

**PART 498—[CORRECTED]****§ 498.3 [Corrected]**

28. We make the following corrections to § 498.3:

a. On page 56252, column one, § 498.3(b)(12), line two, “§ 498.3(d)(11).” is corrected to read § 498.3(d)(11).”

b. On page 56252, column one, § 498.3(d)(10), line seven, “(b)(14)” is corrected to read “(b)(13)”.

c. On page 56252, column two, § 498.3(d)(12), line two, “(b)(14)” is corrected to read “(b)(13)”.

29. Section 498.90 is amended by redesignating existing paragraph (b) as paragraph (c), and adding a new paragraph (b) to read as follows:

**§ 498.90 Effect of Appeals Council decision.**

\* \* \* \* \*

(b)(1) When HCFA imposes a civil money penalty on a SNF or NF, the decision of the Appeals Council is final upon issuance.

(2) Judicial review of an Appeals Council decision concerning the imposition of a civil money penalty on a SNF or NF is available in the appropriate United States Court of Appeals.

Authority: Sections 1819(g), 1819(h), 1919(g), and 1919(h) of the Social Security Act (42 U.S.C. 1395i-3(g), 1395i-3(h), 1395r(g), and 1395r(h)).

Dated: September 18, 1995.

Neil J. Stillman,

*Deputy Assistant Secretary for Information Resources Management.*

[FR Doc. 95-23780 Filed 9-27-95; 8:45 am]

BILLING CODE 4120-01-P

**DEPARTMENT OF TRANSPORTATION****Coast Guard**

46 CFR Parts 25, 28, 30, 31, 35, 37, 40, 50, 54, 55, 56, 57, 61, 67, 70, 71, 72, 76, 78, 79, 90, 91, 95, 97, 99, 106, 150, 154, 171, 174, 188, and 189

[CGD 95-012]

RIN 2115-AF03

**Inspected and Uninspected Commercial Vessels; Removal of Obsolete and Unnecessary Regulations; Correction to Effective Date**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule; correction to effective date.

**SUMMARY:** The Coast Guard is changing the effective date of the final rule,

“Inspected and Uninspected Commercial Vessels; Removal of Obsolete and Unnecessary Regulations” published September 18, 1995 in the Federal Register (60 FR 48044) to October 1, 1995 to conform the effective date with the recodification of Title 46 of the Code of Federal Regulations. This final rule imposes no substantive requirements on the public.

**EFFECTIVE DATE:** September 28, 1995.

The effective date of the final rule, “Inspected and Uninspected Commercial Vessels; Removal of Obsolete and Unnecessary Regulations” published September 18, 1995 in the Federal Register (60 FR 48044) is corrected to October 1, 1995.

**FOR FURTHER INFORMATION CONTACT:**

LCDR R. K. Butturini, Design and Engineering Standards Division, Office of Marine Safety, Security and Environmental Protection, (202) 267-2206.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

This rulemaking merely removes and revises obsolete and unnecessary provisions of Title 46 of the Code of Federal Regulations and does not impose any substantive requirements on the public. Therefore, the Coast Guard, for good cause finds, under 5 U.S.C. 553(d), that a delayed effective date is not necessary. This action is being taken to conform the effective date of this rule with the recodification of Title 46 of the Code of Federal Regulations.

Dated: September 22, 1995.

J.C. Card,

*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.*

[FR Doc. 95-24106 Filed 9-27-95; 8:45 am]

BILLING CODE 4910-14-M

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 69**

[CC Docket No. 91-213; FCC 95-404]

**Transport Rate Structure and Pricing**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this *Fourth Memorandum Opinion and Order on Reconsideration*, we address two issues raised by MCI on reconsideration of the *Third Reconsideration Order (Transport Rate Structure and Pricing, Third Memorandum Opinion and Order and Supplemental Notice of Proposed*

Rulemaking)—the mid-course adjustment (or “true up”) of the interconnection charge and the rules regarding discounted transport offerings and pricing flexibility. In addition, we address, on our own initiative, the expiration of the interim transport rate structure, which was initially set to expire on October 31, 1995. We dismiss in part MCI’s Petition for Clarification or, in the Alternative, Reconsideration as moot, and grant in part that petition. We also reconsider the expiration date of the interim transport rate structure rules and extend the effectiveness of those rules pending further Commission action. The intended effect of this action is to maintain the interim transport rate structure.

**EFFECTIVE DATE:** October 30, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Matthew J. Harthun, (202) 418-1590 or David L. Sieradzki, (202) 418-1576, Policy and Program Planning Division, Common Carrier Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s *Fourth Memorandum Opinion and Order on Reconsideration* in CC Docket No. 91-213, adopted and released on September 22, 1995. The complete text of this *Fourth Memorandum Opinion and Order on Reconsideration* is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C. 20554.

Synopsis of Memorandum Opinion and Order

**A. MCI’s Petition for Clarification or, in the Alternative, Reconsideration**

1. On February 21, 1995, MCI filed a Petition for Clarification or, in the Alternative, Reconsideration of the *Third Reconsideration Order, 60 FR 4107 (January 20, 1995)*. MCI asks the Commission to clarify or reconsider the procedure for LECs to implement a mid-course adjustment (or “true up”) of the interconnection charge. In addition, MCI asks the Commission to clarify that LECs are not precluded from offering their access customers percentage and growth discounts, so long as they can demonstrate that such discounts are cost-based.

**1. Interconnection Charge “True Up”**

2. In the *Third Reconsideration Order*, we required the LECs to file any requests for mid-course adjustment to the interconnection charge no later than March 31, 1995. No requests for mid-course adjustment were submitted by that date. Accordingly, MCI’s request for clarification or reconsideration regarding the inclusion of non-recurring

costs in the mid-course adjustment is moot. The request is therefore dismissed.

2. Percentage and Growth Discounts

3. We reaffirm our conclusion in the *Third Reconsideration Order* that the discussion of discounted transport offerings in the *Switched Transport Expanded Interconnection Order (Expanded Interconnection with Local Telephone Company Facilities, Second Report and Order and Third Notice of Proposed Rulemaking 58 FR 48756 (September 17, 1993))* and as reaffirmed and modified by the *Expanded Interconnection Remand Order (Expanded Interconnection with Local Telephone Company Facilities, Memorandum Opinion and Order, 59 FR 38922 (August 1, 1994))* and the rules adopted in that Order do not contemplate percentage or growth discounts. As with any of the Commission's rules, a party may file for waiver if the party believes that, under the particular circumstances it faces, a waiver would better serve the public interest than application of the general rule. In the particular situation here at issue, a LEC is not precluded from seeking waiver of the transport access charge rules to offer its access customers a percentage or growth discount. Waivers will only be granted for good cause shown (See 47 CFR 1.3). Such a showing requires the petitioning party to demonstrate the special circumstances that warrant deviation from the general rule and to show how such deviation would better serve the public interest. A showing that such discounts would be cost-based in the particular circumstances at issue, as suggested by MCI, is only one of a number of potentially relevant factors. Accordingly, MCI's request is granted insofar as it seeks clarification that a LEC may seek a waiver of our rules under normal waiver standards to offer percentage or growth discounts.

B. Expiration Date of the Interim Transport Rate Structure Rules

4. We believe that the public interest requires retention of the existing transport rate structure and pricing rules beyond October 31, 1995, and therefore reconsider, on our own motion, the expiration date for those rules. The process of adjusting from the old equal charge rate structure to the interim transport rate structure appears to have required more time and effort than we originally anticipated, and we wish to avoid the disruption predicted by the parties. We also agree that consideration of a long-term transport rate structure would raise issues that are closely

related to possible comprehensive reform of our access charge rules. Accordingly, we reconsider our original decision to impose the current transport rate structure and pricing rules only through October 31, 1995, and extend the effectiveness of the interim transport rate structure, pending further Commission action.

C. Ordering Clauses

5. Accordingly, IT IS ORDERED, pursuant to authority contained in Sections 1, 4 (i) and (j), 201-205, 218, 220 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154 (i) and (j) 201-205, 218, 220 and 403, Part 69 of the Commission's rules is amended as set forth below.

6. It is further ordered that MCI's Petition for Clarification or, in the Alternative, Reconsideration is dismissed in part as moot, and is granted in part as indicated herein.

7. It is further ordered that the Commission's rules as amended herein shall be effective 30 days after the date of publication in the Federal Register.

List of Subjects in 47 CFR Part 69

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Amendment to the Code of Federal Regulations

Part 69 of Title 47 of the Code of Federal Regulations is amended as follows:

**PART 69—ACCESS CHARGES**

1. The authority citation for Part 69 continues to read as follows:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat. 1066, 1070, 1072, 1077, 1094, as amended 47 U.S.C. 154, 201, 202, 203, 205, 218, 403, unless otherwise noted.

2. Section 69.110 is amended by revising paragraphs (a) and (e) to read as follows:

**§ 69.110 Entrance facilities.**

(a) A flat-rated entrance facilities charge expressed in dollars and cents per unit of capacity shall be assessed upon all interexchange carriers and other persons that use telephone company facilities between the interexchange carrier or other person's point of demarcation and the serving wire center.

\* \* \* \* \*

(e) Except as provided in paragraphs (f), (g), and (h) of this section, telephone companies shall not offer entrance facilities based on term discounts or volume discounts for multiple DS3s or

any other service with higher volume than DS3.

\* \* \* \* \*

3. Section 69.111 is amended by revising paragraphs (b) and (g) to read as follows:

**§ 69.111 Tandem-Switched Transport and Tandem Charge.**

\* \* \* \* \*

(b) A tandem-switched transmission charge expressed in dollars and cents per access minute shall be assessed upon all interexchange carriers and other persons that use telephone company tandem-switched transport facilities.

\* \* \* \* \*

(g) The tandem charge shall be set to recover twenty percent of the annual part 69 interstate tandem revenue requirement.

\* \* \* \* \*

4. Section 69.112 is amended by revising paragraphs (a) and (e) to read as follows:

**§ 69.112 Direct-Trunked Transport.**

(a) A flat-rated direct-trunked transport charge expressed in dollars and cents per unit of capacity shall be assessed upon all interexchange carriers and other persons that use telephone company direct-trunked transport facilities.

\* \* \* \* \*

(e) Except as provided in paragraphs (f), (g), and (h) of this section, telephone companies shall not offer direct-trunked transport rates based on term discounts or volume discounts for multiple DS3s or any other service with higher volume than DS3.

\* \* \* \* \*

Federal Communications Commission.  
William F. Caton,  
*Acting Secretary.*

[FR Doc. 95-24079 Filed 9-27-95; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 95-13; RM-8566 and RM-8628]

**Radio Broadcasting Services; Cowden and Tower Hill, IL**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document allots Channel 252A to Tower Hill, Illinois, in response to a petition filed by Randal J. Miller. See 60 FR 5887, January 31, 1995. The coordinates for Channel 252A at Tower Hill are 39-18-27 and 88-59-22. There