

Drafting Information

The principal author of this document was Gregory R. Vilders, Attorney, Regulations Branch, Office of Regulations and Rulings. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 24

Accounting, Customs duties and inspection, Fees, Financial and accounting procedures, Reporting and recordkeeping requirements, User fees, Wages.

19 CFR Part 101

Customs duties and inspection, Organization and functions (Government agencies), Reporting and recordkeeping requirements, User fees, Wages.

Proposed Amendments to the Regulations

For the reasons set forth above, it is proposed to amend parts 24 and 101 of the Customs Regulations (19 CFR parts 24 and 101), as set forth below:

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The general authority citation for part 24 continues to read, and the specific authority for § 24.17 is revised to read, as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58a–58c, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1505, 1624; 26 U.S.C. 4461; 4462; 31 U.S.C. 9701.

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Section 24.17 also issued under 5 U.S.C. 6103; 19 U.S.C. 261, 267, 1450,

1451, 1452, 1456, 1524, 1557, 1562; 46 U.S.C. 2110, 2111, 2112;
* * * * *

2. Section 24.17(d) is revised to read as follows:

§ 24.17 Reimbursable services of Customs employees.

* * * * *

(d) *Computation charge for reimbursable services.* The charge for the services of a Customs employee on a regular workday during a basic 40-hour workweek will be computed at a rate per hour equal to 158 percent of the hourly rate of regular pay of the employee performing the services with an additional charge equal to any night pay differential actually payable under 5 U.S.C. 5545. The rate per hour equal to 158 percent of the hourly rate of regular pay will be computed as follows:

	Hours
Gross number of working hours in 52 40-hour weeks	2,080
Less:	
10 Legal Public Holidays—New Year’s Day, Martin Luther King, Jr. Day, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day	80
Annual Leave—26 days	208
Sick Leave—13 days	104
	392
Net number of working hours	1,688
Gross number of working hours in 52 40-hour weeks	2,080
Working hour equivalent of government contributions for employee uniform allowance, retirement, life insurance and health care benefits computed at 28.55 percent of annual rate of pay of employee (2,080 × .2855) ...	594
Equivalent annual working hours charged to Customs appropriation (2,080 + 594)	2,674
Ratio of annual number of working hours charged to Customs appropriation to net number of annual working hours (2,674 ÷ 1,688)	158%

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PART 101—GENERAL PROVISIONS

1. The general authority citation for part 24 is revised to read as follows:

Authority: 5 U.S.C. 301, 6103; 19 U.S.C. 2, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624, 1646a.

* * * * *

2. In § 101.6:
a. Paragraph (a) is revised; and
b. Paragraph (b) is amended by removing the word “hgurs” in the heading and adding, in its place, the word “hours”.

The revision reads as follows:

§ 101.6 Hours of business.

* * * * *

(a) *Saturdays, Sundays, and national holidays.*—(1) *National holidays.* In addition to Saturdays, Sundays, and any other calendar day designated as a holiday by Federal statute or Executive

Order, Customs offices will be closed on the following national holidays:

- (i) January 1, New Year’s Day;
- (ii) The third Monday in January, Birthday of Martin Luther King, Jr.;
- (iii) The third Monday in February, Washington’s Birthday;
- (iv) The last Monday in May, Memorial Day;
- (v) July 4, Independence Day;
- (vi) The first Monday in September, Labor Day;
- (vii) The second Monday in October, Columbus Day;
- (viii) November 11, Veterans Day;
- (ix) The fourth Thursday in November, Thanksgiving Day; and
- (x) December 25, Christmas Day.

(2) *Observance of national holidays.* If a national holiday falls on a Saturday, then the Friday preceding that Saturday will be observed as the national holiday for work purposes. If a national holiday falls on a Sunday, then the Monday following that Sunday will be observed

as the national holiday for work purposes.

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Raymond W. Kelly,
Commissioner of Customs.

Approved: December 4, 2000.

Timothy E. Skud,
Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 01–2783 Filed 1–31–01; 8:45 am]

BILLING CODE 4820–02–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 96–98; DA 01–169]

Comments Sought On the Use of Unbundled Network Elements To Provide Exchange Access Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission issued a public notice requesting comment on the use of unbundled network elements to provide exchange access service. It seeks comment, in particular, on whether carriers are impaired in their ability to provide special access services without access to unbundled loop-transport combinations.

DATES: Comments are due March 5, 2001 and reply comments are due March 19, 2001.

FOR FURTHER INFORMATION CONTACT: Jodie Donovan-May or Tom Navin, Attorney Advisors, Policy and Program Planning Division, Common Carrier Bureau, (202) 418-1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice regarding CC Docket No. 96-98, released on January 24, 2001. The complete text of this Order is available for inspection and copying during regular business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY-B400, 445 12th Street, SW., Washington, DC. It is also available on the Commission's website at <http://www.fcc.gov>.

Synopsis of Public Notice

1. Part of the inquiry that the Commission will undertake in addressing the issues raised in the *Fourth Further Notice of Proposed Rulemaking* (Fourth FNPRM) in CC Docket No. 96-98 (65 FR 2367, Jan. 14, 2000), regarding the ability of requesting carriers to use combinations of unbundled network elements, is whether the exchange access and local exchange markets are so interrelated from an economic and technological perspective that a finding that a network element meets the "impair" standard under section 251(d)(2) of the Act for the local exchange market would itself entitle competitors to use that network element solely or primarily in the exchange access market. The *Supplemental Order Clarification* in CC Docket No. 96-98 (65 FR 38214, June 20, 2000) also concluded that the Commission must take into account the market effects of the unbundling rules issued in the *Third Report and Order* in this same docket (65 FR 2542, Jan. 18, 2000) in order to evaluate whether or not carriers are impaired for special access service without access to combinations of unbundled network elements. The Commission stated that it

would issue a Public Notice in early 2001 to gather evidence on these issues. Accordingly, we seek comment on the following specific questions and on any other relevant issues that will assist the Commission in determining whether combinations of unbundled network elements should be made available for the sole or primary purpose of providing exchange access service.

2. Is the exchange access market economically and technically distinct from the local exchange market? If the markets are distinct, are requesting carriers impaired in their ability to provide special access services without access to loop-transport combinations? Specifically, we seek comment on whether, taking into consideration the availability of alternative elements outside the incumbent's network, including self-provisioning or acquiring an alternative from a third-party supplier, lack of access to loop-transport combinations would materially diminish a requesting carrier's ability to provide special access service. Are the same facilities that are available to interexchange carriers (IXCs) for exchange access service equally available to competitive LECs to provide local exchange service, thereby making it technically or practically difficult to differentiate between the two markets for purposes of an "impairment" analysis? One commenter stated in response to the *Fourth FNPRM* that the Commission needs to undertake two separate impairment analyses for the special access and private line markets: (1) Whether IXCs are impaired in their ability to provide interexchange private line services without access to unbundled loop-transport combinations; and (2) whether competitive providers of special access and private line services are impaired without access to unbundled loop-transport combinations. We seek comment on whether this is necessary or whether it is appropriate to treat special access and private line service as a single market.

3. We stated in the *Third Report and Order* that in some markets, particularly those markets serving high-volume business customers, it may be practical and economical for carriers to compete using self-provisioned facilities, but that in other markets, typically those consisting of residential and small business customers, the delay and cost associated with self-provisioning will preclude carriers from serving that market without access to unbundled network elements. We seek comment on the nature of the special access and private line market in terms of the types of end user customers carriers typically serve in this market. Do these customers

use high capacity facilities that carriers can self-provision or obtain without being impaired in terms of cost, timeliness, quality, ubiquity and impact on network operation, or in terms of any of the other factors identified as part of the Commission's unbundling analysis? Do these impairment criteria differ based on the type of facility that the customer uses (e.g. DS1 or DS3)? Given the point-to-point nature of the special access market, are alternative transport facilities ubiquitously available both to and from the specific points where requesting carriers need them? Consistent with our stated concerns regarding universal service, we also seek comment on whether a permanent local usage requirement for unbundled network element combinations could impact how carriers classify end user revenue for purposes of interstate universal service contributions.

4. The Commission also stated in the *Supplemental Order Clarification* that it would seek comment in this Public Notice on whether requesting carriers should be permitted to combine unbundled network elements with tariffed access services that they purchase from the incumbent LECs. This practice is referred to as "co-mingling" and is currently prohibited under the terms of the *Supplemental Order Clarification*. Specifically, if a requesting carrier converts special access circuits to combinations of unbundled network elements, we ask parties to comment on whether such circuits may remain connected to any existing access service circuits without regard to the nature of the traffic carried over the access circuits. Should incumbent LECs be required to co-mingle unbundled loops and loop-transport combinations for competitive carriers if they do so in their own networks? Does a prohibition on co-mingling force competitive carriers to operate two overlapping networks—one for local traffic and one for access traffic—even if there is spare capacity on the unconverted access circuits that could be used to carry local traffic? We also seek comment on what impact, if any, co-mingling may generally have on the Commission's unbundling requirements.

5. Parties submitting comments in response to this public notice must file initial comments 30 days after publication in the **Federal Register** and reply comments 45 days after publication in the **Federal Register**.

6. Ex parte presentations in this proceeding continue to be governed by the procedures set forth in § 1.1206 of the Commission's rules, 47 CFR 1.1206,

covering "permit-but-disclose" proceedings.

7. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form (your e-mail address)." A sample form and directions will be sent in reply.

8. Parties who choose to file by paper must file an original and four copies of each filing with the Office of the Secretary, FCC, 445 12th Street, SW., Suite TW-A325, Washington, DC 20554. In addition, parties should send two copies to Janice Myles, Common Carrier Bureau Policy and Program Planning Division, 445 12th Street, SW., 5-C327, Washington, DC 20554. Comments and reply comments will be available for public inspection and copying during regular business hours in the Commission's Public Reference Center, 445 12th Street, SW., Suite CY-A257, Washington, DC 20554, 202-418-0270. Copies will also be available from International Transcription Service, 445 12th Street, SW., Suite CY-B400, Washington, DC 20554, or by calling 202-314-3070.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01-2759 Filed 1-31-01; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-163, MM Docket No. 01-17, RM-10037]

Digital Television Broadcast Service; Lubbock, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Cosmos Broadcasting Corporation, licensee of station KCBD(TV), NTSC channel 11, Lubbock, Texas, proposing the substitution of DTV channel 9 for station KCBD(TV)'s assigned DTV channel 43. DTV Channel 9 can be allotted to Lubbock, Texas, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (33-32-32 N. and 101-50-14 W.). As requested, we propose to allot DTV Channel 9 to Lubbock with a power of 15.0 and a height above average terrain (HAAT) of 232 meters. **DATES:** Comments must be filed on or before March 19, 2001, and reply comments on or before April 3, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John. S. Logan, Scott S. Patrick, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036-6802 (Counsel for Cosmos Broadcasting Corporation).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-17, adopted January 25, 2001, and released January 26, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed

Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Texas is amended by removing DTV Channel 43 and adding DTV Channel 9 at Lubbock.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01-2758 Filed 1-31-01; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-162, MM Docket No. 01-15, RM-10030]

Digital Television Broadcast Service; Missoula, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by KPAX Communications, Inc., licensee of station KPAX-TV, NTSC channel 8, Missoula, Montana, requesting the substitution of DTV channel 7 for station KPAX-TV's assigned DTV channel 35. DTV Channel 7 can be allotted to Missoula, Montana, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (47-01-06 N. and 114-00-