representative of the Golden Strip Task Group.

E. Operation and Maintenance

Post-closure activities at the GSST Site will be conducted by the GSTG's assigned representative following the guidelines contained in the EPA/SCDHEC approved Operation and Maintenance (O&M) Plan. Those O&M activities address a 30-year post-closure care monitoring period as specified by the ROD. These post-closure care activities include the following:

- Periodic inspections to verify the integrity of the cap, cover and security;
- Ongoing landscape maintenance to keep the integrity of the landfill cap intact;
- Periodic stream and groundwater monitoring to verify the performance of the remedy; and
- Submission of O&M evaluation reports to EPA/SCDHEC containing observations and any corrective actions taken to address issues of concern.

The surficial aquifer underlying the GSST Site has been monitored via sampling and analysis of 22 monitoring wells since 1989. Water quality and sediments of an unnamed stream passing through the site have also been monitored. Since only intermittent exceedances of drinking water standards were observed during the RI/FS, EPA and SCDHEC established ACLs for the site groundwater. During the Site Remedial Action, these ACLs have not been required, as groundwater quality has consistently remained below federally established drinking water levels (Maximum Contaminant Levels). Stream monitoring results continue to verify that the water quality or sediments have not been affected by past waste disposal activities.

F. Five-Year Review

Semi-annual groundwater and stream monitoring will continue up to the 5-year review which shall be conducted by July 1999. EPA and SCDHEC will evaluate the scope of future monitoring requirements at the completion of the five-year review.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if the responsible parties or other parties have implemented all appropriate response actions required. EPA, with the concurrence of SCDHEC, contends this criterion has been met. Subsequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the public docket.

Dated: June 22, 1998.

A. Stanley Meiburg,

Deputy Regional Administrator, U.S. EPA Region 4.

[FR Doc. 98–18083 Filed 7–8–98; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Part 514

[Docket No. 98–10]

Inquiry Into Automated Tariff Filing Systems as Proposed by the Pending Ocean Shipping Reform Act of 1998

AGENCY: Federal Maritime Commission.

ACTION: Notice of Inquiry.

SUMMARY: The purposes of this Inquiry are to determine an approach that will produce automated tariff publication systems that best comport with the directives of S. 414, the Ocean Shipping Reform Act of 1998, and its legislative history, and to determine whether ocean common carriers should be required to file service contracts electronically. The proposed legislation would alter, among other things, the manner by which ocean common carriers publish their tariffs under the Shipping Act of 1984, 46 U.S.C. app. § 1701 *et seq.*, by requiring them to publish their tariffs in private automated tariff systems. Comments are solicited on the possible requirements for such tariff filing systems and on the electronic filing of service contracts and publication of essential terms.

DATES: Comments due on or before August 10, 1998.

ADDRESSES: Send comments (original and 20 copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573–0001, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573–0001, (202) 523–5796 and Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573–0001, (202) 523–5740.

SUPPLEMENTARY INFORMATION: On April 21, 1998, the Senate passed S. 414, a bill entitled the ''Ocean Shipping Reform Act of 1998'' (''Reform Act''). The bill was subsequently referred to the House of Representatives, where it is presently awaiting either referral to appropriate committees or a vote by the full House. If the latter occurs prior to adjournment in the fall, the Federal Maritime Commission (''FMC'' or ''Commission'') will have the task of proposing and adopting rules to implement the Reform Act in a very short time period, since the Reform Act generally takes effect on May 1, 1999, and the bill requires final implementing regulations to be promulgated by March 1, 1999.

The Reform Act amends the Shipping Act of 1984 (46 U.S.C. app. § 1701 *et seq.*) (''1984 Act'') in several areas, altering the manner by which the United States regulates international ocean shipping. One of the most significant changes is in the treatment of common carrier tariffs, the publications which contain the rates and charges for their transportation services. Currently, common carriers and conferences must file their tariffs with the commission's Automated Tariff Filing and Information System (''ATFI''). Under the Reform Act, carriers no longer will have to file with the Commission, but will be required to publish their rates in private, automated tariff systems. These tariffs will have to be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote locations, and a reasonable charge may be assessed for such access, except for Federal agencies. In addition, the Commission is charged with prescribing the requirements for the ''accessibility and accuracy'' of these automated tariff systems, unlike the ''form and manner'' requirements under the current law. The Commission also can prohibit the use of such systems, if they fail to meet the requirements it establishes.

It is against this background that the Commission is initiating this inquiry to solicit comments from the ocean transportation industry and the general public on how best to establish requirements for carriers' automated tariff systems. Such comments should assist the Commission in formulating and proposing a rule in this area in the event that the House passes S. 414 and it is signed into law by the President.

The primary function of the publication of tariffs is to provide the shipping public with reliable information on the price and service options to move particular commodities from point A to point B. This information would necessarily include all applicable assesorials, additional charges, and surcharges, so that the shipper can obtain a ''bottom-line'' price for the service it seeks. Consistent with the Reform Act's common carriage principles, shippers should be able to use this information to compare competing carriers' offerings and to assess whether they are being

unreasonably discriminated against vis-a-vis their competitors. In addition, public tariff information enables carriers to monitor their competitors and adjust their pricing and service structures accordingly.

A perhaps no less important function of tariff publication is to permit the Commission to monitor the rate activity of carriers and conferences. In light of the fact that the Reform Act would continue to grant antitrust immunity for collective ratemaking, the ability to monitor collectively-established rates remains particularly important. The Commission also needs to be able to monitor carrier rate activity to ensure that the prohibited acts in section 10 of the Reform Act are not violated. In this regard, the Commission will always need a historical record of rate activity, perhaps commensurate with the five year statute of limitations in the Reform Act. In addition, the ability to monitor the rate activity of controlled carriers is crucial to the Commission's enforcement of the controlled carrier provisions of the Reform Act.

The problem facing the Commission and the industry is how to reconcile these basic purposes of tariff publication with the relative discretion Congress would grant carriers to develop their own automated tariff systems. The report of the Senate Committee on Commerce, Science, and Transportation, S. Rep. No. 61, 105th Cong., 1st Sess. (1997) (''Committee Report''), is instructive in this regard. The Committee noted that innovative private sector approaches, such as World Wide Web pages, should be encouraged, stating that common carriers should be free to develop their own means of tariff publication. Committee Report at 23. Although the Committee reiterated that there should be no government restraints on the design of a private tariff publication system, it also stated that such systems must assure the integrity of the common carrier's tariff and of the tariff system as a whole and provide the appropriate level of public access to tariff information. *Id.* The Committee also stated that tariff information should be ''simplified and standardized.'' *Id.* The Committee further noted that the Commission will retain its authority to suspend or prohibit the use of tariffs found to violate the 1984 Act or other U.S. shipping laws. *Id.* at 22–23.

As a point of reference, because ATFI uses uniform transaction sets for tariff material,[1] it presents tariff information uniformly, and substantive tariff provisions are located identically within each carrier's tariff. In addition, carriers are required to provide electronic links within each tariff so that shippers can calculate a bottom-line freight charge. Under ATFI, the Commission also validates, among other things, specific ports and points listed to ensure industry-wide uniformity and requires that equipment descriptions be standardized.

The question thus becomes how to meld the various Congressional directives in the Reform Act and its legislative history to produce tariff publication requirements that fully comport with the letter and the spirit of the Reform Act. The Commission, therefore, is seeking public comment on how best to achieve this goal. Commenters should feel free to address any aspect of automated systems relevant to this inquiry. However, we have proposed some questions that may focus discussion in the proper direction:

1. What are the best methods for standardizing tariff information?

2. Should tariffs contain uniform rate/commodity/geographic scope searching mechanisms?

3. Describe any available options for standardizing commodity descriptions.

4. How can we ensure that the systems produce accurate bottom-line freight charges for shippers?

5. Should carriers be required to use uniform transaction sets (such as ATFI transaction sets) for the transmission of information in automated tariff systems?

6. How long should systems be required to maintain historical tariff information?

7. Describe how tariff systems can automatically block the publication of unlawful rate actions (*e.g.*, an increased cost to the shipper published to become effective less than 30 calendar days after publication; changes in a controlled carrier's tariff published to become effective less than 30 days after publication)?

8. How can the systems give the Commission the ability to void tariff material that contravenes the statute or its regulations?

9. How should tariff systems be structured to handle carrier requests for Commission approval of deviations from its rules, including increased costs to shippers to become effective less than 30 days after publication?

10. How can the Commission meet its responsibilities efficiently under sections 5, 6, 9 and 10 of the Act if faced with nonuniform tariff systems?

11. Could tariff systems be designed so that the Commission could access certain functionalities that might not otherwise be available to the general public (*e.g.*, to generate ad hoc and recurring reports, facilitate tariff review, and examines tariff's history)?

12. Could tariff systems be designed to automatically inform the Commission when an amendment is made?

13. How can tariff systems be designed to facilitate the Commission's suspension or prohibition of the use of tariffs or tariff material found to violate the 1984 Act or other U.S. shipping laws?

14. What standards should the Commission apply to measure the accuracy and accessibility of a carrier's automated tariff publication system?

15. How can tariffs be simplified?

In a related matter, the Reform Act directs carriers to file their service contracts with the Commission on a confidential basis. The Reform Act does not specify that these filings be done electronically. Service contracts under the 1984 Act are currently filed in paper form. In FY 1997 the Commission received 10,500 new contracts and nearly 29,000 amendments. This compares with 9,400 contracts and 19,500 amendments in FY 1996. By all indications, the number of service contract filings will continue to increase significantly, particularly under a statutory scheme providing greater confidentiality in contract terms. Accordingly, the Commission also is seeking comments in this inquiry regarding the electronic filing of service contracts with the Commission. Electronically filed service contracts, unlike the publicly available essential terms, would be available only to the Commission and its staff. Commenters favoring electronic filing may suggest possible approaches for implementing such filing, including issues regarding digitized signatures and text versus data format. Commenters are also requested to address the issues as they relate to the publication of certain essential terms in tariff format in private automated systems.

Now therefore, It is ordered that this Notice of Inquiry be published in the **Federal Register**.

By the Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 98–18160 Filed 7–8–98; 8:45 am]

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[1] ATFI's transaction sets prescribe specific requirements as to the data dictionary, field size, syntax, data elements, mandatory and optional fields, format, and segment definitions.