

- Strother Communications, Inc., filed on July 30, 1991 in the Digital Audio Radio Service proceeding (PP-25 in GEN Docket No. 90-357);
- Motorola Satellite Systems, Inc., filed on September 4, 1996 for a non-geostationary Fixed Satellite Service in the 36-51 GHz band (RM-8811 and IB Docket No. 97-95);
- ProNet, Inc., filed on July 30, 1991 for an electronic tracking service in the 216-220 MHz band (PP-23 in RM-7784);
- Maritime Telecommunications Network, Inc., filed on June 2, 1995 for a digital shipboard earth station service (PP-34 in RM-7912);
- CruiseCom International, Inc., filed on April 10, 1992 for a digital shipboard earth station service (RM-7912);
- AfriSpace, Inc., filed on July 30, 1991 for an international satellite sound broadcasting service;
- Inner Ear Communications, Inc., filed on May 21, 1993 for a low-power broadcast service in the 72-76 MHz band;
- Teledesic Corporation, filed on March 14, 1994 for a low-Earth orbit satellite service;
- Web SportsNet, Inc. and Gregory D. Deieso, filed on July 15, 1996 for an Event Broadcast Stations radio service; and
- RadioTour/USA, filed on June 17, 1997 for a low-power FM information broadcasting service.

4. In accordance with the Budget Act, we are immediately terminating our pioneer's preference program and are dismissing these 13 pioneer's preference requests. There may be additional pioneer's preference requests of which we are unaware. If any such requests are identified, the staff will dismiss them on delegated authority.

5. Accordingly, it is ordered that the Commission's pioneer's preference program and ET Docket No. 93-266 are terminated and parts 0, 1, and 5 of the Commission's rules are amended as set forth, effective upon publication in the **Federal Register**. In light of the fact that these rule changes are mandated by Congress and we have no discretion, we find good cause to proceed without notice and comment and to make the rule amendments effective less than 30 days after publication in the **Federal Register**.

6. It is further ordered that the requests for pioneer's preference filed by Suite 12 Group (now CellularVision U.S.A.) on September 23, 1991 (PP-22 in RM-7872 and CC Docket No. 92-297); Sky Station International on March 20, 1996 (RM-8784 and ET Docket No. 94-124); Qualcomm Incorporated on May 4, 1992 (PP-68 in

GEN Docket No. 90-314); Strother Communications, Inc. on July 30, 1991 (PP-25 in GEN Docket No. 90-357); Motorola Satellite Systems, Inc. on September 4, 1996 (RM-8811 and IB Docket No. 97-95); ProNet, Inc. on July 30, 1991 (PP-23 in RM-7784); Maritime Telecommunications Network, Inc. on June 2, 1995 (PP-34 in RM-7912); CruiseCom International, Inc. on April 10, 1992 (RM-7912); AfriSpace, Inc. on July 30, 1991; Inner Ear Communications, Inc. on May 21, 1993; Teledesic Corporation on March 14, 1994; Web SportsNet, Inc. and Gregory D. Deieso on July 15, 1996; and RadioTour/USA on June 17, 1997 are dismissed. This action is taken pursuant to sections 4(i), 7(a), 303(g), and 303(r), of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(g), 303(r); and section 309(j)(13)(F) of the Communications Act of 1934, as amended by the Balanced Budget Act of 1997, Public Law 105-33, 111 Stat. 251 (1997).

List of Subjects

47 CFR Part 0
Organizations and functions.

47 CFR Part 1
Practice and Procedure.

47 CFR Part 5
Radio.

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

Rule Changes

Parts 0, 1, and 5 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 0—COMMISSION ORGANIZATION

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

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

§ 0.241 [Amended]

2. Section 0.241 is amended by removing paragraph (f), and redesignating paragraph (g) as new paragraph (f).

PART 1—PRACTICE AND PROCEDURE

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

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552 and 21 U.S.C. 853a, unless otherwise noted.

§ 1.402 [Removed]

2. Section 1.402 is removed.

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

1. The authority citation in part 5 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 48 Stat. 1081, as amended; 47 U.S.C. 301.

§ 5.207 [Removed]

2. Section 5.207 is removed.

[FR Doc. 97-24821 Filed 9-17-97; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 193

[Docket No. PS-151; Notice 2]

RIN 2137-AC 88

Liquefied Natural Gas Regulations—Miscellaneous Amendments

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

ACTION: Confirmation of effective date of Direct Final Rule.

SUMMARY: This document confirms the effective date of the amendments of the direct final rule which incorporated safety requirements for mobile and temporary LNG facilities by referencing National Fire Protection Association (NFPA) Standard 59A (1996 edition), Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG).

EFFECTIVE DATES: This document confirms October 15, 1997, as the effective date of the addition of § 193.2019 to part 193 in the direct final rule, published on August 1, 1997, at 62 FR 41312.

FOR FURTHER INFORMATION CONTACT: Mike Israni, telephone: (202) 366-4571, or e-mail: mike.israni@rspa.dot.gov, regarding the subject matter of this document, or the Dockets Unit (202) 366-5046, for copies of this document or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 1997, RSPA published a direct final rule (62 FR 41312) titled "Liquefied Natural Gas Regulations—Miscellaneous Amendments." In that rule, RSPA stated that if no adverse comments were received by September

2, 1997, it would publish a confirmation notice in the **Federal Register** by September 30, 1997, and if an adverse comment was received, RSPA would issue a notice to confirm that fact and would withdraw the direct final rule in whole or in part. The rule also stated that RSPA might then incorporate the adverse comment(s) into a subsequent direct final rule or might publish a notice of proposed rulemaking.

RSPA received three comments. All commenters supported RSPA's action on mobile and temporary LNG facilities. There were no adverse comments. Therefore, this document confirms the addition of § 193.2019 to part 193 in the direct final rule, effective October 15, 1997.

Issued in Washington, DC, on September 15, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.
[FR Doc. 97-24847 Filed 9-17-97; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1000, 1001, and 1011

[STB Ex Parte No. 568]

Modifications to the General Provisions of the Board

AGENCY: Surface Transportation Board.

ACTION: Final rules.

SUMMARY: The Board revises its regulations to reflect: the elimination of certain functions; the closing of field offices; nomenclature changes resulting from the transfer of functions from the Interstate Commerce Commission to the Surface Transportation Board; and the removal of unnecessary rules.

EFFECTIVE DATE: These rules are effective September 18, 1997.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565-1600. (TDD for the hearing impaired: (202) 565-1695.)

SUPPLEMENTARY INFORMATION: The Surface Transportation Board (Board or STB) is revising parts 1000, 1001, and 1011 of its regulations to reflect changes made by the ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (1995) (ICCTA). The ICCTA abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Board. Some of the modifications we are making are only nomenclature revisions (changing Interstate Commerce Commission to Surface Transportation Board, for example). Other rules are being changed to reflect substantive

revisions of the statute. Some rules are being revised because the statutes upon which they are based have been eliminated. Other regulations are being removed because they are of limited utility or, even if updated, would basically only repeat what is now in the statute.

Part 1000

We are eliminating §§ 1000.1 and 1000.5. At this time, we are not making any changes in § 1000.10, concerning the availability of decisions not published in the **Federal Register**. We will issue soon a decision dealing separately with the necessary revisions to § 1000.10.

Section 1000.1 concerns the official seal of the ICC. Former 49 U.S.C. 10301(g) provided that the ICC "shall have a seal that shall be judicially recognized." Former 49 U.S.C. 10303(b) stated in part that "(a) public record * * * certified by the Secretary under the seal of the (ICC) is competent evidence in a proceeding of the Commission and in a judicial proceeding." Under the ICCTA, these references to the seal have been deleted; the ICCTA eliminated former section 10303; and it revised former section 10301 (which is now codified at 49 U.S.C. 701), deleting any references to the seal.

The Board has its own seal, which is employed as one method of certifying the index of the record and copies of documents in the record. Because it is not statutorily required, however, we do not believe that it is necessary to include the Board's seal in the Code of Federal Regulations.¹

Section 1000.5 describes the records and property of carriers and other persons that are subject to inspection and examination by "special agents, accountants, and examiners." It lists the employees who are considered special agents, accountants, and examiners, provides that the Chairman can designate other employees, and contains a facsimile of the ICC's credentials.

The § 1000.5 regulations are based on former section 20(5) of the Interstate Commerce Act, later recodified at former 49 U.S.C. 11144.² The ICCTA

¹ We are also removing from § 1001.4 the provision that certification of records shall be made under seal, as this is not the only means of certification used by the Board.

² The rules were not revised when the statute was recodified in 1978, even though changes to terminology had been made. For example, under section 20(5) of the Interstate Commerce Act, "any duly authorized special agent, accountant, or examiner" could copy "accounts, books, records, memoranda, correspondence, and other documents." The regulations in § 1000.5 use this

maintained these provisions in new 49 U.S.C. 11144, 14122, and 15721. Retaining and updating these regulations to reflect the new law is unnecessary, because such rules would simply repeat the provisions set forth in the statute. We will amend 49 CFR 1011.5, however, which covers delegations of authority to the Chairman,³ to provide that the Chairman of the Board shall specify in writing the employees authorized to inspect and copy records and to inspect and examine lands, buildings, and equipment pursuant to 49 U.S.C. 11144, 14122, and 15721.

The ICC credentials shown in § 1000.5 are outdated, and we see no point in codifying a facsimile of the Board's credentials. We do not believe that the public would turn to the Code of Federal Regulations to verify a Board employee's credentials. We believe that rules are more appropriately used to provide more meaningful guidance as to Board procedures or Board policy regarding substantive issues.

Part 1001

Part 1001 deals with two separate matters: the availability and certification of records (§§ 1001.1 to 1001.4); and Freedom of Information Act (FOIA) issues (§§ 1001.5 and 1001.6). The FOIA sections were not substantively affected by the ICCTA and, therefore, we are simply changing ICC references to STB references and making other minor changes in those sections. We are also changing the ICC references in the records sections and updating retained statutory references.

The ICCTA made other changes that require modifying the rules. Section 1001.1(a) is being amended to reflect the new tariff and contract summary filing requirements and to recognize that government quotations are no longer filed at the Board. We are removing § 1001.1(c) (concerning reports, maps, and profiles), which is based on repealed 49 U.S.C. 10783. The language of § 1001.1(d) is being simplified and obsolete references are being deleted. We are removing §§ 1001.2 and 1001.3, because the field offices formerly

language. However, in the recodification of the Interstate Commerce Act at former 49 U.S.C. 11144, for the sake of clarity "an employee designated by the Commission" was substituted for "any duly authorized special agent, accountant, or examiner", and, to comport with 5 U.S.C. 552(a) (the Freedom of Information Act), "records" replaced "accounts, books, records, memoranda, correspondence, and other documents." H. Rep. No. 1395, 95th Cong., 2d Sess. 147 (1978).

³ We note that part 1011, concerning delegations of authority, contains a number of obsolete provisions. We will soon be issuing a decision that updates the remainder of part 1011.