

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.

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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,

D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Suite 140, 2100 M Street, N.W., Washington, D.C. 20037.

Regulatory Flexibility Analysis:

The Commission has determined that Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), does not apply to these rules because they do not have a significant economic impact on a substantial number of small entities. The definition of a "small entity" in Section 3 of the Small Business Act excludes any business that is dominant in its field of operation. Although some of the LECs that will be affected are very small, such LECs do not qualify as "small entities" because each has a monopoly on ubiquitous access to the subscribers in their service area. The Commission has also found all exchange carriers to be dominant in its competitive carrier proceeding. See Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorization Therefore, CC Docket No. 79-252, First Report and Order, 85 FCC 2d 1, 23-24 (1980), 45 FR 76148, November 18, 1980. To the extent that small telephone companies will be affected by these rules, the Commission certified that these rules would not have a significant effect on a substantial number of "small entities."

Summary of Report and Order

In its Docket 91-35 Reconsideration Order, the Commission ordered LECs to offer, pursuant to interstate tariffs, services that would block international direct-dialed sequences (011+ and 10XXX-011+), but did not require LECs to make that service available to customers other than aggregators. See Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation, CC Docket No. 91-35, Order on Reconsideration, 7 FCC Rcd 4355 (1992) (Docket 91-35 Reconsideration Order), 57 FR 34253, August 4, 1992. The Commission also required the LECs to offer two tariffed screening services, originating line screening (OLS) and billed number screening (BNS). These services enable operator service providers (OSPs) to determine whether there are billing restrictions on lines to which a caller may seek to bill a call. The Commission, however, did not expressly require that those screening services be federally tariffed. In its Order on Further Reconsideration and Further Notice of Proposed Rulemaking in this docket, 8 FCC Rcd 2863 (1993) (Further Reconsideration/Further NPRM), 58 FR

21435, April 21, 1993, the Commission subsequently affirmed the requirement that LECs offer OLS and BNS services and tentatively found that Bell Atlantic's federally tariffed line information data base (LIDB) service fulfills its obligation to provide a BNS service. The Further Reconsideration/ Further NPRM requested further comment on three major issues: (1) whether the Commission should require the LECs to extend their international blocking services to non-aggregator business subscribers and to residential subscribers; (2) whether the Commission should affirm its tentative conclusion that BNS and OLS services should be tariffed at the federal level; and (3) whether proposed standards regarding availability to all customers, unbundling, and rate levels should be applied to OLS and BNS services provided by the LECs. In light of the rapid growth in the availability of, and complaints about, international information services since comments were last filed in this proceeding, the Commission's Common Carrier Bureau (Bureau) issued a Public Notice in March 1995 requesting further comment on whether international blocking for residential consumers would be useful in preventing losses to international pay-per-call services, particularly dial-a-porn services. Public Notice, Request for Additional Comments on the Costs and Benefits of International Blocking for Residential Customers, CC Docket No. 91-35, 10 FCC Rcd 4549 (Com.Car.Bur. 1995) (Public Notice), 60 FR 16651, March 31, 1995. Specifically, the Bureau asked LECs to comment on the costs they would incur to provide international call blocking service to residential customers and to show the extent to which those costs could be reduced by not providing blocking in areas in which it would not be technically feasible or economically reasonable to do so.

In this Order, the Commission required LECs to provide international blocking services to business customers, where technically feasible and economically reasonable. The Commission did not, however, require LECs to provide such blocking for residential consumers at this time. Also, the Commission required LECs to tariff, at the federal level, BNS and OLS screening services that allow aggregators to ensure that the proper screening codes are associated with their telephone lines. 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

Commission emphasized again that it is important for LECs to use uniform codes for the OLS services that they provide. The Commission required the LECs to unbundle their OLS "confirmation services," unless they can show that bundling would not place aggregators at a competitive disadvantage or that it is not technically feasible or would be economically unreasonable to unbundle OLS service. The Commission also required that LECs unbundle the BNS service they provide to aggregators under federal tariff and make that service available to both aggregators and non-aggregators. Finally, the Commission specified a rate structure for OLS and BNS services provided to aggregators.

Ordering Clauses

Accordingly, it is ordered, pursuant to authority contained in Sections 1, 4, 201-205, 218, 220, and 226 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201-205, 218, 220, and 226, that the policies and requirements set forth herein ARE adopted.

It is further ordered That this Order will be effective June 27, 1996.

It is further ordered That, pursuant to Section 203 of the Communications Act, 47 U.S.C. 203, each of the LECs SHALL FILE revisions to their federal tariffs, reflecting the requirements of this Order to provide international blocking service for non-aggregator business customers and Billed Number Screening (BNS) service within 60 days after the effective date of this Order.

It is further ordered That, pursuant to Section 203 of the Communications Act, 47 U.S.C. § 203, each of the LECs shall file tariff revisions, reflecting the requirements of this Order to federally tariff Originating Line Screening (OLS) service, no later than December 1, 1996.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 37 and 38

[Docket No. 49658]

RIN 2105-AC13

Transportation for Individuals With Disabilities; Correction

AGENCY: Department of Transportation (DOT), Office of the Secretary.