

approval under 5 CFR Part 1320, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 46 CFR Parts 201, 206, 246, 253, 275, 276, 285 and 290

Part 201—Administrative practice and procedure.

Part 206—Administrative practice and procedure.

Part 246—Maritime carriers, Measurement standards, National defense.

Part 253—Maritime carriers, National defense.

Part 276—Grant programs—transportation, Maritime carriers.

Part 285—Administrative practice and procedure, Maritime carriers, Reporting requirements, Uniform system of accounts.

Part 290—Government contracts, Maritime carriers.

Accordingly, for the reasons set forth in the preamble, MARAD is taking the following action:

1. The authority for 46 CFR Part 201 is revised to read as follows:

Authority: 46 App. U.S.C. 1114(b); 49 CFR 1.66.

2. The authority for 46 CFR Part 276 is revised to read as follows:

Authority: 46 App. U.S.C. 1114(b), 1117, 1156, and 1204; 49 CFR 1.66.

TITLE 46

PARTS 201, 276—[AMENDED]

PARTS 206, 246 253, 275, 285, 290—[REMOVED]

3. In Title 46 of the Code of Federal Regulations, in part 201, remove and reserve sections 201.4, 201.5, 201.23 and 201.86, and remove the last sentence of section 201.25.

4. In part 276, remove section 276.3.

5. Under the authority of 46 app. U.S.C. 1114(b) parts 206, 246, 253, 275, 285 and 290 are removed.

By Order of the Maritime Administrator.

Dated: July 24, 1995.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 95-18555 Filed 7-27-95; 8:45 am]

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46 CFR Parts 345, 346, and 347

[Docket No. R-155]

RIN No. 2133-AB15

Federal Port Controllers; Clarification of the Event That Allows the Activation of the Federal Port Controller Service Agreements

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This final rule amends the Maritime Administration's (MARAD) Federal Port Controllers regulations at 46 CFR Part 346, and provides a harmonizing amendment to the definition of "Federal Port Controller" in Part 345. These regulations now provide that, when needed during the existence of a state of war or national emergency proclaimed by the President of the United States, certain port facilities in the United States shall be controlled and used exclusively by the Federal Government, operating through the National Shipping Authority (NSA) of MARAD, pursuant to provisions of service agreements between the Director, NSA, and Federal Port Controllers appointed by MARAD. The regulations in Part 340 establish procedures for assigning priority for use by defense agencies, when appropriate, on commercial terms, of commercial shipping services, containers and chassis, port facilities and services, and for allocating commercial vessels services, containers and chassis, and port facilities and services for exclusive use by defense agencies. The amendments to Parts 345 and 346 will allow, at MARAD's discretion, the activation of standby service agreements between the United States of America and port authorities or private corporations in connection with the deployment of the Armed Forces of the United States or other requirements of the nation's defense. This is the same activation trigger as in Part 340—Priority Use and Allocation of Shipping Services, Containers and Chassis, and Port Facilities and Services for National Security and National Defense Related Operations.

DATES: This final rule is effective on August 28, 1995.

FOR FURTHER INFORMATION CONTACT: John Pisani, Director, Office of Ports and Domestic Shipping, Maritime Administration, Washington, DC. 20590. Telephone: (202) 366-4357.

SUPPLEMENTARY INFORMATION: These amendments to MARAD's regulations at 46 CFR subchapter I-B are necessary

because the event that allows activation of the Federal Port Controller service agreements is not consistent with the event that activates the priority use and allocation regulations in part 340.

Under non-emergency conditions, the public ports of the United States are administered, under a wide variety of authorities, by their respective state governments. The wide variance in their responsibilities, jurisdictions, operations and managements reflects the differences of the various governing bodies. The various contingency Federal procedures administered by MARAD are intended to assert reasonable, uniform, limited Federal administration of the otherwise diverse U.S. network of public ports in an emergency which affects the national interest. The procedures are set forth under three interdependent documents:

1. Special inter-agency coordination required under emergency circumstances is established through the Memorandum of Understanding on Port Readiness. These procedures are in effect at all times.

2. Use of real port property and related services are assured through the regulations at 46 CFR part 340, addressing the priority use and allocation of port facilities, as well as shipping services and containers and chassis. These procedures can become operative in the event of the deployment of the Armed Forces of the United States or other requirements of the nation's defense.

3. Limited Federal administration of the U.S. network of public ports is achieved by the standby Federal Port Controller procedures set forth in a "Service Agreement, Federal Port Controller", in 46 CFR part 346. At present, these procedures can only be activated upon the declaration of war or national emergency.

Proposed Rule and Comments

MARAD published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on November 18, 1994 (59 FR 59742), noting that the present disparity with respect to the event that triggers the activation of contingency Federal procedures under 46 CFR parts 340 and 346, respectively, can create confusion. The present procedures set forth in 46 CFR part 340 can become operative without a Presidential declaration of emergency to eliminate potential adverse delay, while the activation of Federal Port Controller service agreements in 46 CFR part 346 requires a "declaration of war or national emergency." The NPRM noted that events during Operations DESERT SHIELD/DESERT STORM showed that the Government would not have had the authority to obtain needed priority utilization of port facilities, shipping services and containers in a timely manner with the present Part 346

requirement for a declaration of war or national emergency.

At the local port level, the official named to become the Federal Port Controller in an emergency is a key MARAD official who represents the agency in the execution of a Memorandum of Understanding on Port Readiness. If it becomes necessary to exercise the service priority or allocation authorities of 46 CFR part 340, the Federal Port Controller could act as the local Federal agent. Since, under existing regulations, it is impossible to activate service agreements with Federal Port Controllers unless an emergency has been declared, it would also be impossible to use the services of the Federal Port Controllers to assist in the allocation of priority of service requirements which may be needed during a deployment. The amendments to Part 346 will allow, but not necessitate, activation of selected contracts if a deployment is in progress, without the required declaration of an emergency.

MARAD received comments from four port authorities located in the North Atlantic and South Atlantic regions. Two of the port authorities were in full support of the rulemaking as proposed. One port authority expressed concern, that using the deployment of the Armed Forces of the United States as the triggering event for activation of the standby service agreements could impose a potential burden on the designated Federal Port Controllers, since the frequency of possible deployment appears to far exceed that of declarations of national emergencies.

While MARAD acknowledges that a purpose for harmonizing the triggering mechanism for authorizing activation of these service agreements with part 340 activations is to allow activations under broadened circumstances, such activations would occur only in response to the national needs of the United States.

Another commenter was of the view that the existing terms of the service agreement were adequate and that the change proposed by MARAD will cause confusion and misunderstanding between port terminals and participants in military operations. MARAD cannot agree with this prediction and believes that just the opposite will occur. The proposed amendments to part 346 will harmonize the timing of the activation of service agreements with MARAD's regulations at 46 CFR part 340 governing the priority use and activation of shipping services, containers and chassis, and port facilities and services. It should actually

diminish confusion and misunderstandings and will provide more flexibility in responding to the need for U.S. deployment of troops when there is no formal declaration of war or national emergency.

Accordingly, MARAD is adopting, as a final rule without change, the amendments to 46 CFR parts 345 and 346 set forth in the NPRM, together with amendments to section 2(a) of part 346 to correct an obsolete reference to former Title 32A of the CFR. There are also amendments to the authority citations in 46 CFR parts 345, 346 and 347 to give recognition to the repeal of the Federal Civil Defense Act of 1950 and its reenactment in different form.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review)

This rulemaking has been reviewed under Executive Order 12866 (Regulatory Planning and Review). It is not considered to be an economically significant regulatory action under Section 3(f) of E.O. 12866, since it has been determined that it is not likely to result in a rule that may have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This rule would not significantly affect other Federal agencies; would not materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities or the principles set forth in E.O. 12866; and has been determined to be a nonsignificant rule under the Department's Regulatory Policies and Procedures. Accordingly, it is not considered to be a significant regulatory action under E.O. 12866.

This rule did not require review by the Office of Management and Budget (OMB) under Executive Order 12866.

Federalism

MARAD has analyzed this rulemaking in accordance with the principles and criteria contained in E.O. 12612 and has determined that these regulations do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

MARAD certifies that this rulemaking will not have a significant economic

impact on a substantial number of small entities.

Environmental Assessment

MARAD has considered the environmental impact of this rulemaking and has concluded that an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This rulemaking contains no new reporting requirement that is subject to OMB approval under 5 CFR Part 1320, pursuant to the Paperwork Reduction Act of 1080 (44 U.S.C. 3501, et seq.).

List of Subjects in 46 CFR Parts 345, 346 and 347

Freight, Harbors, Maritime carriers, and National defense.

Accordingly, MARAD proposes to amend 46 CFR parts 345, 346 and 347 as follows:

PART 345—[AMENDED]

1. The authority citation for part 345 is revised to read as follows:

Authority: The Defense Production Act of 1950, as amended (50 App. U.S.C. 2061, et seq.); E.O. 12656, sec. 1401(7) (53 FR 47491, 3 CFR 1988 Comp.); E.O. 12919, section 201(a), June 3, 1994, 59 FR 29525; 49 CFR 1.45(5).

§1 [Amended]

2. Sec. 1(c) is amended by removing the words "in time of national emergency," and adding in their place the words "upon deployment of the Armed Forces of the United States, or other requirements of the nation's defense."

PART 346—[AMENDED]

1. The authority citation for part 346 is revised to read as follows:

Authority: The Defense Production Act of 1950, as amended (50 App. U.S.C. 2061, et seq.); E.O. 12656, sec. 1401(7) (53 FR 47491, 3 CFR 1988 Comp.); E.O. 12919, section 201(a), June 3, 1994, 59 FR 29525; 49 CFR 1.45(5).

§2 [Amended]

2. Sec. 2, *Definitions*, is amended as follows:

(a) In paragraph (a) by removing the words "port facilities" when they first appear and reference to section "1(e) of 32A CFR part 1901," and adding in its place the words "port facilities and services" and the reference to section "340.2(o) of 46 CFR Part 340"; and

(b) in paragraph (b) *Federal Port Controller*, by removing the words "in time of war and national emergency"

and adding in their place the words "in connection with the deployment of the Armed Forces of the United States, or other requirements of the nation's defense."

3. Sec. 3 is revised to read as follows:

§3 Standby agreements.

The Director, NSA, may negotiate the standard form of service agreement, specified in section 4, with port authorities on a standby basis, prior to the deployment of the Armed Forces of the United States, or other requirements of the nation's defense. In such cases, the contractor accepts the obligation to maintain a qualified incumbent in the position specified in Article 1 of the service agreement and to be prepared to furnish the resources specified in Articles 4 and 5. An agreement executed on a standby basis may become operational in connection with the deployment of the Armed Forces of the United States, or other requirements of the nation's defense. An agreement executed after the deployment of the Armed Forces of the United States, or other requirements of the nation's defense may be operational upon execution.

§4 [Amended]

4. Sec. 4, Service Agreements, is amended as follows: a. In Article 4(a), by removing the words "war effort or declared national emergency," and adding in their place the words "deployment of the Armed Forces of the United States, or other requirements of the nation's defense."

b. In Article 12, in paragraphs (b)(1) and (b)(2), by removing, in each paragraph, the words "period of war or national emergency," and adding in their place the words "deployment of the Armed Forces of the United States, or other requirements of the nation's defense."

PART 347—[AMENDED]

The authority citation for Part 347 is revised to read as follows:

Authority: The Defense Production Act of 1950, as amended (50 App. U.S.C. 2061, *et seq.*); E.O. 12656, sec. 1401(7) (53 FR 47491, 3 CFR 1988 Comp.); E.O. 12919, section 201(a), June 3, 1994, 59 FR 29525; 49 CFR 1.45(5).

By Order of the Maritime administrator.
Dated: July 24, 1995.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 95-18554 Filed 7-27-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CC Docket No. 92-237; FCC 95-283]

Administration of the North American Numbering Plan

AGENCY: Federal Communications Commission.

ACTION: Policy statement.

SUMMARY: On July 13, 1995, the Commission adopted a Report and Order (Order) regarding administration of the North American Numbering Plan. This document gives notice of the Order which adopted a model for administration of telephone number resources by establishing the North American Numbering Council and requiring a neutral North American Numbering Plan Administrator. This action fosters competition and new services in the telecommunications marketplace by ensuring pro-competitive and impartial administration of crucial numbering resources.

EFFECTIVE DATE: August 28, 1995.

FOR FURTHER INFORMATION CONTACT:

Mike Specht (Senior Engineer) 202-634-1816, Scott A. Shefferman (Attorney) 202-634-1952 or Elizabeth Nightingale (Attorney) 202-634-1832, Domestic Facilities Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Report and Order in the matter of Administration of the North American Numbering Plan, (CC Docket 92-237, adopted July 13, 1995, and released July 13, 1995). The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., NW., Washington, DC, or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2100 M St., NW., Suite 140, Washington, DC 20037, phone 202-857-3800.

Analysis of Proceeding

On September 26, 1991, the National Association of Regulatory Utility Commissioners petitioned the Commission to begin a broad inquiry into administration of the North American Numbering Plan (NANP). The NANP is the basic numbering scheme that permits interoperable telecommunications service within the United States, Canada, Bermuda and most of the Caribbean. Administration of the NANP is currently performed by

Bell Communications Research, Inc. (Bellcore), a research company owned by the seven regional Bell Operating Companies. On October 29, 1992, the Commission released a Notice of Inquiry (NOI), summarized at 57 FR 53462 (Nov. 10, 1992), to explore several long range issues related to administration of the NANP. The NOI consisted of two phases: Phase One focused on who should administer the NANP and how the administration might be improved; and Phase Two focused on Carrier Identification Codes (CIC).

On August 19, 1993, Bellcore advised the Commission that it wished to relinquish its role as NANP Administrator. On March 30, 1994, the Commission adopted a Notice of Proposed Rulemaking (NPRM), summarized at 59 FR 24103 (May 10, 1994), tentatively concluding that: (1) The Commission should select a single NANP Administrator that is a non-government entity not closely affiliated with any particular segment of the telecommunications industry; (2) the Commission should oversee the NANP Administrator; (3) the NANP Administrator should take over Bellcore's current functions, as well as administer central office (CO) codes (the second three digits in a standard ten-digit telephone number); (4) the transition to a new NANP structure should begin as soon as the new Administrator is identified, and should extend to a date at least six months after the beginning of the use of interchangeable Numbering Plan Area codes ("NPAs" or "area codes") in January 1995; and (5) the Commission should impose fees to recover costs of regulating numbering resources. Additionally, the NPRM sought comment on whether the Commission should establish a policy board to assist regulators in developing and coordinating numbering policy under the NANP. The NPRM also sought comment on whether the Federal Advisory Committee Act would apply to such a board.

The Order adopted July 13, 1995, is guided by several principles: (1) To maintain and foster an integrated approach to number administration throughout North America; (2) to provide a structure for number administration that is impartial and pro-competitive; (3) to correct the current deficiencies of the number administration structure, while maintaining the positive aspects of the current structure; and (4) to enhance Commission control and awareness of numbering issues during the transition to a competitive telecommunications industry.