a disposition occurring on or after December 27, 1994 as satisfying the requirements of this section if the Internal Revenue Service determines that this treatment is necessary or appropriate to carry out the purposes of section 468A and the regulations thereunder.

(2) *Relief provision*. Upon request of the electing taxpayer, the Internal Revenue Service may treat a disposition occurring after July 17, 1984, and before December 27, 1994 as satisfying the requirements of this section if the Internal Revenue Service determines that this treatment is necessary or appropriate to carry out the purposes of section 468A and the regulations thereunder.

(h) *Effective date*. Section 1.468A–6 is effective for a disposition of an interest in a nuclear power plant on or after December 27, 1994.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 7. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 8. Section 602.101(c) is amended by revising the entry for 1.468A–3 to read as follows:

§ 602.101 OMB Control Numbers.

* * * * *

(c) * * *

CFR part or section where identified or described	Current OMB control No.
* * *	* *
1.468A–3	1545–1269 1545–1378
* * *	* *

Margaret Milner Richardson,
Commissioner of Internal Revenue.

Approved: December 8, 1994.

Cynthia G. Beerbower,
Deputy Assistant Secretary of the Treasury.

[FR Doc. 94–31428 Filed 12–23–94; 8:45 am]

BILLING CODE 4830–01–U

Office of Foreign Assets Control

31 CFR Part 580

Haitian Transactions Regulations; Termination of Sanctions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendments.

SUMMARY: Pursuant to Executive Order 12932 of October 14, 1994 (59 FR 52403), the Treasury Department has terminated, effective October 16, 1994, all sanctions with respect to Haiti imposed during the period of the national emergency declared on October 4, 1991 in Executive Order 12775. This termination does not affect compliance and enforcement actions involving prior transactions or violations of the sanctions.

EFFECTIVE DATE: 12:01 a.m. Eastern Daylight Time, October 16, 1994.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief of Licensing (tel.: 202/622–2480), or William B. Hoffman, Chief Counsel (tel.: 202/622–2410), Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

SUPPLEMENTARY INFORMATION:

Electronic Availability:

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the **Federal Register**. By modem dial 202/512–1387 or call 202/512–1530 for disks or paper copies. This file is available in Postscript, WordPerfect 5.1 and ASCII.

Background

The Office of Foreign Assets Control ("FAC") is amending the Haitian Transactions Regulations, 31 CFR Part 580 (the "HTR"), to add §500.524, implementing Executive Order 12932, which authorizes all transactions on or after October 16, 1994, involving property in which Haiti or its nationals have an interest, and all other transactions previously prohibited by the HTR. The effect of this amendment is to authorize all transactions previously prohibited by subpart B of the HTR or by Executive Order 12775, 12779, 12853, 12872, 12914, 12917, 12920 or 12922, effective October 16, 1994. On October 14, 1994, the President signed Executive Order 12932, terminating the national emergency declared with respect the *de facto* regime in Haiti and revoking all Executive orders promulgated with respect to that emergency, effective October 16, 1994. Newly authorized transactions include, but are not limited to, new investment, otherwise lawful importations from and exportations to Haiti, and brokering transactions. Reports due under general or specific license must still be filed covering activities up until the effective date of this rule. Enforcement actions with respect to past violations of the sanctions are not affected by this rule.

Because the HTR involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601–612, does not apply.

List of Subjects in 31 CFR Part 580

Administrative practice and procedure, Agricultural commodities, Banking and finance, Blocking of assets, Exports, Foods, Haiti, Imports, Penalties, Reporting and recordkeeping requirements, Shipping, Specially designated nationals, Transfer of assets, Vessels.

For the reasons set forth in the preamble, 31 CFR part 580 is amended as follows:

PART 580—HAITIAN TRANSACTIONS REGULATIONS

1. The authority citation for part 580 is revised to read as follows:

Authority: 50 U.S.C. 1701–1706; 50 U.S.C. 1601–1651; 22 U.S.C. 287c; 3 U.S.C. 301; E.O. 12775, 56 FR 50641, 3 CFR, 1991 Comp., p. 349; E.O. 12779, 56 FR 55975, 3 CFR 1991 Comp., p. 367; E.O. 12853, 58 FR 35843, 3 CFR, 1993 Comp., p. 612; E.O. 12872, 58 FR 54029, 3 CFR, 1993 Comp., p. 658; E.O. 12914, 59 FR 24339, May 20, 1994; E.O. 12917, 59 FR 26925, May 24, 1994; E.O. 12920, 59 FR 30501, June 14, 1994; E.O. 12922, 59 FR 32645, June 23, 1994; E.O. 12932, 59 FR 52403, October 18, 1994.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

2. Section 500.524 is added to read as follows:

§ 500.524 Authorization of new transactions; lifting of sanctions.

(a) The prohibitions contained in §§ 580.201 through 580.211 of this part do not apply to any transaction occurring after 12:01 a.m. Eastern Daylight Time, October 16, 1994.

(b) Nothing in this section affects any action taken or proceeding pending and not finally concluded or determined on, or any action or proceeding based on any act committed prior to, or any rights or duties that matured or penalties that were incurred prior to 12:01 a.m. EDT, October 16, 1994.

(c) Reports required pursuant to this part with respect to transactions occurring prior to 12:01 a.m. EDT, October 16, 1994, must still be filed with the Compliance Division, Office of Foreign Assets Control.

Dated: December 12, 1994.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: December 14, 1994.

John Berry,

Deputy Assistant Secretary (Enforcement).

[FR Doc. 94–31727 Filed 12–21–94; 1:57 pm]

BILLING CODE 4810–25–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 1

[CGD 93–079]

RIN 2115–AE68

Simplified Alternative Procedure for Resolving Civil Penalty Cases

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is adopting as final, with minor revisions, an interim rule allowing for greater delegation by the District Commander and for a simplified alternative procedure for resolving civil penalty cases. This procedure streamlines the process for resolution of certain uncontested oil discharge and pollution prevention civil penalty cases by allowing a Coast Guard official to present a notice of violation (NOV) and proposed penalty to a party in the field.

EFFECTIVE DATE: January 26, 1995.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G–LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593–0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jonathan C. Burton, Project Manager, Marine Environmental Protection Division (G–MEP), (202) 267–6714.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Lieutenant Jonathan C. Burton, Project Manager, Marine Environmental Protection Division, and C.G. Green, Project Counsel, Office of the Chief Counsel.

Regulatory History

On April 7, 1994, the Coast Guard published an interim final rule in the Federal Register (59 FR 16558) establishing an optional alternative civil penalty procedure and announced a six-month pilot implementation program to test the new procedure. The Coast Guard received 5 letters during the comment period and 4 after the comment period was closed. All comments were considered before drafting this final rule. No public hearing was requested, and none was held.

Background and Purpose

The procedures for assessing civil penalties by the Coast Guard are contained in 33 CFR 1.07. The civil penalty process begins when an alleged violation is detected by, or reported to, a Coast Guard official. The alleged violation is investigated and, if it appears that the elements for a violation case exist, civil enforcement action is normally initiated by preparing a case report with a recommended penalty and forwarding it to the appropriate Coast Guard District office for review. Since the establishment of the Notice of Violation (NOV) option, some cases are now eligible for issuance of a NOV and parties are afforded the option of either paying the proposed penalty and closing the case, or having the violation processed through normal procedures.

If the case is not eligible for NOV issuance or if the party declines the NOV, the District staff reviews the case report to verify that there was evidence sufficient to establish a prima facie case and that the recommended penalty is appropriate. The case file is then transmitted, with a recommended action, to the Hearing Officer. Based on the case file, the Hearing Officer independently determines whether prima facie evidence of a violation exists and, if so, sends a Letter of Notification to the alleged violator. This letter specifies, among other matters, the alleged violation(s) and a penalty amount deemed appropriate based on the information provided to the Hearing Officer. A party can pay the penalty amount specified by the Hearing Officer, request an in-person hearing, or provide written evidence or arguments in lieu of a hearing. If the party pays the penalty, the case is closed and no further action is required. If the party chooses either of the latter two options, the Hearing Officer either conducts an in-person hearing or reviews the submitted written evidence and arguments. The Hearing Officer then issues a written decision assessing a penalty or dismissing the case. The Hearing Officer's decision can be administratively appealed to the Commandant of the Coast Guard.

The Notice of Violation option was developed to address the Coast Guard's concern that the civil penalty assessment process was too lengthy when applied to small (under 100 gallons) oil discharges and minor pollution prevention regulation violations. The lengthy process time meant that a party frequently would have additional violations before being notified by a Hearing Officer of the initiation of action for the first violation.

The NOV option provides for early notification of alleged violators and offers early resolution of uncontested small oil spill and pollution prevention violations. Early resolution of these minor violations saves time and reduces costs of internal reviews, improves deterrence, and facilitates corrective action by providing a party with earlier notice of violations.

The interim rule amended 33 CFR 1.07 to add the optional alternative procedure and the Coast Guard conducted a pilot program for six months in the Captain of the Port zones of Charleston, SC; Galveston, TX; and Los Angeles, CA. The result of the pilot program was favorable. During the pilot program 197 NOVs were issued for oil spills and 21 NOVs were issued for pollution prevention violations with a total penalty value of $96,400. As of October 13, 1994, 160 NOVs had been paid totaling $57,275 in penalties.

The optional procedure allows early settlement of cases in which a Coast Guard issuing officer issues a NOV. A Coast Guard issuing officer is a commissioned, warrant or petty officer with specific training and authority to issue a violation notice.

A party has the option of paying the penalty proposed on the NOV, declining the NOV, or taking no action on the NOV. If a party pays the proposed penalty indicated on a NOV, the case is closed without further processing by a District Program Manager or Hearing Officer. If a party declines the NOV or takes no action, the case is processed as if an NOV had never been issued. A complete case file, report and recommended penalty amount is sent to the District Commander for review prior to being forwarded to the Hearing Officer for processing as any other civil penalty case. The Hearing Officer's Letter of Notification would specify a penalty deemed appropriate based on the case file. The proposed penalty is not limited to the amount proposed in the field on the NOV.

The NOV option will be implemented by Coast Guard Captains of the Port as soon as sufficient numbers of personnel have been trained in the issuance of NOVs. Representatives from each district, marine safety office, and detachment are being sent to a "train the trainer" course on the NOV option at the Coast Guard Reserve Training Center in Yorktown, VA. After the initial Yorktown training, each unit will be able to properly train additional personnel. Each district will publicize the dates when its units will start to use the NOV option.

Use of the NOV option is initially being limited, by Commandant Directive, to violations of specified regulations and statutory requirements subject to Class I Administrative Civil Penalties under the Federal Water Pollution Control Act (FWPCA), as amended. A NOV can be issued for two types of violations: (1) oil discharges in violation of the FWPCA, if they are 100 gallons or less, and (2) violations of pollution prevention regulations (33 CFR Parts 154, 155, 156) for which the current penalty guidelines list a penalty not greater than $2500.

Coast Guard issuing officers can issue a NOV only in cases that meet specific written guidance. Penalty amounts are taken from a penalty schedule and may not be increased or decreased by the issuing officer. Any case in which aggravating or extenuating circumstances are involved, or in which the violations do not meet the specific written guidance, is not eligible for NOV issuance and will be processed for referral to the Hearing Officer in accordance with normal procedures.

Delegation by the District Commander 33 CFR 1.07–10(b)

The District Commander now has more flexibility to delegate authority for review of alleged violations to any member under the District Commander's command. For example, the District Commander may now delegate case review authority to the Captain of the Port for certain pollution prevention violations, thus eliminating the need for review by the District Commander's staff prior to forwarding the case to a Hearing Officer. The expanded delegation authority allows District Commanders greater flexibility in allocating their personnel resources to process violation cases.

Discussion of Comments and Changes

I. General Comments

The Interim rule language of § 1.07–11 and the NOV form used for the pilot program left the impression that a party could request a hearing on the proposed penalty offered by the NOV. In fact, if a party does not wish to accept the NOV, a full case is forwarded to the Hearing Officer who then makes an independent determination and issues a preliminary assessment letter to which the party can respond. To clarify this procedure § 1.07–11 now specifies that the NOV include a statement that the party may decline the NOV and, if the NOV is declined, the party has the right to a hearing prior to a final assessment of a penalty by a Hearing Officer. The NOV also states that taking no action on the NOV has the same result as declining the NOV but the processing time may increase. Furthermore, the NOV form makes it clear that the Hearing Officer is in no way bound by any assessment proposed by the NOV. To facilitate understanding of these rights the NOV form is reproduced in Figure 1.

BILLING CODE 4910–14–P

UNITED STATES COAST GUARD TK 000

NOTICE OF VIOLATION

Coast Guard Unit Address

____

____

____

____

Date and time of Violation: ____________ [est./known] NRC case # ________

Location of violation	Waterbody	River mile	longitude	latitude	City	State

Party in Violation

Name	Title	Vessel Flag
Mailing Address		VIN Service
City	State	Zip
Country	Postal Code	Facility FIN Category
Telephone		Party involved IPN MMD/LIC Issue port

Discharge Violation

☐ OWNER, ☐ OPERATOR, OR ☐ PERSON IN CHARGE WAS FOUND IN VIOLATION OF

REGULATION	NATURE OF VIOLATION	VIOLATION NUMBER (1st, 2nd, or Unknown)	PROPOSED PENALTY
☐ 33USC1321B(b)(3)	Discharge of oil in violation of	______	$______

I observed a\ ☐ sheen ☐ sludge on ☐ a navigable water of the U.S.
It was reported a\ ☐ film ☐ emulsion ☐ an adjoining shoreline

The violation resulted from a discharge from a
☐ commercial ☐ vessel
☐ non-commercial ☐ onshore facility
☐ offshore facility

Spill violation in the past 12 months?
☐ Yes
☐ No
☐ Not considered

The estimated volume is ______

Pollution Prevention Violation

REGULATION	NATURE OF VIOLATION	VIOLATION (1st, 2nd, Unk.)	WARNING	PROPOSED PENALTY
☐ _CFR	______	____	____	$____
☐ _CFR	______	____	____	$____
☐ _CFR	______	____	____	$____
☐ _CFR	______	____	____	$____
☐ _CFR	______	____	____	$____
☐ _CFR	______	____	____	$____
			TOTAL PENALTY	$____

Incident Description ____________________

Issued by ____________ Date/Time ____________

Received by ________ ________ Postion ________ Date ________

DEPT OF TRANSP., USCG, CG-5582 (9-94) SN 7530-01-GF3-2770

ACCEPT THE PROPOSED PENALTY

☐ I / We accept the proposed penalty.

The proposed Total Penalty amount for the violations is stated on the front page. **Receipt of your full payment within 45 days will close this case.**

Directions: If you choose to accept this proposed penalty, check the box above and no later than 45 days of receipt of this NOV remit payment with the copy marked BANK / DECLINE COPY to the address below. Make your check payable to "U.S. Coast Guard - Civil Penalties" and write the number of this NOV on your check.

Remit your payment to:

U.S. COAST GUARD - CIVIL PENALTIES
PO BOX 100160
ATLANTA, GA 30384

Note that the maximum allowable penalty for each violation cited is $10,000 per violation.

DECLINE THE PROPOSED PENALTY

☐ I / We decline the proposed penalty.

If you dispute the Total Penalty proposed or other circumstances concerning this Notice of Violation (NOV) you may DECLINE it not later than 45 days of receipt. Declining the NOV will result in the case file being sent to a Coast Guard Hearing Officer for a determination. After the Hearing Officer makes a preliminary determination you will be afforded the opportunity to respond to the allegations or request a hearing. **THE HEARING OFFICER IS NOT BOUND BY THE NOV AND DETERMINATION BY THE HEARING OFFICER MAY RESULT IN A FINAL ASSESSMENT EQUAL TO OR GREATER THAN THE PROPOSED PENALTY.**

Directions: To decline, check the box above on the BANK / DECLINE COPY and return it to the Coast Guard unit address found on the front page of this NOV. **Other communications concerning this case should be sent to the Hearing Officer upon receipt of a Letter of Notification.**

FAILURE TO RESPOND

If you neither accept or decline this Notice of Violation (NOV) it will be treated in the same manner as if you had declined. There is no penalty for failing to respond to the NOV. However, failure to respond may cause substantial delay in receiving a Hearing Officer's determination.

Two comments received during the pilot program were in favor of the regulations and suggested that the NOV option be broadened to include other Coast Guard programs.

The NOV option can be used by other Coast Guard programs that use the civil penalty process. Any program that implements use of the NOV option will do so by internal policy with prior notification to the public in the **Federal Register**.

Three comments were in favor of the alternative process but suggested different penalty amounts for small oil spills and pollution prevention regulation violations.

The penalty amounts specified for small oil spills and pollution prevention regulation violations used during the pilot program were based on current Commandant's policy guidelines for assessing Coast Guard civil penalties. These penalty amounts are reviewed regularly to ensure that they reflect a fair and equitable enforcement policy.

The pilot program results indicated that the current small oil spill penalties were appropriate. However, the Coast Guard has revised some penalties for pollution prevention violations. Results of the pilot program indicated that using the same penalty amounts for pollution prevention violations as those specified in the current Commandant's policy guidelines for assessing Coast Guard civil penalties provided no incentive to accept an NOV. To encourage acceptance of the NOV, pollution prevention violations that have a recommended penalty of $2,500 or less under the Commandant's civil penalty guidelines will be proposed on an NOV at 75% of the amount listed for the specific offense. Pollution prevention violations that have a recommended penalty of $2,500 or more under the Commandant's civil penalty guidelines are no longer eligible for issuance of an NOV and will be sent to the Hearing Officer for a determination. The NOV option will be closely monitored to determine if additional spill categories or different penalties are needed in the future.

Two comments asked that the determination of first offense be based on the record of each platform or vessel, not the company as a whole.

The Coast Guard agrees that for purposes of NOV issuance each platform, vessel, or unit should be treated separately when determining whether or not it is a first offense for the purpose of assessing penalties. This is reflected in the NOV implementation guidance.

One comment indicated that Coast Guard petty officers do not have the experience to make a judgment as to when to issue a NOV and that any assessment should only be made after review by a higher ranking authority.

The Coast Guard disagrees. Coast Guard Petty Officers selected as issuing officers are trained professionals who have demonstrated knowledge and ability in their field. Before any Petty Officer investigates a violation and issues a NOV, he or she is first given proper instruction and is determined to be qualified by his or her command. Issuing officers, however, have no discretion in assessing penalty amounts. If an NOV is issued, the penalty amount is taken directly from the implementing guidance. If the offense does not meet specific criteria in the guidance, an NOV cannot be issued.

One comment stated that a party should be given the right to be heard prior to the issuance of a NOV.

The Coast Guard disagrees. A party is not entitled to a hearing prior to initiation of civil penalty action. Under Coast Guard procedures, the "initiation of civil penalty action" occurs with the Letter of Notification from a Hearing Officer, or in some cases with the NOV. The NOV does not take away any rights a party has to a hearing. The NOV procedure is voluntary, and the recipient of an NOV may opt to have the case processed under ordinary procedures which include the right to a hearing before disposition on the case.

Three comments expressed general confusion over how the NOV option will work and concern about the protection of rights for a party issued an NOV.

The NOV is an opportunity to use an optional procedure for processing civil penalty cases. It may be declined by a party. The NOV form states that a party may decline the NOV, which will immediately result in a violation case being forwarded through the appropriate district to a Hearing Officer for determination. The form also states that taking no action on the NOV has the same result as declining the NOV. A "no action" response will, however, delay the referral of the case to the District for review because the 45-day from issuance period must elapse before the Coast Guard begins processing the case under normal procedures. A change has been made to § 1.07–11(b)(6) to reflect this procedure.

Three comments expressed concern that the implementing guidance was not provided to the public during the pilot program.

A number of individuals requested, and were provided, the Coast Guard's NOV guidance during the pilot program. A copy of current implementing guidance is available by writing to:

Marine Environmental Protection Division (G–MEP), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593–0001.

Three comments felt that a notice of proposed rulemaking (NPRM) should have been published instead of an interim final rule (IFR).

The changes to 33 CFR 1.07 are procedural and provide a benefit to the public. Thus, under 5 U.S.C. 553(b)(3) a NPRM was not necessary. An IFR was published to provide a regulatory basis to conduct the pilot program. Comments were encouraged and a six month comment period was established. All comments were considered in implementing this final rule. The NOV procedure is optional and use of the procedure provides a benefit to the public. The IFR, however, requested comments both on the procedure and on its implementation. Those comments were considered before issuing this Final Rule, however no comments resulted in substantial change to the IFR.

One comment expressed concern that Coast Guard personnel would be over-zealous in their prosecution of civil penalty cases against small business.

The NOV option has safeguards built in to protect from such an occurrence. The criteria for using an NOV is based on the size of a spill and the violation history of the party to whom it may be issued. Issuing officers may not deviate from this criteria.

One comment encouraged the Coast Guard to proceed with a final rule but make sure that all rights of a party are preserved and that "no response" should not be interpreted as acceptance of a penalty.

As previously discussed, "no response" will result in processing of a violation through ordinary procedures as if a NOV had never been issued.

One comment asked that the NOV be provided to an officer of the company that is being cited rather than an employee who may not pass it to the appropriate official. The comment also suggested that 60 days is a more reasonable time to respond.

Since the purpose of the NOV option is to provide immediate notification of a settlement offer, it is impractical to always deliver the NOV to a company officer. Further, the NOV may be against an individual, not a company. Every effort is made to ensure that the correct responsible party is identified.

As to the length of time to pay an NOV, the Coast Guard agrees that 30 days was too short a period. As a result of the pilot program the Coast Guard had already decided to lengthen the time a party has to respond to an NOV. During the pilot program the number of NOVs paid within 30 days was approximately 65%, while payment before 45 days exceeded 85%. Therefore, the deadline for payment of a penalty in a NOV in order to avoid submission of the case to the Hearing Officer established in § 1.07–11(b)(4) has been changed from 30 to 45 days.

Regulatory Evaluation

No comments were received on the draft regulatory evaluation. This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It is not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). The Coast Guard expects there to be minimal economic impact from this procedural rule and a full Regulatory Evaluation is unnecessary. The total annual cost to the public from civil penalties is not increased by this rule. Both the public and the government should realize savings from the reduction in administrative processing costs through eliminating the need for review by the District Commander and action by the Hearing Officer in those cases in which the penalty specified in a NOV is paid within the allowed time by the party.

Small Entities

Only one comment was received on the impact of the interim rule on small entities. That comment concerned potential over-zealous enforcement and is discussed in the comment section of this preamble. Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rulemaking would have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). This rule is administrative in nature, making final an alternate method of processing violation cases. The total number of civil penalties levied against the public does not substantially change as the result of this regulation. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rulemaking contains no collection of information requirements under the Paperwork Reduction Act (44 U. S. C. 3501 *et seq.*).

Federalism

No comments were received on the federalism implications of the interim rule. The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

No comments were received on the environmental impact of the interim rule. The Coast Guard considered the environmental impact of this rulemaking and concluded that, under section 2.B.2 of Commandant Instruction M16475.lB, this rule is categorically excluded from further environmental documentation. Procedural rules do not require environmental impact studies.

List of Subjects in 33 CFR Part 1

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of Information, Penalties.

Accordingly, the interim rule amending 33 CFR Part 1 which was published at 59 FR 16560 on April 7, 1994, is adopted as a final rule with the following change:

PART 1—[AMENDED]

1. The authority citation for Subpart 1.01 continues to read as follows:

Authority: 14 U.S.C. 633; 49 CFR 1.46.

Subpart 1.07—Enforcement; Civil and Criminal Penalty Proceedings

2. Section 1.07–11 is revised to read as follows:

§ 1.07–11 Notice of violation.

(a) After investigation and evaluation of an alleged violation has been completed, an issuing officer may issue a Notice of Violation to the party.

(b) The Notice of Violation will contain the following information:

(1) The alleged violation and the applicable law or regulations violated;

(2) The amount of the maximum penalty that may be assessed for each violation;

(3) The amount of proposed penalty that appears to be appropriate;

(4) A statement that payment of the proposed penalty within 45 days will settle the case;

(5) The place to which, and the manner in which, payment is to be made;

(6) A statement that the party may decline the Notice of Violation and that if the Notice of Violation is declined, the party has the right to a hearing prior to a final assessment of a penalty by a Hearing Officer.

(c) The Notice of Violation may be hand delivered to the party or an employee of the party, or may be mailed to the business address of the party.

(d) If a party declines a Notice of Violation or takes no action on the Notice of Violation within 45 days, the case file will be sent to the District Commander for processing under the procedures described in § 1.07–10(b).

Dated: December 21, 1994.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 94–31792 Filed 12–23–94; 8:45 am]

BILLING CODE 4910–14–P

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33 CFR Parts 1 and 153

[CGD 91–225]

Delegations of Authority Under the Federal Water Pollution Control Act, As Amended by the Oil Pollution Act of 1990, Under the Oil Pollution Act of 1990, and Under the Comprehensive Environmental Response, Compensation, and Liability Act, As Amended by the Superfund Amendments and Reauthorization Act of 1986

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is redesignating and revising certain regulations relating to delegation of authority. The changes incorporate amendments to the Federal Water Pollution Control Act (FWPCA) made by the Oil Pollution Act of 1990 (OPA 90); provisions added to the United States Code by OPA 90; and certain provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). These statutes relate to discharges and releases of oil, hazardous substances, pollutants, and contaminants. The changes reflect, in large part, additional responsibilities assigned to Coast Guard On-Scene Coordinators to direct

responses to spills of oil and hazardous substances.

EFFECTIVE DATE: December 27, 1994.

FOR FURTHER INFORMATION CONTACT: CDR K. W. Keane, Chief, Pollution Response Branch, G–MEP–2, (202) 267–2611.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal person involved in drafting this document is Ms. Jacqueline Sullivan, Project Manager, OPA 90 Staff.

Background and Purpose

The Oil Pollution Act of 1990 (OPA 90) [Pub. L. 101–380] amended several provisions of section 311 of the Federal Water Pollution Control Act (FWPCA) [33 U.S.C. 1321] relating to the prevention of and response to discharges of oil and hazardous substances. Several new functions under both OPA 90 and the amended section 311 of the FWPCA were vested in the President. Others were vested in the Secretary of the department in which the Coast Guard is operating. Executive Order 12777 [3 CFR, 1991 Comp., p. 351, 56 FR 54757, October 22, 1991] assigned many new functions and reassigned many preexisting functions to the Secretary of Transportation, and the Secretary reassigned many new and preexisting functions to the Commandant of the Coast Guard [49 CFR 1.46 (l), (m), and (ll)].

The Commandant, by internal directive dated March 19, 1992, redelegated most of the functions under OPA 90 and section 311 of the FWPCA. Copies of the Commandant's redelegation memorandum are available by calling G–MEP at the telephone number listed under **FOR FURTHER INFORMATION CONTACT.** The amendments to 33 CFR subpart 1.01 in this rulemaking reflect much of that redelegation.

These rules also delegate authority to Coast Guard officials to carry out certain functions under CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9601, *et seq.*, Pub. L. 96–510, 94 Stat. 2767, as amended by Pub. L. 99–499, 100 Stat. 1613] relating to the release of hazardous substances. Executive Order 12580 delegated the President's functions under CERCLA, as amended, to the heads of various Executive Branch departments and agencies, including the Secretary of Transportation [3 CFR, 1987 Comp., p. 193, 52 FR 2923, January 29, 1987]. The Secretary of Transportation has redelegated certain functions to the Commandant of the Coast Guard [49 CFR 1.46 (ff) and (gg)]. This rule further delegates authority to designated Coast Guard officials under CERCLA relating to the enforcement of financial-responsibility requirements, including the assessment of civil penalties.

Discussion of Rules

The revisions, removals, and additions to the regulations in 33 CFR parts 1 and 153 are organized in the following manner:

Section 1.01–30 is revised to delete reference to the authority of command, warrant, and petty officers of the Coast Guard to assist in discharging the duties of the Captain of the Port. This authority is now contained in a new § 1.01–90 which reflects that the authority exists to carry out the functions of District and Area Commanders, and Officers in Charge, Marine Inspection in addition to Captains of the Ports.

Section 1.01–70 is revised to reflect delegations of authority under CERCLA to each District Commander to enforce requirements for financial responsibility of vessels and the assessment of civil penalties.

Section 1.01–80 is added to reflect delegations to Area and District Commanders that are currently located in § 153.105(a); delegations of authority to the Coast Guard's Chief, Office of Marine Safety, Security, and Environmental Protection, that are currently located in § 153.105(b); and delegations to On-Scene Coordinators that are currently located in § 153.105(c). The text of § 1.01–80 also includes delegations of functions under provisions of OPA 90, such as new authority for assessment of civil penalties provided in section 4303 of OPA 90 [33 U.S.C. 2716a], and amendments to section 311 of the FWPCA regarding additional authority for inspection and entry provided in section 4305 of OPA 90 [33 U.S.C. 1321(m)].

Section 1.01–85 is added by redesignating the delegations of authority currently found in 153.107 and revising them with respect to officers under the staff and command of individuals delegated authority in § 1.01–80.

Section 1.01–90 is added to allow authorization of any commissioned, warrant, or petty officer of the U.S. Coast Guard to carry out functions delegated to superior officials under §§ 1.01–1, 1.01–20, 1.01–30, 1.01–70, and 1.01–80, or redelegated under § 1.01–85, within the jurisdiction of the cognizant official.

The authority cite for subpart 1.07 has been revised to restore an inadvertent deletion during a prior rulemaking.

Section 153.105 is revised to reflect the administrative move of FWPCA delegations of authority to the new § 1.01–80.

Section 153.107 is removed; and the text, revised to cite § 1.01–80 authorities, is included in new § 1.01–85.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) [44 FR 11304 (February 26, 1979)]. The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This rulemaking expedites the Coast Guard's ability to respond to discharges of oil and hazardous substances and thereby limits the potential effect of those discharges.

Because the changes to its regulations relate to agency management and organization, the Coast Guard finds that under the Administrative Procedure Act (APA) [5 U.S.C. 553(a)(2)] notice and the opportunity for public comment are unnecessary. Further, since the regulations are being revised to accurately reflect statutory changes, the Coast Guard finds good cause under the APA [5 U.S.C. 553(d)(3)] for the final rule to be effective on the date of publication in the **Federal Register**.

Small Entities

Under the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Act. Although this rule is exempt, the Coast Guard has reviewed it for potential impact on small entities.

This rule will have no adverse impacts, economic or other. It improves the Coast Guard's ability to respond to discharges of oil and hazardous substances. Therefore, the Coast Guard's position is that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act [44 U.S.C. 3501 *et seq.*].

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This rule will only affect internal agency procedure. A "Categorical Exclusion Determination" is available in the docket for inspection or copying at the Office of the Executive Secretary, Marine Safety Council (G–LRA, 3406) [CGD 91–225], U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

List of Subjects

33 CFR Part 1

Administrative practice and procedure, Authority delegations (Government agencies)2, Freedom of information, Penalties.

33 CFR Part 153

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements, Water pollution control.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR parts 1 and 153 as follows:

PART 1—GENERAL PROVISIONS

1. The authority citation for subpart 1.01 is revised to read as follows:

Authority: 14 U.S.C. 633; 33 U.S.C. 401, 491, 525, 1321, 2716, and 2716a; 42 U.S.C. 9615; 49 U.S.C. 322; 49 CFR 1.45(b), 1.46; section 1.01–70 also issued under the authority of E.O. 12580, 3 C.F.R., 1987 Comp., p. 193; and sections 1.01–80 and 1.01–85 also issued under the authority of E.O. 12777, 3 C.F.R., 1991 Comp., p. 351.

§ 1.01–30 [Amended]

2. Section 1.01–30 is revised to read as follows:

Captains of the Port and their representatives enforce within their respective areas port safety and security and marine environmental protection regulations, including, without limitation, regulations for the protection and security of vessels, harbors, and waterfront facilities; anchorages; security zones; safety zones; regulated navigation areas; deepwater ports; water pollution; and ports and waterways safety.

3. Section 1.01–70 is amended by revising paragraph (d)(2) and adding paragraph (d)(3) to read as follows:

§ 1.01–70 CERCLA delegations.

* * * * *

(d) * * *

(2) Authority, pursuant to section 109 of CERCLA, to assess penalties relating to violations of sections 103 (a) and (b) pertaining to notification requirements, section 108 pertaining to financial responsibility for release of hazardous substances from vessels, and section 122 pertaining to administrative orders and consent decrees.

(3) Authority, pursuant to section 108 of CERCLA, to deny entry to any port or place in the United States or to the navigable waters of the United States and detain at any port or place in the United States any vessel subject to section 108(a) of CERCLA that, upon request, does not provide evidence of financial responsibility.

* * * * *

4. Section 1.01–80 is added to read as follows:

§ 1.01–80 FWPCA and OPA 90 delegations.

(a) This section delegates authority to implement provisions of section 311 of the Federal Water Pollution Control Act (FWPCA), as amended [33 U.S.C. 1321] and provisions of the Oil Pollution Act of 1990 (OPA 90). The definitions in subsection (a) of section 311 of the FWPCA and section 1001 of OPA 90 [33 U.S.C. 2701] apply.

(b) The Chief, Office of Marine Safety, Security, and Environmental Protection, is delegated authority to require the owner or operator of a facility to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment and methods, and provide such other information as may be required to carry out the objectives of section 311 of the FWPCA [33 U.S.C. 1321].

(c) Each District and Area Commander is delegated authority within the Commander's assigned district or area to—

(1) Deny entry to any place in the United States or to the navigable waters of the United States, and to detain at any place in the United States, any vessel subject to section 1016 of OPA 90 [33 U.S.C. 2716] that, upon request, does not provide evidence of financial responsibility;

(2) Seize and, through the Chief Counsel, seek forfeiture to the United States of any vessel subject to the requirements of section 1016 of OPA 90 [33 U.S.C. 2716] that is found in the navigable waters of the United States without the necessary evidence of financial responsibility;

(3) Assess any class I civil penalty under subsection (b) of section 311 of the FWPCA [33 U.S.C. 1321], in accordance with the procedures in subpart 1.07 of this chapter;

(4) Assess any civil penalty under section 4303 of OPA 90 [33 U.S.C. 2716a] in accordance with the procedures in subpart 1.07 of this chapter;

(5) Board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, except for public vessels; with or without warrant, arrest any person who, in the Commander's presence or view, violates a provision of section 311 of the FWPCA [33 U.S.C. 1321] or any regulation issued thereunder; and execute any warrant or other process issued by an officer or court of competent jurisdiction, as prescribed in section 311(m)(1) of the FWPCA [33 U.S.C. 1321(m)(1)];

(6) Enter and inspect any facility in the coastal zone at reasonable times; have access to and copy any records; take samples; inspect monitoring equipment required by section 311(m)(2)(A) of the FWPCA [33 U.S.C. 1321(m)(2)(A)]; with or without warrant, arrest any person who, in the Commander's presence or view, violates a provision of section 311 of the FWPCA [33 U.S.C. 1321] or any regulation issued thereunder; and execute any warrant or other process issued by an officer or court of competent jurisdiction, as prescribed in section 311(m)(2) of the FWPCA [33 U.S.C. 1321(m)(2)(A)]; and

(7) Determine for purposes of section 311(b)(12) of the FWPCA [33 U.S.C. 1321(b)(12)]—

(i) Whether reasonable cause exists to believe that an owner, operator, or person in charge may be subject to a civil penalty under section 311(b) of the FWPCA [33 U.S.C. 1321(b)]; and

(ii) Whether a filed bond or other surety is satisfactory.

(d) Each Coast Guard official predesignated as the On-Scene Coordinator by the applicable Regional Contingency Plan is delegated authority pursuant to section 311(c) of the

FWPCA [33 U.S.C. 1321(c)], subject to paragraph (e) of this section, in accordance with the National Contingency Plan and any appropriate Area Contingency Plan, to ensure the effective and immediate removal of a discharge and mitigation or prevention of a substantial threat of a discharge of oil or a hazardous substance by—

(1) Removing or arranging for the removal of a discharge and mitigating or preventing an imminent and substantial threat of a discharge at any time;

(2) Directing or monitoring all Federal, State, and private actions to remove a discharge, including issuance of orders;

(3) Determining, pursuant to section 311(c) of the FWPCA [33 U.S.C. 1321(c)], whether a discharge or a substantial threat of a discharge of oil or a hazardous substance from a vessel, offshore facility, or onshore facility is of such a size or character as to be a substantial threat to the public health or welfare of the United States (including, but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States); and, if it is, directing all Federal, State, and private actions to remove the discharge or to mitigate or prevent the threatened discharge;

(4) Determining, pursuant to section 311(e) of the FWPCA [33 U.S.C. 1321(e)], that there may be an imminent and substantial threat to the public health and welfare of the United States, and, if there is, may—

(i) Determine an imminent and substantial threat as a basis for recommending referral for judicial relief; or

(ii) Act pursuant to section 311(e)(1)(B) of the FWPCA [33 U.S.C. 1321(e)(1)(B)], including the issuance of orders; and

(5) Acting to mitigate the damage to the public health or welfare caused by a discharge of oil or a hazardous substance.

(e) The authority described in paragraph (d) of this section does not include the authority to—

(1) Remove or destroy a vessel; or

(2) Take any other action that constitutes intervention under the Intervention on the High Seas Act [33 U.S.C. 1471, *et seq.*] or other applicable laws. For purposes of this section, "intervention" means any detrimental action taken against the interest of a vessel or its cargo without the consent of the vessel's owner or operator.

5. Section 1.01–85 is added to read as follows:

§ 1.01–85 Redelegation.

Except as provided in § 1.01–80(e)(1) and (2), each Coast Guard officer to whom authority is granted in § 1.01–80 may redelegate and authorize successive redelegations of that authority within the command under the officer's jurisdiction, or to members of the officer's staff.

6. Section 1.01–90 is added to read as follows:

§ 1.01–90 Commissioned, warrant, and petty officers.

Any commissioned, warrant, or petty officer of the United States Coast Guard may be authorized to carry out the functions delegated to superior officials under §§ 1.01–1, 1.01–20, 1.01–30, 1.01–70, and 1.07–80, or redelegated under § 1.01–85, within the jurisdiction of the cognizant official. They will do so under the supervision and general direction of that official.

7. The authority citation for subpart 1.07 is revised to read as follows:

Authority: 14 U.S.C. 633; Sec. 6079(d), Pub. L. 100–690, 102 Stat. 4181; 49 CFR 1.46.

PART 153—CONTROL OF POLLUTION BY OIL AND HAZARDOUS SUBSTANCES, DISCHARGE REMOVAL

8. The authority citation for part 153 is revised to read as follows:

Authority: 14 U.S.C. 633; 33 U.S.C. 1321; 42 U.S.C. 9615; E.O. 12580, 3 C.F.R., 1987 Comp., p. 193; E.O. 12777, 3 C.F.R., 1991 Comp., p. 351; 49 CFR 1.45 and 1.46.

9. Section 153.105 is revised to read as follows:

§ 153.105 FWPCA delegations and redelegation.

The delegations and redelegations under the Federal Water Pollution Control Act (FWPCA) [33 U.S.C. 1321 *et seq.*] are published in § 1.01–80 and § 1.01–85, respectively, of this chapter.

§ 153.107 [Removed and Reserved]

10. Section 153.107 is removed and reserved.

Dated: December 14, 1994.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 94–31626 Filed 12–23–94; 8:45 am]

BILLING CODE 4910–14–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7607]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/Location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date
New Eligibles—Emergency Program			
Georgia: Telfair County, unincorporated areas	130166	Nov. 9, 1994	
Tennessee:			
Chester County, unincorporated areas	470348	Nov. 17, 1994	11–17–78
Pickett County, unincorporated areas	470384	......do	12–29–78
Texas: New Waverly, city of, Walker County	481043	......do	6–25–76
Georgia:			
Ailey, city of, Montgomery County	130360	Nov. 29, 1994	4–4–75
Miller County, unincorporated areas	130134	......do	6–10–77
New Eligibles—Regular Program			
Mississippi: Vardaman, town of, Calhoun County	280327	Nov. 11, 1994	1–3–90
Texas: Van Alstyne, city of, Grayson County	481620	......do	5–18–92
Massachusetts: Hubbardston, town of, Worcester County.	250311	Nov. 17, 1994	6–1–84
Reinstatements—Regular Program			
Kentucky: West Liberty, city of, Morgan County	210174	May 13, 1975, Emerg; Aug. 5, 1986, Reg; Sept. 15, 1993, Susp; Nov. 11, 1994, Rein.	8–5–86
New York: Jasper, town of, Steuben County	361212	Feb. 3, 1980, Emerg; July 23, 1982, Reg; Nov. 4, 1992, Susp; Nov. 11, 1994, Rein.	7–23–82
Mississippi: Oxford, city of, Lafayette County	280094	Aug. 30, 1973, Emerg; Sept. 29, 1978, Reg; Feb. 15, 1979, Susp; Nov. 14, 1994, Rein.	9–29–78
Regular Program Conversions			
Region IV			
Florida: St. Petersburg, city of, Pinellas County	125148	Nov. 2, 1994, Suspension Withdrawn	11–2–94
Region V			
Minnesota: Preston, city of, Fillmore County	270129	......do	Do
Region VI			
Arkansas: Maumelle, city of, Pulaski County	050577	......do	Do
Region III			
Maryland: Prince George's County, unincorporated areas.	245208	Nov. 16, 1994, Suspension Withdrawn	11–16–94
Region V			
Ohio:			
Clermont County, unincorporated areas	390065	......do	Do
Milford, city of, Clermont County	390227	......do	Do
Minnesota:			
Stearns County, unincorporated areas	270546	......do	Do
St. Cloud, city of, Stearns County	270456	......do	Do
Waite Park, city of, Stearns County	270461	......do	Do

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension, Rein.—Reinstatement.

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

Issued: December 16, 1994.

Frank H. Thomas,

Deputy Associate Director, Mitigation Directorate.

[FR Doc. 94-31724 Filed 12-23-94; 8:45 am]

BILLING CODE 6718-21-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 94-319]

Authority To Issue Subpoenas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission adopted this rule which will delegate to the Chief, Common Carrier Bureau, or her/his designee, the authority to issue subpoenas to persons or entities not subject to the Commission's administrative jurisdiction in the investigation of matters involving allegations of unlawful activity by common carriers under Title II of the Communications Act of 1934, as amended.

EFFECTIVE DATE: December 27, 1994.

FOR FURTHER INFORMATION CONTACT: Michelle M. Carey, Enforcement Division, Common Carrier Bureau, (202) 418-0960.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's order in FCC 94-319, adopted December 13, 1994, and released December 21, 1994. The full text of the rule is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. The full text of this rule may also be purchased from the Commission's duplicating contractor, International Transcription Services, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800

Summary of Order

1. Section 409(e) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 409(e), grants the Commission express authority to require by subpoena information relating to any matter under investigation. This authority may be delegated in accordance with Section 5(c)(1) of the Act. 47 U.S.C. § 155(c)(1). The agency's power of subpoena is not confined to those over whom it exercises regulatory jurisdiction, but extends to private individuals and entities over whom it does not.

2. We find that the delegation of authority to the Chief, Common Carrier Bureau, to issue administrative subpoenas in the investigation of matters involving any alleged violation or violations of Title II of the Act will facilitate investigations of unlawful activity by common carriers and is, therefore, in the public interest.

Ordering Clauses

3. Accordingly, IT IS ORDERED, that, pursuant to Section 5(c)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 155(c)(1), authority is delegated to the Chief, Common Carrier Bureau, to require by administrative subpoena the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of common carriers for any alleged violation or violations of Title II of the Act.

4. It is further ordered that § 0.291 of the Commission's rules, 47 CFR 0.291, be amended to add a paragraph (j) to reflect this delegation of authority. This amendment of the Commission's rules is contained below. The requirement of notice and comment rule making contained in 5 U.S.C. § 553(b) and the effective date provisions of 5 U.S.C. § 553(d) do not apply since this amendment concerns matters of agency organization, procedure, or practice. *See* 5 U.S.C. §§ 553(b)(A), 553(d).

5. It is further ordered that this amendment of Section 0.291, as set forth below, is effective upon publication in the **Federal Register.**

List of Subjects in 47 CFR Part 0

Organization and functions (Government agencies).

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

Rule Change

Title 47 of the Code of Federal Regulations, Part 0, 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 0.291 is amended by adding paragraph (j) to read as follows:

§ 0.291 Authority delegated.

* * * * *

(j) Authority concerning the issuance of subpoenas. The Chief of the Common Carrier Bureau or her/his designee is authorized to issue subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of common carriers for any alleged violation or violations of Title II of the Communications Act of 1934, as amended.

[FR Doc. 94-31720 Filed 12-23-94; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 900124-0127; I.D. 120794A]

Atlantic Surf Clam and Ocean Quahog Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of suspension of surf clam minimum size limit.

SUMMARY: NMFS informs the public that the minimum size limit of 4.75 inches (12.065 cm) for Atlantic surf clams is suspended for the 1995 fishing year. The intended effect is to reduce a regulatory burden while safeguarding the resource.

EFFECTIVE DATE: January 1, 1995, through December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Resource Policy Analyst, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930; telephone: 508-281-9104.

SUPPLEMENTARY INFORMATION:

A final rule implementing Amendment 8 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fishery (FMP) was published on June 14, 1990 (55 FR 24184). Section 652.22(a)(1) allows the Director, Northeast Region, NMFS, (Regional Director) to suspend annually, by publication of a document in the **Federal Register**, the minimum size limit for Atlantic surf clams. This action may be taken unless discard, catch, and survey data indicate that 30 percent of the Atlantic surf clam resource is smaller than 4.75 inches (12.065 cm) and the overall reduced size is not