

Authority: 3 U.S.C. 301; 22 U.S.C. 287c; 49 U.S.C. App. 1514; 50 U.S.C. 1601–1651; 50 U.S.C. 1701–1706; E.O. 12808, 57 FR 23299, 3 CFR, 1992 Comp., p. 305; E.O. 12810, 57 FR 24347, 3 CFR, 1992 Comp., p. 307; E.O. 12831, 58 FR 5253, 3 CFR, 1993 Comp., p. 576; E.O. 12846, 58 FR 25771, 3 CFR, 1993 Comp., p. 599; E.O. 12934, 59 FR 54117, 3 CFR, 1994 Comp., p. 930.

### Subpart E — Licenses, Authorizations, and Statements of Licensing Policy

2. Section 585.525 is added to subpart E to read as follows:

#### **§ 585.525 Authorization of certain new transactions with respect to the FRY (S&M).**

(a) Notwithstanding the provisions of subpart B of this part, transactions and activities otherwise prohibited by §§ 585.201(a)(b) & (d) (blocked property), 585.204 (imports), 585.205 (exports), 585.206 (dealing in exports and imports), 585.207 (transportation-related transactions), 585.208 (aircraft), 585.209 (performance of contracts), 585.210 (transfer of funds), 585.211 (sporting events), 585.212 (scientific and technical cooperation, cultural exchanges), 585.215 (detention of conveyances and cargo), 585.217(a) (entry of U.S. vessels into territorial waters), 585.218(a) (insofar as that paragraph relates to trade in the United Nations Protected Areas of Croatia), and the restrictions on certain travel-related transactions (including those for commercial travel) delineated in § 585.512, are hereby authorized on or after January 16, 1996, provided that no such transaction results in a debit to an account blocked prior to December 27, 1995, or a transfer of property blocked prior to December 27, 1995, unless such debit or transfer is independently authorized by or pursuant to this part.

(b)(1) All provisions of § 585.509 continue to apply to debt for which the National Bank of Yugoslavia or a bank located in the FRY (S&M) bears joint or several liability and which, immediately prior to January 16, 1996, was held in the United States or was within the possession or control of a U.S. person, except that the certification and reporting requirements contained in § 585.509(c) and (d)(3) no longer apply to transactions with or for the benefit of persons with respect to whom the blocking provisions of § 585.201(a), (b) and (d) have been suspended pursuant to this section.

(2) Transactions by U.S. persons involving debt for which the National Bank of Yugoslavia or a bank located in the FRY (S&M) bears joint or several liability but that was not held in the United States or within the possession or control of a U.S. person immediately

prior to January 16, 1996 are authorized, provided that no debit or transfer to a blocked account is authorized.

(c) Transactions and activities prohibited by §§ 585.201(c) (blocked property), 585.217(b) (entry of U.S. vessels into riverine ports), 585.218(a) (insofar as that paragraph relates to trade in Bosnian Serb-controlled areas of Bosnia and Herzegovina), and 585.218(b) (services to Bosnian Serb-controlled areas), remain prohibited and are not authorized by this section.

(d) The authorizations contained in this section do not eliminate the need to comply with regulatory requirements not administered by the Office of Foreign Assets Control, including aviation, financial and trade requirements administered by other federal agencies.

4. Section 585.526 is added to subpart E to read as follows:

#### **§ 585.526 Authorization for release of certain blocked transfers by U.S. financial institutions.**

(a) U.S. financial institutions are authorized to unblock and return to the remitting party funds which came into their possession or control through wire transfer instructions or check remittances that were not destined for an account on the books of a U.S. financial institution, which account was established by a person whose property or interests in property were blocked immediately prior to January 16, 1996 pursuant to § 585.201 (a “blocked person”), provided that the funds may not be so unblocked and returned if they were remitted by or through a blocked person.

(b)(1) Nothing in this section authorizes the unblocking and release of funds destined for credit:

(i) to accounts established by blocked persons on the books of U.S. financial institutions; or

(ii) to Beogradska Banka d.d. New York Agency or Jugobanka d.d. New York Agency for further credit to account holders. Both banks are blocked persons.

(2) Funds described in paragraph (b)(1) of this section that are not already held in an account described in paragraph (b)(1)(i) must be transferred to such an account by January 29, 1996, where the funds must be maintained in blocked status pursuant to § 585.201. Nothing in this section authorizes transfers involving property or property interests blocked pursuant to § 585.201(c) (blocking property and interests in property of the Bosnian Serb forces and authorities in the areas of the Republic of Bosnia and Herzegovina such forces control; entities organized or

located in those areas; entities owned or controlled directly or indirectly by any person in, or resident in, those areas; and any person acting for or on behalf of any of the foregoing persons).

Dated: January 4, 1996.

Steven I. Pinter,

*Acting Director, Office of Foreign Assets Control.*

Approved: January 5, 1996.

John P. Simpson,

*Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).*

[FR Doc. 96–639 Filed 1–16–96; 4:48 pm]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 82

[FRL–5400–3]

RIN 2060–AF35

### Protection of Stratospheric Ozone: Listing of Global Warming Potential for Ozone-Depleting Substances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final listing.

**SUMMARY:** With this action, the Environmental Protection Agency (EPA or the Agency) lists the global warming potentials for ozone-depleting substances that are included as class I and class II controlled substances, or have been added as class I or class II controlled substances, under authority of section 602(e) of the Clean Air Act Amendments of 1990 (CAA). Class I and class II controlled substances are more fully described in a final rule previously published in the Federal Register on May 10, 1995 (60 FR 24970). To meet EPA’s statutory obligation under the CAA, this listing cites the global warming potentials contained in the document, Scientific Assessment of Ozone Depletion: 1994, published by the United Nations Environment Programme (UNEP) in early 1995. As stated in the CAA, the listing of global warming potentials for class I and class II controlled substances “shall not be construed to be the basis of any additional regulation under this Act.”

**DATES:** This rule is effective on January 19, 1996.

**FOR FURTHER INFORMATION CONTACT:** The Stratospheric Ozone Hotline at 1–800–296–1996, or Tom Land, U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Atmospheric Programs, Stratospheric Protection Division (6205J), 401 M

Street, SW, Washington, DC 20460, (202)-233-9185.

#### SUPPLEMENTARY INFORMATION:

##### I. Proposal

As required by section 602(e) of the CAA, EPA published a notice of proposed listing on October 6, 1995, and solicited public comment. As stated in that proposal, EPA relied on three scientific documents in determining global warming potential (GWPs). EPA is referencing those three scientific documents and the list of GWPs they contain in order to meet the Agency's statutory obligations under section 602(e) of the CAA to publish GWPs for class I and class II controlled substances. These documents are also referenced in part, for their discussions of different radiative forcing indices and the indirect effects of ozone-depleting substances on radiative forcing. These documents demonstrate the state of knowledge and the uncertainties involved in calculating the GWPs for class I and class II controlled substances.

The citation for the three scientific documents that report on GWPs for class I and class II controlled substances are:

United Nations Environment Programme (UNEP), February 1995, Scientific Assessment of Ozone Depletion: 1994, Chapter 13: "Ozone Depleting Potentials, Global Warming Potentials and Future Chlorine/Bromine Loading;"

Intergovernmental Panel on Climate Change (IPCC), 1995, Climate Change 1994: Radiative Forcing of Climate Change and An Evaluation of the IPCC IS92 Emission Scenarios, "Summary for Policymakers: Radiative Forcing of Climate Change," pages 32-34; and

Daniel, John S., Susan Solomon and Daniel L. Albritton, January 20, 1995, Journal of Geophysical Research, Vol. 100, No. D1, "On the evaluation of halocarbon radiative forcing and global warming potentials."

Chapter 13 in the UNEP, Scientific Assessment and pages 32 through 34 in the IPCC, Summary for Policymakers describe the factors considered in calculating various radiative forcing indices, such as (1) the direct GWP, (2) the absolute global warming potential (AGWP), and (3) the net GWP per unit mass emission. Chapter 13 of the Scientific Assessment and the article by John S. Daniel, et al. in the Journal of Geophysical Research describe the indirect feedback effects of ozone-depleting substances on the temperature

of the atmosphere, and therefore the potential indirect effects that depletion of stratospheric ozone has on the calculation of the GWP.

The October 6, 1995 proposed listing contained a full discussion of the relevant science. That discussion will not be repeated in this notice.

##### II. Comment on Proposal

EPA received one comment on the proposed listing of GWPs for class I and class II controlled substances. The comment suggested that cautionary language be included in order to prepare the reader for changing scientific estimates of GWPs, citing work by the IPCC on the Second Scientific Assessment of Climate Change that will be published early in 1996. EPA adopted these suggestions and changed the caption to Appendix I accordingly.

No comments were received on the proposed GWPs.

##### III. Listing GWPs for class I and class II Controlled Substances

With today's action, EPA publishes the GWPs that are listed for class I and class II controlled substances in the Scientific Assessment of Ozone Depletion: 1994 issued by the United Nations Environment Programme (UNEP) under the auspices of the Montreal Protocol in February of 1995. The GWPs for class I and class II controlled substances as published in the Scientific Assessment are in Appendix I to Subpart A—Global Warming Potentials.

As discussed in the October 6, 1995 proposed listing, the Scientific Assessment of Ozone Depletion: 1994 does not list a GWP for every controlled substance that is listed in Appendices A and B to Subpart A as most recently promulgated in the Federal Register on May 10, 1995. For some ozone-depleting chemicals scientists have not developed a full infrared spectrum that is necessary to calculate the relative radiative forcing potential of a substance. Each chemical absorbs the Earth-emitted infrared radiation in specific energy (or wavelength) bands determined by the quantum-mechanical properties of the specific molecule.<sup>1</sup> Scientists have not measured the spectral region in which some of the ozone-depleting substances absorb infrared radiation. In addition, more data must be collected on the tropospheric distribution and concentration of some of the chemicals,

their atmospheric lifetimes, and the interactive atmospheric chemistry in order to complete a calculation of the global warming potential for the remaining ozone-depleting substances. Scientific centers and academic institutions throughout the world are undertaking the necessary measurements and studies that are needed to complete the calculations of GWPs for other ozone-depleting substances, as well as to revise GWPs for those substances listed in Appendix I. EPA believes it is not possible at this time to publish GWPs for every ozone-depleting substance listed in Appendix A and B to Subpart A because the necessary scientific information is not available. EPA will continue to evaluate GWPs for class I and class II controlled substances not listed in today's action, and revisions to the GWPs for substances that are listed, and as deemed appropriate, amend the listing through future actions.

##### List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Chlorofluorocarbons, Exports, Hydrochlorofluorocarbons, Imports, Ozone layer, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: December 26, 1995.

Carol Browner,  
Administrator.

For the reasons set out in the preamble, 40 CFR part 82 is amended as follows:

#### PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671-7671q.

##### Subpart A—Production and Consumption Controls

2. Appendix I is added to subpart A to read as follows:

Appendix I to Subpart A—Global Warming Potentials (mass basis), referenced to the Absolute GWP for the adopted carbon cycle model CO<sub>2</sub> decay response and future CO<sub>2</sub> atmospheric concentrations held constant at current levels. (Only direct effects are considered.)

<sup>1</sup> Wuebbles, Donald J., 1995, "Weighing Functions for Ozone Depletion and Greenhouse Gas

Effects on Climate," Annual Review of Energy and Environment, 20:45-70.

| Species (chemical) | Chemical formula                                | Global warming potential (time horizon) |           |           |
|--------------------|---|---|-----------|-----------|
|                    |   | 20 years                                | 100 years | 500 years |
| CFC-11 .....       | CFCl <sub>3</sub>                               | 5000                                    | 4000      | 1400      |
| CFC-12 .....       | CF <sub>2</sub> Cl <sub>2</sub>                 | 7900                                    | 8500      | 4200      |
| CFC-13 .....       | CClF <sub>3</sub>                               | 8100                                    | 11700     | 13600     |
| CFC-113 .....      | C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>   | 5000                                    | 5000      | 2300      |
| CFC-114 .....      | C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>   | 6900                                    | 9300      | 8300      |
| CFC-115 .....      | C <sub>2</sub> F <sub>5</sub> Cl                | 6200                                    | 9300      | 13000     |
| H-1301 .....       | CF <sub>3</sub> Br                              | 6200                                    | 5600      | 2200      |
| Carbon Tet .....   | CCl <sub>4</sub>                                | 2000                                    | 1400      | 500       |
| Methyl Chl .....   | CH <sub>3</sub> CCl <sub>3</sub>                | 360                                     | 110       | 35        |
| HCFC-22 .....      | CF <sub>2</sub> HCl                             | 4300                                    | 1700      | 520       |
| HCFC-141b .....    | C <sub>2</sub> FH <sub>3</sub> Cl <sub>2</sub>  | 1800                                    | 630       | 200       |
| HCFC-142b .....    | C <sub>2</sub> F <sub>2</sub> H <sub>3</sub> Cl | 4200                                    | 2000      | 630       |
| HCFC-123 .....     | C <sub>2</sub> F <sub>3</sub> HCl <sub>2</sub>  | 300                                     | 93        | 29        |
| HCFC-124 .....     | C <sub>2</sub> F <sub>4</sub> HCl               | 1500                                    | 480       | 150       |
| HCFC-225ca .....   | C <sub>3</sub> F <sub>5</sub> HCl <sub>2</sub>  | 550                                     | 170       | 52        |
| HCFC-225cb .....   | C <sub>3</sub> F <sub>5</sub> HCl <sub>2</sub>  | 1700                                    | 530       | 170       |

United Nations Environment Programme (UNEP), February 1995, Scientific Assessment of Ozone Depletion: 1994, Chapter 13, "Ozone Depleting Potentials, Global Warming Potentials and Future Chlorine/Bromine Loading," and do not reflect review of scientific documents published after that date.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 95

[FCC 95-506]

#### Modification of the "Build-Out" Construction Requirements for the Interactive Video and Data Service (IVDS)

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has adopted a *Report and Order* to eliminate the one-year "build-out" requirement for the IVDS, while retaining the three-year and five-year build-out requirements. This action will allow the IVDS industry additional time to develop and deploy new and innovative applications.

**EFFECTIVE DATE:** January 19, 1996.

**FOR FURTHER INFORMATION CONTACT:** Donna Kanin, (202) 418-0680, Wireless Telecommunications Bureau.

**SUPPLEMENTARY INFORMATION:** This is the final version of the Commission's *Report and Order*, FCC 95-506, adopted December 14, 1995, and released January 16, 1996. The full text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M

Street, NW., Suite 140, Washington, DC 20037, telephone (202) 857-3800.

#### I. Introduction

1. On July 31, 1995, the Commission adopted a Notice of Proposed Rule Making (Notice), 60 FR 43105, August 18, 1995, proposing to eliminate the one-year construction "build-out" requirement for Interactive Video and Data Service (IVDS)<sup>1</sup> licensees.<sup>2</sup> No change was proposed concerning the three-year and five-year construction requirements. We initiated the Notice in response to requests by several IVDS licensees<sup>3</sup> that won their licenses in the IVDS auction held July 28-29, 1994. This *Report and Order* amends Section 95.833(a) of the Commission's Rules<sup>4</sup> to eliminate the one-year build-out requirement as proposed. This action will allow the IVDS industry additional time to develop and deploy new and innovative applications, such as commercial data distribution services and inventory monitoring services.

#### II. Background

2. Section 95.833(a) of the Commission's Rules specifies that each IVDS licensee must make service available to at least ten percent of the population or geographic area within the licensee's service area within one year of the grant of the license, thirty percent within three years, and fifty

percent within five years. As indicated in the Notice,<sup>5</sup> Section 95.833(a) was crafted in 1992 when it was anticipated that licenses would be awarded by lottery.<sup>6</sup> These build-out requirements were intended "to reduce the filing of speculative applications by entities that have no real intention of implementing [IVDS] systems and to avoid the potential for warehousing of IVDS spectrum."<sup>7</sup> We stated in the Notice that the use of auctions to award licenses reduces the incentives for speculation, and therefore, tentatively concluded that the one-year benchmark is unnecessary.<sup>8</sup> The Commission received six comments and two reply comments in response to the Notice.<sup>9</sup>

#### III. Discussion

3. *Comments.* Generally, the commenters favor the elimination of the one-year construction requirement. Erwin Aguayo, Jr. (Aguayo), the Coalition of IVDS Licensees<sup>10</sup> (Coalition) and EON Corporation (EON) agree that the auction rules preclude the need for the one-year build-out

<sup>5</sup> Notice at para. 3.

<sup>6</sup> The eighteen IVDS licensees that received their licenses as a result of a lottery held September 15, 1993, have already passed their one year build-out deadline. We waived the one year deadline for 17 of the 18 licenses. These 17 licenses are required to meet the three year/30 percent construction deadline in March, 1997.

<sup>7</sup> See *Report and Order* in GEN Docket No. 91-2, 7 FCC Rcd 1630, 1640 ¶ 73 (1992), 57 FR 8272, March 9, 1992; see also *Memorandum Opinion and Order* in GEN Docket No. 91-2, 7 FCC Rcd 4923, 4925 ¶ 13 (1992), 57 FR 36372, August 13, 1992.

<sup>8</sup> Notice at para. 3.

<sup>9</sup> A list of the commenting parties is provided in Appendix A of the *Report and Order*.

<sup>10</sup> Coalition members are listed in Appendix A of the *Report and Order*.

<sup>1</sup> IVDS is a point-to-multipoint, multipoint-to-point, short distance communications service in which licensees may provide information, products, or services to individual subscribers at fixed locations within a service area, and subscribers may provide responses.

<sup>2</sup> Notice of Proposed Rule Making, (Notice), WT Docket No. 95-131, 10 FCC Rcd 8700 (1995).

<sup>3</sup> *Id.* at footnote 5.

<sup>4</sup> 47 CFR § 95.833(a).