

petitioner, address the conditions complained of.

35. In § 555.5, the first sentence of paragraph (a) and the last sentence of § 555.5(c) are revised to read as follows:

§ 555.5 Investigations.

(a) An investigation to determine the existence of adverse conditions as described in § 555.3 may be initiated by the Commission on its own motion or on the petition of any person pursuant to § 555.4.

(c) Persons who receive information requests from the Commission pursuant to § 555.6 of this part are not precluded from filing additional voluntary submissions in accordance with this paragraph.

36. The first sentence of § 555.6(c) is revised to read as follows:

§ 555.6 Information demands and subpoenas.

(c) The Commission may, in its discretion, determine that any information submitted to it in response to a request (including a subpoena) under this section, or accompanying a petition under § 555.4, or voluntarily submitted by any person pursuant to § 555.5(c), shall not be disclosed to the public.

37. The first sentence of § 555.7 is revised to read as follows:

§ 555.7 Notification to Secretary of State.

Upon publication of a petition in the Federal Register, or on its own motion should it determine to initiate an investigation pursuant to § 555.5, the Commission will notify the Secretary of State of same, and may request action to seek resolution of the matter through diplomatic channels.

§§ 555.5, 555.8 [Amended]

38. In addition to the amendments set forth above, in 46 CFR part 555 remove the references to the term “§ 588.3” and add, in its place, the term “§ 555.3” in the following places:

- (a) Section 555.5 (b);
(b) Section 555.8 (a); and
(c) Section 555.8 (a) (7).

PART 560—ACTIONS TO ADDRESS CONDITIONS UNDULY IMPAIRING ACCESS OF U.S.-FLAG VESSELS TO OCEAN TRADE BETWEEN FOREIGN PORTS

39. The authority citation for Part 560 continues to read as follows:

Authority: 5 U.S.C. 553; secs. 13(b)(6), 15 and 17 of the Shipping Act of 1984, 46 U.S.C.

app. 1712(b)(6), 1714 and 1716, as amended by Pub. L. 105-258; sec. 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. app. 1710a), as amended by Pub. L. 105-258.

40. Section 560.3(a)(2) is revised to read as follows:

§ 560.3 Petitions for relief.

(2) An original and fifteen copies of such a petition including any supporting documents shall be filed with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a \$228 filing fee.

41. In § 560.4, paragraphs (a) and (b)(2) are revised to read as follows:

§ 560.4 Proceeding.

(a) Upon the Commission’s own motion or upon the filing of a petition which meets the requirements of § 560.3, when there are indications that conditions unduly impairing the access of a U.S. flag vessel to trade between foreign ports may exist, the Commission will institute a proceeding pursuant to this part.

(2) Interested or adversely affected persons will be allowed a period of time to reply to the petition by the submission of written data, views or legal arguments pursuant to § 560.5 of this part. Factual submissions shall be in affidavit form.

42. Section 560.7(b)(6) is revised to read as follows:

§ 560.7 Decision; sanctions; effective date.

(6) A request to the collector of customs at any port or place of destination in the United States to refuse the clearance required by section 4197 of the Revised Statutes, 46 U.S.C. app. 91, to any vessel of a foreign carrier which is or whose government is identified as contributing to the conditions described in § 560.2 of this part;

43. Section 560.8 is revised to read as follows:

§ 560.8 Submission of decision to the President.

Concurrently with the submission of any decision imposing sanctions to the Federal Register pursuant to § 560.7(d)(1), the Commission shall transmit that decision to the President of the United States who may, within ten days after receiving the decision, disapprove it if the President finds that

disapproval is required for reasons of the national defense or the foreign policy of the United States.

44. Section 560.9(b) is revised to read as follows:

§ 560.9 Postponement, discontinuance, or suspension of action.

(b) The Commission shall postpone, discontinue or suspend any action provided for in its final decision if so directed by the President for reasons of national defense or foreign policy of the United States as provided in § 560.8.

By the Commission.

Bryant L. VanBrakle, Secretary.

[FR Doc. 02-14477 Filed 6-10-02; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 25 and 87

[ET Docket No. 98-142; FCC 02-23]

Mobile-Satellite Service Above 1 GHz; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: On April 10, 2002 (67 FR 17288), the Commission published final rules in the Report and Order, which revised the rules governing Mobile-Satellite Service. This document contains a correction to that rule.

DATES: Effective May 10, 2002.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and Technology, (202) 418-2450, TTY (202) 418-2989, e-mail: tmooring@fcc.gov.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document amending part 25 in the Federal Register of April 10, 2002 (67 FR 17288). This document corrects the Federal Register as it appeared. In rule FR Doc. 02-8345 published on April 10, 2002 (67 FR 17288) the Commission makes the following correction to § 25.202 of the rules.

§ 25.202 [Corrected]

1. On page 17299, in the third column correct the amendatory language to § 25.202 to read as follows:

“5. Section 25.202(a)(1) is amended by revising the table, and by adding footnotes 14 and 15 to the table to read as follows:”

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 02-14654 Filed 6-10-02; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CC Docket No. 98-67; FCC 02-121]

#### Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; clarification.

**SUMMARY:** This document clarifies that Internet protocol relay services (IP Relay) fall within the definition of Telecommunications Relay Services (TRS). Because there is no automatic method for determining if a call placed over IP Relay is intrastate or interstate, we authorize IP Relay providers to recover their costs from the Interstate TRS Fund on an interim basis, until such time as we decide whether and how a methodology can be devised to allocate cost recovery between the Interstate TRS Fund and the states. This document also waives certain TRS minimum standards for IP Relay, and directs the National Exchange Carriers Association, which is the current administrator of the Interstate TRS Fund, to begin paying cost recovery to eligible providers of Internet-based TRS, upon release of this *Declaratory Ruling* by the Commission.

**DATES:** Effective April 22, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Sean O'More, of the Consumer and Governmental Affairs Bureau at (202) 418-2453 (voice), (202) 418-7870 (TTY), or e-mail [scomore@fcc.gov](mailto:scomore@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Declaratory Ruling*, adopted April 18, 2002, and released April 22, 2002. Copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402,

Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com). Copies of this document in other alternative formats (computer diskette, large print, and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer and Governmental Affairs Bureau at (202) 418-7426 (voice), (202) 418-7365 (TTY), or e-mail [bmillin@fcc.gov](mailto:bmillin@fcc.gov). This *Declaratory Ruling* can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cgb/dro>.

#### Synopsis

In this *Declaratory Ruling*, the Commission responds to a *Petition for Clarification* filed by WorldCom, Inc., requesting that we clarify that WorldCom's IP Relay is TRS, and is therefore eligible for recovery of its costs of providing TRS. We find that because IP Relay and other Internet-based TRS "provide[s] the ability for an individual who has a hearing impairment or a speech impairment to engage in communication by wire or radio with a hearing individual." 47 U.S.C. 225(a)(3), such service is TRS, and are eligible for cost recovery. Ordinarily, "costs caused by interstate [TRS] shall be recovered from all subscribers for every interstate service and costs caused by intrastate [TRS] shall be recovered from the intrastate jurisdiction." 47 U.S.C. 225(d)(3)(B). There is, however, no automatic means of determining the origination of IP Relay calls. In the absence of this information, TRS providers cannot determine, or report to the TRS Fund Administrator, whether a call is interstate or intrastate. Therefore, as an interim measure, we authorize providers of IP Relay to recover costs from the Interstate TRS Fund. We also waive certain TRS minimum standards, see 47 CFR 64.604.

#### Final Regulatory Flexibility Certification

The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for notice-and-comment rule making proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The RFA, see 5 U.S.C. 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law No. 104-121, Title II, 110 Stat. 857 (1996). 5 U.S.C. 605(b). The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small

governmental jurisdiction." 5 U.S.C. 601(6). In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. 5 U.S.C. 601(3) (incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**." A "small business concern" is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). 15 U.S.C. 632.

This *Declaratory Ruling* addresses a *Petition for Clarification (Petition)* filed by WorldCom, Inc. (WorldCom) in December of 2000. WorldCom, *Petition for Clarification*, CC Docket No. 90-571, *Telecommunications Services for Individuals with Hearing and Speech Disabilities*, Dec. 22, 2000. This *Petition* requests that the Federal Communications Commission (Commission) clarify that Internet Protocol (IP) telecommunications relay services (TRS) are eligible for reimbursement from the Interstate Telecommunications Relay Service Fund. The Commission sought comments on the WorldCom *Petition* in a Public Notice. Consumer Information Bureau Seeks Additional Comment on the Provision of Improved Telecommunications Relay Service, DA 01-1555, *Public Notice*, 16 FCC Rcd 13100, Jun. 29, 2001; published at 66 FR 37631, Jul. 19, 2001. As a result of the WorldCom *Petition* and filed public comments, the Commission is issuing this *Declaratory Ruling* which will allow WorldCom to recover such costs.

As noted in paragraph 59 of the *Declaratory Ruling*, this item imposes a regulatory burden on the Interstate TRS Fund Administrator, requiring it to pay qualified providers of IP telecommunications relay services (TRS) for their costs caused by their TRS. The Interstate TRS Fund is a not-for-profit organization, and therefore is a "small organization." A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." 5 U.S.C. 601(4). Nationwide, as of 1992, there were approximately 275,801 small