

Dated: October 16, 1996.
 M.W. Kerns,
*Acting Deputy Assistant Judge Advocate
 General (Admiralty)*
 [FR Doc. 96-28865 Filed 11-8-96; 8:45 am]
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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 80 and 87

[WT Docket No. 96-82; FCC 96-421]

Permit Operation of Certain Domestic Ship and Aircraft Radio Stations Without Individual Licenses

AGENCY: Federal Communications
 Commission.

ACTION: Final rule.

SUMMARY: This action amends the maritime service and aviation service rules to permit certain ship and aircraft radio stations that operate domestically and are not required by statute or treaty to carry a radio to operate without individual licenses. The effect of this rule is to eliminate the regulatory burdens of filing applications and the cost of the filing fee from hundreds of thousands of ship and aircraft station licensees. This action eliminates administrative burdens for both the public and the Commission without having a negative impact on safety or spectrum management in the Maritime and Aviation Services.

EFFECTIVE DATE: December 12, 1996.

FOR FURTHER INFORMATION CONTACT: James Shaffer of the Commission's Wireless Telecommunications Bureau at (202) 418-0680 or via e-mail at mayday@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, FCC 96-421, adopted October 18, 1996, and released October 25, 1996. The full text of this *Report and Order* 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., 2100 M Street NW, Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Summary of Order

1. By this action, we revise the Maritime Service and Aviation Service rules to eliminate the individual radio licensing requirements for ship stations and aircraft stations that operate domestically and are not required by statute or treaty to carry a radio

(hereafter referred to as "exempt vessels and aircraft"). This action is taken pursuant to Section 307(e) of the Communications Act of 1934 (the "Communications Act"), as amended by Section 403(i) of the Telecommunications Act of 1996, which gives the Commission discretion to remove the individual radio licensing requirements for these stations upon a determination that the public interest, convenience and necessity would be served thereby.

2. This *Report and Order* adopts rules substantially as proposed in the *Notice of Proposed Rule Making (NPRM)*, 61 FR 18226 (April 24, 1996), in this proceeding. We are eliminating the unnecessary regulatory burdens associated with the filing of applications by hundreds of thousands of ship and aircraft station licensees as well as removing the administrative burden associated with the Commission's processing of such applications. We conclude that the public interest, convenience and necessity is served by eliminating individual licensing of exempt vessels and aircraft because individual licenses are unnecessary for either the safety or operational communications requirements or identification purposes. Moreover, such individual licensing does not aid us in carrying out our regulatory and spectrum management responsibilities with regard to these services. Finally, we set forth herein our policies and procedures for (1) refunding regulatory fees for both maritime and aviation licensees who received their licenses after July 17, 1994, (2) refunding licensing and regulatory fees for applicants who have applied for but not yet received an authorization (pending applications) and (3) distributing maritime mobile service identities (MMSIs) to exempt vessels.

3. We noted in the *NPRM* that licensees who received their licenses after July 17, 1994, and paid a regulatory fee may be eligible to request a partial refund for the remaining years on their authorization. We will allow refunds of regulatory fees paid in advance by exempt ship and aircraft licensees for any remaining full years of a license term. These refunds will be made to individual ship and aircraft licensees who request a refund. The precise procedures for requesting a refund from the Commission will be issued by Public Notice from the Managing Director and published in the Federal Register. For those applicants that have applied for but not received an authorization, we will return the regulatory fee and the processing fee. No action is needed by entities with

pending applications to obtain this refund.

4. Currently, these MMSI numbers are issued to a licensee, upon request, at the time the individual ship station is licensed. Over the past year approximately 5 percent of ship licensees requested MMSI numbers. The Commission is currently exploring options for issuing these numbers, including issuing blocks of MMSI numbers to other Federal Government agencies or private entities to administer. We will issue a Public Notice in the future on alternative procedures for obtaining an MMSI number. In the interim, however, those individuals that desire an MMSI number must apply for a ship license. We expect the number of requests for MMSI numbers to continue to be small, however, until the Coast Guard puts its VHF DSC system in place.

5. Accordingly, *It is ordered* that, pursuant to the authority of Sections 4(i), 303(r), 307(e), and 332(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 307(e) and 332(a)(2), Parts 80 and 87 of the Commission's Rules, 47 CFR Parts 80 and 87 are amended as set forth below, effective December 12, 1996.

6. *It is further ordered* that this proceeding is terminated.

List of Subjects

47 CFR Part 80

Communications equipment, Radio,
 Vessels.

47 CFR Part 87

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

Rule Changes

Chapter I of Title 47 of the Code of Federal Regulations, Parts 80 and 87, are amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 is revised to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e) unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.13 is revised to read as follows:

§ 80.13 Station license required.

(a) Except as noted in paragraph (c) of this section, stations in the maritime

service must be licensed by the FCC either individually or by fleet.

(b) One ship station license will be granted for operation of all maritime services transmitting equipment on board a vessel.

(c) A ship station is licensed by rule and does not need an individual license issued by the FCC if the ship station is not subject to the radio equipment carriage requirements any statute, treaty or agreement to which the United States is signatory, the ship station does not travel to foreign ports, and the ship station does not make international communications. A ship station licensed by rule is authorized to transmit radio signals using a marine radio operating in the 156-162 MHz band, any type of EPIRB, and any type of radar installation. All other transmissions must be authorized under a ship station license. Even though an individual license is not required, a ship station licensed by rule must be operated in accordance with all applicable operating requirements, procedures, and technical specifications found in this part.

PART 87—AVIATION SERVICES

3. The authority citation for Part 87 is revised to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e) unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-156, 301-609.

4. Section 87.18 is revised to read as follows:

§ 87.18 Station license required.

(a) Except as noted in paragraph (b) of this section, stations in the aviation service must be licensed by the FCC either individually or by fleet.

(b) An aircraft station is licensed by rule and does not need an individual license issued by the FCC if the aircraft station is not required by statute, treaty, or agreement to which the United States is signatory to carry a radio, and the aircraft station does not make international flights or communications. Even though an individual license is not required, an aircraft station licensed by rule must be operated in accordance with all applicable operating requirements, procedures, and technical specifications found in this part.

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OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9904

Cost Accounting Standards Board; Cost Accounting Standards for Composition, Measurement, Adjustment, and Allocation of Pension Costs

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB

ACTION: Correction.

SUMMARY: This document contains technical and typographical corrections associated with CAS 9904.412, "Cost Accounting Standard for composition and measurement of pension cost", and CAS 9904.413, "Adjustment and allocation of pension cost." The corrections deal with language inconsistencies and/or typographical errors that appear in the Cost Accounting Standards Board's rules, (48 CFR, 10/1/96). Specifically the illustration at CAS 9904.413-60(c)(13) requires correction in order to conform it to the requirements of 9904.413-50(c)(12)(v).

EFFECTIVE DATE: March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board (telephone: 202-395-3254).

List of Subjects in 48 CFR Part 9904

Cost accounting standards, Government procurement.

Richard C. Loeb,
Executive Secretary, Cost Accounting Standards Board.

For the reasons set forth in this preamble, chapter 99 of title 48 of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for part 9904 continues to read as follows:

Authority: Pub. L. 100-679, 102 Stat 4056, 41 U.S.C. § 422.

PART 9904—COST ACCOUNTING STANDARDS

9904.412 [Corrected]

2. In section 9904.412-50, the first sentence of paragraph (d)(2) introductory text is corrected to read as follows.

9904.412-50 Techniques for application.

* * * * *

(d) * * *

(2) For nonqualified defined-benefit pension plans that meet the criteria set

forth at 9904.412-50(c)(3), pension costs assigned to a cost accounting period are fully allocable if they are funded at a level at least equal to the percentage of the complement (i.e., 100% minus tax rate % = percentage of assigned cost to be funded) of the highest published Federal corporate income tax rate in effect on the first day of the cost accounting period. * * *

* * * * *

9904.413 [Corrected]

3. In section 9904.413-60, correct the last sentence of paragraph (c)(7), the fourth sentence of paragraph (c)(8), the fifth sentence of paragraph (c)(12), the last sentence of paragraph (c)(13) and the second sentence of paragraph (c)(24) are corrected to read as follows:

9904.413-60 Illustrations.

* * * * *

(c) * * *

(7) * * * In accordance with 9904.413-50(c)(2)(iii), the amount of pension cost must be based on an acceptable termination of employment assumption for that segment; however, as provided in 9904.413-50(c)(10), all other assumptions for that segment may be the same as those for the remaining segments.

(8) * * * Although some employees are hired by the successor contractor, because Contractor K no longer operates the facility, it meets the 9904.413-30(a)(20)(iii) definition of a segment closing. * * *

* * * * *

(12) * * * In determining the segment closing adjustment under 9904.413-50(c)(12) the actuarial accrued liability and the market value of assets are reduced by the amounts transferred to the buyer by the sale. * * *

(13) * * * However, because all pension assets and liabilities have been transferred to other segments or to successors in interest of the contracts of Segment A, an immediate period adjustment is not required pursuant to 9904.413-50(c)(12)(v).

* * * * *

(24) * * * As permitted by 9904.413-50(c)(1)(ii), the contractor first applies \$12,000 of the contribution amount to Segment A, which is performing work under Government contracts, for purposes of 9904.412-50(d)(1). * * *

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