

entrants are not analogous to traditional commercial negotiations in which each party owns or controls something the other party desires. Under section 251, monopoly providers are required to make available their facilities and services to requesting carriers that intend to compete directly with the incumbent LECs for their customers and, consequently, incumbents have strong incentives to resist such obligations. Our national rules serve the critical role of equalizing bargaining power by establishing certain baseline principles that will "reduce delay and lower transaction costs"—burdens that we have found "impose particular hardships for small entities that are likely to have less of a financial cushion than larger entities." A stay would undermine that critical role at a most important time, disproportionately harming the competition that the statute contemplates from new entrants.

31. Moreover, Congress made clear that *it* wants our rules to be in place at this critical time. Congress specifically ordered the Commission to "complete all actions necessary to establish regulations to implement the requirements" of section 251 by August 8, 1996. It explained that it is "important that the Commission rules to implement new section 251 be promulgated within six months after the date of enactment, so that potential competitors will have the benefit of being informed of the Commission's rules in requesting access and interconnection before the statutory window in new section 271(c)(1)(B) shuts." Section 271(c)(1)(B) authorizes a Bell Operating Company (BOC) to apply for approval to offer in-region interLATA telecommunications services if it does not receive a request for access and interconnection from a facilities-based competitor within seven months after enactment. In section 252(c)(1), Congress further ordered state arbitrators resolving interconnection disputes and imposing conditions on telecommunications companies to "ensure that such resolution and conditions meet the requirements of section 251, including the regulations prescribed by the Commission." Under the statute, those state arbitrators must "conclude the resolution of any unresolved issues not later than 9 months after the date on which the local exchange carrier received the [interconnection] request." Because many LECs requested interconnection shortly after the enactment of the 1996 Act on February 8, 1996 (with the consequence that arbitration of such requests must be completed soon), a

stay of our rules would frustrate implementation of the procedure established by Congress. As a matter of mathematical certainty, the arbitrations cannot be completed on the timetable established by Congress—with the arbitrators ensuring that the agreements reflect the regulations prescribed by the Commission, as Congress directed in section 252(c)(1)—if the regulations are stayed.

IV. Ordering Clauses

32. Accordingly, *it is ordered* that the joint motion for stay filed by GTE Corporation and the Southern New England Telephone Company is denied.

33. *It is further ordered* that the motion for stay filed by U S West, Inc., is denied.

List of Subjects in 47 CFR Part 51

Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-26517 Filed 10-16-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-44; RM-8745]

Television Broadcasting Services; Woodward, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Channel 35 Broadcasters, allots UHF TV Channel 35+ to Woodward, OK, as the community's second local and first commercial television service. See 61 FR 10978, March 18, 1996. Channel 35+ can be allotted to Woodward in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 36-26-12 NL; 99-23-26 WL. This allotment is not affected by the Commission's temporary freeze on new television allotments in certain metropolitan areas. See *Order*, 52 FR 28346, July 29, 1987. With this action, this proceeding is terminated.

DATES: Effective November 12, 1996. The period for filing applications will open on November 12, 1996. If no acceptable applications are filed by December 13, 1996, there will be no additional opportunity to file applications for this channel allotment.

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. 96-44, adopted September 20, 1996, and released September 27, 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

Television 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.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under Oklahoma, is amended by adding Channel 35+ at Woodward.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-26519 Filed 10-16-96; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1070 and 1071

[STB Ex Parte No. 557]

Removal of Obsolete Regulations Concerning Water Carriers

AGENCY: Surface Transportation Board, Transportation.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is removing from the Code of Federal Regulations obsolete regulations exempting certain water carrier operations.

EFFECTIVE DATE: October 17, 1996.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803 (ICCTA), abolished the Interstate Commerce Commission (ICC) and established the Board within the Department of Transportation. Section 204(a) of the ICCTA provides that "[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act."

Under the prior law, the ICC had general jurisdiction over water carrier transportation. Former 49 U.S.C. 10541. The areas the ICC specifically regulated included domestic water carrier licensing (former section 10922); rates and practices to ensure that they were reasonable and nondiscriminatory (former sections 10701 and 10741); tariffs (former section 10761); mergers, purchases, and acquisitions (former section 11343); and limitations on the common ownership or control by railroads of water carriers (former section 11321).

The prior law also contained statutory exemptions to economic regulation of water transportation. These exemptions pertained to bulk transportation (former section 10542); incidental water transportation (former section 10543); and certain miscellaneous exemptions (former section 10544).

As relevant here, the ICC promulgated regulations at 49 CFR parts 1070 and 1071 relating to the miscellaneous exemptions provision of former 49 U.S.C. 10544. The regulations at 49 CFR part 1070 pertain to exempt water carrier transportation under former section 10544(a)(1) within New York and Philadelphia.¹ The regulations at 49 CFR part 1071 concern exemptions for water carrier transportation by small craft; water carrier transportation of passengers between places in the United States through foreign ports; water contract carrier leasing of vessels to private water carriers; and water carrier transportation of property owned by a person owning substantially all of the voting stock of the carrier.²

¹ The section 1070 regulations were issued pursuant to section 303(g)(1) of the Interstate Commerce Act (the predecessor of former 49 U.S.C. 10544(g)(1)) in *Determination of the Limits of New York Harbor and Harbors Contiguous Thereto*, Ex Parte No. 140, 6 FR 1756 (1941) and *Determination of the Limits of Philadelphia Harbor and Harbors Contiguous Thereto*, Ex Parte No. 145, 6 FR 3597 (1941).

² These regulations were issued pursuant to the ICC's authority in former sections 10544(a)(2), 10544(b), 10544(e), and 10544(f)(1), respectively, in *Exemption of Water Carrier Operations*, 4 I.C.C. 2d. 699 (1988).

Under the ICCTA, residual jurisdiction is maintained over domestic water carriage "to ensure that this transportation would not be subjected to similar regulation under other laws." S. Rep. No. 196, 104th Cong., 1st Sess. 42 (1995). The general jurisdiction statement of former section 10541(a), with the exception of an introductory clause that had permitted regulation through other laws, is now found in new section 13521. *Id.* There is no longer active regulation of domestic water carriage except for rate reasonableness regulation in the noncontiguous domestic trade (section 13701) and tariff filing in the noncontiguous domestic trade (section 13702) with certain exceptions.³ Thus, the ICCTA eliminated both the broader regulatory provisions of former sections 10922, 10701, 10761, 10741, 11343, and 11321 and the general exemptions from those provisions at former sections 10542-44.

Because the statutory basis (former section 10544) for the regulations at 49 CFR parts 1070 and 1071 has been eliminated, we will remove those regulations. We emphasize, however, that the removal of these exemptions does not signify a more active regulatory role regarding water carriage. As noted, there is no longer active regulation of domestic water carrier transportation (except for rate reasonableness and tariff regulation in the noncontiguous domestic trade).

Because this action merely reflects, and is required by, the enactment of the ICCTA and will not have an adverse effect on the interests of any person, this action will be made effective on the date of publication in the Federal Register.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Parts 1070 and 1071

Water carriers.

Decided: October 7, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

PARTS 1070-1071—[REMOVED]

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the

³ The exceptions are for bulk cargo, forest products, recycled metal scrap, waste paper, and paper waste. Section 13702(a)(1).

Code of Federal Regulations is amended by removing parts 1070 and 1071.

[FR Doc. 96-26604 Filed 10-16-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961008281-6281-01; I.D. 091896B]

RIN 0648-AJ25

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Monkfish Exempted Trawl Fishery

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to modify the regulations implementing the Northeast Multispecies Fishery Management Plan (FMP). This rule allows a year-round exempted trawl fishery for monkfish south of 40°10' N. lat. and east of 72°30' W. long., allows additional bycatch species in the Cultivator Shoal Whiting Fishery, and adds a prohibition to enhance enforcement of the exemptions. The intent of this action is to maximize fishing opportunities in a manner that is consistent with the conservation objectives of the FMP.

EFFECTIVE DATE: October 10, 1996.

ADDRESSES: Copies of Amendment 7 to the FMP, its regulatory impact review (RIR) and the regulatory flexibility analysis contained within the RIR, and its final supplemental environmental impact statement, are available upon request from Christopher Kellogg, Acting Executive Director, New England Fishery Management Council (Council), 5 Broadway, Saugus, MA 01906-1097. Copies of the Environmental Assessment (EA) supporting this action may be obtained from Dr. Andrew A. Rosenberg, Regional Administrator, NMFS, 1 Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, Fishery Policy Analyst, 508-281-9272.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 7 to the FMP became effective on July 1, 1996 (61 FR 27710, May 31, 1996). These regulations implemented a