

Handbook. This book of guidelines describes in detail the inmate's rights, privileges, protection and safety, cleanliness and sanitation, and general health and nutritional standards. The Inmate Handbook describes the emergency evacuation procedures, medical, counseling, rehabilitation services, visitation procedures, and other appropriate information. The Inmate Handbook is published by the Director, Office of Law Enforcement Services and maintained by the detention facility administrator at each facility location.

§ 10.10 What happens if I believe my civil rights have been violated while incarcerated in an Indian country detention or holding facility?

All allegations of civil rights violations must be reported immediately to the Internal Affairs Branch of the Office of Law Enforcement Services. This office will ensure that such allegations are immediately reported to the Civil Rights Division of the U.S. Department of Justice through established procedures. The BIA Internal Affairs Branch may also investigate alleged violations and make recommendations for additional action as necessary. Detailed instructions on the procedure to report violations can be found in the Inmate Handbook.

§ 10.11 How would someone detained or incarcerated, or their representative, get the BIA policies and standards?

At each detention, Inmate Handbook, or holding facility located in a tribal jurisdiction where federal funds are used for operations or maintenance programs, the BIA's policies, standards, and procedures will be made available upon request. The Inmate Handbook will be made available to all persons at the time they are incarcerated or detained in a facility. There may be times when this may be delayed due to the physical or mental condition of the person at time of incarceration. In these cases, the Inmate Handbook will be made available when the person is deemed receptive and cognizant by the detention officer in charge. All policies, standards, procedures, and guidelines are available at each facility to the public or by writing to the Director, Office of Law Enforcement Services.

Dated: May 28, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 22 and 90

[WT Docket No. 96-18; PP Docket No. 93-253; FCC 96-260]

Future Development of Paging Systems; Implementation of Section 309(J) of the Communications Act—Competitive Bidding

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Order on Reconsideration of Interim Rules.

SUMMARY: In this *Order on Reconsideration* in WT Docket No. 96-18 and PP Docket No. 93-253, the Commission modifies the *First Report and Order* in this docket by expanding the number of licensees that can modify their paging systems by adding sites, due to the paging industry's claims that such relief is necessary to allow paging operators to meet customer needs and improve service to the public while this rulemaking is pending. The Commission will allow applications for additional sites by incumbent licensees who had filed paging applications by October 1, 1995, rather than February 8, 1996, thus expanding the potential number of paging licensees that can expand their systems.

EFFECTIVE DATE: July 2, 1996.

FOR FURTHER INFORMATION CONTACT: Mika Savir or Rhonda Lien, Commercial Wireless Division at (202) 418-0620.

SUPPLEMENTARY INFORMATION: This *Order on Reconsideration* in WT Docket No. 96-18, PP Docket No. 93-253, adopted June 10, 1996 and released June 11, 1996, is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street N.W., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 140, Washington DC., 20037, (202) 857-3800.

Synopsis of Order on Reconsideration of First Report and Order:

I. Background

In the *Notice of Proposed Rulemaking (NPRM)*, 61 FR 06199, February 16, 1996, the Commission suspended acceptance of new paging applications governed by parts 22 and 90 of the Commission's rules in conjunction with a proposal to convert from site-by-site licensing of paging channels to licensing on a geographic area basis. In the *First Report and Order (First R&O)*, 61 FR 21380, May 10, 1996, the Commission

adopted interim measures allowing incumbents on non-nationwide paging channels to apply for new sites to expand existing systems, subject to certain limitations, during the pendency of the rulemaking proceeding. On its own motion, the Commission makes certain modifications to the interim licensing rules established by the *First R&O*, as discussed below.

In the *First R&O*, the Commission allowed incumbents to expand the geographic coverage of their systems by adding transmission sites to their systems within a defined distance of existing, operating sites. Specifically, the *First R&O* provided that applications could be filed for new sites provided that the applicant certifies that the proposed site is within 65 kilometers (40 miles) of an operating site licensed to the same applicant on the same channel prior to the *NPRM*, that is, February 8, 1996. Thus, under the terms of the *First R&O*, incumbents may not use sites licensed after February 8, 1996 as the basis for filing applications for additional expansion sites under the interim rules.

II. Order on Reconsideration

At the time the Commission adopted the *NPRM*, the Wireless Telecommunications Bureau (Bureau) was engaged in reducing a significant backlog of pending paging applications, primarily in the 931 MHz band, many of which had been pending for a year or more. Since the *NPRM* was adopted, the Bureau has significantly reduced the backlog by processing all non-mutually exclusive applications filed through September 30, 1995. In *ex parte* presentations and in comments filed with the Commission, incumbent paging operators have argued that the processing backlog delayed licensing of sites that otherwise would have been granted prior to February 8, 1996. Accordingly, these commenters contend that they should not be precluded from using these newly licensed sites as a basis for expansion.

III. Discussion

The Commission agrees that because of the time it has taken to process certain paging applications, it should allow incumbents to use some sites that were not licensed as of February 8, 1996 as a basis for expansion. Due to the large number of 931 MHz applications filed in the past few years, the Bureau has developed a computer software program to identify and process non-mutually exclusive applications. The Bureau began using the program to process backlogged applications in mid-1995. However, some applications for 931

MHz licenses that were filed as early as January 1995 were still pending on February 8, 1996. The Bureau recently completed its computer run of 931 MHz applications filed between January 1 and September 30, 1995. The results of the run identified about 2,500 applications that were not mutually exclusive and are to be granted, if the applications are otherwise complete, eliminating most of the remaining application backlog. The Commission believes that the recipients of these license grants should be allowed to expand their systems based on these sites, as long as the licensed sites are operational at the time the expansion applications are filed. Therefore, the Commission will allow incumbents to expand 65 kilometers (40 miles) from sites for which applications were filed as of September 30, 1995, whether or not such applications were granted prior to February 8, 1996. This change to the Commission's interim measures will benefit applicants most affected by delays prior to adoption of the *NPRM*.

IV. Procedural Matters and Ordering Clauses

A. Regulatory Flexibility Act

As required by Section 604 of the Regulatory Flexibility Act, the Commission has prepared a Final Regulatory Flexibility Analysis of the expected impact on small entities of the modification of the interim rules set forth in this *Order on Reconsideration*.

Statement of the Need for and Objectives of Interim Rules: In this *Order on Reconsideration*, the Commission is modifying the interim measures, specifically, the interim freeze on new paging applications imposed in the *Notice of Proposed Rulemaking*, to permit incumbent paging licensees to apply for additional licenses to add transmission sites to existing paging systems on the same channel as the existing systems, provided that the additional transmission site is within 65 kilometers (40 miles) from an operating transmission site in the applicant's system. This modification of the interim rule will allow paging companies additional flexibility to expand their systems during the interim period.

Summary of Significant Issues Raised by Comments to the Initial Regulatory Flexibility Analysis (IRFA): There were no comments to the IRFA regarding the interim rules.

All significant alternatives are discussed in the *Order on Reconsideration*.

B. Ordering Clauses

It is ordered that, pursuant to the authority of Sections 4(i), 303(r), 309(c), 309(j), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), 309(c), 309(j), and 332, and effective upon publication of this *Order on Reconsideration* in the Federal Register, the interim rules set forth in the *First Report and Order* in this docket are modified as set forth herein.

List of Subjects

47 CFR Part 22

Communications common carriers.

47 CFR Part 90

Common carriers.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-16874 Filed 7-1-96; 8:45 am]

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47 CFR Part 36

[CC Docket 96-45; FCC-96-281]

Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This *Report and Order* extends the duration of the indexed interim cap ("interim cap") on the rate of growth of the Universal Service Fund ("USF"), amending the Commission's rules regarding jurisdictional separations. This action will moderate the growth of the USF while the Federal-State Joint Board on Universal Service and the Commission consider changes to the universal service rules. The interim cap is extended in order to facilitate the transition to any new universal service rules that are adopted consistent with the mandates of the Telecommunications Act of 1996.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Pam Szymczak, Accounting and Audits Division, Common Carrier Bureau at (202) 418-0389.

SUPPLEMENTARY INFORMATION: This *Report and Order* adopts the *Recommended Decision* of the Federal-State Joint Board on Universal Service, FCC 96J-1 (released June 19, 1996) and extends the interim cap on the growth of the Universal Service Fund. The *Report and Order* extends the interim cap until the Commission's final rules on universal service, to be adopted on or before May 8, 1997, become effective.

The Federal-State Joint Board recommended, and the Commission concurs in the *Report and Order*, that extending the duration of the cap will facilitate a transition to any new universal service rules that may be implemented pursuant to the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). For all the reasons stated in the *Report and Order*, the Commission finds good cause for making the rule amendments effective on less than 30 days notice. The *Notice of Proposed Rulemaking* initiating this proceeding was released March 8, 1996 (FCC 96-93).

List of Subjects in 47 CFR Part 36

Communications common carriers, Telephone and Uniform System of Accounts.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 36 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 36—JURISDICTIONAL SEPARATIONS PROCEDURES; STANDARD PROCEDURES FOR SEPARATING TELECOMMUNICATIONS PROPERTY COSTS, REVENUES, EXPENSES, TAXES AND RESERVES FOR TELECOMMUNICATIONS COMPANIES

1. The authority citation for Part 36 continues to read as follows:

Authority: 47 U.S.C. Secs. 151, 154 (i) and (j), 205, 221(c), 403 and 410.

2. Section 36.601 is amended by revising paragraph (c) to read as follows:

§ 36.601 General.

* * * * *

(c) During an interim period commencing on January 1, 1994, and terminating on the effective date of the Commission's universal service rules, to be adopted in CC Docket 96-45 on or before May 8, 1997, the annual amount of the total Universal Service Fund shall not exceed the amount of the total Universal Service Fund for the immediately preceding calendar year, increased by a rate equal to the rate of increase in the total number of working loops nationwide during the calendar year preceding the June filing. The total Universal Service Fund shall consist of the Universal Service expense adjustments, including amounts calculated pursuant to §§ 36.612(a) and 36.631. The rate of increase in total working loops shall be based upon the