

AUSTRIA—EXPRESS MAIL INTERNATIONAL SERVICE—Continued

Custom designed service ^{1 2} up to and including		On demand service ² up to and including	
Pounds	Rate	Pounds	Rate
26.....	126.00	26.....	118.00
27.....	129.80	27.....	121.80
28.....	133.60	28.....	125.60
29.....	137.40	29.....	129.40
30.....	141.20	30.....	133.20
31.....	145.00	31.....	137.00
32.....	148.80	32.....	140.80
33.....	152.60	33.....	144.60
34.....	156.40	34.....	148.40
35.....	160.20	35.....	152.20
36.....	164.00	36.....	156.00
37.....	167.80	37.....	159.80
38.....	171.60	38.....	163.60
39.....	175.40	39.....	167.40
40.....	179.20	40.....	171.20
41.....	183.00	41.....	175.00
42.....	186.80	42.....	178.80
43.....	190.60	43.....	182.60
44.....	194.40	44.....	186.40

¹ Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

² Pickup is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the **Federal Register** as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

Fred Eggleston,
Assistant General Counsel, Legislative Division.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 193

[Docket PS-89; Amdt. 193-4]

Fire Protection and Security of Waterfront Liquefied Natural Gas Facilities

AGENCY: Research and Special Programs Administration (RSPA).

ACTION: Final rule.

SUMMARY: This amendment extends the scope of the existing standards

governing fire protection and security of liquefied natural gas (LNG) facilities to cover facilities at waterfront LNG plants other than facilities that involve marine cargo transfer operations and facilities located in navigable waters. The amendment is needed to comply with mandatory provisions of the Pipeline Safety Act of 1979 and to conform the existing standards with new responsibilities for regulating fire protection and security under a revised memorandum of understanding (MOU) with the United States Coast Guard (USCG). The amendment requires that the affected facilities at waterfront LNG plants meet the same standards for fire protection and security that now apply to similar facilities at more than 100 non-waterfront LNG plants in the United States.

EFFECTIVE DATE: This amendment takes effect January 8, 1988.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, 202-366-2392.

SUPPLEMENTARY INFORMATION: Section 152(a) of the Pipeline Safety of 1979 (49 U.S.C. 1674a(b)) required the Secretary of Transportation to establish, within 270 days after November 30, 1979, minimum safety standards for operation and maintenance of LNG facilities. With certain exceptions for waterfront LNG plants (as explained below), RSPA issued the requisite standards on October 17, 1980, including, in accordance with 49 U.S.C. 1674a(d)(3), associated standards for fire protection and security of LNG facilities and personnel qualifications and training. The new standards were published as Subparts F-J of Part 193 (Docket OPSO-46; 45 FR 70390, October 23, 1980), completing a comprehensive set of safety standards for LNG facilities begun January 30, 1980, by issuance of standards for siting, design, and construction (45 FR 9189; February 11, 1980).

The USCG has been developing regulations for the storage and handling of LNG and other hazardous materials at waterfront facilities. To avoid inconsistent regulations and duplication of effort regarding waterfront LNG plants, a MOU was signed February 7, 1978 (44 FR 8146). Among other things, the 1978 MOU made the establishment of regulatory requirements for fire protection and security matters at waterfront LNG plants an exclusive USCG responsibility. Therefore, RSPA did not apply the Part 193 standards for fire protection (Subpart I) and security (Subpart J) and the related personnel qualifications and training requirements (Subpart H) to waterfront LNG plants.

Since the 1978 MOU was signed, USCG has reassessed the scope of its port safety and security responsibilities. Also, since then RSPA has gained experience applying the fire protection and security standards to over 100 non-waterfront LNG plants. Many of these plants are similar in size and operating characteristics to waterfront LNG plants. Given these considerations, RSPA and USCG reconsidered the division of responsibilities under the 1978 MOU regarding fire protection and security regulations and adopted a revised MOU, signed May 9, 1986. It was published in the May 16, 1986, issue of the **Federal Register** as part of USCG's rulemaking notice on waterfront LNG plants (51 FR 18276).

The revised MOU assigns RSPA new responsibility for regulating fire protection and security at waterfront LNG plants. It also recognizes that due to a statutory change (49 U.S.C. 1671(12)), RSPA's responsibility for regulating LNG facilities does not extend to any structures or equipment (or portions thereof) located in navigable waters. All other duties assigned by the 1978 MOU remain the same. More specifically, the revised MOU assigns RSPA responsibility for regulating fire protection and security of all waterfront LNG facilities except those facilities located between the vessel and the last manifold (or valve) immediately before the receiving tanks and any structures or equipment (or portions thereof) located in navigable waters. USCG is responsible for fire protection, security, and all other matters pertaining to these excepted facilities except for RSPA's responsibility for site selection of the onshore portion of marine cargo transfer systems and associated facilities. The facilities excepted from RSPA's new fire protection and security responsibilities are indicated by the existing § 193.2001(b)(3) and (4).

In view of the new division of regulatory responsibilities and the mandate of the Pipeline Safety Act of 1979, RSPA proposed in Notice 1 of this proceeding (51 FR 18276, May 16, 1986) to extend the Part 193 fire protection and security standards and related personnel qualification and training requirements to waterfront LNG plants, with the exception of marine cargo transfer systems and associated facilities and any structures or equipment (or portions thereof) located in navigable waters.

RSPA received 4 comments on the notice of proposed rulemaking: 3 from owners of waterfront LNG plants and 1 from a trade association. None of the

commenters objected to any of the substantive aspects of the proposal, but each expressed concern about when compliance would be required.

Three commenters argued that the new rules should not be applied to inactive LNG plants, that is, existing plants that do not contain LNG. (Three of the 5 existing waterfront LNG plants in the U.S. are now inactive). They noted that inactive plants do not pose a sufficient threat to public safety to warrant additional safety expenditures, and any equipment purchased for compliance now could become obsolete before an inactive plant is returned to service. These commenters indicated that compliance should not be required until a plant becomes active again (contains LNG).

In Notice 1 RSPA suggested that a 6-month period after publication of a final rule would be adequate for operators of existing waterfront LNG plants to prepare for compliance. This proposed effective date was intended to apply to waterfront LNG plants that contain LNG, not those that are inactive. RSPA did not intend that the existing plants that are now inactive meet the fire protection and security standards while inactive. Not until an inactive LNG plant is returned to operation (i.e., resupplied with LNG) would it have to meet the Part 193 fire protection, security and associated qualification and training standards.

Two commenters concerned about inactive plants suggested that the scope sections of the fire protection and security subparts be amended to indicate that these subparts do not apply to inactive LNG plants. RSPA has adopted this comment because of the apparent misunderstanding of the intent of this rulemaking. Thus, the scope of Subpart I (§ 193.2801) and the scope of Subpart J (§ 193.2901) are each revised by deleting the exception for waterfront LNG plants and by adding a statement that the subpart does not apply to existing LNG plants that do not contain LNG.

One commenter who operates a waterfront LNG plant requested that RSPA allow 1 year after its plant resumes importing LNG or one year after the final rules are published, whichever comes last, to achieve compliance. As justification for the extended compliance period, this commenter pleaded severe financial constraints due to current suspension of its import operations, and the safety of its facilities.

RSPA noted this commenter said that under normal conditions it would take one year to complete the engineering, buy the material, and make the installations. Accepting this estimate

and considering the condition of the plant, RSPA agrees that more time for compliance is appropriate. However, to extend the time for compliance until the plant again receives import shipments would not seem in the interest of public safety since the plant is not inactive. Therefore, RSPA believes 1 year after the final rules are issued should be allowed to achieve compliance. The operator may of course petition for waiver of this deadline should it believe for financial or other reasons that additional time is needed. To avoid having an earlier effective date for the one other active waterfront LNG plant, the effective date for the final rule has been set 1 year after publication as a general requirement.

Advisory Committee Review

The Technical Pipeline Safety Standards Committee, a 15-member advisory committee established under section 4(b) of the National Gas Pipeline Safety Act of 1968, considered the proposed rules at a meeting in Washington, DC on June 10, 1986. The Committee declared the proposed rules to be technically feasible, reasonable, and practicable. A transcript of the Committee's deliberations and a report of its findings are available in the docket for this proceeding.

Classification

This amendment to the regulations is considered to be nonmajor under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034, February 26, 1979) based on the evaluation of costs and benefits contained in Docket OPSO-46. Also, the agency certifies that this amendment will not have a significant economic impact on a substantial number of small entities, since small entities do not now, and are not expected to, own or operate waterfront LNG plants because of the high capital costs involved. RSPA's experience with waterfront LNG plants shows that the expected impact of this rulemaking on existing and planned facilities would not be substantial enough to warrant a full evaluation of the costs and benefits involved.

List of Subjects in 49 CFR Part 193

Fire prevention, Security, Liquefied natural gas facilities.

PART 193—[AMENDED]

Accordingly, RSPA amends Part 193 of Title 49 of the Code of Federal Regulations as follows:

1. The authority citation for Part 193 is revised to read as follows:

Authority: 49 U.S.C. 1674a; 49 CFR 1.53.

2. Section 193.2801 is revised to read as follows:

§ 193.2801 Scope.

This subpart prescribes requirements for fire prevention and fire control at LNG plants. However, the requirements do not apply to existing LNG plants that do not contain LNG.

3. Section 193.2901 is revised to read as follows:

§ 193.2901 Scope.

This subpart prescribes requirements for security at LNG plants. However, the requirements do not apply to existing LNG plants that do not contain LNG.

Issued in Washington, DC, on January 5, 1987.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for *Cupressus abramsiana* (Santa Cruz Cypress)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines *Cupressus abramsiana* (Santa Cruz cypress) to be an endangered species. Only five small populations of this endemic species exist, occurring on private and county land in the Santa Cruz Mountains of Santa Cruz and San Mateo Counties, California. Residential development, agricultural conversion, logging, genetic introgression, and alteration of the natural frequency of fires threaten or have destroyed portions of each grove. In addition, oil and gas drilling may threaten a portion of the northernmost grove on Butano Ridge. The Bureau of Land Management has leased the Federal subsurface oil and gas rights and has the responsibility to approve any future drilling activities. This final rule implements the protection provided by the Endangered Species Act of 1973, as amended.

DATES: The effective date of this rule is February 9, 1987.

ADDRESSES: The complete file for this rule is available for inspection, by