours at the above address. Commenters wishing MARAD to acknowledge receipt of comments should enclose a self-addressed envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:** John E. Graykowski, Deputy Maritime Administrator for Inland Waterways and Great Lakes, Maritime Administration, Washington, DC 20590, Telephone (202) 366-1718.

**SUPPLEMENTARY INFORMATION:** United States law at sections 901(b) (the "Cargo Preference Act") 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." The Secretary of Transportation wishes to administer that program so that all ports and port ranges may participate.

**Prior Rulemaking**

On August 8, 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. Dramatic changes in shipping conditions have occurred since 1960, including the disappearance of any all-U.S.-flag commercial ocean-going 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 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 calendar years 1986, 1987, 1988, and 1989. That "set-aside" expired in 1989, and was not renewed by the Congress. The disappearance of Government-impelled 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. In contrast, the total export nationwide by non-liner vessels of USDA and USAID agricultural assistance program cargoes subject to cargo preference in the 1992-

1993 cargo preference year (the latest program year for which figures are available) amounted to 6,297,015 metric tons, of which 4,923,244, or 78.2 percent, was transported on U.S.-flag vessels. (Source: Maritime Administration database.)

MARAD issued the previous rule to provide Great Lakes ports with the opportunity to compete for agricultural commodity preference cargoes for only the 1994 Great Lakes shipping season cargoes, and to assess the results.

**Extension of Trial Period**

As predicted by numerous commenters, the timing of the final rule, which was not published until 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 proposes to extend the trial period for applying its modified policy with respect to shipment of preference cargoes on U.S.-flag vessels through the 1995 Great Lakes shipping season.

**Rulemaking Analyses and Notices***Executive Order 12866 (Regulatory Planning and Review)*

This rulemaking has been reviewed under Executive Order 12866 and Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). It is not considered to be an economically significant regulatory action under section 3(f) of E.O. 12866, since it has been determined that it is not likely to result in a rule that may have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. However, since this rule would affect other Federal agencies, is of great interest to the maritime industry, and has been determined to be a significant rule under the Department's Regulatory Policies and Procedures, it is considered to be a significant regulatory action under E.O. 12866.

MARAD projects that this rule would allow the 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 up to \$3 per metric ton (\$900,000).

Since the substance of this rule is identical to that contained in the May 11, 1994 NPRM, which solicited comments that MARAD addressed in its final rule issued on August 8, 1994, and since no commenter opposed a one-season trial period MARAD is allowing a 30-day comment period for this second proposed rule.

If this rule is finalized, MARAD will evaluate the results of the one-season trial period before determining whether to issue a rule to make this arrangement permanent.

This rule has been reviewed by the Office of Management and Budget under Executive Order 12866.

#### *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 proposes to amend 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 would be revised to read as follows:

#### **§ 381.9 Available U.S.-flag service for 1995.**

For purposes of shipping bulk agricultural commodities under

programs administered by sponsoring Federal agencies from U.S. Great Lakes ports during the 1995 shipping season, if direct 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: January 26, 1995.  
By Order of the Maritime Administrator.

**Joel Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 95-2410 Filed 1-31-95; 8:45 am]

BILLING CODE 4910-81-P

#### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

[MM Docket Nos. 94-149 and 91-140; FCC 94-323]

#### **Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The *Notice of Proposed Rule Making* seeks comment on a number of initiatives aimed at increasing minority

and female ownership of mass media facilities. These initiatives include an incubator program whereby existing operators assist minority and female operators in purchasing facilities, an exception to the Commission's attribution rules to permit an individual to hold a larger interest in minority or female-controlled properties than is generally permissible, modifications to the Commission's existing tax certificate policy, and other mechanisms designed to facilitate minority and female ownership. The actions proposed in the *Notice of Proposed Rule Making* are needed to provide greater opportunities for minorities and women to become operators of mass media facilities and, where applicable, to expand their present holdings.

**DATES:** Comments are due April 17, 1995 and reply comments are due May 17, 1995.

**ADDRESSES:** Federal Communication Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Jane Hinckley Halprin or Diane Conley, Mass Media Bureau, Policy and Rules Division, (202) 418-2130.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making* in MM Docket Nos. 94-149 and 91-140, adopted December 15, 1994, and released January 12, 1995.

The complete text of the *Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, NW., Washington, DC 20036, (202) 857-3800.

#### **Synopsis of Notice of Proposed Rule Making**

1. The Commission initiates this proceeding to explore ways to provide minorities and women with greater opportunities to enter the mass media industry, specifically including the broadcast, cable, wireless cable and low power television services. Its purpose in doing so is to further the core Commission goal of maximizing the diversity of points of view available to the public over the mass media, and to provide incentives for increased economic opportunity.

2. While the Commission's existing minority ownership incentives (including the tax certificate and distress sale policies and the minority ownership rules) have facilitated the acquisition of broadcast and cable