

Dated: March 26, 1997.

**David J. Barram,**

*Acting Administrator of General Services.*

[FR Doc. 97-16320 Filed 6-23-97; 8:45 am]

BILLING CODE 6820-24-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Part 16

[CGD 95-011]

RIN 2115-AF02

#### **Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel; Implementation of Drug Testing in Foreign Waters**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule adopts as final the interim rule that established January 2, 1997, as the effective date for implementation of chemical drug testing of persons on board U.S. vessels in waters subject to the jurisdiction of a foreign country. Under the interim rule, industry has until July 1, 1997, to implement the required testing, but may be exempted from testing requirements when compliance would violate the domestic laws or policies of another country.

**DATES:** This final rule is effective July 24, 1997.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** LT Jennifer Ledbetter, Project Manager, Marine Investigation Division (G-MOA-1), telephone (202) 267-0684.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background and Purpose**

On November 21, 1988, the Coast Guard promulgated regulations requiring pre-employment, periodic, post-accident, reasonable cause, and random drug testing of U.S. crewmembers on U.S. vessels (53 FR 47079). The final rule provided that the testing requirements of 46 CFR part 16 did not apply to any person for whom compliance with the rules would violate the domestic laws or policies of another country. The effective date of part 16, with respect to any person on board a

U.S. vessel in waters subject to the jurisdiction of a foreign government, was delayed until January 1990. The Coast Guard subsequently delayed implementation of foreign testing requirements several times, the last of which was on December 28, 1995, delaying the implementation to January 2, 1997 (60 FR 67062). These rules did not prohibit employers from conducting chemical testing of U.S. personnel in foreign waters. However, the requirement to perform such tests was delayed. Many companies continued to test mariners in foreign waters under company policy.

On August 21, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) (60 FR 43426) proposing to revise 46 CFR 16.207 to provide that U.S. drug testing requirements would not apply in waters subject to the jurisdiction of a foreign government.

Comments on the NPRM expressed the need for testing requirements, even in foreign waters. As a result of these comments, the Coast Guard reconsidered its proposal. On December 18, 1996, the Coast Guard published the interim rule (61 FR 66612) which required drug testing of crewmembers on board U.S. vessels within waters subject to the jurisdiction of a foreign government, effective on January 2, 1997.

##### **Discussion of Comments**

One letter was received in response to the interim rule published on December 18, 1996. It did not address the rule's provisions for chemical drug testing in waters subject to the jurisdiction of a foreign government. The comment generally discussed the purpose and effectiveness of the chemical drug testing program in the Coast Guard and the Department of Transportation. These issues are beyond the scope of this rulemaking, and therefore, are not addressed in this document. The Coast Guard received no other comments on the interim rule. Therefore, the Coast Guard is adopting as final its rule to implement the original requirements for chemical testing of U.S. crewmembers on board U.S. vessels within waters that are subject to the jurisdiction of a foreign government. The effective date of this provision was January 2, 1997, but employers have until July 1, 1997, to implement required chemical testing on U.S. vessels in waters subject to the jurisdiction of a foreign country.

##### **Regulatory Evaluation**

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs

and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11034; February 26, 1979). The Coast Guard acknowledges that there are companies whose current policy is not to conduct chemical testing in waters subject to a foreign government. To implement such testing now would increase these companies' operating expenses. However, this cost was part of the costs evaluated in the original rulemaking and deferred to this time because of the numerous delays in implementing testing in foreign waters. The economic impact of these changes is so minimal that further evaluation is not necessary.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments on the interim rule from small entities. The Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

##### **Assistance for Small Entities**

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard will provide assistance to small entities to determine how this rule applies to them. If you are a small business and need assistance understanding the provisions of this rule or applying for an exemption under this rule, please contact your local Officer in Charge, Marine Inspection (OCMI).

##### **Collection of Information**

This final rule contains no new collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

##### **Federalism**

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order

12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under paragraph 2.B.2.e(34)(c) of Commandant Instruction M16475.1B, this final rule is categorically excluded from further environmental documentation. This final rule would have no direct environmental impact. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

#### List of Subjects in 46 CFR Part 16

Drug testing, Marine safety, Reporting and recordkeeping requirements, Safety, Transportation.

#### PART 16—CHEMICAL TESTING

Accordingly, the interim rule amending 46 CFR part 16 which was published at 61 FR 66612 on December 18, 1996, is adopted as a final rule without change.

Dated: June 18, 1997.

**G.N. Naccara,**

*Captain, U.S. Coast Guard, Acting Assistant Commandant for Marine Safety and Environmental Protection.*

[FR Doc. 97-16523 Filed 6-23-97; 8:45 am]

BILLING CODE 4910-14-P

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 64

[CC Docket No. 91-281; FCC 97-103]

#### Caller ID

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** On March 25, 1997, the Commission released an Order that exempts several categories of telephone lines from the Caller Identification ("Caller ID") blocking and unblocking rules. The Commission found that the exemptions from the blocking and unblocking requirements were warranted because the record stated that the calling party number ("CPN") is rarely passed to interconnecting carriers from certain telephone lines. The Order also affirmed that the Commission's Caller ID rules and policies apply to party lines, hotel and motel lines, and

call return services, such as automatic call return (ACR).

**DATES:** Effective June 24, 1997.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Kathy Harvey or Debra Harper at (202) 418-2320, Common Carrier Bureau, Network Services Division.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Order, CC Docket No. 91-281, adopted March 21, 1997 and released March 25, 1997. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW, Washington, DC 20554. The rules do not impose paperwork collection obligations.

#### Synopsis of the Order

In this Order we examined the technical and economic feasibility of requiring carriers to provide blocking and unblocking features. In response to new information, we re-examined the Caller ID rules and policies, and modified the rules governing payphones. We also established new rules to govern local exchange carriers ("LECs") without blocking and unblocking capabilities, and private branch exchange ("PBX") and related systems. In addition, we affirmed that our current Caller ID rules and policies applied to party lines, hotel and motel lines, and call return services, such as Automatic Call Return (ACR).

After further consideration, we concluded that LECs with SS7, but without CLASS<sup>TM</sup> software, are not required to pass the CPN. We also concluded that, to the extent that a LEC passes CPN to an interconnecting carrier, it must provide subscribers with blocking and unblocking capabilities. Additionally, we modified our policies on payphone lines and found that carriers are not required to provide blocking and unblocking capabilities on these lines.

We further concluded that PBX and Centrex systems must provide some type of blocking and unblocking capabilities if, and only if, they pass CPN to the public switched network ("PSN"). We determined that Centrex systems that pass CPN to the PSN, and that currently employ \*6 or \*8 for functions other than blocking and unblocking, may continue to use such codes. Providers of Centrex service,

however, must still offer users blocking and unblocking capabilities in some manner if CPN is passed.

Finally, we affirmed that hotel and motel lines not served by a PBX, and party lines, require blocking and unblocking capabilities and that carriers are prohibited from processing ACR requests when the original call was made with a privacy request.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

#### Rules Changes

Accordingly part 64 of title 47 is amended as follows:

#### PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

**Authority:** Section 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 225, 226, 227, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201-4, 218, 225, 226, 227 unless otherwise noted.

2. Section 64.1601 is amended by revising paragraphs (a), (b), (d) introductory text, (d)(1), (d)(2), (d)(3), and adding new paragraph (d)(4) to read as follows:

#### § 64.1601 Delivery requirements and privacy restrictions.

(a) *Delivery.* Except as provided in paragraph (d) of this section, common carriers using Signaling System 7 and offering or subscribing to any service based on Signaling System 7 functionality are required to transmit the calling party number (CPN) associated with an interstate call to interconnecting carriers.

(b) *Privacy.* Except as provided in paragraph (d) of this section, originating carriers using Signaling System 7 and offering or subscribing to any service based on Signaling System 7 functionality will recognize \*67 dialed as the first three digits of a call (or 1167 for rotary or pulse dialing phones) as a caller's request that the CPN not be passed on an interstate call. Such carriers providing line blocking services will recognize \*82 as a caller's request that the CPN be passed on an interstate call. No common carrier subscribing to or offering any service that delivers CPN may override the privacy indicator associated with an interstate call. Carriers must arrange their CPN-based services, and billing practices, in such a manner that when a caller requests that the CPN not be passed, a carrier may not reveal that caller's number or name, nor may the carrier use the number or name