

Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 8, 1996.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 936—OKLAHOMA

1. The authority citation for Part 936 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 936.20 is revised to read as follows:

§ 936.20 Approval of Oklahoma abandoned mine land reclamation plan.

The Oklahoma Abandoned Mine Land Reclamation Plan, as submitted on July 30, 1981, is approved effective January 21, 1982 (47 FR 2989–2991, January 21, 1982). Copies of the approved Plan and Amendments are available at:

Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 E. Skelly Drive, Suite 470, Tulsa, OK 74135

Oklahoma Conservation Commission, 2800 N. Lincoln Blvd., Suite 160, Oklahoma 73505

3. Section 936.25 is added to read as follows:

§ 936.25 Approval of Abandoned Mine Land Reclamation Plan Amendments.

(a) The proposed amendment pertaining to the Oklahoma abandoned mine land reclamation plan, as submitted to OSM on August 24, 1989, is approved effective July 20, 1990.

(b) The proposed amendment pertaining to the Oklahoma abandoned mine land reclamation plan, as submitted to OSM on November 13, 1995, and revised on March 21, 1996, is approved effective May 28, 1996.

[FR Doc. 96–13262 Filed 5–24–96; 8:45 am]
BILLING CODE 4310–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[DA 96–396]

Delegation of Authority to General Counsel To Act Upon Applications for Determination of Exempt Telecommunications Company Status

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the Commission's rules to reflect delegation of authority to the General Counsel to act on applications for determination of exempt telecommunications company status.

EFFECTIVE DATE: May 28, 1996.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Spiwak, Office of General Counsel, (202) 418–1880.

SUPPLEMENTARY INFORMATION:

1. Through this order in DA 96–396, adopted May 14, 1996 and released May 15, 1996, we amend part O of the Commission's rules to reflect a delegation of authority to the General Counsel to act upon applications for "exempt telecommunications company" ("ETC") status filed with the Commission under new section 34(a)(1) of the Public Utility Holding Company Act of 1935.¹ This authority was

¹ 15 U.S.C. 79–79z–5b, as added by section 103 of the Telecommunications Act of 1996, Pub. L. No. 104–104, 110 Stat. 56 (1996).

delegated by the Commission in an order granting the application of CSW Communications, Inc. for a determination of ETC status.² In CSW, the Commission also ordered the Managing Director to make conforming changes to the Commission's rules to reflect this delegation of authority.³

2. The amendments adopted herein pertain to agency organization. The notice and comment and effective date provisions of section 4 of the Administrative Procedure Act⁴ are therefore inapplicable. Authority for the amendments adopted herein is contained in sections 4(i) and (j), 5(c)(1) of the Communications Act of 1934, as amended.

3. Accordingly, it is ordered, pursuant to authority delegated by Commission Order, FCC 96–152, released April 4, 1996, and effective upon publication in the Federal Register, that part O of the Commission's rules and regulations is amended as set forth below.

Federal Communications Commission.
William F. Caton,
Acting Secretary.

List of Subjects in 47 CFR Part 0

Organization and functions.

Final Rules

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION AND FUNCTIONS

1. The authority citation for part 0 continues to read as follows:

Authority: 47 CFR Ch. 1, secs. 2–5, 301, 303, 307–309, 315, 317, 48 Stat., as amended, 1064–1066, 1068, 1081–1085, 1089, 47 U.S.C. 152–155, 301, 303, 307–309, 315, 317.

2. Section 0.251 is amended by adding a new paragraph (j), which reads as follows:

* * * * *

(j) The General Counsel is delegated authority to act upon any application for a determination of exempt telecommunications company status filed pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935, as amended by section 103 of the Telecommunications Act of 1996.

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² Order, In re Application of CSW Communications, Inc. for Status as an Exempt Telecommunications Company, ___ FCC Rcd ___, (FCC 96–152, Rel. April 4, 1996) ("CSW").

³ Id.

⁴ 5 U.S.C. § 553(b)(A) and 553(d).

47 CFR Parts 0 and 80

[WT Docket No. 95-132; FCC 96-201]

Vessel Traffic Services (VTS)**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: The Commission is adding Sault Ste. Marie, Michigan; San Francisco, California; and Morgan City, Louisiana to the United States Coast Guard (Coast Guard) designated radio protection areas for mandatory VTS and establishing marine VHF Channel 12 as the VTS frequency for Sault Ste. Marie, Michigan; San Francisco, California; and Channel 11 as the VTS frequency for Morgan City, Louisiana. This action is in response to a request from the Coast Guard. The designation of Sault Ste. Marie, Michigan; San Francisco, California; and Morgan City, Louisiana as a VTS areas will allow the Coast Guard to manage vessel traffic in a more efficient manner.

EFFECTIVE DATE: June 27, 1996.

FOR FURTHER INFORMATION CONTACT: James Shaffer, (202) 418-0680, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, FCC 95-201, adopted May 1, 1996, and released May 9, 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 239, 1919 M Street, N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, Suite 140, Washington, D.C. 20037, telephone (202) 857-3800.

Summary of Report and Order

1. The Coast Guard filed petitions (RM-8500, 8592, 8598), Public Notice No. 2023 and 2057, requesting that the Commission amend Part 80 of the Rules, 47 CFR Part 80, to add Sault Ste. Marie, Michigan; San Francisco, California; and Morgan City, Louisiana to the Coast Guard designated radio protection areas for mandatory VTS and establish marine VHF Channel 12 as the VTS frequency for Sault Ste. Marie, Michigan; San Francisco, California; and Channel 11 as the VTS frequency for Morgan City, Louisiana.

2. Under the Ports and Waterways Safety Act of 1972, as amended by the Port and Tanker Safety Act of 1978 and the Oil Pollution Act of 1990, the Coast Guard may construct, operate, maintain, improve or expand VTS systems in any

port or place under the jurisdiction of the United States, including the navigable waters of the United States, or in any area covered by an international agreement negotiated pursuant to 33 U.S.C. 1230. The Ports and Waterways Safety Act requires certain designated vessels which operate in a VTS area to utilize and comply with the VTS. Marine accidents in recent years have underscored the need for improving safety on the nation's waterways. Moreover, Congress mandated VTS participation in section 4107 of the Oil Pollution Act, 33 U.S.C. 1223(a)(2). The Coast Guard has amended its VTS regulations to make participation in all VTS systems mandatory. A VTS system instills order and predictability on a waterway by coordinating vessel movements through the collection, verification, organization, and dissemination of information.

3. Designating Sault Ste. Marie and Berwick Bay as VTS areas will allow the Coast Guard to manage vessel traffic in those areas more efficiently and will help protect the marine environment by preventing vessel collisions and groundings. Therefore, we are adding Sault Ste. Marie and Berwick Bay to the Commission's list of designated radio protection areas for VTS systems specified in Section 80.383. The radio protection area for Sault Ste. Marie will be defined as "The rectangle between North latitudes 45 degrees and 47 degrees, and West longitudes 83 degrees and 85 degrees." The radio protection area for Berwick Bay will be defined as "The rectangle between North latitudes 28 degrees 30 minutes and 30 degrees 30 minutes, and West longitudes 90 degrees 50 minutes and 92 degrees." This area is part of the New Orleans VTS which discontinued operations on July 30, 1988, due to budgetary constraints.

4. We also designate Channel 12 (156.600 MHz) as a second radio frequency for use within the San Francisco VTS radio protection area. The density of vessel traffic in the San Francisco Bay, which includes numerous recreational boats, ferries and commercial fishing boats, severely constrains the ability of large vessels to maneuver in the event of an emergency. The Coast Guard states that with mandatory participation, the current VTS channel, Channel 14 (156.700 MHz), will be inadequate to ensure safe and reliable communications in this busy and environmentally sensitive area. The addition of Channel 12 will permit increased navigational safety in the area by organizing traffic flow patterns, reduced meeting, crossing and overtaking situations between large

vessels in tight spaces, and limited vessel speed. We will permit private coast stations currently authorized on Channel 12 within the San Francisco VTS area to operate until the end of their current license term on a noninterference basis. The staff will help affected licensees find suitable alternative channels. No fee will be charged for affected stations that apply for modification for an alternative channel before their next renewal.

5. We also amend Section 0.331 to authorize the Chief, Wireless Telecommunications Bureau to amend the maritime service rules at the request of the United States Coast Guard to designate radio protection areas for mandatory VTS and establish marine channels as VTS frequencies for these areas. This will allow the Commission to expedite these requests, which will increase safe vessel transit and protect U.S. waters and associated natural resources from environmental harm.

List of Subjects**47 CFR Part 0**

Delegations of authority.

47 CFR Part 80

Communications equipment, Marine safety.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.***Rules Changes**

Title 47 of the Code of Federal Regulations, Parts 0 and 80, are 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 0.331 is amended by revising paragraph (d) to read as follows:

§ 0.331 Authority delegated.

* * * * *

(d) Authority concerning rulemaking proceedings. The Chief, Wireless Telecommunications Bureau shall not have the authority to act upon notices of proposed rulemaking and inquiry, final orders in rulemaking proceedings and inquiry proceedings, and reports arising from any of the foregoing except such orders involving ministerial conforming amendments to rule parts, or orders conforming any of the applicable rules to formally adopted international conventions or agreement

where novel questions of fact, law or policy are not involved. Also, the addition of new Marine VHF frequency coordination committee(s) to § 80.514 of this chapter need not be referred to the Commission if they do not involve novel questions of fact, policy or law, as well as requests by the United States Coast Guard to designate radio protection areas for mandatory Vessel Traffic Services (VTS) and establish marine channels as VTS frequencies for these areas.

PART 80—STATIONS IN THE MARITIME SERVICES

3. The authority citation for Part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

4. Section 80.383 is amended by revising the entries for 156.550 MHz and 156.600 MHz in the table in paragraph (a) and adding new paragraphs (b)(7) and (b)(8) to read as follows:

80.383 Vessel Traffic Services (VTS) system frequencies.

* * * * *
(a) * * *

VESSEL TRAFFIC CONTROL FREQUENCIES

Carrier frequencies (MHz)	Geographic areas
* * * * *	
156.550	New York, New Orleans, ¹ Houston, Prince William Sound, ³ Berwick Bay.
156.600	New York, New Orleans, ¹ Houston, San Francisco, ³ Sault Ste. Marie. ³
* * * * *	

¹ Until further notice, this frequency is available for use as permitted by § 80.373(f), notwithstanding the provisions of footnote 3 that are applicable to the VTS system. Availability is a result of the closure of the VTS system for the port area of New Orleans. If the United States Coast Guard re-establishes this system, the Commission may require operations pursuant to such conditional licenses for this frequency to cease, or may choose not to renew such conditional licenses. All licenses for this frequency will be expressly conditional upon the continued availability of the frequency for non-VTS use.

³ Private coast station licenses for the use of this frequency in this area will expire at the end of the current license term or five years after the adopted date of the final rule, whichever comes first. Continued use until expiration must be on a noninterference basis to Coast Guard VTS communications.

(b) * * *

(7) *Sault Ste. Marie*. The rectangle between North latitudes 45 degrees and 47 degrees, and West longitudes 83 degrees and 85 degrees.

(8) *Berwick Bay*. The rectangle between North latitudes 28 degrees 30 minutes and 30 degrees 30 minutes, and West longitudes 90 degrees 50 minutes and 92 degrees.

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47 CFR Chapter I

[CC Docket No. 91-35; FCC 96-131]

Operator Service Access and Pay Telephone Compensation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Where technically feasible and economically reasonable, the Commission's Third Report and Order requires local exchange carriers (LECs) to make international call blocking services available to non-aggregator business customers as well as to those businesses that qualify as aggregators under the Communications Act of 1934, as amended by The Telephone Operator Consumer Services Improvement Act of 1990. The Commission extended the availability of these services to non-aggregator business customers to assist these customers in reducing losses attributable to international toll fraud.

The Commission Order states, however, that LECs will not be required to provide similar international blocking to residential customers, whether to prevent international toll fraud or to control access to international dial-a-porn. Although LECs may elect to offer these services to their residential customers, the Commission declined to require that these services be made available to residences because it was not clear that such a new residential service would be technically feasible and economically reasonable. It was also unclear to what extent such a residential blocking service would be effective in limiting toll fraud and access to dial-a-porn.

In addition, the Commission Order requires LECs to file federal tariffs for both billed number screening (BNS) and

originating line screening (OLS) "confirmation screening services" that allow aggregators to ensure that the proper screening codes are associated with their telephone lines. The Order specifies that the OLS service must deliver a code that discretely identifies private payphones and such other codes as are necessary to identify other categories of aggregator locations. The Order also stresses that it is important for LECs to use uniform codes for their OLS services. The Order further requires LECs to unbundle their OLS "confirmation services," unless they can show either that bundling would not place aggregators at a competitive disadvantage or that it would not be technically feasible or would be economically unreasonable to unbundle these "confirmation services." It also requires LECs to unbundle the BNS "confirmation services" that they provide to aggregators under federal tariff and to make those services available to both aggregators and non-aggregators. Finally, it specifies a rate structure for features of OLS and BNS service provided to aggregators.

The Commission Order requires that LECs include these screening services in their federal tariffs and specifies a rate structure for service to aggregators because the Commission found these services were not uniformly available to aggregators under existing LEC state tariffs and because these services were not always adequate when made available under those tariffs.

As a result of the Commission Order, non-aggregator, as well as aggregator, business customers of LECs gain access to international call blocking services offered under federal tariffs. In addition, aggregator business customers will have greater access to uniform and discrete OLS screening codes and to unbundled OLS "confirmation services." Also, the Commission Order results in both aggregators and non-aggregators having access to unbundled BNS "confirmation services" under federal tariffs.

EFFECTIVE DATE: June 27, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas David, Accounting and Audits Division, Common Carrier Bureau, (202) 418-0800, or Allen A. Barna, Competitive Pricing Division, Common Carrier Bureau, (202) 418-1530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Third Report and Order adopted March 25, 1996, and released April 5, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Public Reference Room (Room 230), 1919 M St., N.W., Washington,