

manufactured after the effective date of the rules must provide the *capability* to clearly mark identifying information (including the date and time of transmission) upon initial programming by the user; (c) facsimile modem computer boards are subject to our rules on telephone facsimile machines; and (d) the entity on whose behalf a facsimile message is transmitted is ultimately responsible for compliance with the rules banning unsolicited facsimile advertisements.

Finally, Commission rules require entities or individuals making telephone solicitations to provide identifying information to called parties, including a telephone number at which the solicitor can be reached. The TCPA prohibits charging consumers to protect their privacy, and FCC rules prohibit imposing costs on called parties. The MO&O therefore modifies the Commission's rules to ensure that telephone numbers provided in solicitations for identification purposes do not require the called party to incur more than nominal costs for making a do-not-call request.

Ordering Clauses

Accordingly, it is ordered, that the petitions for reconsideration and/or clarification of the rules and regulations implementing the Telephone Consumer Protection Act of 1991 are denied in part and granted in part.

It is further ordered, That effective December 13, 1995, telephone facsimile modem boards, which enable personal computers to transmit messages to or receive messages from conventional telephone facsimile machines or other computer fax boards, must be manufactured in compliance with the Commission's amended rules as set forth below.

It is further ordered, That, pursuant to authority contained in sections 1, 4(i), 4(j), 201-205, 218, and 227 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201-205, 218 and 227, parts 64 and 68 of the Commission's Rules and Regulations Are Amended as set forth below, effective September 14, 1995.

List of Subjects

47 CFR Part 64

Consumer protection, Reporting and recordkeeping requirements, Telephone.

47 CFR Part 68

Communications equipment, Facsimile, Telephone.

Federal Communications Commission.

LaVera F. Marshall,
Acting Secretary.

Rule Changes

Chapter I of Title 47 of the Code of Federal Regulations, parts 64 and 68, are amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

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

Authority: Section 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 225, 226, 227, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201-4, 218, 225, 226, 227, unless otherwise noted.

2. Section 64.1200 is amended by revising paragraphs (e)(2)(iv), (e)(2)(vi) and (f)(3)(iii) to read as follows:

§ 64.1200 Delivery restrictions.

* * * * *

(e) * * *

(2) * * *

(iv) *Identification of telephone solicitor.* A person or entity making a telephone solicitation must provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted. If a person or entity makes a solicitation using an artificial or prerecorded voice message transmitted by an autodialer, the person or entity must provide a telephone number other than that of the autodialer or prerecorded message player which placed the call. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.

* * * * *

(vi) *Maintenance of do-not-call lists.* A person or entity making telephone solicitations must maintain a record of a caller's request not to receive future telephone solicitations. A do not call request must be honored for 10 years from the time the request is made.

(f) * * *

(3) * * *

(iii) By or on behalf of a tax-exempt nonprofit organization.

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PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

1. The authority citation for part 68 continues to read as follows:

Authority: Secs. 1, 4, 5, 201-5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410,

602 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 155, 201-5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410, 602.

2. Section 68.318 is amended by revising paragraph (c)(3) to read as follows:

§ 68.318 Additional limitations.

* * * * *

(c) * * *

(3) Telephone facsimile machines; identification of the sender of the message. It shall be unlawful for any person within the United States to use a computer or other electronic device to send any message via a telephone facsimile unless such message clearly contains, in a margin at the top or bottom of each transmitted page or on the first page of the transmission, the date and time it is sent and an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges. Telephone facsimile machines manufactured on and after December 20, 1992 must clearly mark such identifying information on each transmitted message. Facsimile modem boards manufactured on and after December 13, 1995 must comply with the requirements of this section.

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[FR Doc. 95-20116 Filed 8-14-95; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 94-8; RM-8412; RM-8461]

Radio Broadcasting Services; Ola and Russellville, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 267A to Ola, Arkansas, as that community's first local aural transmission service, at the request of Yell County Broadcasting. A mutually-exclusive proposal to substitute Channel 267A for Channel 265A at Russellville, Arkansas, and concomitant modification of the license of Johnson Communications, Inc. for Station KCJC(FM) is denied. See 59 FR 7669, February 16, 1994. Coordinates used for Channel 267A at Ola, Arkansas, are 35-01-02 and 93-13-34. With this action, the proceeding is terminated.

DATES: Effective September 25, 1995. The window period for filing applications will open on September 25, 1995, and close on October 26, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 267A at Ola, Arkansas, should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-8, adopted August 2, 1995, and released August 10, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by adding Ola, Channel 267A.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-20115 Filed 8-14-95; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 673

[Docket No. 950428123-5193-02; I.D. 042595A]

RIN 0648-AIOO

Scallop Fishery off Alaska; Closure of Federal Waters to Protect Scallop Stocks

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement a Fishery Management Plan for the Scallop Fishery off Alaska (FMP). The FMP specifies the optimum yield (OY) for the scallop fishery in Federal waters off Alaska as a numerical range of 0-1.1 million lbs (0-499 mt) of shucked scallop meats. The only management measure authorized under the FMP is an interim closure of Federal waters off Alaska to fishing for scallops. Federal waters will remain closed for up to 1 year. This action is necessary to prevent overfishing of scallop stocks while an amendment to the FMP is prepared that would allow the controlled harvest of scallops in Federal waters. This action is intended to prevent overfishing of scallops that could otherwise result from unregulated fishing for scallops in Federal waters.

EFFECTIVE DATE: 12:01 a.m., Alaska local time (A.l.t.), August 29, 1995.

ADDRESSES: Copies of the FMP and the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for the FMP may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

FOR FURTHER INFORMATION CONTACT: Susan Salveson, 907-586-7228.

SUPPLEMENTARY INFORMATION: Federal waters off Alaska have been closed to fishing for scallops under an emergency interim rule that expires August 28, 1995 (60 FR 11054, March 1, 1995, corrected at 60 FR 12825, March 8, 1995, and 60 FR 28359, May 31, 1995). The emergency interim closure was intended to prevent unregulated and uncontrolled fishing for scallops in Federal waters while the North Pacific Fishery Management Council (Council) prepared the FMP.

At its April 1995 meeting, the Council approved the FMP for review under

section 304(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.* (Magnuson Act)). A notice of availability of the proposed FMP was published in the **Federal Register** on April 28, 1995 (60 FR 20959), and invited comment on the FMP through June 26, 1995. A proposed rule to implement the FMP was published in the **Federal Register** on May 10, 1995 (60 FR 24822), and comments on the proposed rule were invited through June 19, 1995. Three letters providing written comment were received within the comment period. Written comments on the FMP and the proposed rule to implement it are summarized in the Response to Comments section, below.

The FMP was approved on July 26, 1995, under section 304(b) of the Magnuson Act. Upon reviewing the reasons for the FMP and the comments on the proposed rule to implement it, NMFS has determined that this final rule is consistent with the Magnuson Act and the FMP as adopted by the Council.

The final rule implements a maximum 1-year closure of Federal waters to fishing for scallops. The intent of this action is to prevent an unregulated and uncontrolled fishery for scallops in Federal waters that could result in overfishing of scallop stocks while an amendment to the FMP is prepared, which would authorize fishing for scallops under a Federal management regime. NMFS has pursued this approach, because it has determined that the suite of alternative management measures necessary to support a controlled fishery for scallops in Federal waters could not be prepared, reviewed, and implemented before the emergency rule expires on August 28, 1995. Instead, NMFS has approved this rule to protect the long-term productivity of scallop stocks off Alaska necessary to achieve the future harvest of OY on a continuing basis without the "boom and bust" cycle historically experienced in other scallop fisheries.

The FMP and its implementing rule are explained further in the preamble to the proposed rule. The measures set out in the final rule do not differ from the proposed rule.

Response to Comments

Three letters of comments were received within the comment period. A summary of the written comments and NMFS' response follows:

Comment 1. No information exists to support closure of Federal waters to fishing for scallops under the proposed FMP.