

appurtenances as needed to convert property acquired through a FEMA hazard mitigation program to uses compatible with open space, recreational, or wetland management practices.

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Dated: May 8, 2000.

**James L. Witt,**  
*Director.*

[FR Doc. 00-12284 Filed 5-15-00; 8:45 am]

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## FEDERAL MARITIME COMMISSION

### 46 CFR Part 520

[Docket No. 00-07]

#### Advance Notice of Proposed Rulemaking Concerning Public Access Charges to Carrier Automated Tariffs and Tariff Systems Under the Ocean Shipping Reform Act of 1998

**AGENCY:** Federal Maritime Commission.

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Federal Maritime Commission is concerned that certain tariff access charges and minimum monthly subscription requirements may limit the public's ability to access tariffs and tariff systems, contrary to the requirements of the Ocean Shipping Reform Act of 1998. The Commission, therefore, is seeking public comments to address the reasonableness of tariff access charges.

**DATES:** Comments on or before June 15, 2000.

**ADDRESSES:** Comments (original and 15 copies) are to be submitted to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5725.

**FOR FURTHER INFORMATION CONTACT:** Austin L. Schmitt, Director, Bureau of Trade Analysis, Federal Maritime Commission, Washington, DC 20573, (202) 523-5796.

**SUPPLEMENTARY INFORMATION:** Effective May 1, 1999, the Ocean Shipping Reform Act of 1998 ("OSRA"), Pub. L. 105-258, 112 Stat. 1902, modified the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1701 *et seq.* to require common carriers and conferences to publish their rates in private, automated tariff systems. OSRA requires these tariffs to be made available electronically to any person, without limits on time, quantity, or other such limitation, through appropriate access from remote locations, and authorizes

that "a reasonable charge" may be assessed for access (except for access by Federal agencies). 46 U.S.C. app. 1707(a)(2)). In addition, the legislative history concerning public access to tariffs provides the following guidance: *The Act's requirement that common carrier tariffs be kept open to public inspection is retained. . . . There should be no government constraints on the design of a private tariff publication system as long as that system assures the integrity of the common carrier's tariff and the tariff system as a whole, and the system provides the appropriate level of public access to the common carrier's tariff information.* S. Rep. No. 61, 105th Cong., 1st Sess. at 23 (1997) (emphasis added).

The Commission believes that in passing OSRA, Congress intended to provide the general public access to tariff information at a nominal cost. Moreover, most businesses have now embraced the Internet as an important and user-friendly means of conveying information to potential customers at little or no cost to the customer. The Commission is concerned that certain access charges and minimum subscription requirements may limit the public's ability to access the carriers' tariff information that is now available on the Internet, contrary to the intentions of OSRA. Several informal complaints have been received by the Commission regarding carrier tariff systems<sup>1</sup> and the level of access charges, while others have questioned the propriety of time and quantity restrictions. A Commission staff review of tariff access charges indicates the existence of a wide range of charges and/or monthly minimums. For example, it has been brought to the Commission's attention that in some tariff systems, a public user desiring to check one term of a bill of lading or one rate, would have to subscribe to the system for a minimum of three months at a cost as high as \$1,500.<sup>2</sup>

Because the charges of some carriers may limit public availability and access to tariffs contrary to the intentions of OSRA, the Commission is initiating this Advance Notice of Proposed Rulemaking to address the issue of a "reasonable charge" for tariff access. The Commission is seeking comments from interested parties on any aspect of

<sup>1</sup> Most common carriers and conferences have delegated the responsibility for public accessibility, and the authority to assess charges for such access, to their agents, the tariff publishers. Nevertheless, the Commission will continue to look to common carriers and conferences, as the regulated entities, to ensure compliance with applicable laws and regulations.

<sup>2</sup> On the other hand, our review indicates that of the top ten publishers, two tariff publishers have no access charges.

this issue, and particularly on the following questions:

(1) Should the Commission promulgate any regulations or guidelines on the subject of "reasonable charges" for access to tariffs or tariff systems?

(2) Should a determination of the reasonableness of an access charge be based only on whatever additional costs may be incurred by carriers in making their tariffs accessible to the public and not include any costs for developing or maintaining tariffs that are the result of the carriers' responsibilities under OSRA?

(3) Should the public's cost to access carrier tariffs be similar to that encountered in accessing information made available on the Internet by other businesses?

(4) Should the public's cost to access carrier tariffs be comparable to that afforded to the public for the entire universe of carriers' tariffs under the Commission's former ATFI system?

(5) Should the number of tariffs accessible within any one system be considered in determining a "reasonable charge"?

In addition to soliciting the comments of regulated entities and tariff publishers, the Commission encourages any interested party to comment on these questions and on any experiences associated with the costs of accessing carrier tariffs.

By the Commission.

**Bryant L. VanBrakle,**  
*Secretary.*

[FR Doc. 00-12191 Filed 5-15-00; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-918; MM Docket No. 99-206; RM-9625]

#### Radio Broadcasting Services; Kimberly, ID

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; denial.

**SUMMARY:** This document denies a petition for rule making filed by Mountain West Broadcasting proposing the allotment of FM Channel 291C3 to Kimberly, Idaho, as that locality's first local aural transmission service. See 64 FR 31176, June 10, 1999. Evidence presented established that the proposed transmitter site at coordinates 42-30-22 NL and 114-21-45 WL to accommodate

Channel 291C3 at Kimberly, is located on private property and not available for commercial use. The petitioner did not present any engineering showings to establish the availability of an alternate site. With this action, the proceeding is terminated.

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

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 99-206, adopted April 12, 2000, and released April 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Federal Communications Commission.

**John A. Karousos,**  
*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 00-12258 Filed 5-15-00; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA No. 00-921; MM Docket No. 99-338; RM-9746]

**Radio Broadcasting Services; Shiner, TX**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule making; withdrawal.

**SUMMARY:** This document dismisses a petition for rule making filed by Elgin FM Limited Partnership requesting the allotment of Channel 232C3 at Shiner, Texas. See 64 FR 68662, December 8, 1999. Elgin FM Limited Partnership withdrew its interest in the allotment of Channel 232C3 at Shiner, Texas. With this action, this proceeding is terminated.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 99-338,

adopted April 19, 2000, and released April 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 00-12257 Filed 5-15-00; 8:45 am]

**BILLING CODE 6712-01-U**

## DEPARTMENT OF DEFENSE

### Defense Logistics Agency

#### 48 CFR Parts 5433 and 5452

##### DLA Acquisition Directive: Alternative Dispute Resolution

**AGENCY:** Defense Logistics Agency (DLA), Defense.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would add a new provision to DLA solicitations concerning the use of alternative dispute resolution (ADR). The purpose is to establish ADR as the initial dispute resolution method, except for certain circumstances, to increase cooperative problem solving and reduce litigation. The provision would be optional for offerors; however, if they agreed to the provision, both the contractor and DLA would be committed to use ADR except in limited circumstances. Increased use of ADR is consistent with the Administrative Dispute Resolution Act, the Federal Acquisition Regulation (FAR), and Departmental policy.

**DATES:** Comments due on or before June 15, 2000.

**ADDRESSES:** Send written comments to Ms. Mary Massaro, Defense Logistics Agency, DLSC-PPP, Headquarters Center, 8725 John J. Kingman Road, Suite 3147, Fort Belvoir, VA 22060-6221, or via email to mary\_massaro@hq.dla.mil.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mary Massaro, Procurement Analyst, Defense Logistics Agency, DLSC-PPP, at (703) 767-1366.

##### SUPPLEMENTARY INFORMATION:

*A. Background.* DLA is pursuing several initiatives to increase the use of ADR in resolving contract disputes. One

way to increase use of ADR is for the parties to agree, as part of the contract, that they will use ADR before initiating litigation. This type of approach is used by DoD in partnering agreements and Agency-contractor ADR pacts.

The proposed provision provides a vehicle for both parties to agree to use ADR. Offeror can opt out of the provision by checking the box if they do not want it in their contract in the event of award. Offerors can also propose alternate wording to tailor the language while retaining the concept. Despite the fact that wording can be individually negotiated, DLA is seeking public comments to arrive at optimal language and to partner with industry in developing this provision.

*B. Regulatory Flexibility Act.* This proposed rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 USC 601 *et seq.* An initial regulatory flexibility analysis was not performed.

*C. Paperwork Reduction Act.* This notice does not impose any new reporting or record keeping requirements that require the approval of OMB under 44 USC 3501 *et seq.*

#### List of Subjects in 48 CFR Parts 5433 and 5452

Government procurement.

For the reasons set forth above, the Defense Logistics Agency proposes to amend 48 CFR Chapter 54 as follows:

1. Part 5433 is added to read as follows:

#### PART 5433—PROTESTS, DISPUTES AND APPEALS

**Authority:** 10 U.S.C. Chapter 137

##### § 5433.214. Contract Clause: Agreement to Use Alternative Dispute Resolution.

The contracting officer shall insert the provision in 5452.233 in all solicitations unless the conditions at FAR 33.203(b) apply.

#### PART 5452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. The authority citation for Part 5452 continues to read as follows:

**Authority:** 10 U.S.C. Chapter 137

3. Part 5452 is amended by adding contract clause 5452.233-9001 to read as follows: