

Issued in Memphis, Tennessee on February 7, 1996.

LaVerne F. Reid,

Manager, Memphis Airports District Office.

[FR Doc. 96-3296 Filed 2-13-96; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

[Docket S-932]

OMI Courier Transport, Inc.; OMI Patriot Transport, Inc.; OMI Rover Transport, Inc.; Notice of Application for Extension of the Subsidizable Life of the Patriot, Ranger, and Courier and for Extension or Renewal of Operating-Differential Subsidy Agreements, MA/MSB-167(a), (b), and (c) Using Unused Subsidy Days

By application dated January 31, 1996, OMI Courier Transport, Inc.; OMI Patriot Transport, Inc.; and OMI Rover Transport, Inc. (OMI subsidiaries), recipients of operating-differential subsidy (ODS) pursuant to Operating-Differential Subsidy Agreements (ODSA), MA/MSB-167(a), (b), (c), and (d) request: (1) The extension of the subsidizable life of the Patriot, Ranger, and Courier to the termination date of MA/MSB-167(d) on January 28, 1997, and (2) extension or renewal of ODSAs MA/MSB-167(a), (b), and (c) to permit the OMI subsidiaries to use unused subsidy days for the duration of the period through the termination of MA/MSB-167(d) on January 28, 1997.

The OMI subsidiaries advise that their first request is to extend the subsidizable life of the Patriot, Ranger, and Courier in order to permit these vessels to remain in U.S.-flag service to the fullest extent possible.

The OMI subsidiaries advise that their second request modifies their request of November 15, 1995, to extend or renew the ODSAs sufficiently to permit the full use of the OMI subsidiaries' unused subsidy days. This modification would permit the OMI subsidiaries to use unused subsidy days until the termination of MA/MSB-167(d). The OMI subsidiaries state that their request of November 15, 1995, to use the total number of unused subsidy days remains pending, but in the meantime approval of the more limited request would permit the OMI subsidiaries to plan for the continued operation of these vessels in U.S. flag service for at least another year. The OMI subsidiaries advise that permitting the use of unused subsidy days would preclude the need to establish a subsidy sharing arrangement among the four product tankers listed in the ODSAs and permit each vessel to

take full advantage of any available U.S.-flag market opportunity.

The OMI subsidiaries advise that maintaining the opportunity for these vessels to continue operation in the U.S. merchant marine for the full extent of periods for which OMI subsidiaries can receive ODS would further the purposes and policies of the Merchant Marine Act, 1936, as amended, and help assure employment for U.S. seafarers for this period of time.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm or corporation having any interest in such request and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7210, Nassif Building, 400 Seventh Street SW., Washington D.C. 20590. Comments must be received no later than 5:00 p.m. on February 27, 1996. The Maritime Subsidy Board will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 2.804 Operating-Differential Subsidies)

By Order of the Maritime Subsidy Board.

Dated: February 8, 1996.

Joel C. Richard,

Secretary.

[FR Doc. 96-3257 Filed 2-13-96; 8:45 am]

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Research and Special Programs Administration

Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations Alcohol Misuse Prevention Program

ACTION: Notice of Management Information System (MIS) Statistical Data.

SUMMARY: The RSPA has received and evaluated the 1994 Management Information System (MIS) Data Collection forms for the drug testing of pipeline personnel, the first year for collecting such data. The RSPA has determined that the random positive drug testing rate for pipeline industry for the period of January 1, 1994, through December 31, 1994, is 0.8 percent. Since two years of data are required to change the random rate it will remain at 50 percent for 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Catrina M. Pavlik, Office of Pipeline Safety, Compliance and State Programs,

(DPS-23), Research and Special Programs Administration, 400 7th Street, SW., Washington, DC 20590; telephone (202) 366-6199.

SUPPLEMENTARY INFORMATION: In a final rule published on December 23, 1993 (57 FR 59720), the RSPA announced that it would require operators of gas, hazardous liquid and carbon dioxide pipelines and liquefied natural gas (LNG) facilities who are subject to 49 CFR parts 192, 193 and 195 to implement, maintain, and submit an annual report for their drug testing program data. Any operator with 51 or more covered employees had to submit this information on an annual basis. Operators with 50 or fewer covered employees had to maintain this information, and RSPA randomly selected 100 operators in this category to submit their data. The final rule was essential for RSPA to collect the drug testing statistical data and use the data to analyze its current approach to deterring and detecting illegal drug abuse in the pipeline industry, and, as appropriate, plan a more efficient and effective approach. The data collected in 1994, which was the first year that the data was collected, showed that the random positive drug testing rate was 0.8 percent. The data will continue to be collected in the future. Once RSPA has received two consecutive years of MIS Data Collection forms where the positive random testing rate is less than 1 percent industry-wide, then the RSPA Administrator may reduce the random testing rate to 25 percent.

Submission of MIS reports is due to the Office of Pipeline Safety, Research and Special Programs Administration, DPS-23, Room 2335, 400 7th Street SW., Washington, DC 20590 not later than March 15 of each calendar year. Notice of statistical data will be published in the future to report the results of each calendar year's MIS Data Collection. The RSPA will also publish at that time whether or not the random rate will be reduced or increased for the pipeline industry.

Issued in Washington, DC on February 9, 1996.

Richard B. Felder,

Associate Administrator for Office of Pipeline Safety.

[FR Doc. 96-3304 Filed 2-13-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Ex Parte No. 533]

FEDERAL MARITIME COMMISSION

[Docket No. 96-04]

Noncontiguous Domestic Trade Tariffs

AGENCIES: Surface Transportation Board, Department of Transportation; Federal Maritime Commission.

ACTION: Request for Comments.

SUMMARY: The Surface Transportation Board (STB or Board) and the Federal Maritime Commission (FMC or Commission) seek comments on how best to implement the provisions of the ICC Termination Act of 1995 involving tariff filing and rate reasonableness in the noncontiguous domestic trade (49 U.S.C. 13701 and 13702).¹

DATES: Comments are due on March 11, 1996. Replies are due on March 25, 1996.

ADDRESSES: Participants must send an original and 10 copies of their comments, referring to STB Ex Parte No. 533/FMC Docket No. 96-04 to: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Ave., N.W., Washington, DC 20423, and 10 copies to Secretary, Federal Maritime Commission, 800 N. Capitol St., N.W., Washington, DC 20573.

FOR FURTHER INFORMATION CONTACT:

Craig Keats, Office of the General Counsel, STB, (202) 927-6046 or C. Douglass Miller, Office of the General Counsel, FMC, (202) 523-5740. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: The ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803 (ICC Termination Act), abolished the Interstate Commerce Commission (ICC). The Act assigned responsibility over certain functions formerly handled by the ICC to either the Secretary of Transportation or the newly-established STB. Section 2 of the ICC Termination Act states that: "Except as otherwise provided in this Act, this Act shall take effect on January 1, 1996."

Historically, the Interstate Commerce Act and the laws administered by the FMC gave both agencies jurisdiction over operations in the "domestic offshore trade" (also referred to as the "noncontiguous domestic trade"). The ICC, under 49 U.S.C. 10521, had jurisdiction over motor carrier

operations in the domestic offshore trade, while the FMC, under the Intercoastal Shipping Act, 1933 (1933 Act) (46 U.S.C. 843-848), had jurisdiction over water carriers operating in the trade. Because section 33 of the Shipping Act, 1916 (1916 Act) (46 U.S.C. 832) foreclosed the FMC from regulating operations that were already subject to ICC jurisdiction, the ICC asserted jurisdiction over joint motor/water rates in the domestic offshore trade, while the FMC asserted jurisdiction over "port to port" water carrier operations. See *Trailer Marine Transport Corp. v. FMC*, 602 F.2d 379 (D.C. Cir. 1979); *Puerto Rico Maritime Shipping Auth. v. ICC*, 645 F.2d 1102 (D.C. Cir. 1981).

The ICC Termination Act alters this regulatory scheme. By their terms, new 49 U.S.C. 13501 and 13521 give the Board jurisdiction over port to port water carrier transportation in the noncontiguous domestic trade. Moreover, the provisions of 49 U.S.C. 13702 require that, with certain exceptions, water carriers operating in the noncontiguous domestic trade file tariffs with the Board. Finally, 49 U.S.C. 13701 provides that water carrier services in the noncontiguous domestic trade are subject to rate regulation by the Board. All of these provisions, standing alone, would appear to establish that, as of January 1, 1996, carriers operating in the noncontiguous domestic trade would need to file tariffs at the Board, and at no other Federal agency.

Under section 335 of the ICC Termination Act, however, repeal of the 1933 Act and section 33 of the 1916 Act does not become effective until September 30, 1996. Given that fact, and the "Except as otherwise provided in this Act" language of section 2 of the ICC Termination Act, there is some ambiguity as to whether, at least until September 30, 1996, water carriers operating in the noncontiguous domestic trade must file their tariffs at the Board or the Commission,² and as to which agency shall be responsible for rate regulation during this interim period. The consequences of filing are not insubstantial, from either a regulatory or a practical perspective: FMC tariffs are filed electronically through an established Automated Tariff Filing and Information System, which the STB cannot practicably access or replicate; and the ICC Termination Act, through 49 U.S.C. 13701, established a

zone of rate freedom that does not appear in the 1916 Act or the 1933 Act.

The transfer of jurisdiction over carriers in the domestic offshore trades from the FMC to the STB also may impact programs that will not be transferred. For example, there is a question regarding whether agreements currently filed pursuant to section 15 of the 1916 Act remain in effect until the repeal of the 1916 Act on September 30, 1996. Whether the FMC has jurisdiction to accept new agreements up to September 30, 1996 is also an issue. Similar questions may arise with regard to terminal operators and forwarders.

The Board and the Commission, therefore, request public comment on how the two agencies can, consistent with the ICC Termination Act and section 33 of the 1916 Act, best administer their respective statutes during the transition period ending September 30, 1996, in a manner that is most efficient and least disruptive to the industry and the shipping public.

Regulatory Flexibility Analysis

The Board and the Commission certify that this action will not have a significant impact on a substantial number of small entities. No new regulatory burdens are imposed, directly or indirectly, on such entities. The purpose of the decision is simply to seek comment on how best to make the transition to a new regulatory regime.

Environmental And Energy Analysis

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

Decided: February 8, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary, Surface Transportation Board.

By the Commission, Chairman Creel,
Commissioners Hsu, Scroggins, and Won.

Joseph C. Polking,
Secretary, Federal Maritime Commission.

[FR Doc. 96-3265 Filed 2-13-96; 8:45 am]

BILLING CODE 4915-00-P (1/2); 6730-01-P (1/2)

DEPARTMENT OF THE TREASURY**Office of Thrift Supervision**

[AC-14; OTS No. 13495]

Catskill Savings Bank, Catskill, New York; Approval of Conversion Application

Notice is hereby given that on February 8, 1996, the Director,

¹ The two agencies are handling this matter simultaneously.

² As noted, section 33 of the 1916 Act, as amended by section 205 of the ICC Termination Act, precludes the FMC from exercising concurrent power or jurisdiction over any matter within the power or jurisdiction of the Board.