

to such finding, to the head of the appropriate Federal agency or instrumentality; and

(3) recommend that such agency or instrumentality initiate an appropriate investigatory or disciplinary action.

E. *Termination.* The Board shall terminate 30 days after submission of its report to the Deputy Secretary of State, unless the Deputy Secretary of State within that time requests that further proceedings be held by the Board and specifies a new termination date.

Strobe Talbott,

Deputy Secretary of State.

[FR Doc. 96-4862 Filed 3-1-96; 8:45 am]

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[Public Notice 2340]

Notice To Seek Public Comment on Entering Into Bilateral Agreements With Parties to the Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal To Allow Those Countries To Export Wastes to the United States Consistent With the Convention

LEAD AGENCY: Department of State, Washington, DC.

COOPERATING AGENCIES: Environmental Protection Agency (EPA), U.S. Department of Commerce, Office of the U.S. Trade Representative.

SUMMARY: The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal prohibits a Party to the Convention from trading in Basel-covered wastes (i.e., hazardous and other wastes) with a non-Party, absent an agreement or arrangement consistent with Article 11 of the Convention. The United States is not a Party to the Convention, and there is interest in agreements or arrangements to allow the import of hazardous wastes from Convention Parties to the United States. The United States Government is seeking public comment to evaluate the need for additional waste agreements or arrangements.

SUPPLEMENTARY INFORMATION:

I. Background on the Convention

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal was adopted in 1989, and entered into force in 1992. The Convention's general objective is to protect human health and the environment against adverse effects of wastes under its scope by minimizing their generation and transboundary movement, and ensuring their environmentally sound management. Wastes covered by the Convention include certain wastes exhibiting

hazardous characteristics set forth in the Convention, as well as "other wastes" (consisting of household wastes and residues from incineration of household wastes).

Among other provisions, the Convention establishes conditions under which transboundary movements of Basel-covered wastes may occur. These conditions include a requirement that the exporting Party obtain the prior written informed consent of the importing Party before a shipment can proceed, as well as requirements that the waste be managed in an environmentally sound manner. The Convention, along with a detailed explanation of its provisions and an outline of the history of its development, is contained in Federal Register Notice, 57 FR 20602 (May 13, 1992).

Currently, 97 States and the European Community are Parties to the Convention. The United States was among the original signatories of the Basel Convention, and the U.S. Senate subsequently gave its advice and consent to ratify it. However, for the United States to meet the obligations of the Convention, additional statutory authorities are needed. Administrations have sought without success since 1991 to obtain these statutory authorities. As a consequence, the United States has not ratified the Convention. However, the United States has continued to participate actively, as a non-Party observer, in meetings and Conferences of the Basel Parties.

The Convention specifies particular controls on trade between Basel Parties and non-Parties. Parties are prohibited from trading in Basel-covered wastes with non-Parties, except in cases in which a Party concludes an agreement or arrangement pursuant to Article 11 of the Convention. Article 11(1) enables Parties to enter into bilateral, multilateral or regional agreements or arrangements for the transboundary movement of Basel-covered wastes with Parties or non-Parties, provided that such agreements or arrangements do not derogate from the environmentally sound management of Basel-covered wastes as required by the Convention. It also provides that agreements or arrangements entered into by Basel Parties shall stipulate provisions which are not less environmentally sound than those provided for by the Convention.

Because the United States is not currently a Party to the Convention, several Basel Parties and U.S. firms have expressed an interest in the United States entering into Article 11 bilateral agreements/arrangements in order to enable continued export of Basel-

covered waste to the United States for recycling or disposal. The Department of State, on behalf of the U.S.

government recently concluded such a bilateral agreement with Malaysia covering exports of hazardous wastes into the United States, and is developing agreements with several other Basel Parties.

The requirements for agreements or arrangements developed by States prior to the entry into force of the Convention are somewhat different, and apply to three pre-existing agreements and arrangements of which the United States is a Party. Article 11(2) provides that the provisions of the Basel Convention shall not affect transboundary movements which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by the Convention. The U.S. has bilateral waste agreements with Canada and Mexico which predate entry into force of the Convention. In addition, a decision by the Organization for Economic Cooperation and Development (OECD, of which the United States is a Party), covering trade of hazardous wastes between OECD states for recycling only, is considered an arrangement under Article 11.

Today's notice seeks comment on entering into bilateral agreements or arrangements for imports of Basel-covered waste into the United States for disposal and recycling. These agreements would not address Basel-covered waste exports from the United States to Basel Parties. The Administration may address export bilaterals in a future Federal Register notice.

The import agreements under consideration would have to meet the requirements of Article 11 of the Basel Convention. Only Parties to the Basel Convention, and not the United States, have the obligation under the Convention to meet the Convention's requirements. Thus, each exporting Party will ultimately need to determine for itself whether an agreement meets its Basel Convention obligations. At the same time, the United States would only negotiate and conclude agreements that the U.S. Government believes will meet the Convention's requirements, as stipulated under Article 11.

The U.S. import of Basel-covered wastes pursuant to Basel-consistent agreements should not pose environmental difficulties for the United States. Wastes imported into the United States will be managed in an environmentally sound manner pursuant to U.S. laws and regulations,

and may often be better managed than in the country of origin. It may be more economically efficient to export wastes to the United States for management in existing U.S. facilities, particularly for specialized waste streams and substances, than to construct new facilities in the country of origin. In many cases, advanced facilities in the United States enable the environmentally sound recovery of valuable secondary materials.

Under the type of import agreements described in this notice, the Environmental Protection Agency (EPA), the designated competent authority of the U.S. Government, will be able to express its consent, conditional consent, or objection to proposed imports of hazardous wastes. EPA will exercise its prerogative to consent or object to imports consistent with its statutory and regulatory authority. Current U.S. Government policy is to withhold consent only if it has reason to believe a shipment may not be managed in accordance with applicable U.S. laws and regulations.

Based on experience to date, the negotiation of each agreement is likely to take some time (several months). Administration resources are limited, and it is not expected that additional resources will be available for these purposes. In addition, the notice and consent procedures referred to above will impose an increased administrative burden on the U.S. Government. Once the U.S. Government evaluates the demand for these agreements, it will consider how many agreements to enter into, and how to prioritize requests, if necessary.

Public Comment

The Department of State is seeking the comment from the public on the potential demand for additional agreements for the movements of Basel-covered waste to the United States, and would be interested in the following specific information, where applicable, from firms and others with an interest in such agreements:

- (a) Expected country of export, expected amount and frequency of such exports to the United States;
- (b) whether more than one generator produces wastes which could be handled under an agreement;
- (c) types of waste (including whether the wastes are considered to be hazardous under the Convention and/or under the laws and regulations of the United States or the exporting party);
- (d) whether such wastes are for final disposal or treatment or recovery, and whether a substantially increased

proportion is likely to be recovered in the future;

(e) whether such wastes are being exported because of a lack of adequate management capabilities and/or pressing environmental conditions in the exporting country;

(f) whether destinations closer than the United States to the generation of the waste would also provide environmentally sound and efficient management;

(g) whether U.S. waste management capabilities are superior to those in the exporting country; and

(h) whether acceptance of such wastes by the United States would reasonable be expected to provide a disincentive to the future development of adequate environmental facilities in the exporting country;

(i) whether any other conditions require that such wastes be exported to the United States for disposal or recovery.

The State Department will use this information to determine whether, given available resources, it will be necessary to develop criteria for entering into and prioritizing among proposed bilateral agreements. The State Department welcomes public input regarding such criteria.

Individuals or organizations are invited to provide written comments to: U.S. Department of State, OES/ENV, ATTN: Mr. Trigg Talley, 2201 "C" Street, N.W., Washington, D.C. 20520, TEL: (202) 647-5808, FAX: (202) 647-5947.

Comments and suggestions should be received no later than 60 days following the date of publication of this notice in order to be considered.

Dated: February 16, 1996.

Trigg Talley,
Environmental Affairs Officer, Department of State, OES/ENV.

[FR Doc. 96-4864 Filed 3-1-96; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD08-96-004]

Eighth Coast Guard District Industry Day Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Commander, Eighth Coast Guard District, is sponsoring a Marine Safety Industry Day to discuss various topics of interest to the marine community. The meeting will be open to the public.

DATES: The meeting will be held on May 15, 1996, from 8:30 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Fairmont Hotel, 123 Baronne Street (at University Place), New Orleans, LA. The telephone number for the hotel is (504) 529-7111.

FOR FURTHER INFORMATION CONTACT: CDR S.P. Glenn, U.S. Coast Guard, c/o Commander (mep), Eighth Coast Guard District, Hale Boggs Federal Bldg., Room 1341, 501 Magazine Street, New Orleans, LA 70130-3396; telephone number (504) 589-3656; fax number (504) 589-4999.

SUPPLEMENTARY INFORMATION: For this year's industry day, we plan to present a series of speakers representing all segments of the industry followed by panel sessions in the afternoon. These presentations, among other topics, will include: Prevention Through People, New Spill Doctrine, Offshore Issues, Spill Management, Maritime Law Issues, Licensing, and Commercial Vessel Safety.

The agenda is:

May 15, 1996—Fairmont Hotel

8:30 a.m. Registration

9:30 a.m. Welcome and Introductions

Speaker presentations (plenary)

12:00 a.m. Luncheon with keynote speaker

2:00 p.m. Panel sessions

4:00 p.m. Industry Day concludes

Attendance is open to the public.

Preregistration for the program is required to assure adequate space. The conference and luncheon fee will be \$30.00. Contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section to obtain registration forms and luncheon menu. Reservations must be received no later than April 30, 1996.

Dated: February 12, 1996.

R.C. North,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 96-4923 Filed 3-1-96; 8:45 am]

BILLING CODE 4910-14-M

Surface Transportation Board ¹

[STB Finance Docket No. 32869]

Cimarron Valley Railroad, L.C.; Acquisition and Operation Exemption; Cimarron Valley and Manter Branches of The Atchison, Topeka and Santa Fe Railway Company

Cimarron Valley Railroad, L.C. (CVR), a noncarrier, has filed a verified notice

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce