

accounting and reporting requirements for video dialtone; and (2) Responsible Accounting Officer Letter 25 ("RAO Letter 25"), which sets forth specific guidelines for accounting classifications, subsidiary records, and amendments to cost allocation manuals for video dialtone. Finally, consistent with subsection 302(b)(3) of the 1996 Act, we do not require currently approved video dialtone systems to cease operations.

3. In addition, in order to conform our rules to new section 651(c) of the Communications Act, we modify our rules to the extent they relate to any requirement that a common carrier obtain a certificate under Section 214 to establish or operate a video programming delivery system. Pursuant to subsection 651(c), we will no longer require that a common carrier obtain Section 214 authorization to establish or operate a video programming delivery system, even a video programming delivery system provided on a common carrier basis pursuant to Title II of the Communications Act.

**Final Regulatory Flexibility Analysis**

4. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, the Commission's Flexibility Analysis with respect to the Report and Order is as follows:

5. *Need and purpose of this action:* The Commission issues this Report and Order to enact or revise rules governing telephone companies' provision of video programming in response to the 1996 Act.

6. *Significant Alternatives considered:* Not applicable.

7. *Federal rules that overlap, duplicate or conflict with these rules:* None.

**Paperwork Reduction Act**

8. Paperwork Reduction Act Statement: The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995. None of the modifications made to the rules in this proceeding should increase the information collection requirements on the public.

**Effective Date**

9. The elimination of the rules concerning video dialtone, cross-ownership and Section 214 authorization for the delivery of video adopted in the Report and Order were effective upon enactment of the 1996 Act, and we amend these rules to conform to those statutory changes.

**Ordering Clauses**

10. It is ordered that the Commission's regulations and policies with respect to video dialtone requirements issued in CC Docket No. 87-266 are hereby removed.

11. It is further ordered that CC Docket No. 87-266 is hereby terminated.

12. It is further ordered that the Commission's regulations are hereby amended as set forth below.

13. It is further ordered that the Common Carrier Bureau's Memorandum Opinion and Order adopting subsidiary accounting and reporting requirements for video dialtone, and RAO Letter 25 (except with respect to the ATM equipment issue, as noted above) are hereby revoked.

14. It is further ordered that in light of the 1996 Act's termination of the Commission's rules and policies concerning video dialtone, we find for good cause that notice and comment on the actions taken herein would be impracticable, unnecessary and contrary to the public interest. See 5 U.S.C. 553(b)(B).

15. It is further ordered that the Secretary shall send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law No. 96-354, 94 Stat. 1164, 5 U.S.C. 601, et seq. (1981)

16. For additional information regarding this proceeding, contact Rick Chessen or Larry Walke, Policy & Rules Division, Cable Services Bureau (202) 416-0800.

**List of Subjects in 47 CFR Part 63**

Cable television, Communications common carriers, Telephone. Federal Communications Commission. William F. Caton, Acting Secretary.

**Rule Changes**

Part 63 of title 47 of the Code of Federal Regulations is amended as follows:

**PART 63—EXTENSION OF LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS**

1. The authority citation for part 63 continues to read as follows:

Authority: Sections 1, 4(i), 4(j), 201-205, 218 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i),

154(j), 201-205, 218 and 403, unless otherwise noted.

2. Section 63.08 is amended by adding a colon after "are" before paragraph (a)(i), removing paragraph (a)(i), redesignating (a)(ii) and (a)(iii) as paragraphs (a)(1) and (a)(2), respectively, removing the second sentence of newly redesignated paragraph (a)(2), revising the second sentence of paragraph (b), revising paragraph (c), and adding paragraph (e) to read as follows:

**§ 63.08 Lines outside of a carrier's exchange telephone service area.**

\* \* \* \* \*

(b) \* \* \* "Nondominant" is defined as in § 61.15(a) of this chapter.

(c) A common carrier or its affiliate is not required to file for authority pursuant to 47 U.S.C. 214 and § 63.01 to discontinue, reduce, or impair other non-common carrier service.

\* \* \* \* \*

(e) As used above, the term "affiliate" bars any financial or business relationship whatsoever by contract or otherwise, directly or indirectly between the carrier and the customer, except only the carrier-user relationship.

Note to Paragraph (e): Examples of situations in which a carrier and its customer will be deemed to be controlled or having a relationship include the following, among others: Where one is the debtor or creditor of the other (except with respect to charges for communication services); where they have a common officer, director, or other employee at the management level; where there is any element of ownership or other financial interest by one in the other; and where any part has a financial interest in both.

**§ 63.09 [Removed]**

3. Section 63.09 is removed.

**§ 63.16 [Removed]**

4. Section 63.16 is removed.

**§ 63.52 [Amended]**

5. Section 63.52(b) is amended by removing the reference to "63.54,".

**§§ 63.54-63.58 [Removed]**

6. Sections 63.54 through 63.58 and the undesignated center heading preceding them are removed.

[FR Doc. 96-6145 Filed 3-11-96; 3:40 pm]

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**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Part 199**

[Docket No. PS-102, Notice No. 5]

**Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations; Alcohol Misuse Prevention Program**

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** Correction of notice number.

**SUMMARY:** This document corrects the notice number of document 96-3305 published in the Federal Register on Wednesday, February 14, 1996 (61 FR 5722). In the document heading on page 5722, the notice number "Notice No. 1" is changed to read "Notice No. 5." The notice states the availability of guidelines and interpretations for the Alcohol Misuse Prevention Program.

**FOR FURTHER INFORMATION CONTACT:** Ms. Catrina Pavlik, Drug/Alcohol Program Analyst, Office of Pipeline Safety, Research and Special Programs Administration, Department of Transportation, Room 2335, 400 Seventh Street SW., Washington, DC 20590-0001; (202) 366-6199.

Issued in Washington, DC on March 1, 1996.  
Richard B. Felder,  
*Associate Administrator, Office of Pipeline Safety.*  
[FR Doc. 96-6067 Filed 3-13-96; 8:45 am]  
BILLING CODE 4910-60-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 227**

**Threatened Fish and Wildlife**

*Correction*

In title 50 of the Code of Federal Regulations, parts 200 to 599, revised as of October 1, 1995, page 147, § 227.72 is corrected by moving paragraphs (B) and (C) in the first column to page 146 to appear after paragraph (e)(2)(iii)(A). The corrected text for paragraph (e)(2)(iii) reads as follows:

**§ 227.72 Exceptions to prohibitions.**

\* \* \* \* \*

(e) \* \* \*

(2) \* \* \*

(iii) *Gear requirement—summer flounder trawlers*—(A) *TED requirement.* Except as provided in paragraph (e)(2)(iii)(B) of this section, any summer flounder trawler in the summer flounder fishery-sea turtle protection area must have an approved TED (as defined in § 217.12 of this subchapter) installed in each net that is rigged for fishing. A net is rigged for

fishing if it is in the water, or if it is shackled, tied, or otherwise connected to any trawl door or board, or to any tow rope, cable, pole or extension, either on board or attached in any manner to the summer flounder trawler.

(B) *Monitoring.* Summer flounder trawlers must carry onboard a NMFS-approved observer if requested upon written notification from the Director Southeast Region, NMFS, or the Director, Northeast Region, NMFS, sent to the address specified for the vessel in either the NMFS or state fishing permit application, or to the address specified for registration or documentation purposes, or upon written notification otherwise served on the owner or operator of the vessel. Owners and operators must comply with the terms and conditions specified in such written notification. All NMFS-approved observers will report any violations of this section, or other applicable regulations and laws; such information may be used for enforcement purposes.

(C) *Additional sea turtle conservation measures.* The Assistant Administrator may impose other such restrictions upon summer flounder trawlers as he or she deems necessary or appropriate to protect sea turtles and ensure compliance, pursuant to the procedures of paragraph (e)(6) of this section. Such measures may include, but are not limited to, a requirement to use TEDs in areas other than summer flounder fishery-sea turtle protection area, a requirement to use limited tow-times, and closure of the fishery.

BILLING CODE 1505-01-D