ACTION: Public land order.

SUMMARY: This order modifies the land description in two Secretarial orders to conform to the official approved plat of survey as to the land withdrawn for the Sullivan Lake Ranger Station.

EFFECTIVE DATE: November 22, 1989.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders dated January 21, 1908 and June 26, 1908, which withdrew land for administrative site purposes are hereby modified to conform the land description to the approved plat of survey insofar as they affect the following described land:

Willamette Meridian

Colville National Forest; (formerly part of the Priest River National Forest)

T. 39 N., R. 44 E. (formerly unsurveyed),
Sec. 29, lot 3 and SW¼SW¼ (formerly described by metes and bounds);
Sec. 30, lots 6 and 7, and S½SE¼ (Formerly described by metes and bounds);
Sec. 31, lots 4 and 5, and N½NE¼ (formerly described by metes and bounds);
Sec. 32, W½NW¼ (formerly described by metes and bounds).

The area described contains 422.19 acres in Pend Oreille County.

2. The land described in paragraph 1 has been and continues to be withdrawn from appropriation under the public land laws, including the United States mining laws (30 U.S.C. Ch. 2).

Dated: November 13, 1989.

David C. O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 89–27422 Filed 11–21–89; 8:45 am]

BILLING CODE 4310–33–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88–397, RM–6326]

Radio Broadcasting Services; Essex, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 255B to Essex, California, as that community's first local broadcast service, in response to a petition filed by Howard B. Anderson. Coordinates for Channel 255B at Essex, California, are 34–45–51 and 115–15–07. *See* 53 FR 36786, September 22, 1988. With this action, the proceeding is terminated.

DATES: Effective December 29, 1989; the window period for filing applications on Channel 255B at Essex, California will open on January 2, 1990, and close on February 1, 1990.

FOR FURTHER INFORMATION CONTACT: Ordee Pearson, (202) 634–6530. Questions related to the window application filing process at Essex, California, should be addressed to the Audio Service Division, FM Branch, Mass Media Bureau, (202) 632–0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in MM Docket No. 88–397, adopted October 19, 1989, and released November 14, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of Allotments, is amended under California by adding Essex, Channel 255B.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89–27361 Filed 11–21–89; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 87–42; RM–5646, RM–5882, RM–5883, RM–5884]

Radio Broadcasting Services; Rockport, Gregory, Alice and Armstrong, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 272C2 for Channel 272A at Rockport, Texas, and modifies the license of Station KPCB(FM) to specify operation on the higher class channel at the request of Aransas County Broadcasting. The community could receive its first wide-coverage area FM service. A site restriction of 26.6 kilometers (16.5 miles) southwest of the community is required, at coordinates 27–49–30 and 97–12–00. Concurrence of the Mexican government has been obtained. In addition, this action dismisses the petitions of Gregory Broadcasting (RM–5882) for Gregory, Texas, and Edgar L. Clinton (RM–5883) for Alice, Texas; and also denies the petition of Texas Media Group, Inc. (RM–5884) for Armstrong, Texas. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 29, 1989.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–42, adopted October 19, 1989, and released November 14, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Texas, by adding Channel 272C2 and removing Channel 272A at Rockport.

Karl A. Kensinger,

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

[FR Doc. 89–27362 Filed 11–21–89; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 87-88; RM-5523, RM-5578, RM-5947]

Radio Broadcasting Services; Raymondville, Alice and Falfurrias, TX

AGENGY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 271C2 for Channel 269A at Raymondville, Texas, and Channel 275C2 for Channel 272A at Alice, Texas, at the request of Edgar L. Clinton and Alice Broadcasting Corporation. This action also modifies the licenses of Station KSOX-FM at Raymondville and Station KBIC(FM) at Alice to specify operation on the higher-class adjacent channel, accordingly. In addition, this action allots Channel 277A to Falfurrias, Texas, as that community's second local FM service, at the request of Falfurrias Broadcasting Enterprises. Alice and Raymondville could receive their first wide-coverage area FM services. Channel 277A at Falfurrias can be allotted at that community's reference coordinates, which are 27-13-30 and 98-08-36. Channel 271C2 at Raymondville requires a site restriction of 17.3 kilometers (10.8 miles) north of the city, at coordinates 26-38-00 and 97-45-00. Channel 275C2 can be utilized at the present site of Station KBIC(FM) at Alice. The coordinates are 27-46-35 and 98-04-41. Concurrence of the Mexican government has been obtained. With this action, this proceeding is terminated.

DATES: Effective December 29, 1989. The window period for filing applications for Channel 277A at Falfurrias, Texas, will open on January 2, 1990 and close on February 1, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-88, adopted October 19, 1989, and released November 14, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Texas, by adding Channel 271C2 and removing Channel 269A at Raymondville; by adding Channel 275C2 and removing Channel 272A at Alice; and by adding Channel 277A at Falfurrias.

Karl A. Kensinger,

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

[FR Doc. 89-27360 Filed 11-21-89; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1103, 1104, 1182 and 1186

[Ex Parte No. 55 (Sub-No. 77)]

Implementation of 21 U.S.C. 853a—Denial of Federal Benefits to Drug Traffickers and Possessors

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: 21 U.S.C. 853a, enacted in the Anti-Drug Abuse Act of 1988 (Pub. L. 100-690), states that Federal benefits shall be withheld in certain circumstances from individuals who have been convicted of drug distribution or possession in Federal or State courts. In this proceeding, the Commission adopts a certification process to implement and enforce the requirements of 21 U.S.C. 853a. Since this matter involves agency practice and procedure, it is being issued as a final rule under 5 U.S.C. 553(b)(3)(A).

EFFECTIVE DATE: November 22, 1989.

FOR FURTHER INFORMATION CONTACT: Kathleen M. King (202) 275-7428, (TDD for hearing impaired: (202) 275-1721).

SUPPLEMENTARY INFORMATION: Federal agencies must implement and enforce the requirements of 21 U.S.C. 853a, which provides that Federal benefits are not to be granted to certain individuals who are convicted in Federal or State courts of either distribution or possession of controlled substances, after September 1, 1989. A "Federal benefit" as defined in 21 U.S.C. 853a(d) "means the issuance of any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States." Certificates, licenses and permits to operate as motor, water, or rail carriers, household goods freight forwarders or property brokers are "Federal benefits" as defined in 21 U.S.C. 853a(d). An Interstate Commerce Commission Practitioner's license is also a "Federal benefit" under 21 U.S.C. 853a(d).

We have determined that the appropriate means to ensure that authority is not issued to individuals who have been convicted after September 1, 1989, of drug trafficking or possession *and* who are subject to the Federal benefits ban of 21 U.S.C. 853a, is to establish a procedure through which applicants for ICC authority certify that they are not ineligible to receive authority because of drug convictions. Since the statute only applies to individuals,[1] this certification requirement will only affect an individual applicant who applies for authority in his or her name. Corporations, joint owners or partnerships will not be required to complete the certification. The certification will be required in all applications that involve requests for certificates, licenses or permits that authorize motor, water, rail, household goods freight forwarding or property broker operations.

This certification will be required in small carrier transfer proceedings or notice of exemption proceedings in which the transferee is an individual because, as a result of Commission approval in these proceedings, the transferee will receive a certificate, license or permit, which is a "Federal benefit" under 21 U.S.C. 853a(d). Likewise, an individual, who applies for a certificate authorizing the operation or the construction or extension of a rail line, also will have to include this certification. An individual who seeks to acquire a rail line through the offer of financial assistance procedures that are available under the Commission's rail abandonment rules or the Feeder Line Development procedures will be required to include this certification in his or her filing. All applicants for an ICC Practitioner's license also will have to complete the certification.

The certification will be in the following form:

[1] Although the statute applies technically only to individuals, we concluded that there is nothing which precludes its application to corporations that are simply alter egos of individuals who would otherwise be barred by 21 U.S.C. 853a from receiving Commission licenses or other benefits.

I, _____(Name)_____, certify under penalty of perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal Benefits, either by court order or operation of law, pursuant to 21 U.S.C. 853a.

We will incorporate this certification in the Commission's application forms OP–1, OP–2, and OP–F–44 which are currently under revision. An attachment will be inserted in the OP–FC–1 form and the ICC Practitioner's application form. The certification will be incorporated into those forms when the forms are reprinted.

Since no application form is required for notice of exemption proceedings under 49 U.S.C. 11343 and applications involving purchase, merger and control of motor passenger and water carriers under 49 U.S.C. 11343 or 11344, we will modify our regulations in 49 CFR part 1182 and part 1186 to include this certification provision. Also, a new section, 49 CFR 1104.15 will be added to Part 1104—Pleadings, Generally, to provide for other instances for which the certification may be appropriate, such as rail proceedings which have no application forms.

If an individual applicant cannot complete this required certification, the Commission will reject the application or other filing.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

This action will have no significant effect on a substantial number of small entities.

List of Subjects

49 CFR Part 1103

Administrative practice and procedure, Lawyers.

49 CFR Part 1104

Administrative practice and procedure.

49 CFR Part 1182

Administrative practice and procedure, Motor carriers, Maritime carriers.

49 CFR Part 1186

Administrative practice and procedure, Freight forwarders, Motor carriers.

It is ordered:

Title 49 of the Code of Federal Regulations is amended as set forth below:

Decided: November 13, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners André, Lamboley and Phillips. Commissioner André concurred.

Noreta R. McGee,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1103, 1104, 1182, 1186 of the Code of Federal Regulations are amended as follows:

PART 1103—PRACTITIONERS

1. The authority citation for part 1103 is revised to read as follows:

Authority: 49 U.S.C. 10308 and 10321; 5 U.S.C. 559; 21 U.S.C. 853a.

2. Section 1103.3(c) is amended by renumbering the existing paragraph as (c)(1) and adding a new paragraph (c)(2) to read as follows:

§ 1103.3 Persons not attorneys-at-law—qualifications and requirements for practice before the Commission.

* * * * *

(c) * * *

(2) *Certification:* All applicants must complete the following certification:

I, _____ (Name) _____, certify under penalty of perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal Benefits, either by court order or operation of law, pursuant to 21 U.S.C. 853a.

* * * * *

PART 1104—PLEADINGS; GENERALLY

3. The authority citation for part 1104 is revised to read as follows:

Authority: 49 U.S.C. 10321; 5 U.S.C. 559; 21 U.S.C. 853a.

4. Section 1104.15 is added to read as follows:

§ 1104.15 Certification of Eligibility for Federal Benefits Under 21 U.S.C. 853a.

(a) An individual who is applying in his or her own name for a certificate, license or permit to operate as a motor, water, or rail carrier, household goods freight forwarder or property broker must complete the certification set forth in paragraph (b) of this section. This certification is required if the transferee in a finance proceedings under 49 U.S.C. 10926, § 11343, or § 11344 is an individual. The certification also is required if an individual applies for authorization to acquire, to construct, to extend, or to operate a rail line.

(b) Certification:

I, _____ (Name) _____, certify under penalty of perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal Benefits, either by court order or by operation of law, pursuant to 21 U.S.C. 853a.

PART 1182—PURCHASE, MERGER, AND CONTROL OF MOTOR PASSENGER CARRIERS AND WATER CARRIERS

5. The authority citation for part 1182 is revised to read as follows:

Authority: 5 U.S.C. 559, 49 U.S.C. 10321, 11321, 11341, 11343, 11344, and 11345a; 21 U.S.C. 853a.

6. Section 1182.3 is amended by adding a new paragraph (a)(12) to read as follows:

§ 1182.3 Content of applications.

(a) * * *

(12) If the transaction involves the transfer of operating authority to an individual who will hold the authority in his or her name that individual must complete the following certification:

I, _____ (Name) _____, certify under penalty of perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that I have been so convicted, I am not ineligible to receive Federal Benefits, either by court order or operation of law, pursuant to 21 U.S.C. 853a.

* * * * *

PART 1186—EXEMPTION OF CERTAIN TRANSACTIONS UNDER 49 U.S.C. 11343

7. The authority citation for part 1186 is revised to read as follows:

Authority: 49 U.S.C. 11321, 11343(e); 5 U.S.C. 553; and 21 U.S.C. 853a.

8. Section 1186.2 is amended by adding a new paragraph (f) to read as follows:

§ 1186.2 Notice of exemption.

* * * * *

(f) If the transaction involves the transfer of operating authority to an individual who will hold the authority in his or her name, that individual must complete the following certification:

I, _____ (Name) _____, certify under penalty of perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal Benefits, either by court order or operation of law, pursuant to 21 U.S.C. 853a.

[FR Doc. 89-27417 Filed 11-21-89; 8:45 am]

BILLING CODE 7035-01-M