

## PART 3600—MINERAL MATERIALS DISPOSAL; GENERAL

1. The authority citation for 43 CFR part 3600 continues to read as follows:

Authority: 30 U.S.C. 601, 602.

### Subpart 3602—Disposal of Mineral Materials: General

2. Section 3602.1–3 is revised to read as follows:

#### § 3602.1–3 Approval and modification of mining and reclamation plans.

(a) After reviewing the mining and reclamation plans, the BLM will promptly notify the applicant of any deficiencies in the plans and will recommend the changes necessary to prevent unnecessary or undue degradation of the lands, and hazards to public health and safety. Mining and reclamation plans as approved, will be attached to, and made a part of the contract or permit.

(b) The permittee's operation must not deviate from the plan approved by the BLM.

(c) The BLM and the permittee may agree to modify an approved mining or reclamation plan to adjust to changed conditions, or to correct any oversight that could result in unnecessary or undue degradation. Any change must be consistent with the requirements of § 3601.1–3.

(d) When a permittee requests to change an approved mining or reclamation plan, the BLM will review the proposed modification and within 30 days will notify the permittee of its approval, needed changes, or denial.

## PART 3610—SALES

3. The authority citation for 43 CFR part 3610 is revised to read as follows:

Authority: 30 U.S.C. 601, 602.

### Subpart 3610—Mineral Material Sales

4. Section 3610.1–2 is amended by revising paragraph (b) to read as follows:

#### § 3610.1–2 Appraisal, reappraisal and measurements.

\* \* \* \* \*

(b) Two years after the contract or reappraisals the BLM may reappraise the value of mineral materials disposed of and adjust the contract price accordingly.

\* \* \* \* \*

5. Section 3610.1–5 is amended by revising the heading and paragraph (a), amending paragraphs (b) by removing the phrase "reclamation or" and (c) introductory text by removing the phrase "and reclamation", revising

paragraphs (c)(2) and (c)(3), and adding new paragraph (c)(4), to read as follows:

\* \* \* \* \*

#### § 3610.1–5 Performance bond.

(a) The BLM will require, for contracts of \$2,000 or more, a performance bond of:

(1) at least 5 percent of total contract value, plus; and

(2) an amount large enough to meet the reclamation standards provided for in the contract or permit, but at least \$500. Where contract sales or permits are made from a community pit and a reclamation fee is paid by the permittee, BLM will not require this sum for reclamation for the bond amount.

\* \* \* \* \*

(c) \* \* \*

(2) Certificate of deposit which:

(i) Is issued by a financial institution whose deposits are Federally insured;

(ii) Does not exceed the maximum insurable amount set by Federal Deposit Insurance Corporation;

(iii) Is made payable or assigned to the United States;

(iv) Grants the BLM authority to demand immediate payment for failure to meet the terms and conditions of the contract or permit;

(v) Indicates that the BLM's approval is required before any party can redeem it; and

(vi) Otherwise conforms to BLM's instructions as found in the contract terms.

(3) Cash bond, with a power of attorney to the BLM to convert it upon the permittee's failure to meet the terms and conditions of the contract or permit; or

(4) Negotiable Treasury bond of the United States of a par value equal to the amount of the required bond, together with a power of attorney to the BLM to sell it upon the permittee's failure to meet the terms and conditions of the contract or permit.

\* \* \* \* \*

#### § 3610.3–2 [Amended]

6. In § 3610.3–2 paragraph (a) (7) is amended by removing the term "require" and adding in its place "required".

## PART 3620—FREE USE

7. The authority citation for 43 CFR part 3620 is revised to read as follows:

Authority: 30 U.S.C. 601, 602.

8. Sec. 3621.1–6 is revised to read as follows:

\* \* \* \* \*

#### § 3621.1–6 Performance bond.

The BLM may require a bond to guarantee faithful performance of the provisions of the permit and applicable regulations.

Dated: July 8, 1996.

Sylvia V. Baca,

*Deputy Assistant Secretary for Land and Minerals Management.*

[FR Doc. 96–18945 Filed 8–1–96; 8:45 am]

BILLING CODE 4310–84–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 20

[CC Docket No. 94–102; FCC 96–264]

### Enhanced 911 Emergency Calling Systems

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission adopts a Report and Order and Further Notice of Proposed Rulemaking regarding the availability of the advanced emergency capabilities of E911 systems to wireless service providers and customers. The Report and Order portion of this decision is summarized elsewhere in this issue of the Federal Register. The Further Notice of Proposed Rulemaking (FNPRM) seeks comment on a variety of relevant issues. The Commission also tentatively concludes that covered carriers should continue to upgrade and improve 911 service to increase its accuracy, availability, and reliability, and that a consumer education program should be initiated to inform the public of the capabilities and limitations of 911 service. This action is taken to ensure that E911 system performance keeps pace with the latest technologies.

**DATES:** Comments are due on or before August 26, 1996, and reply comments are due on or before September 10, 1996. Written comments by the public on the proposed and/or modified information collections are due by August 26, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before October 1, 1996.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the

Internet to [dconway@fcc.gov](mailto:dconway@fcc.gov), and to Timothy Fair, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20503, or via the Internet to [fain\\_t@l.eop.gov](mailto:fain_t@l.eop.gov).

**FOR FURTHER INFORMATION CONTACT:**

Peter Wolfe, Wireless Telecommunications Bureau (202) 418-1310. For additional information concerning the information collections contained in this FNPRM, contact Dorothy Conway at 202-418-0217, or via the Internet at [dconway@fcc.gov](mailto:dconway@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Further Notice of Proposed Rulemaking segment of the Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 94-102, FCC 96-264, adopted June 12, 1996, and released July 26, 1996. The Report and Order portion of this decision is summarized elsewhere in this edition of the Federal Register. The complete text of this decision 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., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037. This FNPRM contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

**Synopsis of Further Notice of Proposed Rulemaking**

1. In this Report and Order and Further Notice of Proposed Rulemaking, the Commission takes several important steps to foster major improvements in the quality and reliability of 911 services available to the customers of wireless telecommunications service providers. The Notice of Proposed Rulemaking initiating this proceeding may be found at 59 FR 54878, November 2, 1994. The Commission issues the FNPRM to develop additional means of ensuring that improvements made possible by technological advances are incorporated into E911 systems. The FNPRM portion of the decision represents the Commission desire to ensure continuity of our dedication to new and innovative 911 services by seeking comment on further refinements of the Commission's wireless 911 rules.

2. The FNPRM first seeks comment on possible approaches to avoid customer confusion that could be generated by a system under which customers in the same geographic area may or may not be able to complete non-code identification<sup>1</sup> 911 calls depending upon the practices of the various Public Safety Answering Points (PSAPs) serving that area. Specifically, the Commission requests comment regarding whether, within a reasonable time after the one-year period, PSAPs should no longer have the option to refuse to accept non-code identification 911 calls. Thus, covered carriers would be obligated to transmit all 911 calls to PSAPs.

3. The Commission next tentatively concludes that covered carriers should continue to upgrade and improve 911 service to increase its accuracy, availability, and reliability, while also recognizing that our rules should ensure that covered carriers' development and application of new technologies for E911 services also contribute to the overall quality of service and range of services that carriers provide to all their customers. These efforts will ensure that the public benefits from technological innovations, through the application of those innovations to public safety needs.

4. The Commission seeks comment on a range of related issues, including the following: (1) Should covered carriers provide PSAPs information that locates a wireless 911 caller within a radius of 40 feet, using longitude, latitude, and altitude data, and that provides this degree of accuracy for 90 percent of the 911 calls processed? (2) Should wireless service providers be required to supply location information to the PSAP regarding a 911 caller within a certain number of seconds after the 911 call is made? (3) Should wireless service providers be required to update this location information throughout the duration of the call? (4) What steps could be taken to enable 911 calls to be completed or serviced by mobile radio systems regardless of the availability (in the geographic area in which a mobile user seeks to place a 911 call) of the

<sup>1</sup> The term "non-code identification," when used in this decision in conjunction with 911 calls, means (1) in the case of calls transmitted over the facilities of a covered carrier other than a Specialized Mobile Carrier that is subject to the requirements of this Order, a call originated from a mobile unit which does not have a Mobile Identification Number (MIN); and (2) in the case of calls transmitted over the facilities of a Specialized Mobile Carrier that is subject to the requirements of this Order, a call originated from a mobile unit that does not have the functional equivalent of a MIN.

system or technology utilized by the user's wireless service?

5. The Commission also tentatively concludes that a consumer education program should be initiated to inform the public of the capabilities and limitations of 911 service, and we seek comment regarding the scope of such a program and carrier obligations that could be established in connection with such a program. One purpose of such a program would be to address a concern that consumers currently may not have a sufficient understanding of technological limitations that can impede transmission of wireless 911 calls and the delivery of emergency assistance.

**Administrative Matters**

6. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before August 26, 1996, and reply comments on or before September 10, 1996. To file formally in this proceeding, you must file an original plus four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. 20554.

7. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission Rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

**Paperwork Reduction Act**

8. This FNPRM contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this FNPRM, as required by the Paperwork Reduction Act of 1995, Public Law No. 104-13. Public and agency comments are due at the same time as other comments on this FNPRM; OMB notification of action is due October 1, 1996. Comments should address: (a) whether the proposed collection of information is

necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

*OMB Approval Number:*

*Title:* Consumer Education Concerning Wireless 911.

*Form No.:*

*Type of Review:* New collection.

*Respondents:* Cellular, broadband PCS, and certain SMR carriers subject to the proposed rule.

*Number of Respondents:* 2,500.

*Estimated Time Per Response:* 30 Minutes—1 Hour.

*Total Annual Burden:* 1,562.5 Hours.

*Needs and Uses:* The information will be used by consumers to determine rationally and accurately the scope of their options in accessing 911 services from mobile handsets.

#### *Initial Regulatory Flexibility Act Statement*

9. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of this Further Notice of Proposed Rulemaking, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Public Law No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq.* (1981).

Initial Regulatory Flexibility Analysis For Further Notice of Proposed Rulemaking

#### *I. Reason for Action*

10. This FNPRM responds to the petition submitted by the Ad Hoc Alliance for Public Access to 911 to amend the Commission's Rules to require that all newly constructed mobile and portable units be equipped

to select the strongest signal whenever a 911 call is placed. Telephone stations for wireless services are not adequately identifying caller location to permit a timely response by emergency services personnel and are not providing 911 service for all caller locations.

#### *II. Objectives and Legal Basis for Proposed Rules*

11. One objective of this FNPRM is to collect additional information on the technical issues related to the improvement of wireless E911 services, including higher accuracy standards for the Automatic Location Identification (ALI), a latency period requirement, and the provision of 911 services without interruption where one wireless provider does not provide complete area coverage. Another objective is to collect information with respect to informing consumers what their wireless phones can and cannot do. A third objective is to determine whether all 911 calls should be transmitted without any preconditions.

12. The proposed action is authorized under Sections 1, 4(i), 201, 208, 215, 303, 309 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201, 208, 215, 303, 309.

#### *III. Description and Estimate of Small Entities Subject to the Rules*

13. The proposed changes in the regulations will apply to providers of cellular, broadband PCS, and geographic area 800 MHz and 900 MHz specialized mobile radio services, including licensees who have extended implementation authorizations in the 800 MHz or 900 MHz SMR services, either by waiver or under Section 90.629 of the Commission's Rules. However, the rule will apply to SMR licensees only if they offer real-time, two-way voice service that is interconnected with the public switched network.

14. In the full text of this decision, we have estimated the number of small entities for each category, or else stipulated that all providers are small entities where we were unable to make an estimate. We request comment on whether these estimates should be improved or refined. We especially request comment on the number of small entities in the categories that we were unable to estimate, i.e., cellular service providers; PCS service providers in the D, E, and F Blocks; 800 MHz geographic area SMR licensees; and providers of 800 MHz or 900 MHz geographic area SMR service pursuant to waiver or pursuant to Section 90.629 of our rules.

#### *IV. Reporting, Recordkeeping, and Other Compliance Requirements*

15. Commercial mobile radio services will be required to improve the accuracy and time of the identification of the location of mobile transmitters and to permit interoperability of their 911 service with those of their competitors and to provide consumer education materials. Equipment used for commercial mobile radio services will have to be capable of providing this information to the local telephone exchanges to which they are connected. Local telephone exchanges will incur costs storing and relaying this information to E911 public safety answering points. We request comment with respect to ways in which these proposed requirements can be modified to reduce the burden on small entities and at the same time meet the objectives of this proceeding.

#### *V. Significant Alternatives Considered and Rejected*

16. The Commission concluded that it is also necessary to begin the task of exploring the need for further action to spur improvements in the features and delivery of the 911 and E911 services. We believe that continuing involvement of the Commission in developing rules that take the resources of small businesses into account as well as the public safety needs are in the public interest. Therefore, the Commission rejected alternative proposals that the future development of the E911 technologies should be left to the market forces and the industry without the Commission's involvement.

17. The Commission considered and rejected proposals that the rules should be expanded to apply to all providers of Commercial Mobile Radio Services (CMRS) because not all CMRS services are mass market voice services whose users expect to be able to use them to call 911. Specifically, the Commission believes that the costs of requiring local SMR services and 220 MHz licensees operating on 5 kHz channels to comply with the proposed rules would outweigh the benefits and application of the proposed rules to them, and would give them an incentive to eliminate their interconnection to the public network, which would not be in the public interest. Similarly, because it is not certain how multilateration Location and Monitoring Service (LMS) will develop, we concluded that it is premature to propose to require such licensees to provide E911 at this time. In the future if these wireless service providers not covered by the current rules develop into a mobile telephone

service like cellular or broadband PCS, we may revisit this decision.

18. The Commission considered and rejected proposals to adopt a specific technology for providing ALI, because we believe that various technologies are currently under development which can provide more advanced public safety technology than those that are currently available. The Commission also considered and rejected proposals to adopt rules to require a minimum latency period to locate 911 callers at this time, because the record is insufficient to determine the technical feasibility and the costs of implementing such requirements, especially the financial impact on small business entities. The Commission instead decided to seek comment on these proposals, including the benefits and feasibility of such requirements.

*VI. Federal Rules That Overlap, Duplicate, or Conflict with These Proposed Rules*

19. There are no Federal rules which overlap, duplicate, or conflict with the rules we are proposing.

**List of Subjects in 47 CFR Part 20**

Communications common carriers, Federal Communications Commission.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 96-19661 Filed 8-1-96; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 216**

[Docket No. 960318084-6199-02; I.D. 071596C]

RIN 0648-AG55

**Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Naval Activities**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; notice of public meetings and request for comments.

**SUMMARY:** NMFS has received an application from the U.S. Navy for an incidental small take exemption under the Marine Mammal Protection Act (MMPA) to take a small number of marine mammals incidental to shock testing the USS SEAWOLF submarine in

the offshore waters of the U.S. Atlantic coast in 1997. By this notice, NMFS is proposing regulations to govern that take. NMFS also announces the times, dates, and locations of public meetings in order to receive comments from the general public on the Navy application and the proposed regulations. In order to grant the exemption and issue the regulations, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals. NMFS invites comment on the application and the proposed regulations.

**DATES:** Comments must be received no later than September 17, 1996. Public meetings are scheduled as follows:

1. August 19, 1996, 10 a.m.-4 p.m. Silver Spring, MD.
2. August 20, 1996, 7-10 p.m. Norfolk, VA.
3. August 21, 1996, 7-10 p.m. Atlantic Beach, FL.

**ADDRESSES:** Comments should be addressed to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226. A copy of the application may be obtained by writing to the above address, telephoning the person below (see **FOR FURTHER INFORMATION CONTACT**) or by leaving a voice mail request at (301) 713-4070. A copy of the draft environmental impact statement (draft EIS) may be obtained from Will Sloger, U.S. Navy, at (803) 820-5797.

The public meetings will be held at the following locations:

1. Norfolk—Lafayette Winona Middle School auditorium, 1701 Alsace Avenue, Norfolk, VA.
2. Atlantic Beach—Mayport Middle School cafeteria, 2600 Mayport Road, Atlantic Beach, FL.
3. Silver Spring—Silver Spring Metro Center Building 4, 1st floor, 1305 East-West Highway, Silver Spring, MD.

Comments regarding the burden-hour estimate or any other aspect of the collection of information requirement contained in this rule should be sent to the above individual and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: NOAA Desk Officer, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead, NMFS, (301) 713-2055.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to

allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted for periods of 5 years or less if NMFS finds that the taking will have a negligible impact on the species or stock(s) of marine mammals, will not have an unmitigable adverse impact on the availability of these species for subsistence uses, and regulations are prescribed setting forth the permissible methods of taking and the requirements pertaining to the monitoring and reporting of such taking.

**Summary of Request**

On June 7, 1996, NMFS received an application for an incidental, small take exemption under section 101(a)(5)(A) of the MMPA from the U.S. Navy to take marine mammals incidental to shock testing the USS SEAWOLF submarine off the U.S. Atlantic coast. The USS SEAWOLF is the first of a new class of submarines being acquired by the Navy. In accordance with 10 U.S.C. 2366, each new class of ships constructed for the Navy cannot proceed beyond initial production until realistic survivability testing of the ship and its components are completed. Realistic survivability testing means testing for vulnerability in combat by firing munitions likely to be encountered in combat. This testing and assessment is commonly referred to as "Live Fire Test & Evaluation (LFT&E)." Because realistic testing by detonating torpedoes or mines against a ship's hull could result in the loss of a multi-billion dollar Navy asset, the Navy has established an LFT&E program consisting of computer modeling, component and surrogate testing, and shock testing the entire ship. Together, these components complete the survivability testing as required by 10 U.S.C. 2366.

The shock test component of LFT&E is a series of underwater detonations that propagate a shock wave through a ship's hull under deliberate and controlled conditions. Shock tests simulate near misses from underwater explosions similar to those encountered in combat. Shock testing verifies the accuracy of design specifications for shock testing ships and systems, uncovers weaknesses in shock sensitive components that may compromise the performance of vital systems, and provides a basis for correcting deficiencies and upgrading ship and component design specifications. While computer modeling and laboratory testing provide useful information, they