

~~(fixed, temporary-fixed, mobile and airborne). Offshore subscriber stations must normally communicate only with and through offshore central stations. Stations in the Offshore Radio-telephone Service may communicate through relay stations authorized in this service.~~

#### ~~§ 22.1091 Temporary fixed stations.~~

~~The FCC may, upon proper application therefor, authorize the construction and operation of temporary fixed stations in the Offshore Radio-telephone service to be used only when the service of permanent fixed stations is disrupted by storms or emergencies or is otherwise unavailable.~~

~~(a) Six-month limitation. If it is necessary for a temporary fixed station to remain at the same location for more than six months, the licensee of that station must apply for authorization to operate the station at the specific location at least 90 days before the end of the six-month period.~~

~~(b) International communications. Communications between the United States and Mexico must not be carried using a temporary fixed station without prior authorization from the FCC. Licensees desiring to carry such communications should apply sufficiently in advance to allow for the time necessary to coordinate with Canada or Mexico.~~

#### ~~§ 22.1095 Construction period.~~

~~The construction period (see § 22.142) for offshore stations is 18 months.~~

#### ~~§ 22.1097 Application requirements for offshore stations.~~

~~Applications for new Offshore Radio-telephone Service stations must contain an exhibit showing that:~~

~~(a) The applicant has notified all licensees of offshore stations located within 92.0 kilometers (90 miles) of the proposed offshore station, by providing the following data, at least 90 days before filing the application:~~

- ~~(1) The name, business address, channel coordinator, and telephone number of the applicant;~~
- ~~(2) The location and geographical coordinates of the proposed station;~~
- ~~(3) The channel and type of emission;~~
- ~~(4) The height and type of antenna;~~

~~(5) The bearing of the main lobe of the antenna; and,~~

~~(6) The effective radiated power.~~

~~(b) The proposed station will not interfere with the primary GPS channels by compliance with the following separations:~~

~~(1) Co-channel to a distance of 241.4 kilometers (150 miles).~~

~~(2) If interstitial channels are used, adjacent channels ( $\pm 12.5$  kHz) to a distance of 92.0 kilometers (50 miles).~~

~~(3) Third order intermodulation channels ( $\pm 12.5$  kHz) to a distance of 92.0 kilometers (50 miles).~~

~~(4) If the proposed transmitting antenna site is located west of longitude W 09°40', and within 92.0 kilometers (50 miles) of the shoreline, and proposed use of the channels listed in § 22.1007(b), no third order intermodulation interference would be caused to any base or mobile station using the channels between 400 and 404 MHz.~~

### Subpart J—Required New Capabilities Pursuant to the Communications Assistance for Law Enforcement Act (CALEA)

SOURCE: 64 FR 51717, Sept. 24, 1999, unless otherwise noted.

#### § 22.1100 Purpose.

Pursuant to the Communications Assistance for Law Enforcement Act (CALEA), Public Law 103-414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.), this subpart contains rules that require a cellular telecommunications carrier to implement certain capabilities to ensure law enforcement access to authorized communications or call-identifying information.

#### § 22.1101 Scope.

The definitions included in this subpart shall be used solely for the purpose of implementing CALEA requirements.

#### § 22.1102 Definitions.

*Call identifying information.* Call identifying information means dialing or signaling information that identifies the origin, direction, destination, or termination of each communication



generated or received by a subscriber by means of any equipment, facility, or service of a telecommunications carrier. Call identifying information is “reasonably available” to a carrier if it is present at an intercept access point and can be made available without the carrier being unduly burdened with network modifications.

*Collection function.* The location where lawfully authorized intercepted communications and call-identifying information is collected by a law enforcement agency (LEA).

*Content of subject-initiated conference calls.* Capability that permits a LEA to monitor the content of conversations by all parties connected via a conference call when the facilities under surveillance maintain a circuit connection to the call.

*Dialed digit extraction.* Capability that permits a LEA to receive on the call data channel digits dialed by a subject when a call is connected to another carrier’s service for processing and routing.

*In-band and out-of-band signaling.* Capability that permits a LEA to be informed when a network message that provides call identifying information (e.g., ringing, busy, call waiting signal, message light) is generated or sent by the IAP switch to a subject using the facilities under surveillance. Excludes signals generated by customer premises equipment when no network signal is generated.

*Intercept Access Point (IAP).* Intercept access point is a point within a carrier’s system where some of the communications or call-identifying information of an intercept subject’s equipment, facilities, and services are accessed.

*J-STD-025.* The interim standard developed by the Telecommunications Industry Association and the Alliance for Telecommunications Industry Solutions for wireline, cellular, and broadband PCS carriers. This standard defines services and features to support lawfully authorized electronic surveillance, and specifies interfaces necessary to deliver intercepted communications and call-identifying information to a LEA.

*LEA.* Law enforcement agency; e.g., the Federal Bureau of Investigation or a local police department.

*Party hold, join, drop on conference calls.* Capability that permits a LEA to identify the parties to a conference call conversation at all times.

*Subject-initiated dialing and signaling information.* Capability that permits a LEA to be informed when a subject using the facilities under surveillance uses services that provide call identifying information, such as call forwarding, call waiting, call hold, and three-way calling. Excludes signals generated by customer premises equipment when no network signal is generated.

*Timing information.* Capability that permits a LEA to associate call-identifying information with the content of a call. A call-identifying message must be sent from the carrier’s IAP to the LEA’s Collection Function within eight seconds of receipt of that message by the IAP at least 95% of the time, and with the call event time-stamped to an accuracy of at least 200 milliseconds.

### § 22.1103 Capabilities that must be provided by a cellular telecommunications carrier.

(a) Except as provided under paragraph (b) of this section, as of June 30, 2000, a cellular telecommunications carrier shall provide to a LEA the assistance capability requirements of CALEA, see 47 U.S.C. 1002. A carrier may satisfy these requirements by complying with publicly available technical requirements or standards adopted by an industry association or standard-setting organization, such as J-STD-025.

(b) As of September 30, 2001, a cellular telecommunications carrier shall provide to a LEA communications and call-identifying information transported by packet-mode communications and the following capabilities:

- (1) Content of subject-initiated conference calls;
- (2) Party hold, join, drop on conference calls;
- (3) Subject-initiated dialing and signaling information ;
- (4) In-band and out-of-band signaling;
- (5) Timing information;

(6) Dialed digit extraction.

**PART 23—INTERNATIONAL FIXED  
PUBLIC RADIOCOMMUNICATION  
SERVICES**

**FIXED PUBLIC SERVICES**

**Sec.**

- ~~23.1 Definitions.~~
- ~~23.11 Use of radiotelephone emissions by radiotelegraph stations.~~
- ~~23.12 Use of radiotelegraph emissions by radiotelephone stations.~~
- ~~23.13 Types of emission.~~
- ~~23.14 Emission, bandwidth, modulation and transmission characteristics.~~
- ~~23.15 Emission limitations.~~
- ~~23.16 Frequency tolerances.~~
- ~~23.17 Frequency measurement.~~
- ~~23.18 Authorization of power.~~
- ~~23.19 Use of directional antennas.~~
- ~~23.20 Assignment of frequencies.~~
- ~~23.21 Communications by international control stations.~~
- ~~23.23 Use of frequencies for radiotelegraph communication within the continental United States.~~
- ~~23.24 Correspondents and points of communication.~~
- ~~23.25 Points of communication, limitations.~~
- ~~23.26 Use of transmitters.~~
- ~~23.27 Experimental research.~~
- ~~23.28 Special temporary authorization.~~
- ~~23.29 License period and expiration time.~~
- ~~23.31 Period of construction.~~
- ~~23.32 Equipment and service tests.~~
- ~~23.33 Compliance with tariff requirements.~~
- ~~23.36 Posting of license.~~
- ~~23.37 Station identification.~~
- ~~23.38 Experimental points of communication, limitations.~~
- ~~23.39 Antenna structures.~~
- ~~23.40 [Reserved]~~
- ~~23.41 Quarterly report of frequency usage.~~
- ~~23.42 License, simultaneous modification and renewal.~~
- ~~23.43 Maintenance tests of licensed stations.~~
- ~~23.44 Station inspection.~~
- ~~23.45 Operator license, posting of.~~
- ~~23.46 Operators, class required and general duties.~~
- ~~23.47 Station records.~~
- ~~23.48 Content of station records.~~
- ~~23.49 Discontinuance of operation.~~
- ~~23.50 Place of filing applications, fees and number of copies.~~
- ~~23.51 Addressed program material.~~
- ~~23.52 Mobile stations, transmission simultaneously to.~~
- ~~23.53 Addressed press and meteorological services.~~
- ~~23.54 Use of double sideband radiotelephone.~~
- ~~23.55 Equal employment opportunities.~~

~~**AUTHORITY:** Secs. 4, 308, 48 Stat. 1886, 1892 as amended, 47 U.S.C. 154, 308. Interpret or apply, sec. 301, 48 Stat. 1891, 47 U.S.C. 301.~~

~~**SOURCE:** 28 FR 13092, Dec. 5, 1963, as amended at 36 FR 2502, Feb. 6, 1971, unless otherwise noted.~~

**FIXED PUBLIC SERVICES**

**§ 23.1 Definitions.**

~~**Assigned frequency.** The frequency coinciding with the center of an authorized bandwidth of emission.~~

~~**Authorized bandwidth.** The maximum bandwidth authorized to be used by a station as specified in the station license. This shall be occupied bandwidth or necessary bandwidth, whichever is greater.~~

~~**Authorized reference frequency.** A frequency having a fixed and specific position with respect to the assigned frequency.~~

~~**Authorized service.** The term "authorized service" of a point-to-point radiotelegraph or radiotelephone station means the transmission of public correspondence to a point of communication as defined herein subject to such special provisions as may be contained in the license of the station or in accordance with § 23.56.~~

~~**Fixed public service.** The term "fixed public service" means a radiocommunication service carried on between fixed stations open to public correspondence.~~

~~**Fixed public press service.** The term "fixed public press service" means a limited radio communication service carried on between point-to-point telegraph stations, consisting of transmissions by fixed stations open to limited public correspondence, of news items, or other material related to or intended for publication by press agencies, newspapers, or for public dissemination. In addition, these transmissions may be directed to one or more fixed points specifically named in a station license, or to unnamed points in accordance with the provisions of § 23.58.~~

~~**NOTE:** This section is not intended as a definition of any press classification. Correspondence admissible under any press classification is determined by the tariffs of the various common carriers on file with the Commission.~~

~~an extension of time to complete construction (FCC Form 409) may be filed. See paragraph (b) of this section. Within 90 days after the authorization expires an application for reinstatement may be filed on FCC Form 409.~~

~~(b) Extension of Time to Complete Construction. An application for extension of time to complete construction may be made on FCC Form 409. Extension of time requests must be filed prior to the expiration of the construction period. Extensions will be granted only if the licensee shows that the failure to complete construction is due to causes beyond its control.~~

~~(c) An application for modification of an authorization (under construction) does not extend the initial construction period. If additional time to construct is required, an FCC Form 409 must be submitted.~~

~~(d) [Reserved]~~

§ 24.844 [Reserved]

## Subpart J—Required New Capabilities Pursuant to the Communications Assistance for Law Enforcement Act (CALEA)

SOURCE: 64 FR 51717, Sept. 24, 1999, unless otherwise noted.

### § 24.900 Purpose.

Pursuant to the Communications Assistance for Law Enforcement Act (CALEA), Public Law 103–414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.), this subpart contains rules that require a broadband PCS telecommunications carrier to implement certain capabilities to ensure law enforcement access to authorized communications or call-identifying information.

### § 24.901 Scope.

The definitions included in this subpart shall be used solely for the purpose of implementing CALEA requirements.

### § 24.902 Definitions.

*Call identifying information.* Call identifying information means dialing or signaling information that identifies the origin, direction, destination, or

termination of each communication generated or received by a subscriber by means of any equipment, facility, or service of a telecommunications carrier. Call identifying information is “reasonably available” to a carrier if it is present at an intercept access point and can be made available without the carrier being unduly burdened with network modifications.

*Collection function.* The location where lawfully authorized intercepted communications and call-identifying information is collected by a law enforcement agency (LEA).

*Content of subject-initiated conference calls.* Capability that permits a LEA to monitor the content of conversations by all parties connected via a conference call when the facilities under surveillance maintain a circuit connection to the call.

*Dialed digit extraction.* Capability that permits a LEA to receive on the call data channel a digit dialed by a subject after a call is connected to another carrier’s service for processing and routing.

*IAP.* Intercept access point is a point within a carrier’s system where some of the communications or call-identifying information of an intercept subject’s equipment, facilities, and services are accessed.

*In-band and out-of-band signaling.* Capability that permits a LEA to be informed when a network message that provides call identifying information (*e.g.*, ringing, busy, call waiting signal, message light) is generated or sent by the IAP switch to a subject using the facilities under surveillance. Excludes signals generated by customer premises equipment when no network signal is generated.

*J-STD-025.* The interim standard developed by the Telecommunications Industry Association and the Alliance for Telecommunications Industry Solutions for wireline, cellular, and broadband PCS carriers. This standard defines services and features to support lawfully authorized electronic surveillance, and specifies interfaces necessary to deliver intercepted communications and call-identifying information to a LEA.



*LEA.* Law enforcement agency; e.g., the Federal Bureau of Investigation or a local police department.

*Party hold, join, drop on conference calls.* Capability that permits a LEA to identify the parties to a conference call conversation at all times.

*Subject-initiated dialing and signaling information.* Capability that permits a LEA to be informed when a subject using the facilities under surveillance uses services that provide call identifying information, such as call forwarding, call waiting, call hold, and three-way calling. Excludes signals generated by customer premises equipment when no network signal is generated.

*Timing information.* Capability that permits a LEA to associate call-identifying information with the content of a call. A call-identifying message must be sent from the carrier's IAP to the LEA's Collection Function within eight seconds of receipt of that message by the IAP at least 95% of the time, and with the call event time-stamped to an accuracy of at least 200 milliseconds.

#### **§24.903 Capabilities that must be provided by a broadband PCS telecommunications carrier.**

(a) Except as provided under paragraph (b) of this section, as of June 30, 2000, a broadband PCS telecommunications carrier shall provide to a LEA the assistance capability requirements of CALEA, see 47 U.S.C. 1002. A carrier may satisfy these requirements by complying with publicly available technical requirements or standards adopted by an industry association or standard-setting organization, such as J-STD-025.

(b) As of September 30, 2001, a broadband PCS telecommunications carrier shall provide to a LEA communications and call-identifying information transported by packet-mode communications and the following capabilities:

- (1) Content of subject-initiated conference calls;
- (2) Party hold, join, drop on conference calls;
- (3) Subject-initiated dialing and signaling information;
- (4) In-band and out-of-band signaling;

- (5) Timing information;
- (6) Dialed digit extraction.

[64 FR 51717, Sept. 24, 1999; 65 FR 18255, Apr. 7, 2000]

## **~~PART 25 SATELLITE COMMUNICATIONS~~**

### **~~Subpart A General~~**

~~Sec.~~

~~25.101 Basis and scope.~~

~~25.102 Station authorization required.~~

~~25.100 Definitions.~~

~~25.104 Preemption of local zoning of earth stations.~~

~~25.106-25.100 [Reserved]~~

~~25.100 Cross reference.~~

### **~~Subpart B Applications and Licenses~~**

#### **~~General Application Form Requirements~~**

~~25.110 Filing of applications, fees, and number of copies.~~

~~25.111 Additional information.~~

~~25.112 Defective applications.~~

~~25.110 Construction permits, station licenses, launch authority.~~

~~25.114 Applications for space station authorizations.~~

~~25.115 Application for earth station authorizations.~~

~~25.116 Amendments to applications.~~

~~25.117 Modification of station licenses.~~

~~25.118 Modifications not requiring prior authorization.~~

~~25.119 Assignment or transfer of control of station authorization.~~

~~25.120 Application for special temporary authorization.~~

~~25.121 License term and renewals.~~

#### **~~Earth Stations~~**

~~25.130 Filing requirements for transmitting earth stations.~~

~~25.131 Filing requirements for receive only earth stations.~~

~~25.132 Verification of earth station antenna performance standards.~~

~~25.130 Period of construction, certification of commencement of operation.~~

~~25.134 Licensing provisions of Very Small Aperture Terminal (VSAT) and G band Small Aperture Terminal (GSAT) networks.~~

~~25.136 Licensing provisions for earth station networks in the non-voice, non-geo-stationary mobile satellite service.~~

~~25.136 Operating provisions for earth station networks in the 1.6/2.4 GHz mobile satellite service and 2 GHz mobile satellite service.~~

~~25.137 Application requirements for earth stations operating with non-U.S. licensed space stations.~~

~~all portions of the notification must be translated into that language.~~

~~(vii) A carrier may state in the notification that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's needs. A carrier also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.~~

~~(viii) A carrier may not include in the notification any statement attempting to encourage a customer to freeze third party access to CPNI.~~

~~(ix) The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes to from that carrier is valid until the customer affirmatively revokes or limits such approval or denial.~~

~~(3) A telecommunications carrier's solicitation for approval must be proximate to the notification of a customer's CPNI rights.~~

~~[63 FR 20398, Apr. 24, 1998, as amended at 64 FR 52264, Oct. 1, 1999]~~

~~§ 64.2009 Safeguards required for use of customer proprietary network information.~~

~~(a) Telecommunications carriers must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.~~

~~(b) Telecommunications carriers must train their personnel as to when they are and are not authorized to use CPNI, and carriers must have an express disciplinary process in place.~~

~~(c) All carriers shall maintain a record, electronically or in some other manner, of their sales and marketing campaigns that use CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, the date and purpose of the campaign, and what products or services were offered as part of the campaign. Carriers shall retain the record for a minimum of one year.~~

~~(d) Telecommunications carriers must establish a supervisory review process regarding carrier compliance with the rules in this subpart for outbound marketing situations and maintain records of carrier compliance for a~~

~~minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.~~

~~(e) A telecommunications carrier must have an officer, as an agent of the carrier, sign a compliance certificate on an annual basis stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. The carrier must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart.~~

~~[63 FR 20398, Apr. 24, 1998, as amended at 64 FR 52264, Oct. 1, 1999]~~

**Subpart V—Telecommunications Carrier Systems Security and Integrity Pursuant to the Communications Assistance for Law Enforcement Act (CALEA)**

SOURCE: 64 FR 51469, Sept. 23, 1999, unless otherwise noted.

**§ 64.2100 Purpose.**

Pursuant to the Communications Assistance for Law Enforcement Act, Public Law 103-414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.), this subpart contains rules that require a telecommunications carrier to ensure that any interception of communications or access to call-identifying information effected within its switching premises can be activated only in accordance with appropriate legal authorization, appropriate carrier authorization, and with the affirmative intervention of an individual officer or employee of the carrier acting in accordance with regulations prescribed by the Commission.

**§ 64.2101 Scope.**

The definitions included in this subchapter shall be used solely for the purpose of implementing CALEA requirements.

**§ 64.2102 Definitions.**

(a) *Appropriate legal authorization.* The term *appropriate legal authorization* means:

## Federal Communications Commission

## § 64.2104

(1) A court order signed by a judge or magistrate authorizing or approving interception of wire or electronic communications; or

(2) Other authorization, pursuant to 18 U.S.C. 2518(7), or any other relevant federal or state statute.

(b) *Appropriate carrier authorization.* The term *appropriate carrier authorization* means the policies and procedures adopted by telecommunications carriers to supervise and control officers and employees authorized to assist law enforcement in conducting any interception of communications or access to call-identifying information.

(c) *Appropriate authorization.* The term *appropriate authorization* means both appropriate legal authorization and appropriate carrier authorization.

### § 64.2103 Policies and procedures for employee supervision and control.

A telecommunications carrier shall:

(a) Appoint a senior officer or employee responsible for ensuring that any interception of communications or access to call-identifying information effected within its switching premises can be activated only in accordance with a court order or other lawful authorization and with the affirmative intervention of an individual officer or employee of the carrier.

(b) Establish policies and procedures to implement paragraph (a) of this section, to include:

(1) A statement that carrier personnel must receive appropriate legal authorization and appropriate carrier authorization before enabling law enforcement officials and carrier personnel to implement the interception of communications or access to call-identifying information;

(2) An interpretation of the phrase “appropriate authorization” that encompasses the definitions of appropriate legal authorization and appropriate carrier authorization, as used in paragraph (b)(1) of this section;

(3) A detailed description of how long it will maintain its records of each interception of communications or access to call-identifying information pursuant to § 64.2104;

(4) In a separate appendix to the policies and procedures document:

(i) The name and a description of the job function of the senior officer or employee appointed pursuant to paragraph (a) of this section; and

(ii) Information necessary for law enforcement agencies to contact the senior officer or employee appointed pursuant to paragraph (a) of this section or other CALEA points of contact on a seven days a week, 24 hours a day basis.

(c) Report to the affected law enforcement agencies, within a reasonable time upon discovery:

(1) Any act of compromise of a lawful interception of communications or access to call-identifying information to unauthorized persons or entities; and

(2) Any act of unlawful electronic surveillance that occurred on its premises.

[66 FR 22448, May 4, 2001]

### § 64.2104 Maintaining secure and accurate records.

(a) A telecommunications carrier shall maintain a secure and accurate record of each interception of communications or access to call-identifying information, made with or without appropriate authorization, in the form of single certification.

(1) This certification must include, at a minimum, the following information:

(i) The telephone number(s) and/or circuit identification numbers involved;

(ii) The start date and time that the carrier enables the interception of communications or access to call identifying information;

(iii) The identity of the law enforcement officer presenting the authorization;

(iv) The name of the person signing the appropriate legal authorization;

(v) The type of interception of communications or access to call-identifying information (e.g., pen register, trap and trace, Title III, FISA); and

(vi) The name of the telecommunications carriers' personnel who is responsible for overseeing the interception of communication or access to call-identifying information and who is acting in accordance with the carriers' policies established under § 64.2103.

(2) This certification must be signed by the individual who is responsible for

## § 64.2105

overseeing the interception of communications or access to call-identifying information and who is acting in accordance with the telecommunications carrier's policies established under § 64.2103. This individual will, by his/her signature, certify that the record is complete and accurate.

(3) This certification must be compiled either contemporaneously with, or within a reasonable period of time after the initiation of the interception of the communications or access to call-identifying information.

(4) A telecommunications carrier may satisfy the obligations of paragraph (a) of this section by requiring the individual who is responsible for overseeing the interception of communication or access to call-identifying information and who is acting in accordance with the carriers' policies established under § 64.2103 to sign the certification and append the appropriate legal authorization and any extensions that have been granted. This form of certification must at a minimum include all of the information listed in paragraph (a) of this section.

(b) A telecommunications carrier shall maintain the secure and accurate records set forth in paragraph (a) for a reasonable period of time as determined by the carrier.

(c) It is the telecommunications carrier's responsibility to ensure its records are complete and accurate.

(d) Violation of this rule is subject to the penalties of § 64.2106.

[64 FR 51469, Sept. 23, 1999, as amended at 64 FR 52245, Sept. 28, 1999; 66 FR 22448, May 4, 2001]

### **§ 64.2105 Submission of policies and procedures and commission review.**

(a) Each telecommunications carrier shall file with the Commission the policies and procedures it uses to comply with the requirements of this subchapter. These policies and procedures shall be filed with the Federal Communications Commission within 90 days of the effective date of these rules, and thereafter, within 90 days of a carrier's merger or divestiture or a carrier's amendment of its existing policies and procedures.

(b) The Commission shall review each telecommunications carrier's policies

## 47 CFR Ch. I (10-1-01 Edition)

and procedures to determine whether they comply with the requirements of § 64.2103 and § 64.2104.

(1) If, upon review, the Commission determines that a telecommunications carrier's policies and procedures do not comply with the requirements established under § 64.2103 and § 64.2104, the telecommunications carrier shall modify its policies and procedures in accordance with an order released by the Commission.

(2) The Commission shall review and order modification of a telecommunications carrier's policies and procedures as may be necessary to insure compliance by telecommunications carriers with the requirements of the regulations prescribed under § 64.2103 and § 64.2104.

### **§ 64.2106 Penalties.**

In the event of a telecommunications carrier's violation of § 64.2103 or § 64.2104 of this subchapter, the Commission shall enforce the penalties articulated in 47 U.S.C. 503(b) of the Communications Act of 1934 and 47 CFR 1.8.

### **Subpart W—Required New Capabilities Pursuant to the Communications Assistance for Law Enforcement Act (CALEA)**

SOURCE: 64 FR 51718, Sept. 24, 1999, unless otherwise noted.

### **§ 64.2200 Purpose.**

Pursuant to the Communications Assistance for Law Enforcement Act (CALEA), Public Law 103-414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.), this subpart contains rules that require a wireline telecommunications carrier to implement certain capabilities to ensure law enforcement access to authorized communications or call-identifying information.

### **§ 64.2201 Scope.**

The definitions included in this subpart shall be used solely for the purpose of implementing CALEA requirements.

**§ 64.2202 Definitions.**

*Call identifying information.* Call identifying information means dialing or signaling information that identifies the origin, direction, destination, or termination of each communication generated or received by a subscriber by means of any equipment, facility, or service of a telecommunications carrier. Call identifying information is “reasonably available” to a carrier if it is present at an intercept access point and can be made available without the carrier being unduly burdened with network modifications.

*Collection function.* The location where lawfully authorized intercepted communications and call-identifying information is collected by a law enforcement agency (LEA).

*Content of subject-initiated conference calls.* Capability that permits a LEA to monitor the content of conversations by all parties connected via a conference call when the facilities under surveillance maintain a circuit connection to the call.

*Dialed digit extraction.* Capability that permits a LEA to receive on the call data channel a digits dialed by a subject after a call is connected to another carrier’s service for processing and routing.

*IAP.* Intercept access point is a point within a carrier’s system where some of the communications or call-identifying information of an intercept subject’s equipment, facilities, and services are accessed.

*In-band and out-of-band signaling.* Capability that permits a LEA to be informed when a network message that provides call identifying information (e.g., ringing, busy, call waiting signal, message light) is generated or sent by the IAP switch to a subject using the facilities under surveillance. Excludes signals generated by customer premises equipment when no network signal is generated.

*J-STD-025.* The interim standard developed by the Telecommunications Industry Association and the Alliance for Telecommunications Industry Solutions for wireline, cellular, and broadband PCS carriers. This standard defines services and features to support lawfully authorized electronic surveillance, and specifies interfaces nec-

essary to deliver intercepted communications and call-identifying information to a LEA.

*LEA.* Law enforcement agency; e.g., the Federal Bureau of Investigation or a local police department.

*Party hold, join, drop on conference calls.* Capability that permits a LEA to identify the parties to a conference call conversation at all times.

*Subject-initiated dialing and signaling information.* Capability that permits a LEA to be informed when a subject using the facilities under surveillance uses services that provide call identifying information, such as call forwarding, call waiting, call hold, and three-way calling. Excludes signals generated by customer premises equipment when no network signal is generated.

*Timing information.* Capability that permits a LEA to associate call-identifying information with the content of a call. A call-identifying message must be sent from the carrier’s IAP to the LEA’s Collection Function within eight seconds of receipt of that message by the IAP at least 95% of the time, and with the call event time-stamped to an accuracy of at least 200 milliseconds.

**§ 64.2203 Capabilities that must be provided by a wireline telecommunications carrier.**

(a) Except as provided under paragraph (b) of this section, as of June 30, 2000, a wireline telecommunications carrier shall provide to a LEA the assistance capability requirements of CALEA, see 47 U.S.C. 1002. A carrier may satisfy these requirements by complying with publicly available technical requirements or standards adopted by an industry association or standard-setting organization, such as J-STD-025.

(b) As of September 30, 2001, a wireline telecommunications carrier shall provide to a LEA communications and call-identifying information transported by packet-mode communications and the following capabilities:

- (1) Content of subject-initiated conference calls;
- (2) Party hold, join, drop on conference calls;

- (3) Subject-initiated dialing and signaling information;
- (4) In-band and out-of-band signaling;
- (5) Timing information;
- (6) Dialed digit extraction.

[64 FR 51718, Sept. 24, 1999; 65 FR 36637, June 9, 2000; 65 FR 18255, Apr. 7, 2000]

**Subpart X—Subscriber List Information**

~~Source: 61 FR 58947, Oct. 5, 2000, unless otherwise noted.~~

**§ 64.2301 Basis and purpose.**

~~(a) *Basis.* These rules are issued pursuant to the Communications Act of 1994, as amended.~~

~~(b) *Purpose.* The purpose of these rules is to implement section 222(c) of the Communications Act of 1994, as amended, 47 U.S.C. 222. Section 222(c) requires that a telecommunications carrier that provides telephone exchange service shall provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under non-discriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format.~~

**§ 64.2305 Definitions.**

~~Terms used in this subpart have the following meanings:~~

~~(a) *Base file subscriber list information.* A directory publisher requests base file subscriber list information when the publisher requests, as of a given date, all of a carrier's subscriber list information that the publisher wishes to include in one or more directories.~~

~~(b) *Business subscriber.* Business subscriber refers to a subscriber to telephone exchange service for businesses.~~

~~(c) *Primary advertising classification.* A primary advertising classification is the principal business heading under which a subscriber to telephone exchange service for businesses chooses to be listed in the yellow pages, if the carrier either assigns that heading or is obligated to provide yellow pages listings as part of telephone exchange service to businesses. In other circumstances, a primary advertising~~

~~classification is the classification of a subscriber to telephone exchange service as a business subscriber.~~

~~(d) *Residential subscriber.* Residential subscriber refers to a subscriber to telephone exchange service that is not a business subscriber.~~

~~(e) *Subscriber list information.* Subscriber list information is any information:~~

~~(1) Identifying the listed names of subscribers of a carrier and such subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications; and~~

~~(2) That the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.~~

~~(f) *Telecommunications carrier.* A telecommunications carrier is any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in 47 U.S.C. 220(a)(2)).~~

~~(g) *Telephone exchange service.* Telephone exchange service means:~~

~~(1) Service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and which is covered by the exchange service charge, or~~

~~(2) Comparable service provided through a system of switches, transmission equipment, or other facilities (or combination thereof) by which a subscriber can originate and terminate a telecommunications service.~~

~~(h) *Updated subscriber list information.* A directory publisher requests updated subscriber list information when the publisher requests changes to all or any part of a carrier's subscriber list information occurring between specified dates.~~

**Administrative Procedure Act**

This document without any changes affirms amendments made by an interim final rule that is already in effect. Accordingly, we have concluded under 5 U.S.C. 553 that there is good cause for dispensing with a delayed effective date based on the conclusion that such procedure is impracticable, unnecessary, and contrary to the public interest.

**Unfunded Mandates**

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1592, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any given year. This final rule would have no consequential effect on State, local, or tribal governments.

**Paperwork Reduction Act**

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

**Regulatory Flexibility Act**

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. This final rule would not directly affect any small entities. Only individuals could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

**Catalog of Federal Domestic Assistance Numbers**

The Catalog of Federal Domestic Assistance numbers for the programs affected by this document are 64.005, 64.007, 64.008, 64.009, 64.010, 64.011, 64.012, 64.013, 64.014, 64.015, 64.016, 64.018, 64.019, 64.022, and 64.025. †

**List of Subjects in 38 CFR Part 17**

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and record-keeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: April 15, 2002.

Anthony J. Principi,  
Secretary of Veterans Affairs.

**PART 17—MEDICAL**

Accordingly, the interim final rule amending 38 CFR part 17 which was published at 66 FR 63446 on December 6, 2001, is adopted as a final rule without change.

[FR Doc. 02-10886 Filed 5-1-02; 8:45 am]

BILLING CODE 5320-07-P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Parts 22, 24 and 64**

[CC Docket No. 97-213; FCC 02-108]

**Communications Assistance for Law Enforcement Act**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document adopts four electronic surveillance capabilities for wireline, cellular, and broadband Personal Communications Services (“PCS”) telecommunications carriers and sets a compliance date of June 30, 2002 for those four capabilities, as well as two capabilities previously mandated by the Commission. The Commission takes this action under the provisions of the Communications Assistance for Law Enforcement Act of 1994 (Public Law 103-414, 108 Stat. 4279 (1994) (codified as amended in scattered sections of 18 U.S.C. and 47 U.S.C. 229, 1001-1010, 1021)). (“CALEA”) and in response to a decision issued by the United States Court of Appeals for the District of Columbia Circuit (“Court”) that vacated four Department of Justice (“DoJ”) Federal Bureau of Investigation (“FBI”) “punch list” electronic surveillance capabilities mandated by the Commission’s Third Report and Order (“Third R&O”) in this proceeding.

**DATES:** Effective June 3, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Jamison Prime, Office of Engineering and Technology, (202) 418-7474, TTY (202) 418-2989, e-mail: [jprime@fcc.gov](mailto:jprime@fcc.gov) or Rodney Small, Office of Engineering and Technology, (202) 418-2452, TTY (202) 418-2989, e-mail: [rsmall@fcc.gov](mailto:rsmall@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Order on Remand, CC Docket No. 97-213, FCC 02-108, adopted April 5, 2002, and released April 11, 2002. The full text of this document is available on the Commission’s internet site at

[www.fcc.gov](http://www.fcc.gov). It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW, Washington, DC 20554. The complete text of this document may be purchased from the Commission’s duplication contractor, Qualex International, (202) 863-2893 voice, (202) 863-2898 Fax, [qualexint@aol.com](mailto:qualexint@aol.com) e-mail, Portals II, 445 12th St., SW, Room CY-B402, Washington, DC 20554.

**Summary of Order on Remand**

1. The Order on Remand adopts additional technical requirements for wireline, cellular, and broadband PCS carriers to comply with the assistance capability requirements prescribed by CALEA and sets a June 30, 2002 compliance date for carriers to provide these capabilities. Section 103(a) of CALEA requires that a telecommunications carrier shall ensure that its equipment, facilities, or services that provide a customer or subscriber with the ability to originate, terminate, or direct communications are capable of isolating and providing to the government, pursuant to a lawful authorization, certain wire and electronic communications, including call-identifying information that is reasonably available to the carrier. Under section 107(a)(2) of CALEA (the “safe harbor” provision), carriers and manufacturers that comply with industry standards for electronic surveillance are deemed in compliance with their specific responsibilities under CALEA, but, if industry associations or standard-setting organizations fail to issue technical requirements or standards or if a Government agency or any other person believes that such requirements or standards are deficient, the Commission is authorized in response to a petition from any Government agency or person, to establish, by rule, technical requirements or standards. Under section 107 (b) of (CALEA) technical requirements or standards adopted by the Commission must meet the assistance capability requirements of section 103 by cost-effective methods; protect the privacy and security of communications not authorized to be intercepted; minimize the cost of such compliance on residential ratepayers; serve the policy of the United States to encourage the provision of new technologies and services to the public; and provide a reasonable time and conditions for compliance with and the transition to any new standard.

2. In the Third R&O, 14 FCC Rcd 16794, 64 FR 51710, September 24, 1999, the Commission required that

with the technical requirements adopted herein, and others may defer network upgrades to their normal business cycle.

45. We believe that these provisions can serve to mitigate any additional cost burdens that would otherwise be borne by small carriers. The Commission considered several alternatives advanced by commenters in the proceeding—including not requiring the assistance capabilities adopted herein—but rejected them after concluding that they would not meet the statutory requirements of CALEA. We note that the statutory mandate under CALEA requires all carriers to provide assistance capabilities, and this includes small entities. Thus, we must rely on cost-mitigation procedures to address NTCA's assertion that any regulation that requires carriers to deploy or upgrade facilities will disproportionately affect small carriers.

#### Report to Congress

46. The Commission will send a copy of this Supplemental FRFA, along with this Order on Remand, in a report to Congress pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of this Order on Remand, including this Supplemental FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this Order on Remand, including the Supplemental FRFA, will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

#### Ordering Clauses

47. Authority for issuance of this Order on Remand is contained in sections 1, 4, 229, 301, 303, and 332 of the Communications Act of 1934, as amended, and section 107(b) of the Communications Assistance for Law Enforcement Act, 47 U.S.C. 151, 154, 229, 301, 303, 332, and 1006(b).

48. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Order on Remand, including the Supplemental Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

#### List of Subjects in 47 CFR Parts 22, 24 and 64

Communications common carriers.  
Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

#### Rules Changes

For the reasons discussed in the preamble, the Federal Communications

Commission amends 47 CFR parts 22, 24 and 64 as follows:

#### PART 22—MOBILE SERVICES

1. The authority citation in part 22 continues to read:

**Authority:** 47 U.S.C. 154, 222, 303, 309 and 332.

2. Section 22.1102 is amended by adding definitions in alphabetical order to read as follows:

##### § 22.1102 Definitions.

\* \* \* \* \*

*Destination.* A party or place to which a call is being made (e.g., the called party).

\* \* \* \* \*

*Direction.* A party or place to which a call is re-directed or the party or place from which it came, either incoming or outgoing (e.g., a redirected-to party or redirected-from party).

\* \* \* \* \*

*Origin.* A party initiating a call (e.g., a calling party), or a place from which a call is initiated.

\* \* \* \* \*

*Termination.* A party or place at the end of a communication path (e.g. the called or call-receiving party, or the switch of a party that has placed another party on hold).

\* \* \* \* \*

3. Section 22.1103 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

##### § 22.1103 Capabilities that must be provided by a cellular telecommunications carrier.

\* \* \* \* \*

(b) As of November 19, 2001, a cellular telecommunications carrier shall provide to a LEA communications and call-identifying information transported by packet-mode communications.

(c) As of June 30, 2002, a cellular telecommunications carrier shall provide to a LEA the following capabilities:

- (1) Content of subject-initiated conference calls;
- (2) Party hold, join, drop on conference calls;
- (3) Subject-initiated dialing and signaling information;
- (4) In-band and out-of-band signaling;
- (5) Timing information;
- (6) Dialed digit extraction, with a toggle feature that can activate/deactivate this capability.

#### PART 24—PERSONAL COMMUNICATIONS SERVICES

4. The authority citation in part 24 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 309 and 332.

5. Section 24.902 is amended by adding definitions in alphabetical order to read as follows:

##### § 24.902 Definitions.

\* \* \* \* \*

*Destination.* A party or place to which a call is being made (e.g., the called party).

\* \* \* \* \*

*Direction.* A party or place to which a call is re-directed or the party or place from which it came, either incoming or outgoing (e.g., a redirected-to party or redirected-from party).

\* \* \* \* \*

*Origin.* A party initiating a call (e.g., a calling party), or a place from which a call is initiated.

\* \* \* \* \*

*Termination.* A party or place at the end of a communication path (e.g. the called or call-receiving party, or the switch of a party that has placed another party on hold).

\* \* \* \* \*

6. Section 24.903 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

##### § 24.903 Capabilities that must be provided by a broadband PCS telecommunications carrier.

\* \* \* \* \*

(b) As of November 19, 2001, a broadband PCS telecommunications carrier shall provide to a LEA communications and call-identifying information transported by packet-mode communications.

(c) As of June 30, 2002, a broadband PCS telecommunications carrier shall provide to a LEA the following capabilities:

- (1) Content of subject-initiated conference calls;
- (2) Party hold, join, drop on conference calls;
- (3) Subject-initiated dialing and signaling information;
- (4) In-band and out-of-band signaling;
- (5) Timing information;
- (6) Dialed digit extraction, with a toggle feature that can activate/deactivate this capability.

#### PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

7. The authority citation for part 64 is revised to read as follows:

**Authority:** 47 U.S.C. 151, 154, 201, 202, 205, 218–220, and 332 unless otherwise noted. Interpret or apply sections 201, 218, 225, 226, 227, 229, 332, 48 Stat. 1070, as amended. 47 U.S.C. 201–204, 208, 225, 226, 227, 229, 332, 501 and 503 unless otherwise noted.

8. Section 64.2202 is amended by adding definitions in alphabetical order to read as follows:

**§ 64.2202 Definitions.**

\* \* \* \* \*

*Destination.* A party or place to which a call is being made (e.g., the called party).

\* \* \* \* \*

*Direction.* A party or place to which a call is re-directed or the party or place from which it came, either incoming or outgoing (e.g., a redirected-to party or re-directed-from party).

\* \* \* \* \*

*Origin.* A party initiating a call (e.g., a calling party), or a place from which a call is initiated.

\* \* \* \* \*

*Termination.* A party or place at the end of a communication path (e.g. the called or call-receiving party, or the switch of a party that has placed another party on hold).

\* \* \* \* \*

9. Section 64.2203 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

**§ 64.2203 Capabilities that must be provided by a wireline telecommunications carrier.**

\* \* \* \* \*

(b) As of November 19, 2001, a wireline telecommunications carrier shall provide to a LEA communications and call-identifying information transported by packet-mode communications.

(c) As of June 30, 2002, a wireline telecommunications carrier shall provide to a LEA the following capabilities:

- (1) Content of subject-initiated conference calls;
- (2) Party hold, join, drop on conference calls;
- (3) Subject-initiated dialing and signaling information;
- (4) In-band and out-of-band signaling;

- (5) Timing information;
- (6) Dialed digit extraction, with a toggle feature that can activate/deactivate this capability.

[FR Doc. 02-10832 Filed 5-1-02; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 010313003-1237-02, I.D. 121200A]

RIN 0648-AG20

**Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Recordkeeping and Reporting Requirements**

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

**ACTION:** Final rule, correction.

**SUMMARY:** This document contains corrections to the final rule that was published in the Federal Register on January 20, 2002 (67 FR 4100), which revised certain recordkeeping and reporting (R&R) requirements for groundfish fisheries in the Exclusive Economic Zone off Alaska. This action is necessary to correct errors and omissions that occurred in the final rule.

**DATE:** Effective May 1, 2002.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, 907-586-7000.

**SUPPLEMENTARY INFORMATION:**

**Background**

A final rule was published in the Federal Register on January 20, 2002 (67 FR 4100) (R&R rule) to revise certain

provisions of the recordkeeping and reporting (R&R) requirements for groundfish fisheries in the Exclusive Economic Zone off Alaska. This rule makes minor corrections to that final rule and corrects errors caused by conflicts with the Stellar Sea Lion Emergency Rule (67 FR 950, January 8, 2002) (SSL Rule). Specifically, some paragraphs are redesignated for consistency between the SSL Rule and the R&R final rule, Table 9 is republished to reflect VMS changes made in the SSL rule, the footnote numbers in Table 10 are correctly sequenced, and Table 11 is republished to reflect changes to groundfish species group descriptions made in the 2002 Harvest Specifications (67 FR 950, January 8, 2002).

**Classification**

The Assistant Administrator for Fisheries, NOAA, finds good cause to waive the requirement to provide prior notice and opportunity for public comment under the authority set forth at 5 U.S.C. 553(b)(3)(B). Rationale for this finding is that prior notice and comment are unnecessary because the terms this action changes will have no substantive effect on the regulated public. This action does not substantively alter the regulations. The changes are considered to be minor technical amendments that involve little exercise of agency discretion. Further, prior notice and comment would be contrary to the public interest because it would prolong the inaccurate language that currently exists in the regulations. Therefore, the Assistant Administrator for Fisheries, NOAA, waives the 30-day delay in effective date under 5 U.S.C. 553(d).

**Need for Corrections**

The final rule, FR Doc. 02-10875, published in the issue of January 20, 2002 (67 FR 4100), is corrected as follows:

**CORRECTIONS TO TABLES**

What is the correction?	Why is the correction necessary?
On page 4142, Table 9, last line is corrected by removing "Atka mackerel or AFA pollock" and adding in its place "Atka mackerel, pollock, or Pacific cod".	VMS requirements were established in the SSL final rule for pollock, Pacific cod, and Atka mackerel. This change to Table 9 was inadvertently omitted from the R&R rule and is corrected.
On pages 4143 through 4145, Table 10 is corrected by removing the incorrect table and adding in its place a correct version.	In the final rule, target species descriptions were moved from the temporary annual specifications to the footnotes of Table 10 to this part. The basis species are renumbered by species code number in numerical order, as a result the footnote numbers are revised for correct sequencing.