

reduce the economic burden on Title XI Program participants and will therefore not have a significant economic impact on a substantial number of small entities.

#### Environmental Assessment

This final rule has no environmental impact and an environmental impact statement is not required.

#### Paperwork Reduction Act

This rulemaking contains no new information collection requirements. It reduces certain information collection requirements that have been approved by the Office of Management and Budget under control number 2133-0012.

#### Unfunded Mandates

Under the Unfunded Mandate Reform Act (Pub. L. 104-4) The Maritime Administration must consider whether this rule will result in an annual expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation). The Act also requires that the Maritime Administration identify and consider a reasonable number of regulatory alternatives and, from those alternatives, select the least costly, most cost-effective, or least burdensome alternative that will achieve the objectives of the rule.

As stated above, by this rule the Maritime Administration is significantly reducing a regulatory burden, citizenship reporting requirements, on the public. This final rule does not result in an annual expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more and is the least burdensome alternative that will achieve the objectives of the rule.

#### List of Subjects in 46 CFR Part 298

Loan programs—transportation, Maritime carriers, Mortgages.

Accordingly, 46 CFR part 298 is amended as follows:

1. The authority for 46 CFR Part 298 continues to read as follows:

**Authority:** 46 App. U.S.C. 1114(b), 1271 et seq; 49 CFR 1.66.

2. Section 298.2 is amended by removing the paragraph designations, and adding the following definitions, in alphabetical order:

#### § 298.2 Definitions.

\* \* \* \* \*

*Citizen of the United States* means a person who, if an individual, is a Citizen of the United States by birth,

naturalization or as otherwise authorized by law or, if other than an individual, meets the requirements of Section 2 of the Shipping Act, 1916, as amended (46 App. U.S.C. 802), as further described at 46 CFR 221.3(c).

\* \* \* \* \*

*Commitment Closing* means a meeting of various participants or their representatives in a Title XI financing at which a commitment to issue Guarantees is executed and the forms of the Obligations and the related Title XI documents are also either agreed upon or executed.

\* \* \* \* \*

3. Section 298.10 is revised to read as follows:

#### § 298.10 Citizenship.

(a) *Applicability.* Prior to acquiring a legal or beneficial interest in a Vessel financed under Title XI of the Act which is operating in or will be operated in the U.S. coastwise trade, the applicant and any other Person, (including the shipowner and any bareboat charterer), shall establish its United States citizenship, within the definition "citizen of the United States" in § 298.2.

(b) *Prior to Letter Commitment.* The applicant and any Person identified in paragraph (a) of this section, who is required to establish United States citizenship shall, prior to the issuance of the Letter Commitment, establish United States citizenship in form and manner prescribed in 46 CFR part 355.

(c) *Commitment Closing.* Unless otherwise waived by the Secretary for good cause, at least 10 days prior to every Commitment Closing, all Persons identified with the project who have previously established United States citizenship in accordance with paragraphs (a) and (b) of this section shall submit pro forma Supplemental Affidavits of Citizenship which have previously been approved as to form and substance by the Secretary, and on the date of such closing such Persons shall submit to the Secretary three executed copies of such Supplemental Affidavits of Citizenship evidencing the continuing United States citizenship of such Persons bearing the date of such closing.

(d) *Additional information.* If additional material is determined at any time to be essential to clarify or support evidence of U.S. citizenship, such material shall be furnished by the applicant, the Obligor or any Person identified in paragraph (a) of this section upon request by the Maritime Administration.

Dated: September 2, 1997.

By order of the Acting Maritime Administrator.

**Joel C. Richard,**

Secretary.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR PART 64

[CC Docket 90-571; DA 97-1800]

### Telecommunications Relay Services, and the Americans With Disabilities Act of 1990

**AGENCY:** Federal Communications Commission.

**ACTION:** Suspension of final rule; Order.

**SUMMARY:** Notice is hereby given that in an Order on Telecommunications Relay Services ("TRS") and the Americans with Disabilities Act of 1990 ("Order"), CC Docket No. 90-571, adopted on August 20, 1997 and released on August 21, 1997, the Common Carrier Bureau ("Bureau") suspended enforcement of the requirement that the TRS be capable of handling coin sent-paid calls for one additional year until August 26, 1998. Because the existing technology to provide coin sent-paid calls through the TRS centers has serious deficiencies and no technological solution appears imminent, the Bureau recommended that the Commission conduct a rulemaking during the one year suspension to gather information sufficient to ensure that the Commission's final decision on whether the TRS must be capable of handling coin sent-paid calls is based on a complete and fresh record. During the suspension period, the Bureau directed carriers to continue to make payphones accessible to TRS users under the "Alternative Plan." The Alternative Plan has enabled TRS users to make relay calls from payphones using alternative payment methods since 1995 and has educated TRS users about their abilities to make such calls. In addition, because parties disagree over the effectiveness of the Alternative Plan, the Bureau directed carriers to comply with several additional consumer education requirements designed to improve TRS users' awareness of their ability to make relay calls from payphones.

**EFFECTIVE DATES:** Section 64.604(a)(3) is suspended effective September 8, 1997 through August 26, 1998. The collections of information for this order will become effective no sooner than October 8, 1997 upon approval of OMB.

The Commission will publish a document at a later date announcing this effective date.

**FOR FURTHER INFORMATION CONTACT:** Helene Schrier Nankin, 202-418-1466, Network Services Division, Common Carrier Bureau.

**SUPPLEMENTARY INFORMATION:** Under § 64.604 of the Commission's rules, the TRS must be capable of handling any type of telephone call normally provided by common carriers. The Commission has interpreted this rule to include coin sent-paid calls. The coin sent-paid rule was initially to become effective on July 26, 1993. 47 U.S.C. 225(c) (1996). The Bureau has suspended enforcement of the requirement that common carriers provide coin sent-paid calls through the TRS centers since 1993 based on common carriers' representations that it has been technically infeasible to provide the coin sent-paid service through the TRS centers ("coin sent-paid rule"). Since 1995, carriers have made payphones accessible to TRS users through an Alternative Plan ("Alternative Plan"). The Alternative Plan enables TRS users to make local relay calls for free and to make toll calls from payphones using calling or prepaid cards at or below the coin call rates. The Alternative Plan also requires carriers to educate TRS users about the alternative payment methods that the TRS users can use to make relay calls from payphones. The Bureau directed carriers to file two reports on the effectiveness of the Alternative Plan, due 12 and 18 months after the issuance of the Bureau's order adopting the Alternative Plan ("12 Month Report" and "18 Month Report" respectively). The Bureau listed the two reports on public notice dated May 9, 1997 and received nine comments on June 2, 1997. Commenters disagree on the effectiveness of the Alternative Plan.

In the *Order*, the Bureau suspended the enforcement of the requirement that the TRS be capable of handling coin sent-paid calls for one year until August 26, 1998 because the only technological solution that can provide the coin sent-paid calls through the TRS centers, coin signalling interface ("CSI"), has serious deficiencies and no new technological solution appears imminent. In the *Order*, the Bureau recommends that during the one year suspension, the Commission conduct a rulemaking on coin sent-paid issues to gather information sufficient to ensure that the Commission's final decision on whether the TRS must be capable of handling coin sent-paid calls is based on a complete and fresh record.

In addition, the Bureau directed carriers to continue to make payphones accessible to TRS users under the terms of the Alternative Plan as set forth in the 1995 *Suspension Order*, 60 FR 58626 (Nov. 28, 1995), and as modified by the *Order*. The Bureau required carriers: (1) to send a consumer education letter to TRS centers; (2) to inform organizations representing the hearing and speech disability community before attending their regional and national meetings who will be present at the meeting, where the industry's booth will be located, and at what times the booth will be in operation; and (3) to publish an article in Consumer Action Network ("CAN's") respective organizations' magazines or newsletters. The Bureau also directed carriers to work jointly with the organizations representing the individuals with hearing and speech disabilities to draft a report about the feasibility of executing the other proposals contained in the 18 Month Report, to be submitted to the Commission within two months of the publication of a summary of the *Order* in the **Federal Register**. In particular, the Bureau directed carriers to consult with representatives from organizations that represent the hearing and speech disability community to determine if it would be useful and possible to educate TRS users about the Alternative Plan by: (1) Sending a letter directly to all CAN's members; and (2) creating laminated cards with visual characters that will provide a pictorial explanation to accompany the text describing access to TRS centers from payphones and which can be distributed to TRS users. If carriers found that these actions are feasible, the Bureau directed carriers to take these actions.

The full text of the *Order* is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, Room 239, 1919 M Street, N.W., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 2100 M Street, N.W., Suite 140, Washington D.C. 20037, phone 202/857-3800.

#### List of Subjects in 47 CFR Part 64

Communications common carriers, Handicapped, Individuals with hearing and speech disabilities, Telecommunications relay services.

For the reasons set forth in the preamble, § 64.604(a)(3) is suspended from September 8, 1997 through August 26, 1998.

Federal Communications Commission.

**Kent Nilsson,**

*Deputy Division Chief, Network Services Division, Common Carrier Bureau.*

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## DEPARTMENT OF DEFENSE

### 48 CFR Parts 212, 225, 244, and 252 [DFARS Case 96-D333]

#### Defense Federal Acquisition Regulation Supplement; Application of Berry Amendment

**AGENCY:** Department of Defense (DOD).

**ACTION:** Final rule.

**SUMMARY:** The Director of Defense Procurement has adopted as final, with changes, the interim rule that was published at 62 FR 5779 on February 7, 1997. The rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8109 of the National Defense Appropriations Act for Fiscal Year 1997. Section 8109 provides that, in applying the Berry Amendment, the term "synthetic fabric and coated synthetic fabric" shall be deemed to include all textile fibers and yarns that are for use in such fabrics; and that the domestic source restrictions of the Berry Amendment shall apply to contracts and subcontracts for the procurement of commercial items.

**EFFECTIVE DATE:** September 8, 1997.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 96-D333.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

An interim rule with request for comments was published at 62 FR 5779 on February 7, 1997. The rule amended DFARS Parts 212, 225, 244, and 252 to extend the application of the Berry Amendment domestic source restrictions (10 U.S.C. 2241 note) to textile fibers and yarns that are for use in synthetic fabric and coated synthetic fabric; and to require flow down of the Berry Amendment restrictions to subcontracts for the procurement of commercial items. The interim rule provided an exception to the Berry Amendment restrictions for purchases of fibers and yarns that are for use in synthetic fabric or coated synthetic fabric, if such fabric is to be used as a component of an end item not classified in Federal Supply Group 83 or 84. This