

(3)(i) In determining the amount of any penalty in accordance with § 1003.102(b)(7), the OIG will take into account—

(A) The nature and objective of the advertisement, solicitation or other communication, and the degree to which it has the capacity to deceive members of the public;

(B) The degree of culpability of the individual, organization or entity in the use of the prohibited words, letters, symbols or emblems;

(C) The frequency and scope of the violation, and whether a specific segment of the population was targeted;

(D) The prior history of the individual, organization or entity in its willingness or refusal to comply with informal requests to correct violations;

(E) The history of prior offenses of the individual, organization or entity in its misuse of Departmental and program words, letters, symbols and emblems;

(F) The financial condition of the individual, organization or entity involved with the violation; and

(G) Such other matters as justice may require.

(ii) The use of a disclaimer of affiliation with the United States Government, the Department or its programs will not be considered as a mitigating factor in determining the amount of penalty in accordance with § 1003.102(b)(7).

\* \* \* \* \*  
 Approved: October 13, 1995.

June Gibbs Brown,  
*Inspector General.*  
 [FR Doc. 95-28307 Filed 11-24-95; 8:45 am]  
 BILLING CODE 4150-04-P

**DEPARTMENT OF THE INTERIOR**

**Office of Hearings and Appeals**

**43 CFR Part 4**

**Department Hearings and Appeals Procedures**

**AGENCY:** Office of Hearings and Appeals, Interior.

**ACTION:** Final rule.

**SUMMARY:** This document updates the addresses listed in 43 CFR 4.413(c) for the Office of the Solicitor and updates the identification of the States served by the Office of the Solicitor as listed in 43 CFR 4.1109(a).

**EFFECTIVE DATE:** November 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Will A. Irwin, Administrative Judge, Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd.,

Arlington, Virginia 22203. Telephone: 703-235-3750.

**SUPPLEMENTARY INFORMATION:** Because this action reflects agency management and changes of address that have already taken place, the Department has determined that the provisions of the Administrative Procedure Act, 5 U.S.C. 553 (b), (d), allowing for public notice and comment as well as a thirty-day delay in a rule's effective date, are unnecessary and impracticable.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Mines, Public lands, Surface mining.

Therefore, under the authority of the Secretary of the Interior contained in 5 U.S.C. 301, § 4.413(c) in Subpart E, and § 4.1109(a) in Subpart L, both in Part 4 of Title 43 of the Code of Federal Regulations, are amended as follows:

**PART 4—[AMENDED]**

**Subpart E—Special Rules Applicable to Public Land Hearings and Appeals**

1. The authority citation for Part 4 continues to read:

Authority: R.S. 2478, as amended, 43 U.S.C. sec. 1201, unless otherwise noted.

2. Section 4.413 is amended by revising paragraphs (c)(1) and (c)(2) introductory text; revising the addresses following paragraphs (c)(2) (i), (ii) and (iv); removing the address following paragraph (c)(2)(v) and adding in its place paragraphs (c)(2)(v) (A) and (B); and revising the addresses following paragraphs (c)(2) (vi), (vii), (ix), (xi) and (xii) to read as follows:

**§ 4.413 Service of notice of appeal and other documents.**

\* \* \* \* \*

(c)(1)(i) If the appeal is taken from a decision of the Director, Minerals Management Service, the appellant will serve the Associate Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.

(ii) If the appeal is taken from a decision of the Director, Bureau of Land Management, the appellant will serve:

(A) The Associate Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, if the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended;

(B) The Associate Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, if the

decision concerns the use and disposition of mineral resources.

(c)(2) If the appeal is taken from a decision of other Bureau of Land Management (BLM) offices listed below (see § 1821.2-1(d) of this title), the appellant shall serve the appropriate official of the Office of the Solicitor as identified:

(i) \* \* \*

Regional Solicitor, Alaska Region, U.S. Department of the Interior, 4230 University Drive, Suite 300, Anchorage, AK 99508-4626;

(ii) \* \* \*

Field Solicitor, U.S. Department of the Interior, One Renaissance Square, Two North Central, Suite 1130, Phoenix, AZ 85004-2383;

\* \* \* \* \*

(iv) \* \* \*

Regular U.S. Mail: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, P.O. Box 25007 (D-105), Denver Federal Center, Denver, CO 80225;

Other Delivery Services: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215;

(v) \* \* \*

(A) The Associate Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, if the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended;

(B) The Associate Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, if the decision concerns the use and disposition of mineral resources.

(vi) \* \* \*

Field Solicitor, U.S. Department of the Interior, Federal Building & U.S. Courthouse, 550 West Fort Street, MSC 020, Boise, ID 83724;

(vii) \* \* \*

Regular U.S. Mail: Field Solicitor, U.S. Department of the Interior, P.O. Box 31394, Billings, MT 59107-1394;

Other Delivery Services: Field Solicitor, U.S. Department of the Interior, 316 North 26th Street, Room 3004, Billings, MT 59101;

\* \* \* \* \*

(ix) \* \* \*

Regular U.S. Mail: Field Solicitor, U.S. Department of the Interior, P.O. Box 1042, Santa Fe, NM 87504-1042;

Other Delivery Services: Field Solicitor, U.S. Department of the Interior, 150

Washington Avenue #207, Santa Fe, NM 87501;

\* \* \* \* \*

(xi) \* \* \*

Field Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, UT 84138-1180;

(xii) \* \* \*

Regular U.S. Mail: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, P.O. Box 25007 (D-105), Denver Federal Center, Denver, CO 80225;

Other Delivery Services: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215;

\* \* \* \* \*

**Subpart L—Special Rules Applicable to Surface Coal Mining Hearings and Appeals**

3. Section 4.1109 is amended by revising paragraph (a) to read as follows:

**§ 4.1109 Service.**

(a)(1) Any party initiating a proceeding in OHA under the Act shall, on the date of filing, simultaneously serve copies of the initiating documents on the officer in the Office of the Solicitor, U.S. Department of the Interior, representing OSMRE in the state in which the mining operation at issue is located, and on any other statutory parties specified under § 4.1105 of this part.

(2) The jurisdictions, addresses, and telephone numbers of the applicable officers of the Office of the Solicitor to be served under paragraph (a)(1) of this section are:

For mining operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Texas, and Virginia: Field Solicitor, U.S. Department of the Interior, 530 S. Gay Street, Room 308, Knoxville, Tennessee 37902; Telephone: (615) 545-4294; FAX: (615) 545-4314.

For mining operations in Maryland, Massachusetts, Michigan, Ohio, Pennsylvania, Rhode Island, and West Virginia: Field Solicitor, U.S. Department of the Interior, Ten Parkway Center, Room 385, Pittsburgh, Pennsylvania 15220; Telephone: (412) 937-4000; FAX: (412) 937-4003.

For mining operations in Colorado, Montana, North Dakota, South Dakota, and Wyoming, including mining operations located in Indian lands within those States: Regular U.S. Mail:

Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, P.O. Box 25007 (D-105), Denver Federal Center, Denver, CO 80225; Other Delivery Services: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215; Telephone: (303) 231-5350; FAX: (303) 231-5360.

For mining operations in Arizona, California, and New Mexico, including mining operations located on Indian lands within those States except for the challenge of permitting decisions affecting mining operations located on Indian lands in those states: Regional Solicitor, Southwest Region, U.S. Department of the Interior, 2400 Louisiana Blvd. N.E., Building One, Suite 200, Albuquerque, NM 87110-4316; Telephone: (505) 883-6700; FAX: (505) 883-6711.

For challenge of permitting decisions affecting mining operations located on Indian lands within Arizona, California, and New Mexico: Regular U.S. Mail: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, P.O. Box 25007 (D-105), Denver Federal Center, Denver, CO 80225; Other Delivery Services: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215; Telephone: (303) 231-5350; FAX: (303) 231-5360.

For mining operations in Alaska, Idaho, Oregon, Utah, and Washington, except for the challenge of permitting decisions affecting mining operations in Washington: Field Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, UT 84138-1180; Telephone: (801) 524-5677; FAX: (801) 524-4506.

For the challenge of permitting decisions affecting mining operations in Washington: Regular U.S. Mail: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, P.O. Box 25007 (D-105), Denver Federal Center, Denver CO 80225; Other Delivery Services: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215; Telephone: (303) 231-5350; FAX: (303) 231-5360.

(3) Any party or other person who subsequently files any other document with OHA in the proceeding shall simultaneously serve copies of that document on all other parties and persons participating in the proceeding.

\* \* \* \* \*

Dated: November 5, 1995.  
Bonnie R. Cohen,  
*Assistant Secretary—Policy, Management and Budget.*  
[FR Doc. 95-28649 Filed 11-24-95; 8:45 am]  
BILLING CODE 4310-79-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 80**

[PR Docket No. 93-133, FCC 95-447]

**Maritime Communications**

**AGENCY:** Federal Communications Commission.  
**ACTION:** Final rule.

**SUMMARY:** The Commission has adopted a *Report and Order* to broaden, update, and clarify general exemptions from the radiotelegraph equipment requirements of the Communications Act for large cargo vessels, and from the radiotelegraph and radio communication requirements of the Communications Act and Safety Convention, respectively, for small passenger vessels. These amendments decrease regulatory burdens on operators of large cargo ships as well as small passenger vessels, while maintaining safety of life at sea.

**EFFECTIVE DATE:** December 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Roger S. Noel of the Wireless Telecommunications Bureau at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, adopted October 27, 1995, and released November 8, 1995. The full text of this action 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 may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

**Summary of Report and Order**

1. In this action, the Commission made two distinct changes to the rules. First, the Commission broadened the general exemption for large oceangoing cargo vessels (those 1,600 gross tons and over) to permit domestic voyages to Alaska and United States possessions in the Caribbean, within 150 nautical miles of land. Further, the revised exemption includes vessels equipped with Global Maritime Distress and Safety System (GMDSS) radio installations, in lieu of radiotelegraph equipment. Therefore,