

6. Finally, we amend Section 1.4(h) to treat service by facsimile machine the same as hand service. See 47 CFR 1.773(a)(4) (treating delivery by facsimile machine like hand service in the tariff context). See also *SEC v. Stratton Oakmont, Inc.*, 1995 WL 46559 (D.D.C. 1995). Because service by facsimile, like hand delivery, is essentially instantaneous, we believe that this treatment is warranted generally.

7. Because the rule amendments involve rules of agency organization, procedure, or practice, the notice and comment and effective date provisions of the Administrative Procedure Act are inapplicable. 5 U.S.C. 553(b)(A), (d).

8. Accordingly, it is ordered, That pursuant to Sections 4(i), 4(j), and 303(r) of the Communications Act, 47 U.S.C. 154(i), 154(j), and 303(r), 47 CFR part 1 is amended as set forth below, effective March 22, 1996.

9. The text of this order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington D.C. The text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., Suite 140, 2100 M Street NW., Washington, D.C. 20037.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Radio, Telecommunications, Television.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Rule Changes

Part 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

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

2. Section 1.4 is amended in paragraph (h), by revising the text preceding Example 11, in paragraphs (i) and (j) by redesignating Examples 12 and 13 as Examples 13 and 14, respectively, and by adding new Example 12 in paragraph (h) to read as follows:

§ 1.4 Computation of time.

* * * * *

(h) If a document is required to be served upon other parties by statute or Commission regulation and the

document is in fact served by mail (see § 1.47(f)), and the filing period for a response is 10 days or less, an additional 3 days (excluding holidays) will be allowed to all parties in the proceeding for filing a response. This paragraph (§ 1.4(h)) shall not apply to documents filed pursuant to § 1.89, § 1.120(d), § 1.315(b) or § 1.316. For purposes of this paragraph service by facsimile shall be deemed equivalent to hand delivery.

* * * * *

Example 12: Assume that oppositions to a petition in a particular proceeding are due 10 days after the petition is filed and must be served on the parties to the proceeding. If the petition is filed on October 28, 1993, the last day of the filing period for oppositions is Sunday, November 7. If service is made by mail, the opposition is due three days after November 7, or Wednesday, November 10.

* * * * *

[FR Doc. 96-6658 Filed 3-21-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 76

[MM Docket No. 93-215; FCC 95-502]

Cable Television Rate Regulation; Cost of Service Rules; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final cost rules and regulations, which were published Friday, March 8, 1996, (61 FR 9361). The regulations govern the standard cost of service showings filed by cable operators seeking to justify rates for regulated cable services.

EFFECTIVE DATE: April 18, 1996, except for new information collection requirements adopted herein, which will become effective on the date of approval by the Office of Management and Budget or on April 18, 1996, whichever date occurs later.

FOR FURTHER INFORMATION CONTACT: Tom Power, Cable Services Bureau, (202) 416-0800.

SUPPLEMENTARY INFORMATION:

Background

The Second Report and Order and First Order on Reconsideration in MM Docket 93-215 refines existing cost of service rules and creates final rules governing standard cost of service showings filed by capable operators seeking to justify rates for regulated cable services.

Need for Correction

As published, statements indicating the effective date for the requirements and regulations established in the Second Report and Order and First Order on Reconsideration in MM Docket 93-215 contained errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on March 8, 1996 of the final regulations, which were the subject of FR Doc. 96-5427, is corrected as follows:

Effective Date [Corrected]

On page 9361, in the second column, the statement of the effective date should be revised to read **EFFECTIVE DATE:** This final rule contains information collection requirements that will not become effective until approval by the Office of Management and Budget, but no sooner than April 18, 1996. The Commission will publish a document specifying the effective date of such requirements. All other requirements and regulations contained in this final rule shall become effective on April 18, 1996."

* * * * *

IV. Ordering Clauses [Corrected]

Paragraph 60. On page 9367, in the second column, the paragraph should be revised to read "It is further ordered that the requirements and regulations established in this decision shall become effective on April 18, 1996, except for the new information collection requirements adopted herein, which shall become effective upon the date of approval by the Office of Management and Budget or on April 18, 1996, whichever date occurs later."

* * * * *

Federal Communications Commission.

William F. Caton,
Acting Secretary.

[FR Doc. 96-6939 Filed 3-21-96; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 215 and 216**

[Docket No. 960313071-6071-01; I.D. 022796E]

RIN 0648-AI20

Taking and Importing of Marine Mammals; Consolidation of Regulations

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

ACTION: Final rule.

SUMMARY: To simplify NMFS' Code of Federal Regulations (CFR), NMFS issues this final rule to redesignate those regulations governing the take of northern fur seals for subsistence purposes on the Pribilof Island and aspects of the administration of the Pribilof Islands. By this rule, an entire part within the CFR is removed. This final rule does not make substantive changes to the existing regulations. The purpose of this final rule is to make the regulations more concise, better organized, and thereby easier for the public to use. This action is consistent with the President's Regulatory Reform Initiative to simplify regulations and reduce the regulatory burden on the public.

EFFECTIVE DATE: This rule is effective March 22, 1996.

FOR FURTHER INFORMATION CONTACT: Margot L. Bohan, Office of Protected Resources, NMFS, (301) 713-2322.

SUPPLEMENTARY INFORMATION:

In March 1995, President Clinton issued a directive to Federal agencies regarding their responsibilities under his Regulatory Reinvention Initiative. This initiative is part of the National Performance Review and calls for comprehensive regulatory reform. The President directed all agencies to undertake a review of all their regulations, with an emphasis on eliminating or modifying those that are obsolete, duplicative, or otherwise in need of reform. This final rule is intended to carry out the President's directive with respect to those regulations implementing the annual Pribilof Island fur seal subsistence harvest.

NMFS is consolidating the provisions of 50 CFR part 215, critical to the management of the northern fur seal subsistence harvest on the Pribilof Island, into 50 CFR part 216—

Regulations Governing the Taking and Importing of Marine Mammals. This final rule moves definitions in § 215.2 to § 216.3 and makes definition additions and revisions in § 216.3. Subparts C and D of part 215 are redesignated, respectively, as subpart G—Pribilof Island Administration and subpart F—Pribilof Islands, Taking for Subsistence Purposes of part 216, and part 215 is removed.

Classification

This final rule is exempt from review under E.O. 12866. Because this rule makes only nonsubstantive changes to existing regulations, no useful purpose would be served by providing advance notice and opportunity for public comment. Accordingly, the Assistant Administrator for Fisheries, NOAA, under 5 U.S.C. 553(b)(B), for good cause finds that it is unnecessary to provide prior notice and opportunity for public comment on this rule or to delay for 30 days its effective date. Because this rule is being issued without public comment, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, and none has been prepared. This final rule is expected to result in no economic costs to the public.

This action is categorically excluded from the requirement to prepare an environmental assessment by section 6.02b.3(b)(ii)(aa) of NOAA Administrative Order 216-6 as revised. This final rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This rule does not directly affect the coastal zone of any state with an approved coastal zone management program.

List of Subjects*50 CFR Part 215*

Administrative practice and procedure, Marine mammals, Penalties, Pribilof Islands, Reporting and recordkeeping requirements.

50 CFR Part 216

Administrative practice and procedure, Imports, Indians, Marine mammals, Penalties, Reporting and recordkeeping requirements, Transportation.

Dated: March 15, 1996.

Charles Karnella,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 215 and 216 are amended as follows:

PART 215—PRIBILOF ISLANDS

1. The authority citation for part 215 continues to read as follows:

Authority: 16 U.S.C. 1151-1175, 1361 *et seq.*

2. In § 215.2, paragraphs (d), (g) and (h) are redesignated to § 216.3, in alphabetical order, and the paragraph designations are removed.

3. Subpart C, consisting of §§ 215.21 through 215.27, and subpart D, consisting of §§ 215.31 through 215.34, of part 215 are redesignated as subpart G, *Pribilof Islands Administration*, consisting of §§ 216.81 through 216.87, and subpart F, *Pribilof Islands, Taking for Subsistence Purposes*, consisting of §§ 216.71 through 216.74, of part 216, respectively and the subpart headings are revised to read as set forth above.

PART 215—[REMOVED]

4. Part 215 is removed.

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

5. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

6. In 216.3, the definition, "Article of Handicraft", is added and the definition, "Wasteful Manner", is revised, in alphabetical order, to read as follows:

§ 216.3 Definitions.

* * * * *

Article of Handicraft means items made by an Indian, Aleut or Eskimo from the nonedible byproducts of fur seals taken for personal or family consumption which—

(1) Were commonly produced by Alaskan Natives on or before October 14, 1983;

(2) Are composed wholly or in some significant respect of natural materials, and;

(3) Are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern tanning techniques at a tannery registered pursuant to § 216.23(c) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional

native groups, such as a cooperative, is permitted so long as no large scale mass production results.

* * * * *

Wasteful Manner means any taking or method of taking which is likely to result in the killing of marine mammals beyond those needed for subsistence, subsistence uses, or for the making of authentic native articles of handicrafts and clothing, or which results in the waste of a substantial portion of the marine mammal and includes, without limitation, the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.

[FR Doc. 96-6855 Filed 3-21-96; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 300

[Docket No. 960228054-6054-01; I.D. 120495A]

RIN 0648-A150

High Seas Fishing Compliance Act; Initial Regulations; OMB Control Numbers

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS issues an interim final rule (IFR) to implement the High Seas Fishing Compliance Act of 1995 (HSFCA). The purpose of the HSFCA is to license U.S. vessels fishing on the high seas and to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Agreement).

DATES: Effective upon publication. Comments must be received on or before May 21, 1996.

ADDRESSES: Send comments on the IFR and on the collection-of-information requirement to Richard Schaefer, Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910. Also send comments on the collection-of-information requirement to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Paperwork Reduction Project 0648-0304, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Robert Dickinson, (301) 713-2337.

SUPPLEMENTARY INFORMATION: On November 24, 1993, the United Nations Food and Agriculture Organization (FAO) adopted the Agreement. The Agreement was negotiated largely at the initiative of the United States in response to fisheries crises that have arisen in many areas of the world. As the size and efficiency of modern fleets have come to exceed the productivity of their traditional coastal harvesting areas, fishery managers of coastal nations generally have reacted by imposing stricter management regimes. As a result, increasing numbers of vessels have sought fishing opportunities on the high seas.

The need for the Agreement evolved from the concern that vessels belonging to member nations of regional fisheries organizations were reflagging to non-member nations, in order to continue fishing in the management areas unconstrained by rules set by the organizations and their members. For example, the effectiveness of the International Commission for the Conservation of Atlantic Tunas (ICCAT) has been compromised by vessels registered in nations that are not ICCAT members. Flying "flags of convenience," these vessels then fish for tuna in the North Atlantic in defiance of ICCAT rules and management regimes.

Although the Agreement has been popularly referred to as the "reflagging agreement," it does not deal directly with the reflagging of fishing vessels, in part because FAO negotiators did not wish to deter legitimate transfers of vessel registries or flags. The primary tenet of the Agreement is the obligation of Parties to the Agreement (Parties) to require that fishing vessels carrying their flags obtain specific authorization to operate on the high seas. Parties are also responsible for ensuring that their authorized vessels do not undermine conservation and management measures that have been adopted by global or regional fishery management organizations.

The HSFCA implements the Agreement, primarily by requiring a system of licensing for all U.S. vessels that fish on the high seas, and by requiring vessels so licensed to fish in accordance with international conservation and management measures recognized by the United States. The HSFCA also requires the Secretary of Commerce (Secretary), in consultation with the Secretary of State, to publish from time to time in the Federal Register a list of agreements containing or resulting in such measures.

For purposes of the HSFCA, the Secretary, in consultation with the Secretary of State, has determined that

all conservation and management measures for living marine resources set forth in, or adopted pursuant to, the following international agreements to which the United States is party are included within the term "international conservation and management measures recognized by the United States," except any such measure to which the United States, consistent with the terms of such agreement, has lodged an objection or reservation:

International Convention for the Conservation of Atlantic Tunas (basic instrument for the International Commission for the Conservation of Atlantic Tunas—ICCAT);

Convention between the United States of America and the Republic of Costa Rica for the Establishment of an Inter-American Tropical Tuna Commission (basic instrument for the Inter-American Tropical Tuna Commission—IATTC);

Convention for the Conservation of Salmon in the North Atlantic Ocean (basic instrument for the North Atlantic Salmon Conservation Organization—NASCO);

Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (basic instrument for the Northwest Atlantic Fisheries Organization—NAFO);

Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean (basic instrument for the North Pacific Anadromous Fish Commission—NPAFC);

Convention on the Conservation and Management of Pollock Resources of the Central Bering Sea;

Convention for the Conservation of Antarctic Marine Living Resources (basic instrument for the Commission for the Conservation of Antarctic Marine Living Resources—CCAMLR);

International Convention for the Regulation of Whaling (basic instrument for the International Whaling Commission—IWC);

Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America;

Convention for the Conservation of Antarctic Seals;

Agreement to Reduce Dolphin Mortality in the Eastern Tropical Pacific Tuna Fishery; and

Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific Ocean.

In addition, conservation and management measures set forth in, or adopted pursuant to, the following international agreements to which the United States is not party are included in the term "international conservation