DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7140

[AZ–930–1430–01; AZA 6592]

Revocation of Public Land Order No. 5298; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes in its entirety public land order No. 5298, which withdrew 1,062.70 acres of public lands for the expansion and protection of the Aravaipa Canyon Primitive Area. The lands have been incorporated into the National Wilderness Preservation System to be known as the Aravaipa Canyon Wilderness Area, and the withdrawal is no longer needed. The lands will remain closed to surface entry, mining, and mineral leasing as part of a wilderness area.

EFFECTIVE DATE: June 8, 1995.

FOR FURTHER INFORMATION CONTACT: John Mezes, BLM Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, 602–650–0509.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 5298, which withdrew the following described lands for the protection and expansion of the Aravaipa Canyon Primitive Area, is hereby revoked in its entirety:

Gila and Salt River Meridian

T. 6 S., R. 18 E.,
Sec. 15, S½S½;
Sec. 24, S½SE¼;
Sec. 25, W½E½, and W½.
T. 6 S., R. 19 E.,
Sec. 19, lot 4;
Sec. 30, lots 2 to 6, inclusive, SW¼NE¼, and W½SE¼.

The areas described aggregate 1,062.70 acres in Pinal and Graham Counties.

2. The lands will remain closed to all forms of entry due to the lands being within the Aravaipa Canyon Wilderness Area.

Dated: April 21, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–11288 Filed 5–8–95; 8:45 am]

BILLING CODE 4310–32–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: Final 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 allows Great Lakes ports to compete for agricultural commodity preference cargoes during an entire season trial period.

EFFECTIVE DATE: This final rule is effective on May 9, 1995.

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 intends to administer that program so that all ports and port ranges may participate.

1994 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. It cited as justification for the rule dramatic changes in shipping conditions that 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. It further stated that 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 Great Lakes ''set-aside'' expired in 1989, and was not renewed by 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 service 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 1994 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.

Inadequate 1994 Trial Period

As predicted by numerous commenters on the first notice of proposed rulemaking (NPRM), published on May 11, 1994 (59 FR 24390), the timing of the final rule did not allow for a true trial period since it was actually in effect for less than one-half of the 1994 Great Lakes shipping season. Because of the long lead time required for arranging shipments of bulk agricultural commodity preference cargoes, there was no real opportunity

for U.S.-flag vessel operators to make the necessary arrangements to bid on preference cargoes.

Second NPRM

Because the publication of the 1994 final rule occurred too late to allow participants in the shipment of agricultural commodity preference cargoes to arrange shipments from Great Lakes ports, no shipments occurred in 1994. Accordingly, MARAD was not able to evaluate the impact of the 1994 amendment, and issued a second NPRM on February 1, 1995 (60 FR 6068), that proposed to extend the trial period for applying its policy for shipment of preference cargoes on available U.S.-flag vessels through the 1995 Great Lakes shipping season.

MARAD received twelve (12) comments on this second NPRM from individual Great Lakes ports, a Federal shipper agency, Great Lakes grain carriers, grain producers and exporters, and a commodity exchange. All commenters enthusiastically supported the amendment as a minimal initial action that would allow Great Lakes ports to participate in the bulk agricultural cargo preference trade by being able to offer service at competitive rates. Most commenters supported a longer trial period, or requested that the rule be made permanent. They cited equity as being the paramount justification.

In reiterating last year's statement that the trial period should extend for several navigation seasons or until U.S.-flag vessels resume operations on the Great Lakes, a commenter asserted that not only is it difficult to assess any benefits based on only one shipping season, but that shippers are reluctant to change their shipping patterns for a short period of time, knowing that they must revert back to the ''old way,'' irrespective of their recognition of a cost advantage during that short period. MARAD will issue another proposed rule to extend the trial period for at least three years if it determines that this amendment actually was responsible for the carriage of agricultural commodity cargoes from Great Lakes ports to foreign destinations on available U.S.-flag vessels during the 1995 Great Lakes shipping season.

Another commenter urged MARAD to promulgate a rule that allows shipment of agricultural commodities from a Great Lakes port 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. The commenter argued that this policy will allow the Great Lakes ports greater participation in USDA and USAID agricultural assistance program cargoes. That proposal is contrary to the provisions and intent of the Cargo Preference Act of 1954, and of this rulemaking.

Based on the unequivocal support of all the commenters for modification of the interpretation of ''available'' U.S.-flag commercial vessels for the carriage of bulk agricultural commodity preference cargoes from Great Lakes ports, MARAD is adopting as a final rule, without change, the text of the NPRM.

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 expects that this rule could allow, in the 1995 Great Lakes season, 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 of up to $3 per metric ton ($900,000). Because the Great Lakes shipping season opened on March 24, MARAD has determined, pursuant to 5 U.S.C. 553(d), that good cause exists to make this rule effective on publication.

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 it does 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 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: May 3, 1995.

By Order of the Maritime Administrator.

Joel Richard,

Secretary, Maritime Administration.

[FR Doc. 95–11272 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–81–P

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 88–21, Notice No. 09]

RIN No. 2127–AE25
RIN No. 2127–AE62

Federal Motor Vehicle Safety Standards, Bus Emergency Exits and Window Retention and Release

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes a number of amendments to the agency's standard on bus emergency exits and window retention and release. Among other things, the amendments permit manufacturers to install two emergency exit windows as an alternative to an emergency exit door as the first means of satisfying recent requirements for additional emergency exits on school buses. The amendments also permit non-school buses to meet either the current non-school bus emergency exit requirements or the recently upgraded school bus requirements. These amendments will increase manufacturer flexibility in meeting emergency exit requirements while maintaining the existing level of safety. The amendments also modify the requirements specifying the number of additional exits that are required for school buses of varying capacity. These amendments will provide increased clarity and also ensure that manufacturers meet the recently upgraded requirements by providing additional emergency exits rather than by increasing the size of existing exits. The rule also makes a number of more minor amendments to the standard.

DATES: This final rule is effective May 9, 1996.

Manufacturers may voluntarily comply with the amendments promulgated by this final rule on or after June 8, 1995.

Any petition for reconsideration of this rule must be received by NHTSA no later than June 8, 1995.

ADDRESSES: Any petition for reconsideration should refer to the docket and notice number for this rule and be submitted to NHTSA Docket Section, 400 Seventh Street, S.W., Room 5109, Washington, DC 20590. Docket hours are from 9:30 a.m. to 4:00 p.m., Monday through Friday. Telephone: (202) 366–4949.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Hott, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Room 5320. Washington, DC 20590. Telephone (202) 366–0247.

SUPPLEMENTARY INFORMATION:

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SUPPLEMENTARY INFORMATION:

I. Background

A. Standard No. 217

NHTSA has long recognized the safety need for buses to provide means for readily accessible emergency egress in the event of a crash or other emergency. The agency addressed this safety need by issuing Safety Standard No. 217, *Bus Emergency Exits and Window Retention Release*

When the standard originally became effective on September 1, 1973, it required that buses other than school buses have exits whose combined area, in square inches, equaled or exceeded 67 times the number of designated seating positions. The type of exit used to comply with this requirement was left to the choice of the manufacturer, although the agency assumed that most manufacturers would meet the standard primarily by installing push-out side windows. Moreover, the standard's performance requirements for emergency exit windows effectively required those windows to be of the push-out type.

School buses were excluded from this requirement for the reasons explained in the notice of proposed rulemaking (NPRM):

> In view of discipline problems associated with mandatory quick-release and exit devices throughout a school bus which may interfere with the school bus driver's task, and the added risk of children falling from moving school buses, push-out windows for school buses would remain optional. 35 FR 13025; August 15, 1970.

Later, in response to the Motor Vehicle and Schoolbus Safety Amendments of 1974, NHTSA amended Standard No. 217 to include emergency exit requirements for school buses. Instead of adopting the approach used for non-school buses, the agency required that all new school buses have either (1) one rear emergency door, or (2) ''one emergency door on the vehicle's left side that is in the rear half of the bus passenger compartment and is hinged on its forward side, and one push-out rear window.''

In response to several school bus accidents in the late 1980's and recommendations by the National Transportation Safety Board, NHTSA subsequently upgraded Standard No. 217's school bus requirements to increase the number of emergency exits required for larger school buses. This final rule was published in the **Federal Register** (57 FR 49413) on November 2, 1992, and a correction notice was published on December 2, 1992 (57 FR 57020).

The upgraded rule required, among other things, that the total area of the emergency exits of each school bus be based on the designated seating capacity of the bus. The rule maintained the existing requirement that all school buses have either a rear emergency exit door or a left-side emergency exit door along with a rear push-out window, at the option of the manufacturer. It also provided, however, that the area in