[FR Doc. 91-24070 Filed 10-07-91; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6886

[WY-930-4214-10; WYW 115104]

Withdrawal of National Forest System Land for Snowy Range Recreation Area; WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 21,636.29 acres of National Forest System land in the Medicine Bow National Forest from location and entry under the United States mining laws for a period of 20 years for the Forest service to protect the unique topographic characteristics and recreational values of the Snowy Range Area. The land has been and will remain open to such forms of disposition as may by law be made of National Forest System land and to mineral leasing.

EFFECTIVE DATE: October 8, 1991.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, BLM, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003, 307-775-6115.

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, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, to protect the unique topographic characteristics and recreational values of the Snowy Range Area:

Sixth Principal Meridian

Medicine Bow National Forest

T. 16 N., R. 79 W.,
Sec. 2, lots 2 to 7, inclusive, and lots 10 to 15, inclusive, N½SW¼, SW¼SW¼, and NW¼SE¼;
Secs. 3 to 9, inclusive;
Sec. 10, NW¼, and W½SW¼;
Sec. 11, N ½NW¼NW¼;
Sec. 15, NW¼NW¼;
Sec. 16, N½;
Sec. 17, N½NE¼, N½NE¼NW¼, SW¼NE¼NW¼, W½NW¼, and NW¼SW¼;
Sec. 18;
Sec. 19, lots 1 and 2, N½N½ and S½S½ of lot 3, NW¼NE¼, and NE¼NW¼.
T. 16 N., R. 80 W.,
Sec. 1, lots 1 and 2, lots 7 to 10, inclusive, lots 14 to 16, inclusive, NE¼SW¼, S½SW¼, and SE¼;
Sec. 11, E½SE¼;
Sec. 12;
Sec. 13;
Sec. 14, E½NE¼, SW¼NE¼, SE¼SW¼, and SE¼;
Sec. 23, E½, E½NW¼, SW¼NW¼, and NE¼SW¼;
Sec. 24, N½, SW¼, NE¼NE¼NE¼SE¼, W½E½NE¼SE¼, W½NE¼SE¼, SE¼SE¼NE¼SE¼, W½SE¼, N½SE¼ SE¼, and SE¼SE¼SE¼;
Sec. 25, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 26, NE¼, NE¼SE¼.
T. 17 N., R. 79 W.,
Sec. 8, SE¼SW¼, and SE¼;
Sec. 15, W½NW¼, SE¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 16;
Sec. 17, lot 1, W½NE¼, SE¼NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 18, E½SE¼;
Sec. 19, E½NE¼, and NE¼SE¼;
Secs. 20, 21, and 22;
Sec. 23, SE¼NE¼, W½E½, W½, and E½SE¼;
Sec. 24, SW¼NW¼, and NW¼SW¼;
Sec. 26, W½E½, and W½;
Secs. 27, 28, and 29;
Sec. 31, lot 4, SE¼NE¼, E½SW¼, and SE¼;
Sec. 32, lots 1 and 2, N½NE¼, SW¼NE¼, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Secs. 33, 34, and 35;
Sec. 36, NW¼, and W½SW¼.

The area described contains 21,636.29 acres in Albany and Carbon Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the National Forest System land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of the order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: September 26, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-24147 Filed 10-7-91; 8:45 am]
BILLING CODE 4310-22-M

43 CFR Public Land Order 6888

[AK-932-4214-10; AA-3060]

Withdrawal of National Forest System Land for the Juneau Falls Recreation Area; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 320 acres of National Forest System land from surface entry and mining for a period of 20 years for the Forest Service to protect the Juneau Falls Recreation Area. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: October 8, 1991.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

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; 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from settlement, sale, location, or entry under the public land laws, including the United States mining laws (30 U.S.C. ch. 2) (1988), but not from leasing under the mineral leasing laws, to protect the recreational values of the Juneau Falls Recreation Area:

Seward Meridian

Chugach National Forest

T. 5 N., R. 4 W., unsurveyed,
Sec. 13, SE¼SW¼, SW¼SE¼;
Sec. 24, W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼.

The area described contains approximately 320 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: October 1, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-24168 Filed 10-7-91; 8:45 am]

BILLING CODE 4310-JA-M

FEDERAL MARITIME COMMISSION

46 CFR Part 504

[Docket No. 91-28]

Procedures for Environmental Policy Analysis

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission amends its Procedures for Environmental Policy Analysis, which set forth requirements for environmental analysis of Commission actions under the National Environmental Policy Act of 1969. Specifically, the amendment categorically excludes from the requirement for an environmental analysis actions concerning receipt of surety bonds submitted by non-vessel-operating common carriers ("NVOCCs").

EFFECTIVE DATE: November 7, 1991.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Secretary,Federal Maritime Commission 1100 L Street, NW., Washington, DC 20573-0001 (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission's Procedures for Environmental Policy Analysis (46 CFR part 504) specify the types of environmental analyses required for Commission actions under the National Environmental Policy Act of 1969. Actions having a potential for environmental impact as defined in § 504.2(c) are subjected to environmental assessments that result in either findings of no significant impact (§ 504.6) or environmental impact statements (§ 504.7). Actions with little or no potential for environmental impact are categorically excluded from the requirements for environmental assessment (§ 504.4).

Section 504.4 lists routine types of Commission actions that are excluded from the requirements for analysis. The activities covered by categorical exclusion do not individually or collectively have significant effects upon the quality of the human environment, because they are purely ministerial, or because they do not significantly increase or decrease air, water or noise pollution or use of fossil fuels, recyclables or energy.

On January 15, 1991, (56 FR 1493) the Commission published an Interim Rule to implement the NVOCC Amendments of 1990, section 710 of Public Law 101-595. This Rule contains, among other things, provisions for the filing of NVOCC surety bonds and designations of resident agents for service of process (for foreign-domiciled NVOCCs) in an NVOCC's tariff. These actions appear to have no potential for environmental impact. Accordingly, on June 19, 1991, the Commission published a proposed rulemaking in the **Federal Register** (56 FR 28128) to add such matters to the list of actions excluded from environmental analysis under § 504.4.

No comments were submitted about the proposed rule. The Commission therefore has determined to adopt the proposed rule as final, with one change. We have deleted the specific reference to designations of resident agents because such actions are already included in subparagraph (5) of § 504.4(a).

Although the Commission, as an independent regulatory agency, is not subject to Executive Order 12291 dated February 17, 1991, it has nonetheless reviewed the rule in terms of this Order and has determined that this final rule is not a "major rule" because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units or small governmental organizations.

The Paperwork Reduction Act, 44 U.S.C. 3501-3520, does not apply to this Rulemaking because the amendment to part 504 of title 46, Code of Federal Regulations, does not impose any additional reporting or recordkeeping requirements or change the collection of information from members of the public which require the approval of the Office of Management and Budget.

Lists of Subjects in 46 CFR Part 504

Environmental impact statements.

Therefore, pursuant to 5 U.S.C. 553, 42 U.S.C. 4332(2)(b), section 710 of Public Law 101-595 and 46 U.S.C. app. 1716, the Federal Maritime Commission amends part 504, title 46, Code of Federal Regulations, as follows:

1. The authority citation for Part 504 continues to read as follows:

Authority: 5 U.S.C. 552, 553; Sec. 21 and 43 of the Shipping Act, 1916 (46 U.S.C. app. 820 and 841a); secs. 13 and 17 of the Shipping Act of 1984 (46 U.S.C. app. 1712 and 1716); sec. 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(b)) and sec. 362(b) of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6362).

2. Section 504.4 is amended by adding a new paragraph (3), reading as follows:

§ 504.4 Categorical exclusions.

(a) * * *

(3) Receipt of surety bonds submitted by non-vessel-operating common carriers.

* * * * *

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91-24117 Filed 10-7-91; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 74, 78

[MM Docket No. 90-500, FCC 91-293]

Broadcast Auxiliary and Cable TV Relay Services; Definition of Congested Area

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission terminates this proceeding with minor clarifying amendments to 47 CFR 74.641 and 78.105. These amendments are made in response to a Petition for Rulemaking filed by the Society of Broadcast Engineers (SBE), asking that the Commission require broadcast auxiliary and cable relay microwave stations located within Metropolitan Statistical Areas (MSAs) to employ Category A antenna systems. Category A antennas are more effective than either Category B antennas or those microwave antennas in common use during earlier years, at reducing interference. The comments received in response to the Notice of Proposed Rule Making (55 FR 48260, November 20, 1990) indicate that the Commission's current rules and procedures, with minor changes, will adequately resolve potential problems

in congested areas, and avoid unduly taxing operator and Commission resources. Finally, the Commission amends 47 CFR 74.641 and 78.105 to extend the October 1, 1991, deadline for licensees who do not comply with these Rule Sections to install an antenna that complies with the rules, to April 1, 1992. This action is taken in recognition that some licensees have delayed purchasing a Category A or Category B antenna pending resolution of this rulemaking proceeding.

EFFECTIVE DATE: November 19, 1991.

FOR FURTHER INFORMATION CONTACT: Hank VanDeursen, Mass Media Bureau, Policy and Rules Division, (202) 632-9660.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in MM Docket No. 90-500, adopted September 23, 1991, and released September 23, 1991.

The complete text of this Report and Order is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, Downtown Copy Center, at (202) 452-1422, 1919 M Street, NW., room 246, Washington, DC 20554.

Synopsis of Report and Order

1. This Report and Order responds to the Petition for Rulemaking filed by SBE on February 27, 1990, which asked that the Commission require broadcast auxiliary and cable relay microwave stations located within MSAs to employ high-performance Category A antenna systems. The Commission's Rules, as of October 1, 1991, require the use of either a Category B or a Category A microwave antenna. A Category B antenna represents an improvement in technical specifications over microwave antennas of earlier years and is intended for general use in the broadcast auxiliary and cable relay services. A Category A antenna delivers better performance than a Category B antenna (principally in the form of narrower beamwidth) and is useful in congested areas when use of a Category B antenna might preclude the authorization of new service. SBE's petition sought to more clearly define what comprises a "congested area."

2. The record in this proceeding indicates that interference and preclusion problems in the referenced services have only infrequently required Commission intervention, and have been satisfactorily resolved on a local, case-by-case basis. Further, the Commission finds that a "Four-Level Safety Net" exemption procedure that SBE proposed in its comments is unnecessary at this time. Sections 74.641 and 78.105 of the Rules currently require use of Category B antennas in non-congested areas, but provide specifically that applicants may be required to upgrade the antenna of an existing station if such action would resolve an interference or preclusion situation. Thus, the current rules appear sufficient to resolve potential problems without adopting SBE's proposal. Requiring applicants to make showings to obtain exemptions appears unnecessary when normal frequency coordination procedures, in connection with the Commission's application processing should reveal situations where proposed facilities could be precluded by continuing use of Category B antennas.

3. Through the action taken in this Report and Order, the Commission aims to avoid requiring unnecessary upgrades that would burden stations either with the cost of the new antenna and its installation, or with the expense of preparing a waiver request. It should also avoid burdening the Commission's processing staff with a requirement to respond to each such waiver request.

4. The Commission, however, does make minor adjustments to 47 CFR 74.641 and 78.105, to more clearly indicate, as requested by SBE, what comprises a "congested" area. The same two Rule Sections are also amended to extend to April 1, 1992, the October 1, 1991, deadline for licensees who do not comply with § 74.641 or § 78.105 of the Commission's Rules, to install an antenna that does comply with the Rule. These final amendments are enacted because some licensees have delayed purchasing a Category A or Category B antenna pending resolution of this rulemaking proceeding.

Final Regulatory Flexibility Analysis Statement

5. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that this decision will not have a significant impact on a substantial number of small entities because it makes only minor changes in the Commission's Rules. It does extend to April 1, 1992, the October 1, 1991, deadline for licensees who do not comply with 47 CFR 74.641 or 78.105 to install an antenna that does comply with the Rules.

6. The Secretary shall send a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*, (1981)).

7. Accordingly, *it is ordered that*, pursuant to sections 4(i), (j), and 303 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), (j), and 303 (1982), effective November 19, 1991, sections 74.641 and 78.105 of the Commission's Rules are amended as set forth below.

8. *It is further ordered that* this proceeding *Is terminated.*

List of Subjects

47 CFR Part 74

Television broadcasting.

47 CFR Part 78

Cable television.

Amendatory Text

47 CFR parts 74 and 78 are amended as follows:

PART 74—[AMENDED]

9. The authority citation for parts 74 and 78 continues to read as follows:

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

10. Section 74.641 is amended by revising the note that follows the table in paragraph (a)(1) and by revising paragraph (b) introductory text to read as follows:

§ 74.641 Antenna systems.

(a) * * *

(1) * * *

Note: Stations must employ an antenna that meets the performance standards for Category B. In areas subject to frequency congestion, where proposed facilities would be precluded by continued use of a Category B antenna, a Category A antenna must be employed. The Commission may require the use of a high performance antenna where interference problems can be resolved by the use of such antennas.

* * * * *

(b) Any fixed station licensed pursuant to an application accepted for filing prior to October 1, 1981, may continue to use its existing antenna system, subject to periodic renewal until April 1, 1992. After April 1, 1992, all licensees are to use antenna systems in conformance with the standards of this section. TV auxiliary broadcast stations are considered to be located in an area subject to frequency congestion and must employ a Category A antenna when:

* * * * *

PART 78—[AMENDED]

11. Section 78.105 is amended by revising the note that follows the table

in paragraph (a)(1) and by revising paragraph (b) introductory text to read as follows:

§ 78.105 Antenna systems.

(a) * * *

(1) * * *

Note: Stations must employ an antenna that meets the performance standards for Category B. In areas subject to frequency congestion, where proposed facilities would be precluded by continued use of a Category B antenna, a Category A antenna must be employed. The Commission may require the use of a high performance antenna where interference problems can be resolved by the use of such antennas.

* * * * *

(b) Any fixed station licensed pursuant to an application accepted for filing prior to October 1, 1981, may continue to use its existing antenna system, subject to periodic renewal until April 1, 1992. After April 1, 1992, all licensees are to use antenna systems in conformance with the standards of this section. CARS stations are considered to be located in an area subject to frequency congestion and must employ a Category A antenna when:

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-24099 Filed 10-7-91; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 173

[Docket No. RHMT-1; Notice 1]

RIN 2130-AA66

Tank Car Air Brake Equipment Support Attachments

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Final rule.

SUMMARY: FRA is amending part 173 of the Hazardous Materials Regulations, 49 CFR part 173, to conform to the mandate of section 19 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA) (Pub. L. 101-615), which, effective July 1, 1991, prohibits the transportation in commerce of all hazardous materials in tank cars with air brake equipment support attachments welded directly to the shell.

EFFECTIVE DATE: This final rule is effective October 8, 1991.

FOR FURTHER INFORMATION CONTACT: Phil Olekszyk, Deputy Associate Administrator for Safety, RRS-2, FRA, 400 Seventh Street, SW., Washington, DC 20590 (Telephone 202-366-0897) or Thomas A. Phemister, Trial Attorney, Office of the Chief Counsel, RCC-30, FRA, 400 Seventh Street, SW., Washington, DC 20590 (Telephone 202-366-0635).

SUPPLEMENTARY INFORMATION: The HMTUSA amended the Hazardous Materials Transportation Act (49 U.S.C. app. 1801 *et seq.*) by adding a new section (section 119, Railroad Tank Cars, 49 U.S.C. app. 1817) prohibiting the use of railroad tank cars for the transportation in commerce of hazardous materials unless the air brake equipment support attachments comply with the standards for attachments set forth at §§ 179.100-16 and 179.200-19, title 49, Code of Federal Regulations, as in effect on November 16, 1990. The prohibition was effective in two phases: First, effective on the date of enactment of HMTUSA, was a prohibition against transporting Class A or B explosives and materials designed as toxic by inhalation, and, second, effective July 1, 1991, is a prohibition against transporting any hazardous material in a tank car with non-complying brake support attachments. Authority to implement this provision has been delegated from the Secretary of Transportation to the Administrator of the FRA.

Reinforcing pads are now required by the DOT Specifications for Tank Cars (49 CFR part 179) for new construction. The reinforcing pad requirement for newly built cars under the Research and Special Programs Administration's Docket HM-90, Specifications for Tank Cars, (36 FR 21346, November 6, 1971), prohibits directly welding any attachment to the tank shell if the weld will exceed six linear inches. The effect of the enactment of HMTUSA is to ensure that the brake equipment support attachments on all tank cars used for the transportation of hazardous materials meet the regulatory standard for welded attachments, whether the car was built before or after November of 1971.

The requirement grew out of accident experience and the realization that, if a directly welded attachment is broken off in a derailment, the shell may be torn open and the dangerous cargo released. The Miamisburg, Ohio derailment on July 8, 1986, is one illustration of the serious consequences possible from attaching the brake system support brackets directly to the tank shell. In that accident, the pipe attachment for the air brake system reservoir was torn off by the forces of the derailment and, according to the FRA Investigation Report, "left a circular tear in the inner tank shell about 8 inches in diameter, near the bottom center of the shell." (FRA Railroad Accident Investigation Report No. A-2-86, "The Baltimore and Ohio Railroad Company/Miamisburg, Ohio/July 8, 1986," p. 14.) The yellow phosphorus in the tank was exposed to the atmosphere through this and other tank breaches, caught fire, created very large clouds of smoke and fumes, and lead to the evacuation of an estimated 30,000 people.

The Association of American Railroads' Tank Car Committee, representing its railroad, tank car builder, and hazardous materials shipper membership, has a voluntary retrofit program in place to extend the §§ 179.100-16 and 179.200-19 standard to the cars in the fleet built before 1971. Current AAR data show that about 1,200 tank cars—none of them hauling hazardous materials—remain to be retrofitted. Thus, the goal of the statutory amendment has nearly been achieved voluntarily, but the statute and this regulation will prohibit the use of any non-retrofitted car in hazardous material service.

Public Participation

In this notice, FRA issues an amendment to the requirements for the qualification, maintenance, and use of tank cars for the transportation of hazardous materials. Because this amendment does no more than state a statutory change as a regulation, notice and comment procedures are "impracticable, unnecessary, or contrary to the public interest" within the meaning of section 4(a)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B).

As a matter of law, the provisions of this amendment are effective as of the date stated in HMTUSA, with or without an amendment to the Hazardous Materials Regulations (HMR). FRA is issuing this rule to conform the HMR to the statute to promote enforcement efficiency, as a matter of convenience and information for the regulated community, and to provide a ready reference for tank car requirements within the structure of the HMR; thus, the additional time necessary for notice and comment procedures would be contrary to the public interest.

For similar reasons, there is good cause for not publishing this rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). All interested parties have had notice of the relevant provisions of HMTUSA since its enactment on November 16,