

## List of Subjects

## 47 CFR Part 64

Communications common carriers, Payphone compensation, Operator service access, Telephone.

## 47 CFR Part 68

Administrative practice and procedure, Communications common carriers, Communications equipment, Labeling, Reporting and recordkeeping requirements, Telephone.

## 47 CFR Part 69

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

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

## Rules Amended

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.

2. Section 69.5 is amended by revising paragraph (a) to read as follows:

**§ 69.5 Persons to be assessed.**

(a) End user charges shall be computed and assessed upon end users, and upon providers of public telephones, as defined in this subpart, and as provided in subpart B of this part.

\* \* \* \* \*

3. Section 69.104 is amended by revising paragraph (a), redesignating paragraph (d) as paragraph (d)(1), and adding a new paragraph (d)(2) to read as follows:

**§ 69.104 End user common line.**

(a) A charge that is expressed in dollars and cents per line per month shall be assessed upon end users that subscribe to local exchange telephone service or Centrex service to the extent they do not pay carrier common line charges. A charge that is expressed in dollars and cents per line per month shall also be assessed upon providers of public telephones. Such charge shall be assessed for each line between the premises of an end user, or public telephone location, and a Class 5 office that is or may be used for local exchange service transmissions.

\* \* \* \* \*

(d)(1) \* \* \*

(2) The charge for each subscriber line associated with a public telephone shall be equal to the monthly charge computed in accordance with paragraph (d)(1) of this section.

\* \* \* \* \*

4. Section 69.501 is amended by removing and reserving paragraph (d); and by revising paragraph (e) to read as follows:

**§ 69.501 General.**

\* \* \* \* \*

(e) Any portion of the Common Line element revenue requirement that is not assigned to Carrier Common Line elements pursuant to paragraphs (a), (b), and (c) of this section shall be apportioned between End User Common Line and Carrier Common Line pursuant to § 69.502. Such portion of the Common Line element annual revenue requirement shall be described as the base factor portion for purposes of this subpart.

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**DEPARTMENT OF TRANSPORTATION****Research and Special Programs Administration****49 CFR Part 199**

[Docket No. PS-152; Amendment 199-14]

**RIN 2137-AC95****Reporting of Drug and Alcohol Testing Results**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Direct final rule.

**SUMMARY:** This direct final rule amends the Drug and Alcohol Testing Rules to allow the optional reporting of drug and alcohol testing results to RSPA by computer disk.

**DATES:** This direct final rule takes effect April 11, 1997. If RSPA does not receive any adverse comment or notice of intent to file an adverse comment by February 10, 1997, RSPA will publish a confirmation document within 15 days of the close of the comment period, advising the public of the date the direct final rule will become effective. If an adverse comment is received, RSPA will issue a timely notice in the Federal Register to confirm that fact and RSPA would withdraw the direct final rule in whole or in part. RSPA may then incorporate changes based on the adverse comment into a subsequent

direct final rule or may publish a notice of proposed rulemaking.

**ADDRESSES:** Written comments must be submitted in duplicate and mailed or hand-delivered to the Dockets Unit, room 8421, U.S. Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, D.C. 20590. Identify the docket and notice numbers stated in the heading of this notice. All comments and materials cited in this document will be available for inspection and copying in room 8421 between 8:30 a.m. and 5:00 p.m. each business day. Non-federal employee visitors are admitted to the DOT headquarters building through the southwest quadrant entrance at Seventh and E Streets, SW, Washington, D.C. **FOR FURTHER INFORMATION CONTACT:** Marvin Fell, (202) 366-6205, regarding the subject matter of this document, or the Dockets Unit (202) 366-4453, for copies of this document or other information in the docket.

**SUPPLEMENTARY INFORMATION:****I. Background**

On March 28, 1996, RSPA published a Request for Public Comment (61 FR 13918) on its Management Information System Standardized Data Collection and Reporting of Drug Testing Materials information collection. Two commentators requested that RSPA allow electronic filing of drug testing forms. RSPA agrees with these commentators that allowing the filing of this information by computer disk may reduce the paperwork burden of this regulation. Therefore, RSPA is amending Section 199.25(d), Reporting of anti-drug testing results, to allow the alternative of filing the report on a computer disk provided by RSPA. The disk can be submitted in Word Perfect 6.1, Microsoft Word 6.0, or any ASCII format. If this option is used, a signature page attesting to the validity of the computer form must be sent to the RSPA address specified in Section 199.25(b). Additionally, RSPA is amending Section 199.229(c), Reporting of Alcohol Testing Results, to allow operators the option of filing their alcohol testing results by computer disk. If this option is used, a signature page attesting to the validity of the information must be submitted similar to the drug filing procedure.

**II. Regulatory Analyses and Notices****Executive Order 12866 and DOT Regulatory Policies and Procedures**

This amendment may reduce the administrative burden of the drug and alcohol testing results reporting rules by

allowing operators to choose the method of reporting that they deem most cost-effective. This amendment is administrative in nature and is consistent with the President's goals of regulatory reinvention and improvement in customer service. There is no additional cost to comply with this rule because it is optional. This rule is considered to be non-major under Executive Order 12866, and is not considered significant under DOT Regulatory Policy and Procedures (44 FR 22034; February 26, 1979). Therefore, this change does not warrant the preparation of a Regulatory Evaluation.

#### *Executive Order 12612*

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 ("Federalism"), and RSPA has determined that preparation of a federalism assessment is not warranted.

#### *Regulatory Flexibility Act*

Based on the above facts, I certify under Section 606 of the Regulatory Flexibility Act that this amendment does not have a significant impact on a substantial number of small entities.

#### *Paperwork Reduction Act*

This final rule does not impose any new information collection requirements.

#### List of Subjects in 49 CFR Part 199

Alcohol testing, Drug testing, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA is amending 49 CFR 199 as follows:

### **PART 199—DRUG AND ALCOHOL TESTING**

1. The authority citation for part 199 is revised to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60117, and 60118; 49 CFR 1.53.

#### **§ 199.25 [Amended]**

2. Paragraph (d) of § 199.25 is revised to read as follows:

#### **§ 199.25 Reporting of anti-drug testing results.**

\* \* \* \* \*

(d) Each report shall be signed by the Operator's anti-drug manager or designated representative. RSPA will allow the operator the option of sending the report on the computer disk provided by RSPA. If this option is used, a signature page attesting to the

validity of the information on the computer disk must be sent to the address in paragraph (b) of this section.

\* \* \* \* \*

#### **§ 199.229 [Amended]**

3. Paragraph (c) of 199.229 is revised to read as follows:

#### **§ 199.229 Reporting of alcohol testing results.**

\* \* \* \* \*

(c) Each report, required under this section, shall be submitted to the Office of Pipeline Safety, Research and Special Programs Administration, Department of Transportation, room 2335, 400 Seventh Street, SW., Washington, DC 20590. RSPA will allow the operator the option of sending the report on the computer disk provided by RSPA. If this option is used, a signature page attesting to the validity of the information on the computer disk must be sent to the address in this section.

\* \* \* \* \*

Issued in Washington, D.C. on December 6, 1996.

Kelley S. Coyner,

*Deputy Administrator, Research and Special Programs Administration.*

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