

Margaret Milner Richardson,
Commissioner of Internal Revenue.

Approved: June 26, 1996.

Donald C. Lubick,
Acting Assistant Secretary of the Treasury.
[FR Doc. 96-28404 Filed 11-8-96; 8:45 am]
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DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS ROSS (DDG 71) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: October 16, 1996.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander M.W. Kerns, JAGC, U.S. Navy, Associate Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (703) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This

amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS ROSS (DDG 71) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, and the horizontal distance between the forward and after masthead lights; and, Annex I, paragraph 3(c) pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Table Four, Paragraph 15 of § 706.2 is amended by adding the following entry for USS ROSS:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *				
Vessel	Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction		
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
USS ROSS	DDG 71	1.96 meters.		
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

3. Table Four, Paragraph 16 of § 706.2 is amended by adding the following entry for USS ROSS:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *				
Vessel	Number	Obstruction angle relative ship's headings		
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
USS ROSS	DDG 71	104.05 thru 112.50 °		
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

4. Table Five of § 706.2 is amended by adding the following entry for USS ROSS:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship. annex I, sec. 3(a)	After mast-head light less than 1/2 ship's length aft of forward mast-head light. annex I, sec. 3(a)	Percentage horizontal separation attained
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
USS ROSS	DDG 71	X	X	X	20.6
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

Dated: October 16, 1996.
 M.W. Kerns,
*Acting Deputy Assistant Judge Advocate
 General (Admiralty).*
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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 80 and 87

[WT Docket No. 96-82; FCC 96-421]

Permit Operation of Certain Domestic Ship and Aircraft Radio Stations Without Individual Licenses

AGENCY: Federal Communications
 Commission.

ACTION: Final rule.

SUMMARY: This action amends the maritime service and aviation service rules to permit certain ship and aircraft radio stations that operate domestically and are not required by statute or treaty to carry a radio to operate without individual licenses. The effect of this rule is to eliminate the regulatory burdens of filing applications and the cost of the filing fee from hundreds of thousands of ship and aircraft station licensees. This action eliminates administrative burdens for both the public and the Commission without having a negative impact on safety or spectrum management in the Maritime and Aviation Services.

EFFECTIVE DATE: December 12, 1996.

FOR FURTHER INFORMATION CONTACT: James Shaffer of the Commission's Wireless Telecommunications Bureau at (202) 418-0680 or via e-mail at mayday@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, FCC 96-421, adopted October 18, 1996, and released October 25, 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, NW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., 2100 M Street NW, Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Summary of Order

1. By this action, we revise the Maritime Service and Aviation Service rules to eliminate the individual radio licensing requirements for ship stations and aircraft stations that operate domestically and are not required by statute or treaty to carry a radio

(hereafter referred to as "exempt vessels and aircraft"). This action is taken pursuant to Section 307(e) of the Communications Act of 1934 (the "Communications Act"), as amended by Section 403(i) of the Telecommunications Act of 1996, which gives the Commission discretion to remove the individual radio licensing requirements for these stations upon a determination that the public interest, convenience and necessity would be served thereby.

2. This *Report and Order* adopts rules substantially as proposed in the *Notice of Proposed Rule Making (NPRM)*, 61 FR 18226 (April 24, 1996), in this proceeding. We are eliminating the unnecessary regulatory burdens associated with the filing of applications by hundreds of thousands of ship and aircraft station licensees as well as removing the administrative burden associated with the Commission's processing of such applications. We conclude that the public interest, convenience and necessity is served by eliminating individual licensing of exempt vessels and aircraft because individual licenses are unnecessary for either the safety or operational communications requirements or identification purposes. Moreover, such individual licensing does not aid us in carrying out our regulatory and spectrum management responsibilities with regard to these services. Finally, we set forth herein our policies and procedures for (1) refunding regulatory fees for both maritime and aviation licensees who received their licenses after July 17, 1994, (2) refunding licensing and regulatory fees for applicants who have applied for but not yet received an authorization (pending applications) and (3) distributing maritime mobile service identities (MMSIs) to exempt vessels.

3. We noted in the *NPRM* that licensees who received their licenses after July 17, 1994, and paid a regulatory fee may be eligible to request a partial refund for the remaining years on their authorization. We will allow refunds of regulatory fees paid in advance by exempt ship and aircraft licensees for any remaining full years of a license term. These refunds will be made to individual ship and aircraft licensees who request a refund. The precise procedures for requesting a refund from the Commission will be issued by Public Notice from the Managing Director and published in the Federal Register. For those applicants that have applied for but not received an authorization, we will return the regulatory fee and the processing fee. No action is needed by entities with

pending applications to obtain this refund.

4. Currently, these MMSI numbers are issued to a licensee, upon request, at the time the individual ship station is licensed. Over the past year approximately 5 percent of ship licensees requested MMSI numbers. The Commission is currently exploring options for issuing these numbers, including issuing blocks of MMSI numbers to other Federal Government agencies or private entities to administer. We will issue a Public Notice in the future on alternative procedures for obtaining an MMSI number. In the interim, however, those individuals that desire an MMSI number must apply for a ship license. We expect the number of requests for MMSI numbers to continue to be small, however, until the Coast Guard puts its VHF DSC system in place.

5. Accordingly, *It is ordered* that, pursuant to the authority of Sections 4(i), 303(r), 307(e), and 332(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 307(e) and 332(a)(2), Parts 80 and 87 of the Commission's Rules, 47 CFR Parts 80 and 87 are amended as set forth below, effective December 12, 1996.

6. *It is further ordered* that this proceeding is terminated.

List of Subjects

47 CFR Part 80

Communications equipment, Radio, Vessels.

47 CFR Part 87

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

Rule Changes

Chapter I of Title 47 of the Code of Federal Regulations, Parts 80 and 87, are amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 is revised to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e) 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.

2. Section 80.13 is revised to read as follows:

§ 80.13 Station license required.

(a) Except as noted in paragraph (c) of this section, stations in the maritime