

major rule under Pub. L. 104-121, 5 U.S.C. 804, or a significant rule under the Department's Regulatory Policies and Procedures. Accordingly, it has not been reviewed by the Office of Management and Budget.

MARAD has determined that this rulemaking presents no substantive issue which it could reasonably expect to produce meaningful public comment since it is merely removing obsolete regulations. Accordingly, MARAD has determined that the notice and public comment procedure otherwise required by the Administrative Procedure Act, 5 U.S.C. 553(c), is unnecessary and good cause exists, pursuant to 5 U.S.C. 553(d)(3), to make the changes effective upon publication.

#### *Federalism*

The Maritime Administration has analyzed this rulemaking in accordance with the principles and criteria contained in Executive order 12612, and it has been determined that these regulations do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Regulatory Flexibility Act*

The Maritime Administration certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

#### *Environmental Assessment*

The Maritime Administration has considered the environmental impact on this rulemaking and has concluded that an environmental impact statement is not required under the National Environmental Policy Act of 1969.

#### *Paperwork Reduction Act*

This rulemaking contains no reporting requirement that is subject to OMB approval under 5 CFR Part 1320, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*)

List of Subjects in 46 CFR Parts 252 and 272

Grant programs—transportation, Maritime carriers, Reporting and recordkeeping requirements.

Accordingly, MARAD hereby amends 46 CFR Parts 252 and 272 as follows:

#### **PART 252—[AMENDED]**

1. The authority citation for Part 252 continues to read as follows:

Authority: 46 App. U.S.C. 1114(b), 1117, 1121, 1171, 1173 and 1175; 49 CFR 1.66.

2. Section 252.1 Purpose is amended in the parenthetical United States Code citation by inserting "App." between "46 and "U.S.C."

3. Section 252.32 Maintenance (upkeep) and repairs, is amended by removing paragraphs (c)(1) and (c)(2).

#### **PART 272—[AMENDED]**

1. The authority citation for Part 272 continues to read as follows:

Authority: 46 App. U.S.C. 1114(b), 1173, 1176; 49 CFR 1.66.

2. Section 272.41 Requirements for examination and allocation of M&R expenses, is amended by removing paragraphs (e), (f), and (g).

Dated: June 20, 1996.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 96-16099 Filed 6-24-96; 8:45 am]

BILLING CODE 4910-81-P

### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

[MM Docket No. 95-161; RM-8709]

#### **Radio Broadcasting Services; Las Vegas, NM**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of William R. Sims, allots Channel 244A to Las Vegas, New Mexico, as the community's third local commercial FM service. See 60 FR 55821, November 3, 1995. Channel 244A can be allotted to Las Vegas in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 35-36-00 North Latitude; 105-13-00 West Longitude. With this action, this proceeding is terminated.

**DATES:** Effective July 29, 1996. The window period for filing applications will open on July 29, 1996, and close on August 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-161, adopted April 12, 1996, and released June 14, 1996. The full text of this Commission decision 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 of this decision may also be purchased

from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### **PART 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### **§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by adding Channel 244A at Las Vegas.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-16052 Filed 6-24-96; 8:45 am]

BILLING CODE 6712-01-F

#### **47 CFR Part 76**

[CS Docket No. 96-46; FCC 96-256]

#### **Telecommunications Act of 1996**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This Order waives the Commission's rules regarding the filing of oppositions to petitions for reconsideration and replies. This is necessary to provide the Commission with sufficient time to address issues raised on reconsideration and to implement Section 653 of the Communications Act. This Order establishes the date by which oppositions to petitions for reconsideration must be filed and provides that replies to oppositions will not be accepted.

**DATES:** This rule is effective June 25, 1996. Petitions for reconsideration are due on or before July 5, 1996, and oppositions to petitions for reconsideration are due on or before July 15, 1996.

**FOR FURTHER INFORMATION, CONTACT:** Meryl S. Icové, Cable Services Bureau, (202) 418-7200.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Order in CS Docket No. 96-46, FCC 96-256, adopted June 6, 1996 and released June 7, 1996. The complete text of this Order is available

for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, N.W., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc. ("ITS Inc.") at (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20017.

#### Synopsis of Order

1. The Telecommunications Act of 1996 added Section 653 to the Communications Act of 1934, establishing a new framework for entry into the video programming marketplace, the open video system. The 1996 Act required that the Commission, within six months after the date of enactment of the 1996 Act, "complete all actions necessary (including any reconsideration) to prescribe regulations" to govern the operation of open video systems. The Commission issued a Notice of Proposed Rulemaking on March 11, 1996. 61 FR 10496 (March 14, 1996). On May 31, 1996, the Commission adopted a Second Report and Order implementing Section 653. Pursuant to the 1996 Act, the Commission must issue an order on reconsideration by August 8, 1996.

2. The Communications Act, and the Commission's rules, require that petitions for reconsideration of a Commission order may be filed within thirty days from the date upon which public notice is given of the order. Public notice of the Second Report and Order was given on June 5, 1996, when a summary of the order was published in the Federal Register. 61 FR 28698 (June 5, 1996). Petitions for reconsideration are due, therefore, on July 5, 1996. In order to afford the Commission sufficient time to review the issues raised in the petitions and to meet its statutory requirement to issue an order on reconsideration by August 8, 1996, we believe it is in the public interest for the Commission to waive its rules regarding the filing of oppositions to petitions for reconsideration and replies to oppositions. We are waiving Section 1.429(f) to provide that oppositions must be filed by July 15, 1996. We are also waiving Section 1.429(g) and will not accept any replies to oppositions. Finally, in order to afford the fullest consideration possible to the issues raised on reconsideration, we strongly encourage parties to file pleadings in advance of the deadlines.

#### List of Subjects in 47 CFR Part 76

Open video systems.

Federal Communications Commission.  
William F. Caton,  
*Acting Secretary*.  
[FR Doc. 96-16106 Filed 6-24-96; 8:45 am]  
BILLING CODE 6712-01-P

#### 47 CFR Part 76

[CS Docket No. 96-57; FCC 96-257]

#### Telecommunications Act of 1996

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission issues this Report and Order to implement Section 623(a)(7)(A) of the Communications Act of 1934, as amended ("Communications Act"). The Report and Order is necessary to fulfill the statutory requirement in Section 301(j) of the Telecommunications Act of 1996 ("1996 Act") that the Commission allow cable operators to aggregate, on a franchise, system, regional, or company level, their equipment costs into broad categories regardless of the equipment's level of functionality. In the Report and Order, the Commission also issues final rules.

**EFFECTIVE DATE:** July 25, 1996.

**FOR FURTHER INFORMATION CONTACT:** Tim J. Bellamy, Cable Services Bureau, (202) 418-7200.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Report and Order in CS Docket No. 96-57, FCC 96-257, adopted June 6, 1996 and released June 7, 1996. The complete 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, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc. ("ITS Inc.") at (202) 857-3800, 2100 M Street N.W., Suite 140, Washington, DC 20017. This Report and Order contains modified information collection requirements approved by OMB under control number 3060-0703 for use through June 30, 1999.

#### Synopsis of Report and Order

1. In this Report and Order, the Commission amends its rules to implement Section 301(j) of the 1996 Act which adds a new Section 623(a)(7) to the Communications Act. Section 301(j) of the 1996 Act requires the Commission to allow cable operators to aggregate, on a franchise, system, regional, or company level, their equipment costs into broad categories regardless of the varying levels of functionality of the equipment within

each such broad category. That section also provides that "[s]uch aggregation shall not be permitted with respect to equipment used by subscribers who receive only a rate regulated basic tier."

#### Discussion

##### A. Equipment Aggregation

2. Section 301(j) of the 1996 Act requires the Commission to allow regulated operators to aggregate "their [customer] equipment costs into broad categories, such as converter boxes, regardless of the varying levels of functionality of the equipment within each such broad category." The Commission concludes, and amends its rules accordingly, that Congress intended to permit operators to aggregate equipment costs into broad categories, limited only by the requirement that equipment so aggregated be of the same type. The language in Sections 76.923 (f) and (g) of the Commission's rules that requires separate charges for each significantly different type of remote control device, converter box, and other customer equipment was eliminated. The "primary purpose" test, proposed in the *Notice of Proposed Rulemaking* ("NPRM"), 61 FR 13803 (March 28, 1996), for categorizing equipment will not be used, nor will it be incorporated into our rules. The term "level of functionality" is not further defined.

3. Under the rules adopted in this Report and Order, there are three types of customer equipment: converter boxes, remote controls and inside wiring. Consistent with this fact, the Commission concluded that costs of equipment used in the installation of initial and additional outlets may be aggregated into the same broad category, inside wiring. In addition, the Commission will maintain a flexible approach with respect to categorization of new technology. Operators also have the flexibility to average some equipment of the same type, but not all equipment of that type. In other words, operators may choose how broadly to categorize equipment if they choose to do so at all.

4. Though the Commission tentatively concluded otherwise in the NPRM, Section 76.923(l) of the Commission's rules, which permits cost aggregation specifically for small cable systems is not eliminated. The Commission believes eliminating that section might increase regulatory burdens on some smaller cable systems, a result Congress did not intend.