

Issued this 24th day of November at Washington, DC.

Mortimer L. Downey,
Deputy Secretary of Transportation.

For the reasons set forth in the preamble, the Office of the Secretary of the U.S. Department of Transportation proposes to amend 33 CFR Part 52 as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 is revised to read as follows:

Authority: 10 U.S.C. 1552; 49 U.S.C. 108; Pub. L. 101-225, 103 Stat. 1908, 1914.

2. Section 52.67 is revised to read as follows:

§ 52.67 Reconsideration.

(a) Reconsideration of an application for correction of a military record shall occur if an applicant requests it and the request meets the requirements set forth in paragraph (a)(1) or (a)(2) of this section.

(1) An applicant presents evidence or information that was not previously considered by the Board that could result in a determination other than that originally made. Evidence or information may only be considered if it could not have been presented to the Board prior to its original determination if the applicant had exercised reasonable diligence; or

(2) An applicant presents evidence or information that the Board, or the Secretary as the case may be, committed legal or factual error in the original determination that could have resulted in a determination other than that originally made.

(b) The Chairman shall docket a request for reconsideration of a final decision if it meets the requirements of paragraph (a)(1) or (a)(2) of this section. If neither of these requirements is met, the Chairman shall not docket such request.

(c) The Board shall consider each application for reconsideration that has been docketed. None of the Board members who considered an applicant's original application for correction shall participate in the consideration of that applicant's application for reconsideration.

(d) Action by the Board on a docketed application for reconsideration is subject to § 52.64(b).

(e) An applicant's request for reconsideration must be filed within two years after the issuance of a final decision, except as otherwise required by law. If the Chairman docketed an applicant's request for reconsideration, the two-year requirement may be

waived if the Board finds that it would be in the interest of justice to consider the request despite its untimeliness.

[FR Doc. 95-29345 Filed 12-8-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SC-029-1-7177b; FRL-5316-6]

Approval and Promulgation of Implementation Plans State of South Carolina's State Implementation Plan (SIP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of South Carolina for the purpose of establishing a Federally enforceable state construction and operating permit (FESCOP) program. In order to extend the Federal enforceability of South Carolina's FESCOP to hazardous air pollutants (HAPs), EPA is also proposing approval of South Carolina's FESCOP regulations pursuant to section 112 of the Clean Air Act as amended in 1990 (CAA). In the Final Rules Section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATE: To be considered, comments must be received by January 10, 1996.

ADDRESSES: Written comments should be addressed to: Scott Miller, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Copies of the material submitted by the State of South Carolina may be

examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT:

Scott Miller, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 extension 4153.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: September 20, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-30107 Filed 12-8-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 91-281; FCC 95-480]

Calling Number Identification Service—Caller ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On November 30, 1995, the Commission adopted a Fourth Notice of Proposed Rulemaking (Fourth NPRM) addressing numerous petitions for waiver of its Caller ID rules. The Fourth NPRM is intended to address issues associated with requiring carriers to deploy blocking capabilities. It seeks comment on whether local exchange carriers (LECs) must pass calling party number (CPN) if they use particular switches that do not have CLASS software installed.

DATES: Comments must be filed on or before December 27, 1995, and reply comments must be filed on or before January 10, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael Specht, Senior Engineer, Network Services Division, Common Carrier Bureau, (202) 418-2378 or Elizabeth Nightingale, Attorney, Network Services Division, Common Carrier Bureau, (202) 418-2352.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Fourth Notice of Proposed Rulemaking in the matter of Calling Number Identification Service—Caller ID, (CC Docket No. 91-281, FCC 95-480, adopted November 30, 1995 and released December 1, 1995). The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., N.W., Washington, D.C., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2100 M St., N.W., Suite 140, Washington, D.C. 20037, phone (202) 857-3800.

Analysis of Proceeding

On May 5, 1995, the Commission affirmed its finding that interstate delivery of a calling party's number is in the public interest. The Commission noted that widespread availability of CPN promotes new services, consistent with Commission responsibilities under Section 1 and 7 of the Communications Act and benefits the public by enabling consumers to conduct telephone transactions more efficiently. The Commission also continued to recognize the importance of balancing the benefits of such widespread availability with the privacy interests of calling and called parties and the need for reasonable consumer education. The Commission affirmed rules that require carriers with Signalling System 7 (SS7) call set up capability to transport CPN to interconnecting carriers without additional charge. The Commission also affirmed rules that require originating carriers to recognize *67 as the first three digits of a call as a caller's request for privacy. The Commission permitted per line blocking where state policy allows and established rules that carriers providing per line blocking services recognize *82 as a caller's request that privacy not be provided. Additionally, the Commission affirmed rules that require carriers to notify customers with respect to *67 and *82 capabilities.

Over the past several months, the Commission has received numerous requests from petitioners seeking waivers, stays or declaratory rulings of the Commission's caller ID rules. On October 30, 1995, the Commission released an Order that addressed some of these requests for relief. *See Rules*

and Policies Regarding Calling Number Identification Service—Caller ID, Order, CC Docket No. 91-281, FCC 95-446, released October 30, 1995. On November 30, 1995, the Common Carrier Bureau, pursuant to delegated authority, adopted an Order that addressed the remaining petitions for relief. *See Rules and Policies Regarding Calling Number Identification Service—Caller ID*, Order, CC Docket No. 91-281, DA 95-2415 (Com. Car. Bur. adopted November 30, 1995).

The Fourth NPRM tentatively concludes that LEC switches not equipped with CLASS software should not be required to pass CPN and that they should be permitted to pass it only if they can provide the blocking and unblocking capabilities specified in Section 64.1601(b) of the Commission's rules. The Fourth NPRM seeks comment on its tentative conclusions, and specifically on the economic feasibility of adding blocking and unblocking capabilities to switches already able to pass CPN.

Ordering Clauses

It is further ordered, pursuant to Sections 1, 4(i) and (j), 201-205, 218 of the Communications Act as amended, 47 U.S.C. 151, 154(i), 154(j), 201-205, and 218, that notice is hereby given of the proposed changes in policies regarding the application of caller ID rules to switches without CLASS software, and comment is invited on this proposal.

List of Subjects in 47 CFR Part 64

Calling party telephone number, Communications common carriers, Telephone.

Federal Communications Commission.
William F. Caton,
Acting Secretary.

[F.R. Doc. 95-30051 Filed 12-8-95; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 76

[CS Docket No. 95-174; FCC 95-472]

Cable Television Act of 1992

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice of Proposed Rulemaking seeks comment on proposed methods for cable operators' setting of uniform rates for uniform services offered in multiple franchising areas. The Commission is exploring this issue to solicit comment on possibly permitting operators to establish

uniform rates. The item will help the Commission create a record on this issue, which will assist the Commission in designing new or amending current regulations to allow operators to establish uniform rates.

DATES: Comments are due on or before January 12, 1996 and reply comments are due on or before February 12, 1996.

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

FOR FURTHER INFORMATION CONTACT: Larry Walke, (202) 416-0847.

SUPPLEMENTARY INFORMATION: The text of this document 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, 2100 M Street NW., Washington, DC 20037.

[CS Docket No. 95-174]

In the matter of Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992—Rate Regulation Uniform Rate-Setting Methodology.

Notice of Proposed Rulemaking

Adopted: November 28, 1995.

Released: November 29, 1995.

By the Commission:

Comment Date: January 12, 1996.

Reply Comment Date: February 12, 1996.

I. Introduction

1. Under the Commission's cable service rate regulations, a cable operator serving multiple franchise areas must establish maximum permitted service rates in each franchise area. These rates often vary from franchise area to franchise area, even if each area receives the identical package of program services. This outcome may cause needless confusion for subscribers, as well as unnecessary administrative burdens for cable companies. In addition, a cable operator's ability to market its product on a regional basis may be hindered. Therefore, in this Notice of Proposed Rulemaking ("NPRM"), we explore the design and implementation of an optional rate-setting methodology under which a cable operator could establish uniform rates for uniform cable service tiers offered in multiple franchise area.

II. Background

2. Under the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Cable Act"), the rates charged by a cable system are