Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Rockville Centre Village Engineer's Office, 110 Maple Avenue, Rockville Centre.	
Sands Point (village), Nassau County (FEMA Docket No. 7179)	
Sandspoint/Hempstead Harbor:	
Approximately 800 feet east of intersection of Harbor Road and Todd Drive	*10
Maps available for inspection at the Sands Point Village Hall, Tibbits Lane, Port Washington, New York.	
Thomaston (village), Nassau County (FEMA Docket No. 7179)	
Manhasset Bay:	
Approximately 500 feet northeast of Colonial Road and East Shore Road	*15
Russells Creek:	
At Clent Road	*74
Approximately 0.15 mile upstream of Clent Road	*92
Maps available for inspection at the Thomaston Village Hall, 100 East Shore Road, Great Neck, New York.	
Valley Stream (village), Nassau County (FEMA Docket No. 7179)	
Motts Creek:	
Approximately 120 feet northeast of the intersection of Hungry Harbor Road and Rosedale Road	*8
Maps available for inspection at the Valley Stream Village Hall, 123 South Central Avenue, Valley Stream, New York.	
Windham (town), Greene County (FEMA Docket Nos. 7112 and 7187)	
Batavia Kill:	
Approximately 1.6 miles upstream of County Route 56	*2,345
At downstream corporate limits	*1,466
Maps available for inspection at the Windham Town Hall, Route 296, Hensonville, New York.	
Woodsburgh (village), Nassau County (FEMA Docket No. 7179)	
Woodmere Channel:	
At intersection of Meadow Drive and Channel Road	*7
Approximately 500 feet south of intersection of Channel Road and Meadow Drive	*7
Brosewere Bay:	
Approximately 450 feet southeast of intersection of Bay Drive and Hickory Road	*9
Maps available for inspection at the Woodsburgh Village Hall, 30 Piermont Avenue, Hewlett, New York.	
PENNSYLVANIA	
York Springs (borough), Adams County (FEMA Docket No. 7172)	
Gardner Run:	
At corporate limits	*585
Approximately 65 feet upstream of Business U.S. Route 15	*587
Tributary 1:	
Approximately 440 feet downstream of Latimore Street	*598
Approximately 320 feet upstream of Latimore Street	*606
Tributary 2:	
At confluence with Tributary 1	*605
At corporate limits	*639
Maps available for inspection at the York Springs Borough Office, 311 Main Street, York Springs, Pennsylvania.	

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: December 10, 1996.

Craig S. Wingo,

Deputy Associate Director, Mitigation Directorate.

[FR Doc. 96–32262 Filed 12–18–96; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 20, 51 and 90

[CC Docket No. 96–98, CC Docket No. 95–185, GN Docket No. 93–252; FCC 96–476]

Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers; Implementation of Sections 3(n) and 332 of the Communications Act

AGENCY: Federal Communications Commission.

ACTION: Final rule; Petition for reconsideration.

SUMMARY: This document summarizes the Reconsideration released December 13, 1996 which clarifies the statutory requirements of the Telecommunications Act of 1996 (the 1996 Act) as it pertains to incumbent local exchange carrier's (LEC) provision of access for requesting telecommunications carriers to Operations Support Systems (OSS) functions. The intended effect is to clarify the Commission's rules published August 29, 1996 (61FR 45476) regarding the provision of access to OSS functions.

EFFECTIVE DATE: This clarification is effective December 19, 1996.

FOR FURTHER INFORMATION CONTACT: Lisa Gelb, Attorney, Common Carrier Bureau, Policy and Planning Division, (202) 418–1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Order on Reconsideration adopted December 13, 1996 and released December 13, 1996. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M St., NW., Washington, DC. The complete text may also be obtained through the World Wide Web at http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc96476.wp, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M St., NW., Suite 140, Washington, DC 20037.

Regulatory Flexibility Analysis

There are no new rules or modifications to existing rules are adopted in this Order.

Paperwork Reduction Act

There are no new or modified collections of information required by this Order.

Synopsis of Second Order on Reconsideration

1. In this Order, we address two petitions for reconsideration of the *First Report and Order* in this proceeding that question the Commission's rule concerning the obligation of incumbent local exchange carriers (LECs) to provide access to their operational support systems (OSS) functions by January 1, 1997. *See Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,* CC Docket No. 96–98, First Report and Order, FCC 96–325 (released August 8, 1996), 61 FR 45476 (August 29, 1996)

(*First Report and Order*), Order on Reconsideration, 11 FCC Rcd 13042 (1996) (*First Reconsideration*), *further recon. pending, pet. for review pending sub nom. and partial stay granted, Iowa Utilities Board* v. *FCC*, No. 96–3221 and consolidated cases (8th Circuit filed September 6, 1996), *partial stay lifted in part, Iowa Utilities Board* v. *FCC*, No. 96–3321 and consolidated cases, 1996 WL 589284 (8th Circuit October 15, 1996). Because these petitions raise issues that are particularly time sensitive, we address them in this order. We will address petitions for reconsideration of other aspects of our August 8, 1996 Order, including other issues relating to access to OSS functions, in the future.

2. In the *First Report and Order*, the Commission concluded that an incumbent LEC is required to provide access to OSS functions pursuant to its obligation to offer access to unbundled network elements under section 251(c)(3) as well as its obligation to furnish access on a nondiscriminatory basis to all unbundled network elements and services made available for resale, under section 251(c)(3) and (c)(4). In this *Second Order on Reconsideration*, we decline to extend the January 1, 1997 date established in the *First Report and Order*. In the *First Report and Order*, we based our determination that incumbent LECs must provide access to OSS functions on two distinct requirements in section 251(c). First, under section 251(c)(3), for purposes of providing access to OSS functions as a network element, an incumbent must be able to provide, upon request, access to OSS functions pursuant to an implementation schedule developed through negotiation or arbitration. Second, under section 251(c)(3) and (c)(4), in order to comply with the requirement to provide nondiscriminatory access to unbundled elements and services for resale, incumbent LECs also are required, by January 1, 1997, to offer nondiscriminatory access to OSS functions. If an incumbent uses electronic interfaces for its own internal purposes, or offers access to electronic interfaces to its customers or other carriers, the incumbent must offer at least equivalent access to requesting telecommunications carriers.

3. Section 251(c)(3) of the Communications Act of 1934, as added by the Telecommunications Act of 1996, requires incumbent LECs ''to provide, to any requesting telecommunications carriers for the provision of a telecommunications service, nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory.'' The Commission was charged with identifying network elements and determining whether it is technically feasible for incumbent LECs to provide access to such elements on an unbundled basis. The Commission identified OSS functions as a network element, and determined that it is technically feasible for incumbent LECs to provide access to OSS functions for unbundling and resale. The Commission defined OSS functions as consisting of pre-ordering, ordering, provisioning, maintenance and repair, and billing. *First Report and Order* at paragraph 523 n.1273. *See also* 47 CFR 51.319. This determination reflects the Commission's conclusion that access to OSS functions is necessary for meaningful competition, and that failing to provide such access would impair the ability of requesting telecommunications carriers to provide competitive service.

4. In the *First Report and Order*, we concluded that obligations imposed by section 251(c)(3) to provide access to unbundled network elements require the incumbent LEC to make modifications to the extent necessary to accommodate a request from a telecommunications carrier. In the case of access to OSS functions, we recognized that, ''although technically feasible, providing nondiscriminatory access to operations support systems functions may require some modifications to existing systems necessary to accommodate such access by competing providers.'' For example, incumbent LECs may need to decide upon interface design specifications and modify and test software.

5. We further concluded in the *First Report and Order*, based on the record, that January 1, 1997 was a reasonable date by which most, if not all, incumbent LECs could provide access to OSS functions. We concluded that:

> in order to comply fully with section 251(c)(3) an incumbent LEC must provide, upon request, nondiscriminatory access to operations support systems functions for pre-ordering, ordering, provisioning, maintenance and repair, and billing of unbundled network elements under section 251(c)(3) and resold services under section 251(c)(4). Incumbent LECs that currently do not comply with this requirement of section 251(c)(3) must do so as expeditiously as possible, but in any event no later than January 1, 1997.

The Commission found it ''reasonable to expect that by January 1, 1997, new entrants will be able to compete for end user customers by obtaining nondiscriminatory access to operations support systems functions.'' Thus, under our rules, incumbent LECs must have made modifications to their OSS necessary to provide access to OSS functions by January 1, 1997.

6. In order to comply with its obligation to offer access to OSS functions as an unbundled network element by January 1, 1997, an incumbent LEC must, at a minimum, establish and make known to requesting carriers the interface design specifications that the incumbent LEC will use to provide access to OSS functions. Information regarding interface design specifications is critical to enable competing carriers to modify their existing systems and procedures or develop new systems to use these interfaces to obtain access to the incumbent LEC's OSS functions. For example, if an incumbent LEC adopted the Electronic Data Interchange (EDI) standard to provide access to some or all of its OSS functions, it would need to provide sufficiently detailed information regarding its use of this standard so that requesting carriers would be able to develop and maintain their own systems and procedures to make effective use of this standard. As with all other network elements, the obligation arises only if a telecommunications carrier has made a request for access to OSS functions pursuant to section 251(c)(3), and the actual provision of access to OSS functions by an incumbent LEC must be governed by an implementation schedule established through negotiation or arbitration.

7. The issue of nondiscrimination under several provisions of sections 251 (c)(3) and (c)(4) is independent of the issue of access to unbundled network elements under section 251(c)(3). We concluded in the *First Report and Order* that section 251 establishes a separate basis for requiring incumbent LECs to provide access to their OSS functions. Specifically, we found that the obligation to offer access to OSS functions was an essential component of an incumbent LEC's duty to offer nondiscriminatory access to all network elements under section 251(c)(3), and to provide services for resale without conditions or limitations that are unreasonable or discriminatory under section 251(c)(4). We observed that the ''just, reasonable and nondiscriminatory'' standard of section 251(c)(3) requires incumbent LECs to provide network elements on terms and conditions that ''provide an efficient competitor with a meaningful opportunity to compete.'' Incumbent

LECs must offer network elements on terms and conditions equally to all requesting carriers, and, where applicable, those terms and conditions must be equal to the terms and conditions on which an incumbent LEC provisions such elements to itself or its customers. Therefore, we held that the duty to provide nondiscriminatory access imposed by section 251(c)(3) and the duty to provide resale services under nondiscriminatory conditions imposed by section 251(c)(4) mandates equivalent access to OSS functions that an incumbent uses for its own internal purposes or offers to its customers or other carriers. By January 1, 1997, to the extent that an incumbent LEC provides electronic pre-ordering, ordering, provisioning, maintenance and repair, or billing to itself, its customers, or other carriers, the incumbent LEC must provide at least equivalent electronic access to requesting carriers in the provision of unbundled network elements or services for resale that it is obligated to provide pursuant to an agreement approved by the state commission.

8. In the *First Report and Order*, we noted the progress that had been made by several incumbent LECs toward meeting their obligation to provide nondiscriminatory access to OSS functions to requesting carriers. We are encouraged by reports that this progress has continued since the release of our Order. Further, for the most part, incumbent LECs have set implementation schedules for themselves that would bring them into compliance with section 251(c) by early 1997. Therefore, we find no basis in the record for postponing the date by which access to OSS must be offered. We believe that many individual carriers are taking actions to modify their systems to provide the necessary access to OSS functions required by the 1996 Act. We also note that several state arbitrations completed thus far have adopted schedules that require substantial implementation of access to OSS functions by January 1, 1997.

9. Although the requirement to provide nondiscriminatory access to network elements and services for resale includes an obligation to provide access to OSS functions no later than January 1, 1997, we do not anticipate initiating enforcement action against incumbent LECs that are making good faith efforts to provide such access within a reasonable period of time, pursuant to an implementation schedule approved by the relevant state commission. We do not, however, preclude initiating enforcement action where circumstances warrant. We further note that providing access to OSS functions is a critical requirement for complying with section 251, and incumbent LECs that do not provide access to OSS functions, in accordance with the *First Report and Order*, are not in full compliance with section 251. *See, e.g.*, 47 U.S.C. 271(c)(2)(B) (requiring compliance with provisions of section 251 as a precondition for Bell Operating Company (BOC) entry into in-region interLATA markets).

10. We also note that, if an incumbent LEC with fewer than two percent of the subscriber lines nationwide is unable to offer nondiscriminatory access to OSS functions by January 1, 1997, it may seek a suspension or modification of this requirement from the relevant state commission. 47 U.S.C. 251(f)(2). In addition, rural telephone companies are exempt from the requirements of section 251(c), as set forth in section 251(f)(1), except when and to the extent otherwise determined by state commissions. 47 U.S.C. 251(f)(1).

11. Finally, it is apparent from arbitration agreements and ex parte submissions that access to OSS functions can be provided without national standards. See supra para. 10. We therefore reject the petitions of LECC and Sprint to delay the requirement to provide nondiscriminatory access to OSS functions until national standards have been fully developed. We conclude that such a requirement would significantly and needlessly delay competitive entry. In the *First Report and Order*, we stated that, in order to ensure continued progress in establishing national standards, we would ''monitor closely the progress of industry organizations as they implement the rules adopted in this proceeding.'' We continue to encourage parties to develop national standards for access to OSS functions, but decline to condition the requirement to provide access to OSS functions upon the creation of such standards.

12. Accordingly, it is ordered that, pursuant to sections 1–4, 201–205, 214, 251, 252, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–205, 251, 252, and 303(r), the Second Order on Reconsideration is Adopted.

13. It is further ordered, pursuant to section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and section 1.106 of the Commission's rules, 47 CFR 1.106 (1995), that the petitions for reconsideration filed by the Local Exchange Carrier Coalition and the Sprint Corporation are DENIED, to the extent that they seek deferral of the January 1, 1997 date regarding access to OSS functions.

List of Subjects

47 CFR Part 1

Communications common carriers, Telecommunications.

47 CFR Part 20

Communications common carriers.

47 CFR Part 51

Communications common carriers, Telecommunications.

47 CFR Part 90

Common carriers.

Federal Communications Commission.

Shirley S. Suggs,

Chief, Publications Branch.

[FR Doc. 96–32321 Filed 12–18–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217 and 227

[Docket No.950830222–6274–03; I.D. 011696D]

RIN 0648–AH89

Sea Turtle Conservation; Revisions to Sea Turtle Conservation Requirements; Restrictions to Shrimp Trawling Activities

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS is issuing a final rule to amend the regulations protecting sea turtles. This final rule: Requires that turtle excluder devices (TEDs) be installed in try nets with a headrope length greater than 12 ft (3.6 m) and a footrope length greater than 15 ft (4.6 m), applicable December 19, 1997; removes the approval of the Morrison, Parrish, Andrews, and Taylor soft TEDs, applicable December 19, 1997 (if improvements or modifications can be and are made to any of these soft TED designs so that they exclude turtles effectively, NMFS will institute a rulemaking to continue or reinstate the approval of any such soft TEDs as improved or modified); establishes Shrimp Fishery Sea Turtle Conservation Areas (SFSTCAs); and, within the SFSTCAs, imposes the new TED requirement for try nets, removes the approval of soft TEDs, and modifies the requirements for bottom-opening hard TEDs, effective March 1, 1997. This