

California Association of Family Farmers, California Action Network, League of Rural Voters Inc., and County of Trinity, California; the Bureau of Reclamation (Reclamation) has prepared new acreage limitation and water conservation rules and regulations for implementing the Reclamation Reform Act of 1982, as amended, throughout the 17 Western United States. The proposed rules were published in the **Federal Register** on April 3, 1995 (60 FR 16922, Apr. 3, 1995), and are open to a 60-day review and comment period which will close on June 2, 1995.

Public hearings will be held to receive comments from interested organizations and individuals on the proposed rules. During the week prior to the scheduled hearings there will be several public forums at various locations throughout the Western States to provide an opportunity for the public to receive information and clarification concerning the proposed changes to the rules and regulations. Information regarding these forums will be provided to affected parties by mail.

DATES: Public hearings on the proposed rules are scheduled as follows:

1. May 8, 1995, at 7:00 p.m. Yakima, Washington; Billings, Montana
2. May 9, 1995, at 7:00 p.m., Boise, Idaho; Lakewood, Colorado
3. May 10, 1995, at 7:00 p.m., Sacramento, California; Phoenix, Arizona
4. May 11, 1995, at 7:00 p.m., Salt Lake City, Utah; Fresno, California

ADDRESSES: The hearings will be held at the following locations:

1. Yakima—Red Lion Inn (Yakima Valley), 1507 North First Street, Yakima, Washington
- Billings—Sheraton Hotel, 27 North 27th Street, Billings, Montana
2. Boise—Red Lion Inn Riverside, 2900 Chinden Blvd., Boise, Idaho
- Lakewood—Sheraton Denver West Hotel, 360 Union Blvd, Lakewood, Colorado
3. Sacramento—Red Lion Hotel, 2001 Point West Way, Sacramento, California
- Phoenix—Hilton Point at South Mountain, 7777 South Point Parkway, Phoenix, Arizona
4. Salt Lake City—Hilton Hotel, 150 West 500 South, Salt Lake City, Utah
- Fresno—Holiday Inn (Airport), 5090 East Clinton, Fresno, California

Written comments for inclusion in the official record should be received at the Bureau of Reclamation by June 2, 1995. Comments should be addressed to: Mr Ronald J. Schuster (D-5010), Westwide Settlement Manager, Bureau of Reclamation, Denver Office, PO Box 25007, Denver CO 80225.

A dedicated toll-free telephone line has been established at 1-800-861-5443 through June 2, 1995 to accommodate oral comments from those not attending a public hearing. Comments will be recorded on tape and transcribed by a court reporter, and will be part of the official record. Statements are limited to 10 minutes and must include the commentator's name in order to be included in the official record. Address and affiliation are optional.

FOR FURTHER INFORMATION CONTACT:

Ronald J. Schuster, (303) 236-9336, ext. 237.

SUPPLEMENTARY INFORMATION: An identical notice is published in this **Federal Register** regarding public hearings on the environmental impacts of the proposed rules and regulations for implementing the Reclamation Reform Act of 1982.

Ground rules for the hearings are presented below:

- While each hearing is in session, all comments will be recorded by a court reporter.
- Speakers should identify themselves and any organization that they represent.
- Statements will be limited to 10 minutes, and speakers will not be allowed to trade time to obtain longer presentations. The hearing officer may allow any speaker additional time after all scheduled speakers have been heard. The hearing officer may also shorten the 10 minute limit if the number of speakers is too large to fit within a reasonable time frame.
- No one will be recognized to speak other than those parties who are presenting statements.
- To ensure a complete and accurate record, it will be necessary that only one person speak at a time.
- Persons presenting views will not be sworn in or otherwise placed under oath.
- There will be no examination or interrogation of speakers.
- There will be no response by the hearing officer or other Bureau of Reclamation staff on speaker comments.
- Due to the shortness of available time, speakers are encouraged to summarize their comments as much as possible and give the court reporter a copy of their full statement which will be added to the official record.
- Speakers will be scheduled according to the order in which they sign up. Any speaker not present when called will lose his or her turn in the scheduled order, but will be given an opportunity to speak at the end of the scheduled presentations.

- After the scheduled speakers have been heard, each individual who wishes to speak will be afforded that opportunity.
- People are asked to refrain from clapping or other actions that might interfere with the speakers or hearing.

Dated: April 18, 1995.

Wayne O. Deason,

Assistant Director, Program Analysis Office.

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 383

[Docket No. R-156]

RIN 2133-AB16

Determination of Fair and Reasonable Guideline Rates for the Carriage of Less-Than-Shipload Lots of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Liner Vessels

AGENCY: Maritime Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The regulations at 46 CFR part 383 ("Rule") specify the procedures for the calculation of fair and reasonable guideline rates for certain preference cargoes carried in U.S.-flag vessels employed in a liner service. Currently, the rule applies only to less-than-shipload lots of dry bulk preference cargoes on U.S.-flag vessels. The United States Department of Agriculture (USDA) and the Agency for International Development (AID), the major U.S. government shipper agencies, have requested that the Maritime Administration (MARAD) provide them with guideline rates for bagged and packaged agricultural commodities and to clarify MARAD's policy for prioritization of U.S.-flag shipping services for compliance with the cargo preference requirements of the Cargo Preference Act of 1954. MARAD provides guideline rates for such commodities on bulk vessels, under a similar regulation for bulk vessels at 46 CFR part 382, but does not now provide guideline rates for bagged or packaged cargoes in less-than-shipload lots on vessels in a liner service. This amendment will extend the scope of the rule to cover bagged or packaged agricultural commodities in parcels of 5,000 tons and greater on vessels in a liner service. Prioritization is outside the scope of these regulations; MARAD will address this issue separately at a later date.

DATES: Comments on the proposed rule must be received on or before June 23, 1995.

ADDRESSES: Send an original and two copies of the comments to Secretary, Maritime Administration, Room 7210, 400 7th St., SW., Washington DC 20590. To expedite reviewing the 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 stamped self-addressed envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Michael P. Ferris, Director, Office of Costs and Rates, Maritime Administration, Washington, DC 20590, Telephone (202) 366-2324.

SUPPLEMENTARY INFORMATION: Section 901(b) of the Merchant Marine Act, 1936, as amended, cited as the Cargo Preference Act of 1954, requires that, with respect to certain cargoes which could be described as "government-impelled," such as food donation programs administered by the State Department or the Department of Agriculture, the cognizant government agency or agencies must take appropriate steps to assure that at least 50 percent of the gross tonnage of such cargoes transported on ocean vessels will be "transported on privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels" (46 App. U.S.C. 1241(b)). Section 901b of the Act, cited as the Food Security Act of 1985, increased the 50 percent carriage requirement to 75 percent for agricultural commodities or products shipped under certain food donation programs (46 App U.S.C. 1241f). The rule (46 CFR part 383) was promulgated to govern the determination of "fair and reasonable rates" (also referred to as guideline rates) for the carriage of dry bulk preference cargoes, in less-than-shipload lots, on U.S.-flag vessels employed in a liner service. It was originally issued on and became effective November 9, 1987. It was subsequently modified, effective January 2, 1992 (57 FR 21036).

Liner operators provide important services to the public as well as shippers of packaged agricultural commodities, for example, consolidations of cargo, intermodal movements and scheduled services. These services are frequently needed and sought by shippers of government impelled cargo. USDA's Commodity

Credit Corporation (CCC) through a system of monthly invitations for the purchase of agricultural products and transportation services is the major government contractor of agricultural liner cargo. U.S.-flag liner operators offer transportation bids for the carriage of certain liner cargoes, and the cargo is allocated as to load and discharge ranges based on product prices and these bids. The CCC may then seek lower bids from U.S. liner and bulk operators for the 75% allocation or book the cargo at the rates originally bid.

In general, liner services have complex cost and operating structures which frequently make the determination of guideline rates difficult and impractical. When the Rule was originally proposed in 1986, liner operators carrying most agricultural preference cargoes operated in this more structured environment carrying a wide variety of cargoes to and from numerous domestic and foreign ports. It was also believed, since packaged liner preference cargoes were generally transported under conference freight tariffs filed with the Federal Maritime Commission, that the rates charged were subject to sufficient competition to assure reasonableness. Additionally, the numerous types of parcels in a wide variety of sizes, many below 1,000 metric tons, shipped to various locations would pose substantial administrative and technical problems if guideline rates calculations were to be attempted.

However, MARAD now believes that a significant portion of the bagged and packaged agricultural preference cargoes are carried on voyages in large parcel lots, frequently a consolidation of several small parcels. In these instances, where large parcel lots are being carried, the liner voyage often takes on enough of the pricing characteristics of a bulk voyage that it should be treated on an equal basis with bulk voyages. Also, many of the administrative and technical restraints are eliminated or minimized when guideline rates are only determined for large parcels. As such, it is appropriate and feasible that MARAD furnish a shipper agency with a guideline rate for large parcels when it is requested.

MARAD also recognizes that certain sizes or amounts of cargo are well suited for carriage by a vessel in a common carrier liner service, while larger amounts are better suited for carriage outside the liner service system. This recognition, which was expounded in the Administration's proposed maritime reform legislation, has resulted in the decision to calculate a fair and reasonable guideline rate when a vessel

carries a 5,000 ton parcel of preference cargo. Parcels smaller than 5,000 tons pose administrative and technical restraints that prevent calculation of rates that can be reliably termed fair and reasonable, so these parcels will continue to be subject only to the common carrier rate process.

Since U.S. shipper agencies may consolidate two or more distinct cargoes from the same port or region to the same discharge port or region, and those cargoes may individually be less than 5,000 metric tons, but collectively exceed 5,000 metric tons, a clear definition of the term "parcel" is required. To determine the most functional definition, MARAD evaluated over 2,000 bills of lading, pertaining to over 1.0 million metric tons of agricultural liner parcels shipped by U.S. shipper agencies during the period October 1, 1992 to September 30, 1993. The data showed that various agricultural preference cargoes destined for the same country were frequently carried on the same voyage.

In analyzing this sample, MARAD consolidated preference cargoes into parcel lots under three different definitions for a parcel, all of which were at least 5,000 metric tons. The first, equal to approximately one-third of the sample, was preference cargo in parcel lots shipped on voyages from a single U.S. port to a single foreign port. The second definition used an expanded load range which included all the ports within a U.S. load port range (i.e., U.S. Gulf) to a single foreign port. This expansion increased the amount of sample tonnage covered to about 45 percent of the sample cargo. The third definition used a further expansion to include a discharge range of all ports of the recipient country. This third definition of parcel covered over two-thirds of the cargo analyzed.

As part of the analysis, MARAD reviewed the three options for complexity of determining guideline rates and for their conformity with MARAD's policy goals of providing guideline rates that are reasonable for the shipper agencies and fair to an efficient U.S.-flag operator. The first option, parcels over 5,000 metric tons shipped from a single load to a single discharge port, would involve the simplest ratemaking but would have the least impact on the number of shipments subject to fair and reasonable guideline rate calculations. The third option, parcels over 5,000 metric tons shipped from a single U.S. port range to a port or ports within a single discharge country, would have the greatest level of cargo coverage but results in a slightly more complicated ratemaking process.

The second option falls between the other options in both considerations. MARAD believes that it would be feasible within the current regulations to determine fair and reasonable guideline rates under any of the three options. Since the third option provides guideline rate coverage to the largest amount of cargo and is most consistent with MARAD policy goals stated above, this definition for parcel is being proposed.

As a result of this analysis, for purposes of this rulemaking a parcel will be defined as any group of cargoes subject to cargo preference laws offered by a U.S. shipper agency, host country and/or Private Voluntary Organization (PVO), individually or in combination, loaded in a port or ports within a single U.S. coastal port range (U.S. Gulf coast, U.S. East coast, U.S. West coast, U.S. Great Lakes, Alaska and Hawaii) and discharged at a port or ports of a single foreign country or destined for a single foreign country.

Accordingly, this rulemaking proposes to change the scope of the Rule to include bagged and packaged preference parcels of 5,000 metric tons and greater which are offered for carriage to U.S.-flag operators. In addition, certain conforming changes will be necessary to parts of the existing regulation to administratively facilitate the proposed amendment.

Rulemaking Analysis and Notices

Executive Order 12866 (Regulatory Planning and Review)

This regulation 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 will not result in an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

While this rulemaking does not involve any change in important Departmental policies, it is considered significant because it addresses a matter of considerable importance to the maritime industry and may be expected to generate significant public interest. MARAD has estimated the potential economic impact of this rulemaking based on a sample of approximately 2,000 individual liner parcels totalling over 1.0 million metric tons booked

during the period October 1, 1992 to September 30, 1993. Based on this data, MARAD estimates that guideline rates for approximately 700,000 metric tons could have been calculated and proffered to the responsible shipper agency. If guideline rates were calculated using this rulemaking and the actual fixture reduced to guideline rate, when appropriate, freight charges paid by the government would have declined resulting in a reduction in shipper revenue and government expenditures of approximately 2 to 4 percent. During this period, estimated freight charges paid by government agencies for agricultural liner cargoes were about \$200 million. Under market conditions characterizing the study period, total savings are estimated to be \$4 to 8 million annually. Because the economic impact should be minimal relative to the total freight costs for agricultural preference cargoes, further regulatory evaluation is not necessary.

Federalism

The Maritime Administration has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has 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 regulation will not have a significant economic impact on a substantial number of small entities.

Environmental Assessment

This regulation does not significantly affect the environment. An Environmental Impact Statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This proposed regulation does not significantly change the current requirement for the collection of information. The Office of Management and Budget (OMB) has reviewed the current regulation under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and has approved it under OMB Approval Number 2133-0515.

List of Subjects in 46 CFR Part 383

Agricultural commodities, Cargo vessels, Government procurement, Grant programs—foreign relations, Loan programs—foreign relations, Water transportation.

MARAD hereby proposes to amend 46 CFR part 383, as follows:

1. The authority citation for part 383 would continue to read as follows:

Authority: 46 App U.S.C. 1114(b), 1241(b), 49 CFR 1.66.

2. The heading is proposed to be revised to read as follows:

PART 383—DETERMINATION OF FAIR AND REASONABLE RATES FOR THE CARRIAGE OF LESS-THAN-SHIPLOAD LOTS OF BULK AND PACKAGED PREFERENCE CARGOES ON U.S.-FLAG COMMERCIAL LINER VESSELS

3. Section 383.1 is proposed to be revised to read as follows:

§ 383.1 Scope.

Part 383 prescribes regulations applying to the waterborne transportation of bulk and packaged preference cargoes in less than full shiploads on U.S.-flag commercial liner vessels. Full shiploads of preference cargo and preference cargoes carried by vessels not operated in the liner trades are covered under 46 CFR Part 382. These regulations contain the method that the Maritime Administration (MARAD) shall use in calculating fair and reasonable rates, and the type of information that shall be submitted by liner operators interested in carrying such preference cargoes. For the purpose of these regulations the term less-than full shipload shall include: All cargoes in bulk; or, bagged and/or packaged parcels greater than or equal to 5,000 metric tons and up to the full deadweight capacity of the specific vessel. A U.S.-flag commercial liner vessel is any vessel used by the operator which has previously carried cargo (except newly purchased or constructed vessels) in the liner trades and will carry the subject preference cargo in a liner trade previously established by the operator. For these purposes, liner trades is defined as service provided on an advertised schedule, giving relatively frequent sailing between specific U.S. ports or ranges and designated foreign ports or ranges; parcel is defined as any group of cargoes subject to cargo preference laws offered by a U.S. shipper agency, host country or Private Voluntary Organization (PVO), singularly or in combination, loaded in a port or ports within a single U.S. coastal port range and discharged at a port or ports of a single foreign country or destined for a single foreign country.

§ 383.2 [Amended]

4. Section 383.2 Data Submission is proposed to be amended in paragraph (a) *General*, in the first sentence, by removing the term "dry bulk".

5. Section 383.3 is proposed to be amended by revising paragraph (g) to read as follows:

§ 383.3 Determination of fair and reasonable rates.

* * * * *

(g) *Total rate.* The operating cost component, capital cost component, fuel cost component and port and cargo handling cost component shall be added together to yield a total cost element. This total shall be multiplied by 13.5 percent to yield an allowance for broker's commissions, and general and administrative expenses. This allowance shall be added to the total cost element and divided by the cargo tonnage to yield the guideline rate, generally expressed as a cost per ton, except in those circumstances where a cost per ton rate is not appropriate; for example, where two or more cargoes are carried on the same voyage at differing rates per ton. In the event a cost per ton rate is inappropriate, the rate shall be expressed in terms appropriate to the circumstance.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary.

[FR Doc. 95-10016 Filed 4-21-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC63

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status for Five Freshwater Mussels and Proposed Threatened Status for Two Freshwater Mussels From Eastern Gulf Slope Drainages of Alabama, Florida, and Georgia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service) provides notice that the comment period is reopened on a proposal to list the fat three-ridge, shiny-rayed pocketbook, Gulf moccasinshell, Ochlockonee moccasinshell, and oval pigtoe as endangered, and the Chipola slabshell and purple bankclimber as threatened, pursuant to the Endangered Species Act of 1973 (Act), as amended. The Service is reopening the comment period on this proposal to allow members of the public to submit comments.

DATES: The comment period on this proposal is reopened until May 5, 1995.

ADDRESSES: Written comments and materials concerning the proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert S. Butler at the above address (telephone: 904/232-2580, fax 904/232-2404).

SUPPLEMENTARY INFORMATION:

Background

On August 3, 1994, the Service published a proposal (59 FR 39524) to add seven freshwater mussels (fat three-ridge, shiny-rayed pocketbook, Gulf moccasinshell, Ochlockonee moccasinshell, oval pigtoe, Chipola slabshell, and purple bankclimber) to the list of endangered and threatened animals. These seven species are endemic to the Apalachicola Region of the eastern Gulf Slope, defined as the rivers from the Escambia River in the west to the Suwannee River in the east. These drainages comprise southeast Alabama, southwest Georgia, and north Florida.

Section 4(b)(5)(E) of the Act requires that a public hearing be held if requested within 45 days of the publication of a proposed rule. By September 19, 1994, the Service had received 12 public hearing requests on the proposal to list these seven mussels. The Service conducted five public informational meetings and five public hearings in January 1995. A notice of the public informational meetings, public hearings, and reopening of the comment period until February 10, 1995, was published in the **Federal Register** on December 12, 1994 (59 FR 63987).

The Service hereby announces the reopening of the comment period until May 5, 1995. This extension will allow the Service to accept comments received after the close of the previous comment period and the interested public to further comment upon these proposals.

Author: The primary author of this notice is Robert S. Butler, Jacksonville Field Office, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216 (904/232-2580 or fax 904/232-2404).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*)

Dated: April 17, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

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