

Government. The total amount of expenses that may be reimbursed in connection with the sale of a residence shall not exceed 10 percent of the actual sale price or \$23,070, whichever is the lesser amount. The total amount of expenses that may be reimbursed in connection with the purchase of a residence shall not exceed 5 percent of the purchase price or \$11,534, whichever is the lesser amount. The General Services Administration has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the Federal Register for notice or comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 41 CFR Part 302-6

Government employees, Relocation allowances and entitlements, Transfers.

For the reasons set out in the preamble, 41 CFR part 302-6 is amended as follows:

PART 302-6—ALLOWANCE FOR EXPENSES INCURRED IN CONNECTION WITH RESIDENCE TRANSACTIONS

1. The authority citation for part 302-6 continues to read as follows:

Authority: 5 U.S.C. 5721-5734; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

§ 302-6.2 [Amended]

2. Section 302-6.2 is amended by removing the amount "\$22,398" in paragraph (g)(1) and adding in its place the amount "\$23,070"; and by removing the amount "\$11,198" in paragraph (g)(2) and adding in its place the amount "\$11,534".

Dated: October 11, 1996.

David J. Barram,

Acting Administrator of General Services.

[FR Doc. 96-27583 Filed 10-25-96; 8:45 am]

BILLING CODE 6820-34-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 20, 21, 22, 24, 26, 80, 87, 90, 100, and 101

[FCC 96-396]

Implementation of Section 403(k) of the Telecommunications Act of 1996 (Citizenship Requirements)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Section 403(k) of the Telecommunications Act of 1996 amends Sections 310(b) (3) and (4) of the Communications Act of 1934 to remove the restrictions against corporate licensees having alien officers and directors. To implement that statutory change, the Commission has amended rules relating to the citizenship of licensees of broadcast, common carrier, aeronautical en route, and aeronautical fixed radio stations to conform to the new statutory language. The Commission has also modified in part related policies regarding partnerships that it had adopted to implement the (now repealed) restrictions on foreign officers and directors.

EFFECTIVE DATE: October 28, 1996.

FOR FURTHER INFORMATION CONTACT: S. Lee Martin, Office of General Counsel, (202) 418-1754.

SUPPLEMENTARY INFORMATION:

Adopted: September 27, 1996
Released: October 9, 1996

1. On February 8, 1996, the Telecommunications Act of 1996 became law.¹ Section 403(k) of the Telecom Act amends sections 310(b) (3) and (4) of the Communications Act of 1934 to remove the restrictions against corporate licensees having alien officers or directors. In this order, we amend certain Commission rules relating to the citizenship requirements for licenses for broadcast, common carrier, aeronautical en route, and aeronautical fixed radio stations to conform to the amended statutory language. To further implement the statutory change, we also modify in part certain policies treating certain alien partners as the equivalent of alien officers and directors set forth in *Request for Declaratory Ruling Concerning the Citizenship Requirements of Section 310(b)(3) and (4) of the Communications Act of 1934, as amended*, 103 FCC 2d 511 (1985), *recon. in part*, 1 FCC Rcd 12 (1986) (*Wilner and Scheiner*) and in *Market Entry and Regulation of Foreign-affiliated Entities*, 60 FR 67332 (Dec. 29, 1995) (*Foreign Carrier Entry Order*).

2. Section 310(b) of the Communications Act applies to licenses for broadcast, common carrier, aeronautical en route, and aeronautical fixed radio stations. Prior to enactment of the Telecom Act, section 310(b)(3) precluded a license being granted to or held by any corporation with any alien officer or director, or by a corporation in which more than one-fifth of the capital stock was owned or voted by aliens. The prior version of section 310(b)(4), which

applies where another corporation directly or indirectly controls a corporate licensee, provided that the Commission may deny an application or revoke a license where any officer of the parent corporation is an alien, more than one-fourth of its directors are aliens, or more than one-fourth of the capital stock is owned or voted by aliens, if it finds that such denial or revocation serves the public interest.

3. To implement the statute, the Commission included the statutory restrictions on alien ownership set forth in sections 310(b) (3) and (4) in certain rules that define the eligibility criteria for holding licenses for certain types of broadcast, common carrier, and aeronautical stations. In addition, various other Commission actions, while not codified, also effectuate these statutory provisions. In *Wilner and Scheiner* we issued a declaratory ruling prescribing the manner in which sections 310(b) (3) and (4) apply to corporate and partnership interests. In doing so, we advised that the statutory restrictions governing foreign officers or directors apply to partners in a partnership without any limited partners, to general partners in a limited partnership, and to non-insulated limited partners. 103 FCC 2d at 520 n.43. And, in our *Foreign Carrier Entry Order*, 11 FCC Rcd at 3941-56 ¶¶ 179-219, we adopted an "effective competitive opportunities" test to be considered, along with additional public interest factors, in deciding whether it is in the public interest to permit alien ownership of licensees of common carrier radio facilities in excess of the statutory benchmarks set forth in section 310(b)(4). We identified several factors as being germane to this analysis, including "the extent of alien participation in the applicant's parent corporation (in particular the presence of alien officers and directors in excess of the statutory benchmarks)." *Id.* at 3955 ¶ 216.

4. Section 403 of the Telecom Act provides for the elimination of unnecessary Commission regulations and functions. In this context, section 403(k) amends sections 310(b) (3) and (4) to remove the restriction on a broadcast, common carrier, or aeronautical license being held by or granted to a corporation having alien officers or directors. The restrictions on how much of the capital stock may be owned or voted by aliens have not been changed.

5. Current Commission rules that govern the licensing of commercial mobile radio services (Part 20), domestic public fixed radio services (Part 21), public mobile services (Part 22),

¹ Pub. L. 104-104, 110 Stat. 56 (1996) ("1996 Telecommunications Act").

narrowband and broadband personal communications services (Part 24), general wireless communications service (Part 26), stations in the maritime services (Part 80), aviation services (Part 87), private land mobile radio services (Part 90), direct broadcast satellite service (Part 100), and fixed microwave services (Part 101)² incorporate verbatim the statutory restrictions on alien ownership embodied in sections 310(b) (3) and (4). Accordingly, as reflected in the attached Appendix, we amend the applicable rules that prescribe the citizenship requirements for licensees in these various communications services to eliminate the restrictions against corporations with alien officers or directors. For other services, where these restrictions are not codified in the rules, no changes to our rules are needed.

6. Consistent with the elimination of the restrictions on alien officers and directors of corporate licensees, we will also no longer accord any independent significance under the statute to positions held by aliens that may convey the power to manage the affairs of an unincorporated entity or to bind a partnership—such as a general partner or a noninsulated limited partner. Our action in this regard does not alter our more general determination that, for purposes of ownership attribution in connection with the multiple ownership rules, general partners and noninsulated limited partners exercise powers and exert influence functionally equivalent to officers and directors in a corporation. Similarly, in applying the “effective competition opportunities” test that we adopted in the *Foreign Carrier Entry Order*, we will no longer consider the presence of alien officers and/or directors in the parent company of a common carrier licensee in determining, pursuant to section 310(b)(4), whether it serves the public interest to allow an alien entity or combination of entities to control more than 25 percent of the capital stock of a company that directly or indirectly controls a common carrier licensee.

7. In making these changes to our rules and policies, we emphasize that, since Congress has retained those portions of sections 310 (b)(3) and (b)(4) that restrict alien ownership and/or voting interests, our action does not affect these restrictions, which we have previously held to encompass partnership and other noncorporate

interests. *Wilner and Scheiner*, 103 FCC 2d at 516 ¶ 10. Thus, in calculating whether aliens exceed the ownership and voting benchmarks set forth in these statutory provisions, we will continue to follow the guidelines specified in *Wilner and Scheiner* that relate to the computation of such interests.

8. The rule changes that we adopt today simply conform our rules and policies to section 403(k) of the Telecom Act. These changes thus merely implement the new Congressional directive to remove the restriction that no broadcast, common carrier, or aeronautical license may be held by or granted to a corporation having alien officers or directors. Accordingly, we find for good cause that compliance with the general notice and comment provisions of the Administrative Procedure Act is unnecessary. See 5 U.S.C. 553(b)(B). For similar reasons, and because the changes ease restrictions on alien participation, compliance with the effective date provision of the Administrative Procedure Act also is unnecessary. 5 U.S.C. 553(d).

9. ACCORDINGLY, *it is ordered*, That, pursuant to Sections 154(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), Parts 20, 21, 22, 24, 26, 80, 87, 90, 100 and 101 of the Commission's Rules, 47 CFR Parts 20, 21, 22, 24, 26, 80, 87, 90, 100, and 101 are amended as set forth below, effective October 28, 1996.

List of Subjects

47 CFR Parts 20, 21, 22, and 101

Communications common carriers, Radio.

47 CFR Parts 24, 26, 80, 87, 90 and 100

Radio.

Federal Communications Commission
William F. Caton,
Acting Secretary.

Rule Changes

Parts 20, 21, 22, 24, 26, 80, 87, 90, 100 and 101 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 20—COMMERCIAL MOBILE RADIO SERVICES

1. The authority citation for Part 20 continues to read as follows:

Authority: Secs. 4, 251–2, 303, and 332, 48 Stat. 1066, 1062, as amended; 47 U.S.C. 154, 251–4, 303, and 332, unless otherwise noted.

2. Section 20.5 is amended by revising paragraphs (a)(4) and (a)(5) to read as follows:

§ 20.5 Citizenship.

(a) * * *

(4) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country; or

(5) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

* * * * *

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

3. The authority citation for Part 21 continues to read as follows:

Authority: Secs. 1, 2, 4, 201–205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070–1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 154, 201–205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

§ 21.4 [Amended]

4. Section 21.4 is amended by removing paragraphs (d) and (f), and redesignating paragraphs (e) and (g) as paragraphs (d) and (e), respectively.

PART 22—PUBLIC MOBILE SERVICES

5. The authority citation for Part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 303, and 332, unless otherwise noted.

6. Section 22.5 is amended by revising paragraphs (b)(3) and (b)(4) to read as follows:

§ 22.5 Citizenship.

* * * * *

(b) * * *

(3) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(4) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the

² See Reorganization and Revision of Parts 1, 2, 21, and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services, 61 FR 26670 (May 28, 1996).

laws of a foreign country, if the FCC finds that the public interest will be served by the refusal or revocation of such license.

PART 24—PERSONAL COMMUNICATIONS SERVICES

7. The authority citation for Part 24 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 309, and 332, unless otherwise noted.

8. Section 24.404 is amended by revising paragraphs (b)(3) and (b)(4) to read as follows:

§ 24.404 Eligibility.

* * * * *

(b) * * *

(3) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or any corporation organized under the laws of a foreign country.

(4) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license. A Narrowband PCS authorization to provide Private Mobile Radio Service may not be granted to or held by a foreign government or a representative thereof.

9. Section 24.804 is amended by revising paragraphs (b)(3) and (b)(4) to read as follows:

§ 24.804 Eligibility.

* * * * *

(b) * * *

(3) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or any corporation organized under the laws of a foreign country.

(4) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public

interest will be served by the refusal or revocation of such license.

* * * * *

PART 26—GENERAL WIRELESS COMMUNICATIONS SERVICE

10. The authority citation for Part 26 continues to read as follows:

Authority: 47 U.S.C. Sections 154, 301, 302, 303, 309 and 332, unless otherwise noted.

11. Section 26.302 is amended by revising paragraphs (b)(3) and (b)(4) to read as follows:

§ 26.302 Eligibility.

* * * * *

(b) * * *

(3) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or any corporation organized under the laws of a foreign country.

(4) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

* * * * *

PART 80—STATIONS IN THE MARITIME SERVICES

12. The authority citation for Part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 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.

§ 80.15 [Amended]

13. Section 80.15 is amended by removing paragraphs (b)(4) and (b)(6), and redesignating paragraphs (b)(5) and (b)(7) as paragraphs (b)(4) and (b)(5), respectively, and adding the word “or” at the end of newly designated paragraph (b)(4).

PART 87—AVIATION SERVICES

14. The authority citation for Part 87 continues to read as follows:

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

§ 87.19 [Amended]

15. Section 87.19 is amended by removing paragraph (b)(3) and by redesignating paragraphs (b)(4) and (b)(5) as paragraphs (b)(3) and (b)(4), respectively.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

16. The authority citation for Part 90 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 309, and 332.

17. Section 90.115 is amended by revising paragraphs (b)(3) and (b)(4) to read as follows:

§ 90.115 Foreign government and alien eligibility.

* * * * *

(b) * * *

(3) A corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(4) A corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

PART 100—DIRECT BROADCAST SATELLITE SERVICE

18. The authority citation for Part 100 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 309, and 554, unless otherwise noted.

§ 100.11 [Amended]

19. Section 100.11 is amended by removing paragraphs (d) and (f), and redesignating paragraphs (e) and (g) as paragraphs (d) and (e), respectively, and adding the word “or” at the end of newly designated paragraph (d).

PART 101—FIXED MICROWAVE SERVICES

20. The authority citation for Part 101 continues to read as follows:

Authority: 47 U.S.C. 154, and 303.

§ 101.7 [Amended]

21. Section 101.7 is amended by removing paragraphs (b)(3) and (b)(5), and redesignating paragraphs (b)(4) and (b)(6) as (b)(3) and (b)(4), respectively,

and adding the word "or" at the end of newly designated paragraph (b)(3).

[FR Doc. 96-27289 Filed 10-25-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 25

[IB Docket No. 95-41; FCC 96-14]

Satellite Licensing Rules; Correction

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations which were published Tuesday, March 12, 1996, (61 FR 9946). The regulations related to the elimination of regulatory distinctions between U.S.-licensed domestic satellites and separate international satellite systems, resulting in uniform treatment of all U.S.-licensed geostationary fixed-satellites.

EFFECTIVE DATE: October 28, 1996.

FOR FURTHER INFORMATION CONTACT: John M. Coles, Attorney, Satellite Policy Branch, International Bureau (202) 418-0771.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections, supersede portions of Part 25 of the Commission's Rules.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

List of Subjects in 47 CFR Part 25

Communications common carriers, Radio, Satellites.

Accordingly, 47 CFR Part 25 is corrected by making the following correcting amendments:

PART 25—SATELLITE COMMUNICATIONS

1. The authority citation for part 25 continues to read as follows:

Authority: Secs. 25.101 to 25.601 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101-104, 76 Stat. 419-427; 47 U.S.C. 701-744; 47 U.S.C. 554.

2. Section 25.113 is amended by revising paragraphs (d) and (f) to read as follows:

§ 25.113 Construction permits.

* * * * *

(d) *Painting and lighting.* The owner of each antenna structure required to be

painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

* * * * *

(f) In addition to the construction permit required by paragraph (a) of this section, a launch authorization must be applied for and granted before a space station may be launched and operated in orbit. Request for launch and operation authorization and station license may be included in the application for space station construction permit. A launch authorization and station license may also be requested at any time for a space station constructed as an on-ground spare satellite. However, an application for authority to launch and operate an on-ground spare satellite will be considered to be a newly filed application for cut-off purposes, except where the space station to be launched is determined to be an emergency replacement for a previously authorized space station which has been lost as a result of a launch failure or a catastrophic in-orbit failure.

Federal Communications Commission

William F. Caton,

Acting Secretary.

[FR Doc. 96-27356 Filed 10-25-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 64

Interstate Pay-Per-Call and Other Information Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations which were published August 25, 1993, (58 FR 44769). The regulations related to disclosure and dissemination of pay-per-call information by common carriers.

EFFECTIVE DATE: October 28, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Romano (202) 418-0975.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of this correction, affects "any common

carrier that assigns a telephone number to a provider of interstate pay-per-call services and offers billing and collection services to such provider."

Need for Correction

As published, the final regulation contains an error which may prove to be misleading and is in need of clarification.

List of Subjects in 47 CFR Part 64

Telephone.

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Accordingly, 47 CFR part 64 is corrected by making the following correcting amendment:

1. The authority citation for Part 64 continues to read as follows:

Authority: Secs. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 226, 228, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201, 218, 226, 228 unless otherwise noted.

§ 64.1509 [Corrected]

2. Section 64.1509(b)(2) is amended by removing the words "§ 64.1510(a)(iv)" and adding in their place "§ 64.1510(a)(1)".

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-27567 Filed 10-25-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-278]

Organization and Delegation of Powers and Duties Delegation to the Commandant, United States Coast Guard

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation is delegating to the Commandant, United States Coast Guard, the authority contained in 46 U.S.C. Chapter 45, Uninspected Commercial Fishing Industry Vessels, pertaining to safety standards and equipment, fish processing vessel certification, prohibited acts, termination of unsafe operations, exemptions and assessment of penalties for unsafe acts. In order that the Code of Federal Regulations reflect these delegations, a change is necessary.