

This coverage will also pay for the incremental cost, after demolition or relocation, of elevating or floodproofing a structure during its rebuilding at the same or another site to meet State or local floodplain management laws or ordinances, subject to Exclusion (7).

This coverage will also pay to bring a flood-damaged structure into compliance with State or local floodplain management laws or ordinances even if the structure had received a variance before the present loss from the applicable floodplain management requirements.

**Conditions**

(1) When a structure covered under Coverage A—Building Property—sustains a loss caused by a “flood” as defined by this policy, our payment for the loss under this Coverage D will be for the increased cost to elevate, floodproof, relocate, demolish, or any combination thereof, caused by enforcement of current State or local floodplain management ordinances or laws. Our payment for eligible demolition activities will be for the cost to demolish and clear the site of the building or a portion thereof caused by enforcement of current State or local floodplain management ordinances or laws. Eligible activities for the cost of clearing the site will include those necessary to discontinue utility service to the site and ensure proper abandonment of on-site utilities.

(2) When the building is repaired or rebuilt, it must be intended for the same occupancy as the present building unless otherwise required by current floodplain management ordinances or laws.

**Exclusions**

*Under this Coverage D (Increased Cost of Compliance), we will not pay for:*

(1) The cost associated with enforcement of any floodplain management ordinance or law in communities participating in the Emergency Program.

(2) The cost associated with enforcement of any ordinance or law that requires any insured or others to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of pollutants. Pollutants include but are not limited to any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acid, alkalis, chemicals and waste. Waste includes but is not limited to materials to be recycled, reconditioned or reclaimed.

(3) The loss in value to any covered building or other structure due to the requirements of any ordinance or law.

(4) The loss in residual value of the undamaged portion of a building demolished as a consequence of enforcement of any State or local floodplain management law or ordinance.

(5) Any increased cost of compliance under this Coverage D:

(a) Until the covered building is actually elevated, floodproofed, demolished or relocated on the same or to another premises; and

(b) Unless the covered building is elevated, floodproofed, demolished, or relocated as

soon as reasonably possible after the loss, not to exceed two years.

(6) For any code upgrade requirements, e.g., plumbing or electrical wiring, not specifically related to the State or local floodplain management law or ordinance.

(7) For any compliance activities needed to bring additions or improvements made after the loss occurred into compliance with State or local floodplain management laws or ordinances.

(8) Loss due to any ordinance or law that you were required to comply with before the current loss.

(9) For any rebuilding activity to standards that do not meet the NFIP’s minimum requirements. This includes any situation where the insured has received from the State or community a variance in connection with the current flood loss to rebuild the property to an elevation below the base flood elevation.

(10) For any structure insured under a Group Flood Insurance Policy issued pursuant to 44 CFR 61.17.

**Other Provisions**

(1) Increased Cost of Compliance coverage will not be included in the calculation to determine whether coverage meets the 80% replacement cost requirement under Article 9 or for payment under Article 3.B.3 for loss from land subsidence, sewer backup, or seepage of water.

(2) All other conditions and provisions of the policy apply.

\* \* \* \* \*

(Catalog of Federal Domestic Assistance No. 83.100, “Flood Insurance”)

Dated: February 18, 1997.

Spence W. Perry,

*Executive Administrator, Federal Insurance Administration.*

[FR Doc. 97-4640 Filed 2-24-97; 8:45 am]

**BILLING CODE 6718-03-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 0**

[FCC 96-467]

**Commission Organization; Cable Services Bureau**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this Order, we amend the Commission’s rules regarding the functions of the Cable Services Bureau and the delegated authority of the Chief of the Cable Services Bureau. This action is necessary to permit the Cable Services Bureau to oversee pole attachment matters and administration and enforcement of relevant provisions of the Telecommunications Act of 1996.

**EFFECTIVE DATE:** February 25, 1997.

**FOR FURTHER INFORMATION CONTACT:** For additional information concerning this rulemaking contact Meryl S. Icovie, Cable Services Bureau, (202) 418-7200.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Order, FCC 96-467, adopted December 3, 1996 and released December 5, 1996. The complete text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission’s copy contractor, International Transcription Services, Inc. (“ITS Inc.”) at (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20017.

**Synopsis of Order**

In this Order, we amend the Commission’s rules regarding the functions of the Cable Services Bureau and the delegated authority of the Chief of the Cable Services Bureau.

This action is necessary to permit the Cable Services Bureau to oversee pole attachment matters and administration and enforcement of relevant provisions of the Telecommunications Act of 1996. The amendments adopted herein pertain to agency organization, procedure and practice. Consequently, the requirements of notice and comment rulemaking contained in 5 U.S.C. 553(b) and the effective date provisions of 5 U.S.C. 553(d) of the Administrative Procedure Act do not apply. Authority for the amendments adopted herein is contained in section 4(i), 5(c)(1), 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(c)(1), 303(r).

*It is ordered that* §§ 0.91, 0.101 and 0.321 of the Commission’s rules, 47 CFR 0.91, 0.101, 0.321 are amended as set forth below, effective February 25, 1997.

**Lists of Subjects in 47 CFR Part 0**

Organization and functions (Government agencies).

Federal Communications Commission. William F. Caton, *Acting Secretary.*

**Rule Changes**

Part 0 of Title 47 of the Code of Federal Regulations is amended as follows:

**PART 0—COMMISSION ORGANIZATION**

1. The authority citation for part 0 continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.91 is amended by revising the introductory text, removing

paragraph (h) and redesignating paragraphs (i) through (k) as paragraphs (h) through (j) to read as follows:

**§ 0.91 Functions of the Bureau.**

The Common Carrier Bureau develops, recommends, and administers policies and programs for the regulation of services, facilities and practices of entities which furnish interstate communications service or interstate access service for hire—whether by wire, radio or cable—and of ancillary operations related to the provision of such services (excluding public coast stations in the maritime mobile services and multi-point and multi-channel multi-point distribution services and excluding matters pertaining exclusively to the regulation and licensing of wireless telecommunications services and facilities). The Bureau also develops, recommends, and administers policies and programs for the regulation of rates, terms and conditions under which communications entities furnish interstate communications service, interstate access service, and (in cooperation with the International Bureau) foreign communications service for hire—whether by wire, cable or satellite. The Bureau also performs the following functions:

\* \* \* \* \*

3. Section 0.101 is revised to read as follows:

**§ 0.101 Functions of the Bureau.**

The Cable Services Bureau develops, recommends and administers policies and programs with respect to the regulation of services, facilities, rates and practices of cable television systems and with respect to the creation of competition to cable systems, and with respect to video programming services provided by other multichannel video programming distributors and multichannel video programmers. The Cable Services Bureau advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and development of cable television and other multichannel video programming services. The Bureau also performs the following functions:

(a) Administers and enforces rules and policies regarding:

(1) Cable television systems, operators, and services, including those relating to rates, technical standards, customer service, ownership, competition to cable systems, broadcast station signal retransmission and carriage, program access, wiring equipment, channel leasing, and federal-state/local regulatory

relationships. This includes: acting, after Commission assumption of jurisdiction to regulate cable television rates for basic service and associated equipment, on cable operator requests for approval of existing or increased rates; reviewing appeals of local franchising authorities' rate making decisions involving rates for the basic service tier and associated equipment, except when such appeals raise novel or unusual issues; acting upon complaints involving cable programming service rates except for final action on complaints raising novel or unusual issues; evaluating basic rate regulation certification requests filed by cable system franchising authorities; periodically reviewing and, when appropriate, revising standard forms used in administering: the Commission's complaint process regarding cable programming service rates; the certification process for local franchising authorities wishing to regulate rates, and the substantive rate regulation standards prescribed by the Commission;

(2) Access to poles, ducts, conduits and rights-of-way and the rates, terms and conditions for pole attachments, when such attachments are not regulated by a state and not provided by railroads or governmentally or cooperatively owned utilities, and complaints involving access to or rates, terms and conditions arising from pole attachments, except for final action on complaints raising novel or unusual issues;

(3) Open video systems;

(4) Preemption of restrictions on devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, and direct broadcast satellite services;

(5) The commercial availability of navigational devices;

(6) The accessibility of video programming to persons with disabilities; and

(7) Scrambling of sexually explicit adult video programming by multichannel video programming distributors.

(b) Plans and develops proposed rulemakings and conducts studies and analyses (legal, engineering, social and economic) of various petitions for policy or rule changes submitted by industry or the public.

(c) Conducts studies and compiles data relating to multichannel video programming services necessary for the Commission to develop and maintain an adequate regulatory program.

(d) Advises and assists the public, other government agencies and industry groups.

(e) Administers financial and other reporting systems.

(f) Investigates complaints and answers general inquiries from the public.

(g) Participates in hearings before the Administrative Law Judges and the Commission.

(h) Processes applications for authorizations in the Cable Television Relay Service.

(i) Processes and acts on all applications for authorization, petitions for special relief, petitions to deny, waiver requests, requests for certification, objections, complaints, and requests for declaratory rulings and stays regarding the areas listed above, that do not involve novel questions of fact, law or policy that cannot be resolved under existing precedents and guidelines.

(j) Periodically reviews and, when appropriate, revises standard forms related to the areas listed above.

(k) Exercises authority to issue non-hearing related subpoenas for the attendance of witnesses and the production of books, papers, correspondence, memoranda, schedule of charges, contracts, agreements, and any other records deemed relevant to the investigation of the Cable Services Bureau. Before issuing a subpoena, the Cable Services Bureau shall obtain the approval of the Office of General Counsel.

(l) Carries out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under § 0.321.

4. Section 0.321 is revised to read as follows:

**§ 0.321 Authority delegated.**

The Chief, Cable Services Bureau is delegated authority to perform all functions of the Bureau, described in § 0.101, subject to the following exceptions and limitations:

(a) Designate for hearing any formal complaints that present novel questions of fact, law or policy that cannot be resolved under existing precedents for guidelines;

(b) Impose, reduce, or cancel forfeitures pursuant to section 503(b) of the Communications Act of 1934, as amended, in amounts of more than \$20,000;

(c) Act upon any applications for review of actions taken by the Chief, Cable Services Bureau pursuant to any delegated authority which comply with § 1.115 of this chapter;

(d) Issue notices of proposed rulemaking, notices of inquiry or to issue report and orders arising from either of the foregoing, except that the Chief, Cable Services Bureau shall have authority to issue notices of rulemaking and report and orders redesignating market areas in accordance with section 614(f) of the Communications Act of 1934, as amended; and

(e) Act on any applications in the Cable Television Relay Service that present novel questions of fact, law, or policy that cannot be resolved under existing precedents and guidelines.

[FR Doc. 97-4566 Filed 2-24-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 193

[Docket No. PS-151; Amdt. 193-13]

RIN 2137-AC 91

#### Liquefied Natural Gas Regulations—Miscellaneous Amendments

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Direct final rule.

**SUMMARY:** This direct final rule updates the Liquefied Natural Gas (LNG) regulations by replacing the current "Flammable vapor-gas dispersion protection" method with a method based on the "dense gas dispersion (DEGADIS)" model, and replacing the current "Thermal Radiation Protection" method with a method based on the "LNGFIRE" program model. In addition, this final rule incorporates safety requirements for mobile and temporary LNG facilities by referring to the National Fire Protection Association (NFPA) Standard 59A (1996 edition)—Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG).

**DATES:** This direct final rule takes effect June 25, 1997 unless RSPA receives adverse comments or notice of intent to file adverse comment by April 28, 1997. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of June 25, 1997. If RSPA does not receive any adverse comment or notice of intent to file an adverse comment by April 28, 1997 the rule will become effective on the date specified. RSPA will issue a subsequent notice in the Federal Register by May 27, 1997 after the close of the comment period to

confirm that fact and reiterate the effective date. If an adverse comment or notice of intent to file an adverse comment is received, RSPA will issue a timely notice in the Federal Register to confirm that fact and RSPA would withdraw the direct final rule in whole or in part. RSPA may then incorporate the adverse comment into a subsequent direct final rule or may publish a notice of proposed rulemaking.

**ADDRESSES:** Written comments must be submitted in duplicate and mailed or hand-delivered to the Dockets Unit, room 8421, U.S. Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590. Identify the docket and notice numbers stated in the heading of this notice. All comments and materials cited in this document will be available for inspection and copying in room 8421 between 8:30 a.m. and 4:30 p.m. each business day. Non-federal employee visitors are admitted to the DOT headquarters building through the southwest quadrant entrance at Seventh and E Streets.

**FOR FURTHER INFORMATION CONTACT:** Mike Israni, (202) 366-4571, regarding the subject matter of this document, or the Dockets Unit (202) 366-4453, for copies of this document or other information in the docket.

#### SUPPLEMENTARY INFORMATION:

##### Background

##### *Section 193.2019 Mobile and Temporary LNG Facilities*

RSPA is amending 49 CFR Part 193 by adding a section 193.2019 on mobile and temporary LNG facilities. Mobile and temporary LNG facilities have a good safety record and their use has become quite common. However, Part 193 currently does not contain requirements for such temporary operations and many temporary operations cannot meet some of the Part 193 requirements. In those cases, operations have been authorized through waivers issued by the relevant states, and approved by RSPA, for mobile and temporary facilities for peakshaving applications, for service maintenance during gas pipeline systems repair/alteration, or for other short term applications. In acting on waiver requests, RSPA reviews justification for not complying with Part 193 and requires alternative safety provisions to maintain public safety. There has been no adverse impact on safety as a result of the waiver process and RSPA anticipates an equivalent level of safety following implementation

of this direct final rule. The safety guidelines and the restrictions for LNG mobile facilities in section 2-3.4 of the NFPA 59A (1996 edition) provide an adequate level of assurance of public safety. The safety guidelines are identical to those required as conditions for waiver. Thus, we do not see any necessity for issuing a proposed rule. Therefore, RSPA is incorporating by reference NFPA 59A section 2-3.4 for mobile and temporary LNG facilities in this direct final rule. Operators will no longer need a waiver from Part 193 requirements for mobile facilities if they comply with section 2-3.4 of NFPA 59A. This will reduce the burden on the industry and state and federal governments without compromising safety.

##### *Section 193.2057 Thermal Radiation Protection*

RSPA is amending Section 193.2057, "Thermal radiation protection", by deleting the method prescribed and replacing it with a method based on the "LNGFIRE" program model developed by the Gas Research Institute (GRI). RSPA is amending this section in response to an American Gas Association (AGA) petition dated October 14, 1992.

According to the AGA petition, the current method is a simple geometrical method with assumptions of flame radiant properties for computing the radiation from burning vapor above a concentric pool. Flame radiant properties were rationalized to provide results that agree with early experimental results for the lowest level of radiant exposures. The current method also assumes an idealized tilted cylindrical flame. Experimental data shows that the current method underestimates exclusion distances for large pool fires, such as those that could occur in a tank dike, and overestimates exclusion distances for small and high ratio length-to-width rectangular fires that could occur in pipe impoundments.

AGA states that since 1982 GRI has funded a series of research projects dealing with LNG pool fire radiation. This research has culminated in a model which more accurately reflects experimental data. The research has also produced a personal computer based program called "LNGFIRE." This computer model has numerous advantages over the current method, including the ability to account for a wide variety of containments. The resulting computer program is easy to use and is in the public domain. The results of the model and the "LNGFIRE" program correlate very well with experimental results from the numerous