Rockville, MD 20852. ATTN: HEX–BCH Notification.

(Approved by the Office of Management and Budget under control number 2070–0067)

PART 721—[AMENDED]

2. In Part 721:

a. The authority citation for Part 721 continues to read as follows:

Authority: 15 U.S.C. 2604(a)(2).

b. By adding § 721.342 to read as follows:

§ 721.342 Hexachloronorbornadiene.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance 1,2,3,4,7,7-hexachloronorbornadiene, CAS Number 3389–71–7, is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is: use other than as an intermediate in the production of isodrin or endrin.

(b) *Specific requirements.* The provisions of subpart A of this Part apply to this section except as modified by this paragraph.

(1) *Definitions.* In addition to the definitions in § 721.3, the following definitions apply:

(i) "Endrin" means the pesticide 2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a*alpha*, 2*beta*,2a*beta*,3a*lpha*,6a*lpha*,6a*beta*, 7*beta*,7a*alpha*)-, CAS Number 72–20–8.

(ii) "Isodrin" means the pesticide 1,4:5,8-Dimethano-naphthalene,1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1*alpha*, 4*alpha*, 4a*beta*, 5*beta*, 8*beta*, 8a*beta*)-, CAS Number 465–73–6.

(2) [Reserved].

(Approved by the Office of Management and Budget under control number 2070–0038).

[FR Doc. 85–27520 Filed 11–18–85; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Parts 712 and 716

[OPTS–82023; FRL–2924–6]

Addition of Chemicals to Information Gathering Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Interagency Testing Committee (ITC) in its Seventeenth Report to EPA recommended that EPA give priority consideration to three chemical substances in promulgating chemical test rules. To assist EPA in its determination of which, if any, tests are needed for these substances, EPA is adding these substances to two model information gathering rules: the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information rule, and the TSCA section 8(d) Health and Safety Data Reporting Rule. These model rules will require manufacturers, importers, and processors of these substances to report volume, end use, exposure, and unpublished health and safety data to EPA.

DATE: This rule shall become effective on December 19, 1985.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–543, 401 M St., SW., Washington, D.C. 20460, Toll free: (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator—202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(e) of TSCA established the ITC to recommend to EPA substances and mixtures for priority consideration in promulgating chemical test rules. For some of these substances the ITC may designate that EPA respond to its recommendations within 12 months. Within this time, EPA must either initiate a rulemaking to test the substance or state in the **Federal Register** its reasons for not doing so. For the remainder of the recommended substances, no time limit for Agency response is imposed.

Elsewhere in today's **Federal Register**, EPA is announcing the receipt of the Seventeenth Report of the ITC, which was transmitted to EPA on November 1, 1985. The Seventeenth Report revises and updates the Committee's priority list of chemicals and adds three substances to the section 4(e) priority list. It also adds a new Section B to the priority list, recommended with intent-to-designate.

To assist EPA in responding to the ITC recommendations, the Agency has provided in both the Preliminary Assessment Information Rule (PAIR), and the Health and Safety Data Rule, for the automatic addition of all ITC priority list substances. Whenever EPA announces the receipt of an ITC report, EPA may, at the same time, without notice and comment, amend the two model information gathering rules by adding the recommended substances. Thirty days after publication of the amendment these substances will be added to the PAIR and the Health and Safety Data Reporting Rule.

EPA issued PAIR under section 8(a) of TSCA (15 U.S.C. 2607(a)), and it is codified at 40 CFR Part 712. This model section 8(a) rule established standard reporting requirements for manufacturers and importers of the chemicals listed in the rule. These manufacturers and importers are required to submit a one-time report on general volume, end use, and exposure information using the Preliminary Assessment Information Manufacturer's Report (EPA Form 7710–35). EPA uses this model section 8(a) rule to gather current information on substances of concern quicky.

EPA issued the model Health and Safety Data Reporting Rule under section 8(d) of TSCA (15 U.S.C. 2607(d)), and it is codified at 40 CFR Part 716. The section 8(d) model rule requires past, current, and prospective manufacturers, importers, and processors of listed chemical substances and mixtures to submit to EPA lists and copies of unpublished health and safety studies on the listed substances that they manufacture, import, or process. These studies provide EPA with useful information and have provided significant support for EPA's decisionmaking under TSCA sections 4, 5, 6, 8, and 9.

II. New Section of 4(e) Priority List

The Seventeenth Report establishes a third section of the priority list. This new section is Part B of the list and contains those chemicals and categories of chemicals "recommended with intent-to-designate." Part A continues to list those chemicals, mixtures, and categories designated for priority consideration and response by EPA within 12 months, and Part C contains those chemicals, mixtures, and categories that have been recommended for priority consideration without being designated for response within 12 months. The requirement for automatic reporting under TSCA section 8(a) and section 8(d) includes the chemicals, mixtures, and categories listed by the ITC in all three sections of the priority list.

The information received following recommendation with intent-to-designate of a chemical, mixture, or category of chemicals may influence the committee either to designate or not designate that chemical, mixture, or category for EPA response within 12 months. That decision would be announced in a subsequent report to the Administrator.

III. Chemicals to Be Added

The newly added ITC priority list substances for which reporting is required under 40 CFR Parts 712 and 716 are listed below by Chemical Abstract Service (CAS) Registry Number:

A. *Designated for response within 12 months:*

None.

B. *Recommended with Intent-to-Designate:*

CAS No. and Name
110-62-7, Cyclohexane;
128-39-2, 2,6-Di-tert-butyl phenol.

C. *Recommended but not designated for response within 12 months:*

CAS No. and Name
25550-98-5, Diisodecyl phenyl phosphite.

IV. Reporting Requirements

A. Preliminary Assessment Information Rule

All persons who manufactured or imported the chemicals named in this rule during their latest complete corporate fiscal year must submit a Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710-35) for each manufacturing or importing site at which they manufactured or imported a listed substance. A separate form must be completed for each chemical and submitted to the Agency no later than February 18, 1986. Persons who have previously and voluntarily submitted a Manufacturer's Report to the ITC or EPA should read § 712.30(a)(3). This section allows these persons to submit a copy of the original Report to EPA or to notify EPA by letter of their desire to have this submission accepted in lieu of a current data submission.

Complete details of the reporting requirements, including the small manufacturers exemption, other exemptions, and a facsimile of the reporting form are fully described in 40 CFR Part 712. Copies of the form are available from the TSCA Assistance Office at the address which precedes Unit I.

B. Health and Safety Data Reporting Rule

Listed below are the general reporting requirements of the section 8(d) model rule.

1. Persons who, in the 10 years preceding the date a substance is listed, either have proposed to manufacture, import, or process; or have manufactured, imported, or processed the listed substance must submit to EPA:

A copy of each health and safety study which is in their possession at the time the substance is listed.

2. Persons who, at the time the substance is listed, propose to manufacture, import, or process; or are manufacturing, importing, or processing the listed substance must submit to EPA:

a. A copy of each health and safety study which is in their possession at the time the substance is listed.

b. A list of health and safety studies known to them but not in their possession at the time the substance is listed.

c. A list of health and safety studies that are ongoing at the time the substance is listed and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the date the substance is listed and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of completion date.

3. Persons who, after the time the substance is listed, propose to manufacture, import, or process the listed substance must submit to EPA:

a. A copy of each health and safety study which is in their possession at the time they propose to manufacture, import, or process the listed substance.

b. A list of health and safety studies known to them but not in their possession at the time they propose to manufacture, import, or process the listed substance.

c. A list of health and safety studies that are ongoing at the time they propose to manufacture, import, or process the listed substance, and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the time they propose to manufacture, import, or process the listed substance, and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of the completion date.

Detailed guidance for reporting unpublished health and safety data is provided in 40 CFR Part 716. Also found in Part 716 are the reporting exemptions.

C. Removal of Chemicals From the Rules

Any person who believes that section 8(a) or 8(d) reporting required by this rule on a particular substance is unwarranted, should promptly submit to the Agency in detail the reasons for that belief. The request for removal of a substance from this rule must be received by EPA within 14 days of the publication of the rule. If EPA withdraws a substance from the rule, the Agency will issue a rule amendment for publication in the **Federal Register**.

V. Release of Aggregate Data

The Agency will follow procedures for the release of aggregate data as prescribed in a rule related notice published in the **Federal Register** of June 13, 1983 (48 FR 27041). Included in the notice are procedures for requesting exemptions from the release of aggregate data. Exemption requests concerning the release of aggregate data on any chemical substance must be received by EPA no later than February 18, 1986.

VI. Economic Analysis

A. Preliminary Assessment Information Rule

EPA estimates that the PAIR reporting cost of this rule is $32,544. To calculate this figure EPA used the TSCA Inventory and other sources to generate a list of past, and possibly current, manufacturers and importers of these substances. Nineteen companies operating at 22 sites were identified as potential manufacturers and 4 companies were identified as potential importers of the chemicals. Since 2 of the companies may qualify as small businesses as defined in 40 CFR 712.25(c), EPA estimates that 21 firms may be required to report a total of 24 reports.

Reporting Cost (dollars)	
(a) 24 Reports expected at $739/report	$17,736
(b) 24 familiarization cases at $617/case	14,808
Total	32,544
Average cost per site	$1,356
Average cost per firm	1,550
Reporting Burden (hours)	
(a) Familiarization (18 hours per site times 24 sites/importers)	[1] 432
(b) Reporting (16 hours per report times 24 reports)	384
Total	816
EPA Cost	
Processing Cost = ($83/report times 24 reports)	$1,992

[1] Hours.

B. Health and Safety Data Reporting Rule

EPA estimates that the total reporting cost for establishing section 8(d) reporting requirements for these substances is $20,140. This cost estimate is relatively high, because the Agency is uncertain about the likely number of respondents to the rule. Although EPA

has used the best available data to make its economic projections, much of the data is not current. In view of this, EPA has chosen to overestimate rather than underestimate the reporting burden.

Nevertheless, the cost of this proposed rule is low in comparison with its potential benefits. Health and safety studies concerning these substances would improve EPA's ability to identify potential public health and environmental problems with regard to these chemicals. The Agency therefore would be better able to determine whether further regulatory action would be necessary.

The estimated reporting costs are broken down as follows:

Initial corporate review	$7,038
Site identification/File search	6,750
Title listing	285
Photocopying	865
Managerial review	4,284
Ongoing reporting	918
Total	20,140

VII. Rulemaking Record

The following documents constitute the public record for this rule (docket control number OPTS-82023). All of these documents are available to the public in the OTS Reading Room from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The OTS Reading Room is located at EPA Headquarters, Rm. E-107, 401 M St., SW., Washington, DC.

1. This final rule.
2. The economic analyses for this rule.
3. The Seventeenth Report of the Interagency Testing Committee.

VIII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in an effect on the economy of $100 million or more, an increase in costs or prices, or any of the adverse effects described in the Executive Order.

This amendment was not submitted to the Office of Management and Budget (OMB) review, because the automatic listing of recommended or designated substances is provided for in 40 CFR 712.30(c) and 716.18(b)—final rules which have been previously reviewed by OMB under the terms of the Executive Order.

B. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the OMB under the provision of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. and have been assigned OMB control numbers 2070-0054 and 2070-0004.

List of Subjects in 40 CFR Parts 712 and 716

Chemicals, Environmental protection, Hazardous substances, Health and safety data, Recordkeeping and reporting requirements.

Dated: November 8, 1985.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division, Office of Toxic Substances.

Therefore, 40 CFR Parts 712 and 716 are amended as follows:

PART 712—[AMENDED]

1. In Part 712:

a. The authority citation continues to read as follows:

Authority: 15 U.S.C. 2607(a).

b. Section 712.30 is amended by adding paragraph (p) to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(p) A Preliminary Assessment Information Manufacturer's Report must be submitted by February 18, 1986, for each chemical substance listed below.

CAS No. and *Name*
110-82-7, Cyclohexane;
128-39-2, 2,6-Di-tert-butyl phenol;
25550-98-5 Diisodecyl phenyl phosphite.

PART 716—[AMENDED]

2. In Part 716:

a. The authority citation continues to read as follows:

Authority: 15 U.S.C. 2607(d).

b. Section 716.17 is amended by adding paragraph (a)(16) to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a) * * *

(16) As of December 19, 1985, the following chemical substances are added to this section:

CAS No. and *Name*
110-82-7, Cyclohexane;
128-39-2, 2,6-Di-tert-butyl phenol;
25550-98-5 Diisodecyl phenyl phosphite.

* * * * *

[FR Doc. 85-27387 Filed 11-18-85; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6688]

List of Communities Eligible for the Sale of Flood Insurance; Texas et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706. Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, 500 C Street, Southwest, Donohoe Building—Room 416, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood

insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effectiveness dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities.

This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

PART 64—[AMENDED]

Part 64 is amended as follows:

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

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Texas:				
Denton	Bartonville, town of	481501A	Oct. 1, 1985, emerg.	June 12, 1979.
Collin	Princeton, city of	481595-New	do	
Minnesota: Mille Lacs	Onamia, city of [1]	270290B	Nov. 21, 1974, emerg.; Sept. 18, 1985, reg.; Sept. 18, 1985, susp.; Oct. 1, 1985, rein.	May 10, 1974; Mar. 26, 1976; and Sept. 18, 1985.
Wisconsin:				
Clark	Loyal, city of [1]	550052B	Aug. 22, 1974, emerg.; Sept. 4, 1985, reg.; Sept. 4, 1985, susp.; Oct. 11, 1985, rein.	May 17, 1974; Apr. 9, 1976; and Sept. 4, 1985.
Walworth	Whitewater, city of	550200B	Mar. 27, 1975, emerg.; June 1, 1982, reg.; June 10, 1983, susp.; Oct. 25, 1985, rein.	Jan. 9, 1974; June 4, 1976; and June 1, 1982.
Oklahoma: Caddo	Delaware Tribe of Western Oklahoma [1]	400512-New	Oct. 18, 1985, emerg.	
Nebraska: Otoe	Unadilla, village of [1]	310168B	Sept. 16, 1975, emerg.; Sept. 4, 1985, reg.; Sept. 4, 1985, susp.; Oct. 17, 1985, rein.	Aug. 23, 1974; Nov. 14, 1975; and Sept. 4, 1985.
Arkansas: Crittenden	Gilmore, city of	050245	Aug. 18, 1976, emerg.; Oct. 21, 1985, withdrawal	June 27, 1975.
Idaho: Lincoln	Unincorporated areas	160216	Oct. 8, 1985, emerg.	
Maine: Penobscot	Garland, town of [1]	230387B	Mar. 19, 1976, emerg.; Sept. 18, 1985, reg.; Sept. 18, 1985, susp.; Oct. 8, 1985, rein.	Feb. 7, 1975; Sept. 3, 1976; and Sept. 18, 1985.
Colorado: Las Animas	Las Animas county	080105	Oct. 15, 1971, emerg.; Sept. 1, 1977, reg.; Nov. 2, 1977, susp.; Oct. 9, 1985, rein.	Sept. 1, 1977, and Apr. 3, 1984.
New Hampshire: Hillsborough	Weare, town of	330235A	Oct. 25, 1985, emerg.	Feb. 14, 1975, and Feb. 11, 1977.
Michigan: Emmet	Cross Village, township of	260745-New	do	
Iowa: Butler	Clarksville, city of	190336B	Oct. 28, 1978, emerg.	Oct. 10, 1978, and Apr. 16, 1980.
Maine: Penobscot	Stetson, town of [1]	230402A	Aug. 18, 1975, emerg.; Sept. 18, 1985, reg.; Sept. 18, 1985, susp.; Oct. 16, 1985, rein.	Jan. 31, 1975, and Sept. 18, 1985.
New York:				
Tompkins	Newfield, town of	360653B	July 23, 1975, emerg.; Oct. 15, 1985, reg.; Oct. 15, 1985, susp.; Oct. 18, 1985, rein.	June 28, 1974; May 7, 1976; and Oct. 15, 1985.
Jefferson	Watertown, city of	360354C	July 7, 1975, emerg.; Oct. 15, 1985, reg.; Oct. 15, 1985, susp.; Oct. 18, 1985, rein.	Apr. 5, 1974; Nov. 21, 1975; Dec. 10, 1976; and Oct. 15, 1985.
Pennsylvania:				
Chester	Lower Oxford, township of [1]	421485B	Sept. 30, 1975, emerg.; Oct. 15, 1985, reg.; Oct. 15, 1985, susp.; Oct. 25, 1985, rein.	Oct. 18, 1974; Aug. 6, 1976; and Oct. 15, 1985.
Wayne	Lake, township of	422166A	Sept. 17, 1975, emerg.; Oct. 15, 1985, reg.; Oct. 15, 1985, susp.; Oct. 25, 1985, rein.	Nov. 29, 1974, and Oct. 15, 1985.
Region I				
Maine: Cumberland	Cumberland, town of	230162B	Oct. 15, 1985, suspension withdrawn	Aug. 30, 1977; May 19, 1981; Oct. 1, 1983; and Oct. 15, 1985.

State and county	Location	Community	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Massachusetts: Dukes	Gay Head, town of	250070B	do	Dec. 6, 1974, Oct. 1, 1983, and Oct. 15, 1985.
Region II				
New Jersey: Morris	Butler, town of	340337B	do	Feb. 1, 1974, Apr. 30, 1976, and Oct. 15, 1985.
Do	Riverdale, borough of	340359B	do	May 31, 1974; Mar. 19, 1976; and Oct. 15, 1985.
New York: Tompkins	Lansing, town of	360852C	do	Sept. 20, 1974; July 2, 1976; Aug. 12, 1977; and Oct. 15, 1985.
Region III				
Maryland: Charles	Indian Head, town of	240091B	do	July 26, 1974; Dec. 19, 1975; and Oct. 15, 1985.
Garrett	Kitzmillee, town of	240036B	do	Nov. 8, 1974; Feb. 27, 1976; and Oct. 15, 1985.
Region IV				
Kentucky: Magoffin	Salyersville, city of	210159B	do	Feb. 22, 1974; Jan. 9, 1976; and Oct. 15, 1985.
Region V				
Illinois: Henderson	Gulfport, village of	170260C	do	Mar. 1, 1974; Jan. 23, 1976; June 8, 1979; and Oct. 15, 1985.
Pike	Pleasant Hill, village of	170558B	do	Nov. 16, 1972; June 11, 1976; and Oct. 15, 1985.
Indiana: Crawford and Harrison	Milltown, town of	180034B	do	Nov. 30, 1973; Oct. 10, 1975; and Oct. 15, 1985.
Ohio: Wyandot	Carey, village of	390590D	do	May 31, 1974; Aug. 20, 1976; Mar. 9, 1979; Apr. 30, 1982; and Oct. 15, 1985.
Wisconsin: Monroe	Wilton, village of	550292B	do	May 17, 1974; May 14, 1976; and Oct. 15, 1985.
Region VI				
Texas: Harris	Unincorporated areas	480287E	Oct. 28, 1985. Suspension withdrawn.	May 26, 1970; Mar. 10, 1972; July 30, 1976; July 1, 1974; and Mar. 30, 1982.
Region II Minimals Conversions				
New York: Genessee	Corfu, village of	361496B	Oct. 15, 1985. Suspension withdrawn.	Nov. 15, 1974; Jan. 16, 1976; and Oct. 15, 1985.
Region III				
Pennsylvania: Dauphin	Jackson, township of	421503B	do	Jan. 31, 1975; Feb. 29, 1980; and Oct. 15, 1985.
Cambria	Middle Taylor, township of	421443A	do	Nov. 22, 1974; and Oct. 15, 1985.
Pike	Porter, township of	422500B	do	Feb. 18, 1977; and Oct. 15, 1985.
Wayne	Preston, township of	422171A	do	Nov. 15, 1974; and Oct. 15, 1985.

State and county	Location	Community	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Chester	Sadsbury, township of	421488B	do	June 4, 1976; Sept. 13, 1984; and Oct. 5, 1985.
Dauphin	Williams, township of	421601B	do	Jan. 31, 1975; Dec. 14, 1979; and Oct. 15, 1985.

[1] Minimal Conversions.
[2] Delaware Tribe of Western Oklahoma has adopted by reference Caddo County's FHBM for floodplain management and flood insurance purposes. FHBM is dated 1-3-78.
Code for reading 5th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

Issued: November 13, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-27508 Filed 11-18-85; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 84-885; FCC 85-566]

Deregulatory Options and Streamlined Application Processing

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The Commission has approved a number of amendments that eliminate unnecessary regulatory burdens and streamline Part 68 equipment registration application processing. Part 68 of the Commission's rules, 47 CFR Part 68, sets forth the terms and conditions for connection to the telephone network and registration of customer-provided terminal equipment. The Commission reduced the 20 day waiting period prior to grant of Part 68 equipment registration applications under § 68.202(a), 47 CFR 68.202(a), from 20 to 5 days; eliminated the requirement under § 68.106(a), 47 CFR 68.106(a), that consumers automatically must report to the telephone company the FCC registration number and ringer equivalence number (REN) of terminal equipment prior to the connection or final disconnection of customer provided terminal equipment, instead providing that consumers need only provide this information at the request of the telephone company; eliminated from Part 68 certain specifications for equipment-to-equipment jacks; and eliminated stress tests for packaged terminal equipment under § 68.302(c)(1), 47 CFR 68.302(c)(1).

EFFECTIVE DATE: December 2, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Federal Communications Commission, Washington, DC 20554, (202) 634-1832.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 68

Communications equipment, Communications common carriers, Administrative practice and procedure.

Report and Order

In the Matter of REVISIONS TO PART 68 OF THE COMMISSION'S RULES; Deregulatory Options and Streamlined Application Processing With Respect to Part 68 of the Commission's Rules; CC Docket No. 84-885.

Adopted October 16, 1985.
Released October 25, 1985.

By the Commission.

Introduction

1. Part 68 of the Commission's rules governs the terms and conditions for connection of customer provided terminal equipment to the telephone network. Part 68 is designed to assure consumers, manufacturers and carriers that terminal equipment may be connected to the telephone network without causing harm.[1] These rules concern generally conditions of use of terminal equipment, registration procedures, conditions for registration, and complaint procedures. In *Revisions to Part 68 of the Commission's Rules Notice of Proposed Rulemaking* (NPRM), CC Docket No. 84-885, FCC 84-424, released September 26, 1984, the Commission reviewed Part 68 and offered for comment several proposals intended to streamline application processing and to reduce potential unnecessary regulatory burdens on registration applicants, carriers and the public. Specifically, the Commission proposed elimination of several Part 68 requirements or specifications: the mandatory twenty day public notice period prior to grant of Part 68 applications, the requirement that customers notify telephone companies of FCC registration numbers and ringer equivalence numbers prior to connection of terminal equipment, certain equipment-to-equipment connector specifications, and environmental shock tests for packaged terminal equipment. Comments have been filed on the Commission's proposals, and several additional proposals have been made.[2] In this report and order, we review the Commission's proposals and comments received, including the additional proposals and adopt Part 68 rule changes discussed below.[3]

Arguments and Discussion

2. *Elimination of Public Notice Period.* Section 68.202(a) of the rules, 47 CFR 68.202(a), provides that the Commission will issue notice of the filing and grant applications for equipment registration and that no grant will be made until 20 days from the date of the public notice of the filing of the application. The purpose of the twenty day period is to permit interested parties to comment on the application. In the NPRM the Commission indicated that the opportunity for public comment prior to grant of Part 68 applications was of

[1] For a history of Part 68, see Memorandum Opinion and Order in Docket Nos. 19528, 20774 and 21182, 70 F.C.C. 2d 1800 (1979).

[2] Comments and Reply Comments were filed by the parties listed in Appendix A.

[3] By a petition for rulemaking, Public Notice Mimeo # 114, October 5, 1984, the Telecommunications Research Action Council (TRAC) has requested that the Commission amend Part 68 to prohibit certain allegedly unfair and deceptive advertising practices by terminal equipment manufacturers. TRAC alleges that some manufacturers are advertising the fact that terminal equipment is FCC registered in a manner suggesting that the registration relates to the quality of the equipment. TRAC has filed a motion requesting that the present proceeding be amended to include consideration of its petition for rulemaking. It states that consolidation is appropriate since this proceeding and its petition for rulemaking both concern the FCC registration program. However, the present proceeding is concerned primarily with streamlining application processing and eliminating unnecessary regulations, whereas the TRAC proposal would impose further constraints on registrants in an area not previously regulated by the Commission, *i.e.*, advertising. Accordingly, the TRAC petition will be considered separately and its motion to amend the present proceeding denied.

questionable value in that few comments have been filed on Part 68 applications in recent years except when specifically solicited by the Commission. *See, e.g.* Public Notice, October 14, 1982, Viking Electronics, Inc., File No. 100–CX–82. The Commission proposed to facilitate Part 68 application processing by elimination of the mandatory twenty day waiting period.

3. Retlif opposes elimination of the twenty day public notice period, contending that it provides time for a staff review of Part 68 applications, that the present six week processing time for Part 68 applications is acceptable, and that there is no need for the Commission's proposed change. For its part, IDCMA states that it has no objection to elimination of the twenty day waiting period but questions whether this would actually result in faster grant of applications since processing time for Part 68 applications is longer than twenty days in any event. All other parties favored elimination of the twenty day waiting period on the ground that it causes unnecessary delay prior to grant of Part 68 applications.

4. The processing time for Part 68 applications depends largely on the condition of the application at the time of its filing. Before an application is formally accepted for filing, *i.e.*, placed on public notice, an initial examination is conducted. Applications which are found to be complete and demonstrate apparent compliance with Part 68 could in many cases be granted within only a few weeks. For these applications, which, based on informal staff surveys, constitute approximately sixty percent of those submitted, the twenty day waiting period of § 68.202(a) may represent an unnecessary delay in disposition. Where the application is initially found acceptable for filing but presents questions, application processing will take longer, up to several months.[4] For the majority of applications that are found fully compliant, reducing the twenty day waiting period will permit earlier grant. While the current average processing time of six weeks for Part 68 applications is acceptable, the Commission is interested in optimizing service to the public. Accordingly, we are modifying § 68.202(a) to provide that applications will not be granted prior to five days from the date of public notice of the acceptance of the application for filing. We have selected this alternative in lieu of elimination of the public notice period entirely because five days represents the minimum period needed to examine applications. This will also preserve an opportunity for public comment by potentially affected parties.[5]

5. *Notification to Telephone Companies.* Under § 68.106(a) of the rules, 47 CFR 68.106, a telephone customer is required to notify the telephone company prior to connection or final disconnection of customer provided terminal equipment, and to provide the telephone company the FCC registration and ringer equivalence numbers.[6] This provision applies to simple terminal equipment, such as standard telephones, not involved in systems applications. In the NPRM the Commission sought comment on the utility of this notification requirement and, specifically, whether it could be replaced with the requirement that a customer provide the carrier with the registration number and ringer equivalence number only when requested to do so by the carrier. The Commission additionally sought comment on whether two other notification requirements could be modified in a similar fashion: (1) The requirement under § 68.106(b), 47 CFR 68.106(b), for notification of the FCC registration numbers, RENs and other information for terminal equipment systems; and (2) Notification to the carrier prior to installation, removal or reconfiguration of premises wiring under § 68.213(e), 47 CFR 68.213(e).[7]

6. SNET claims that the information provided under the notification requirements of the current rules is useful to the carriers and is of little burden to either carriers or the customer. It states, for example, that when service problems occur that potentially originate in customer equipment, the carrier can consult a customer's file to obtain the identity of the manufacturer of the customer's terminal equipment, facilitating identification and correction of the problem. It claims that it would be more burdensome for the carrier to contact the customer when it has reason to believe that unregistered equipment has been connected than the current notification scheme. It states that the purpose of these notification requirements is to ensure that only registered equipment is connected to the network and that this remains a valid concern. NTCA supports the elimination of notice requirements for simple terminal equipment but urges retention of mandatory notification for complex systems and premises wiring. A greater potential for harm exists with respect to complex systems and premises wiring, according to NTCA. The BOCs state that collecting and maintaining FCC registration numbers is burdensome and that adoption of the Commission's proposal will eliminate this burden without any attendant detriments. They further claim that there is no justification for distinguishing between simple and more complex systems or premises wiring, although they urge that a notification requirement be created for connection of customer owned coin telephones (COCTs) so that carriers may readily identify service problems originating from these telephones. IDCMA, NATA, and GTE support the Commission's proposal.

7. At the inception of the registration program notification to the carrier prior to connection of terminal equipment was a reasonable precaution to ensure that only registered terminal equipment was connected to the network. At that time virtually no equipment had yet been registered; currently, however, the registration of terminal equipment is essentially universal, *i.e.*, there is no significant use of unregistered terminal equipment. We believe, therefore, that the mandatory notification requirement of § 68.106(a) is no longer required to assure that only registered terminal equipment is connected to the network. Moreover, the utility of reporting RENs must be seriously questioned because most currently manufactured telephones draw considerably less line current than at the time § 68.106(a) was adopted, and

[4] Initial acceptance of the application for filing does not mean the application is without fault. Subsequent scrutiny can reveal defects that require correction or additional data.

[5] Part 68 applications involving new types of terminal equipment, connections of equipment to services different from normally anticipated, or of questionable validity can affect carrier interests in maintaining the integrity of their networks and may warrant comment.

[6] The ringer equivalence number (REN) is a measure of the current drawn from the telephone company facilities by a terminal device. In most areas of the United States, telephone companies provide sufficient ringing current to power five standard telephones, *i.e.*, a REN of five. If the sum of the RENs of all the telephones on a particular line exceeds five, the telephone company cannot guarantee proper ringing. Most telephone devices marketed today present an REN of less than one, thereby permitting more than five simultaneous connections. (RENs do not reflect, however, any attenuation of audio level attendant upon simultaneous use of more than one telephone.)

[7] In Amendment of Part 68 of the Commission's Rules Concerning Connection of Telephone Equipment, Systems, and Protective Apparatus to the Telephone Network (First Report and Order), CC Docket No. 81–216, 97 F.C.C. 2d 527 (1984), *reconsideration denied*, FCC 85–347, released July 12, 1985, the Commission amended Part 68 to create *inter alia* notice/documentation requirements for subscriber installation, connection, or reconfiguration of premises wiring.

there is, therefore, at the present time a significantly reduced risk of overloading ringing current supplied by the carrier. SNET has not shown that the benefits derived from the mandatory collection of this information from all customers, *i.e.*, ability to locate and correct service problems, cannot be duplicated when the carrier obtains this information by request on an as-needed basis. Moreover, we think it is evident that it will be less burdensome on carriers and the public if this information is provided only when specifically needed by the carrier. Accordingly, we are modifying § 68.106(a) to provide that the customer must provide this information when requested by the carrier.[8] An insufficient showing has been made to justify creation of an exceptional notification requirement for COCTs. Properly registered coin telephones do not pose any greater risk of network harm than other types of registered terminal equipment. Accordingly, we are not persuaded by the BOC request on this point.

8. One other comment is necessary with respect to the REN. Section 68.218(b)(1) requires that the equipment registrant or his agent provide to the user of the registered equipment instructions on its installation, operation and repair. As ringer equivalency relates to integral operations of the terminal equipment, manufacturers are currently providing information on the REN. While, as indicated, the risk of network harms caused by overloading ringing current supplied by the carrier is significantly reduced by the increasing use of electronic instruments, we emphasize that the instructions required by § 68.218(b)(1) should include, where applicable to the equipment involved, complete and adequately explained information as to the importance of compliance with the REN limitations. We believe that such instructions will sufficiently alert the customer of the potential need to contact the carrier in order to assure adequate ringing in the absence of mandatory reporting of the REN to the carrier.

9. We further believe that the notification requirements for installation, connection or reconfiguration of premises wiring under § 68.213(e) can be eliminated without significant risk of network harm. The parties' comments have not identified any special risks for premises wiring that would require separate treatment from simple terminal equipment under § 68.106(a). We note that § 68.213 provides for special protections against faulty installation of premises wiring, including permissible carrier inspection, acceptance testing, and requiring the use of protective devices. Accordingly, we will also modify § 68.213 to require that the customer shall provide the information specified in that section on the request of the carrier.[9]

10. Similarly, the notification requirement under § 68.106(b) for systems assembled from combinations of individually registered terminal equipment items should be eliminated. The individually registered terminal equipment in these cases is intended for use in combination with other terminal equipment. SNET has not provided any support for its claim that a greater potential for harm exists with respect to systems as opposed to simple terminal devices. Indeed, we do not believe that properly registered components and systems present significant risks of network harm necessitating mandatory notification to the carrier. Moreover, systems are usually installed by communications contractors or vendors with adequate training to insure that systems are properly installed and configured. Accordingly, we will modify § 68.106(b) to provide that the customer must provide registration information on terminal equipment systems to the carrier on request.

11. *Connectors.* Subpart F of the Commission's rules sets forth technical descriptions of authorized plugs, jacks and adapters for network connections of registered terminal equipment. These include descriptions of equipment-to-equipment connections which were intended to assure a means of connection of customer provided terminal equipment to other equipment provided by the telephone carrier in conjunction with transmission services. In view of the detariffing of customer premises equipment (CPE) under which carriers no longer provide terminal equipment in conjunction with transmission services,[10] the Commission in the *NPRM* proposed to eliminate these technical equipment-to-equipment descriptions.[11]

12. SNET, Comdial, NATA, NTCA, and CCL oppose removal of the equipment-to-equipment descriptions in Part 68. They contend that they represent standardized equipment connections, and that standard equipment specifications are useful to industry and promote a competitive market for terminal equipment in that manufacturers and carriers are precluded by standard specifications from employing interconnection specifications in an anticompetitive manner. IBM is generally supportive of the concept of eliminating equipment-to-equipment specifications but claims that some of the jacks proposed to be eliminated by the Commission are points of interconnection to the public switched network for terminal equipment that requires a manual call procedure for establishing connection and should not be eliminated. These are reflected in descriptions in § 68.502 (b)(6) and (e)(7)–(8). Similarly, the BOCs support the Commission's proposal but state that three jacks proposed for elimination are network connections to consoles used in "911" emergency service and should be retained, or, placed in carrier tariffs pursuant to § 68.104(c).[12] ATT–IS supports the Commission's proposal but requests that certain network connections currently in carrier tariffs also be included in Subpart F. The BOCs and the US West Companies also urge that these network connections currently in tariffs also be included in Part 68.[13]

13. The essential purpose of Part 68 terminal equipment registration standards is to preclude technical harm to the telephone network. *See* § 68.1, 47 CFR 68.1. Technical descriptions and drawings of interfaces are included in Part 68 because they are the means of

[8] Under the notification approach we are adopting today, we are merely eliminating the mandatory reporting requirements under Part 68. We are not precluding the carrier's ability to employ consumer education materials to stress the importance of connecting only registered terminal devices.

[9] The Commission is not making any changes in the notification requirements under § 68.106(c) for systems using other than fully protected premises wiring. This was not proposed in the NPRM.

[10] *See* Amendment of § 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry), 77 F.C.C.2d 384 (1980) (Final Decision), *reconsideration*, 84 F.C.C.2d 50 (1980), *further reconsideration*, 8 F.C.C.2d 512 (1981), *aff'd sub nom.* CCIA v. FCC, 693 F.2d 198 (D.C. Cir. 1982), *cert. denied* 103 S. Ct. 2109 (1983); Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services, Report and Order, CC Docket No. 81–893, 95 F.C.C.2d 1276 (1983) (BOC equipment); Third Report and Order, 99 F.C.C.2d 354 (1984) (Independent telephone company equipment).

[11] Specifically, the Commission proposed to eliminate the technical descriptions set forth in § 68.502 (a)(2)–(3), (b)(2)–(6), (c)(2), (d)(2)–(4), (e)(7)–(8) and descriptions in § 68.502(f)(1) pertaining to jacks referred to as RJ33M, RJ34M, and RJ35M.

[12] Section 68.104(c) provides:

Tariff Description: As an alternative to description in Subpart F of these rules, connections to the telephone network may be made through standard plugs and standard telephone company-provided jacks or equivalent described in nationwide telephone tariffs: Provided, That these means of connection otherwise comply with paragraphs (a) and (b) of this section.

[13] The connectors currently in carrier tariffs requested by ATT–IS, the BOCs and the US West companies to be placed in Part 68 are those denominated RJ1DC, RJ2DX, RJ2EX, RJ2FX, RJ2GX, RJ2HX, RJ25C, and RJ61X.

direct electrical connection to the network and therefore carry a significant potential for harm. Improperly configured contacts, for example, could introduce unacceptable interference into the voice network. Equipment-to-equipment interconnection specifications, on the other hand, do not contain any descriptions of the parameters of direct electrical connection to the network, and the potential for harm caused by these connections is substantially eliminated by the protective circuitry of the registered CPE itself. Accordingly, the equipment-to-equipment specifications do not directly relate to the purpose of Part 68 of preventing harm to the network. While some commenters urge that Part 68 be relied upon as a means for achieving uniform technical standards for manufacturing, performance, and compatibility of terminal equipment, non-governmental organizations are available for this purpose. Accordingly, we will delete from Part 68 the equipment-to-equipment connections. We are retaining in Part 68 connection specifications for network jacks. We are also retaining the jacks requested by IBM because in many cases they are associated with direct network connection. However, no necessity has been shown to depart from current practice for the specialized network connections that several parties have requested be placed in Part 68. Similarly, we will delete the RJ12C, RJ13C and RJ35X configurations called to our attention by the BOCs, as used in connection with 911 consoles. We believe that the tariff mechanism will be adequate for these specialized network connections as well.

14. *Shock Tests for Packaged Terminal Equipment.* Section 68.302 requires as a condition of registration that terminal equipment comply with Part 68 standards before and after the administration of specified mechanical and electrical stresses. Section 68.302(c)(1) sets forth certain stress tests for packaged terminal equipment. In the NPRM the Commission solicited comment on whether market forces would provide adequate incentives to the manufacturer to provide adequate packaging. The Commission proposed to delete § 68.302(c)(1).

15. The BOCs, IDCMA, ATT–IS, Radio Shack, IEEE, and Pepper, Hamilton and Scheetz support the Commission's proposal. They argue that the packaged shock tests serve no useful purpose, are an unnecessary regulatory burden, and that manufacturers will provide adequate packaging in any event. CCL proposes that the vibration tests of § 68.302(a) additionally be eliminated; GTE urges removal of all the environmental stress tests of § 68.302. Comdial and Retlif state that the tests for packaged equipment prevent inferior products from entering the market, are not burdensome, and should be retained. NTCA states that removal of the packaged shock tests would be premature in that the market for terminal equipment has not sufficiently developed to guarantee adequate packaging.

16. In the NPRM the Commission stated that the same incentives of the manufacturer to package a device adequately so that it will function on delivery serve also to assure that the device will meet the shock stresses for packaged equipment. The parties comments support this conclusion. Thus, CCL states, based on its experience gained since the inception of the registration program, any damage to equipment occasioned by defective or inadequate packaging will render the equipment inoperative. It states that manufacturers have a strong incentive to avoid receipt of inoperative equipment by the customer and that in order to avoid inoperative equipment will provide adequate packaging. We believe that this conclusion is correct, and that while packaging tests may have been a wise precaution at the beginning of the registration program, they no longer are justified. Parties opposed to removal of § 68.302(c)(1) have not shown that elimination of these tests as a regulatory requirement will raise any substantial risk of Part 68 harm in view of manufacturer incentives to provide adequate packaging. Accordingly, we will eliminate the packaged shock tests of § 68.302(c)(1).

17. Section 68.302 contains other stress tests in addition to those proposed for deletion in the NPRM. For example, § 68.302(c) concerns vibration tests, § 68.302(c)(2) requires shock tests for unpackaged equipment, and § 68.302 (d) and (e) require compliance with Part 68 standards before and after application of metallic and longitudinal voltage surges. The Commission recognizes that reliance on manufacturer incentives to provide adequate packaging without government regulation would be potentially applicable to these other stress tests as well. Thus, for example, manufacturer incentives to produce equipment that will survive routine customer handling might appropriately supersede the unpackaged equipment handling test of § 68.302(c)(2). On the other hand, there is no consensus among those who commented on this point. Our initial proposal was limited to packaged shock tests, and only in the comments did a few parties seek to broaden it. Elimination of packaged shock tests seems advisable as a first step, and, assuming no adverse consequences follow further steps may be indicated.

18. *Notification in Lieu of Registration.* While supporting all the specific proposals of the Commission for streamlining Part 68 application processing and eliminating unnecessary regulatory requirements, GTE urges further changes in Part 68 application processing. It states that the present application procedure was created at a time when the terminal equipment industry was new and more rigorous application processing was required to adequately protect against network harm. Considerable experience has been gained with the registration program and the value of submitting test data must now be seriously questioned, according to GTE. It claims that no more assurance of network protection is provided by a statement that test data in the application is correct than by a statement that the equipment has, in fact, been tested and meets Part 68 standards. Consequently, it urges the Commission to adopt a notification procedure for registration of terminal equipment. Under this approach, the equipment manufacturer or other entity seeking registration under Part 68 would submit an abbreviated application describing the equipment in general terms and containing a statement (the "notification") that the subject terminal equipment complies with the network protection standards of Part 68. Unlike the current requirements, the applicant would not ordinarily submit any test data demonstrating compliance with Part 68 technical standards, but would be required to provide test data on request. The first application from a particular manufacturer would be required to describe test procedures and standards used to comply with Part 68.

19. In response, IDCMA states that GTE's proposal would not necessarily reduce the burden on manufacturers because they would still be required to comply with Part 68 standards. Moreover, according to IDCMA, current procedures actually benefit manufacturers when the Commission discovers non-complying equipment in the application process, rather than after large scale manufacture of the product. IDCMA urges a cautious evaluation prior to any substantial modification of Part 68 application procedures. The BOCs state that the GTE proposal could lead to non-complying equipment being

registered, that current Part 68 application procedures are not burdensome,[14] and should be retained in order to protect against degradation in quality of network services. They urge rejection of the GTE proposal. NATA states in general terms that it supports the GTE proposal.

20. Under the GTE plan, as under the present Part 68 procedures, the applicant would perform necessary compliance testing to ensure that the terminal equipment meets or exceeds Part 68 standards. Presumably, the applicant would retain records of the results of these tests. Therefore, the essential difference between the GTE notification plan and the present Part 68 application process is merely that the applicant would not be required to submit the results of the Part 68 technical tests to the Commission. GTE has not shown that the submission of such data to the Commission, which the applicant must obtain in any event, is burdensome on manufacturers; it is not burdensome to the Commission relative to the public benefits associated with its submission. Although the vast majority of applications are granted, approximately one third of them require corrections or supplementary information. The test data submitted in a significant number of cases do not meet Part 68 standards. This is true in some instances even with respect to applications submitted by major manufacturers and applications submitted by certified testing laboratories. Contrary to GTE's contentions, we find that the submission of test data reveals non-complying equipment, which under a notification scheme would have been registered and could cause a substantial risk of network harm on a large scale. Accordingly, we do not view GTE's proposal as a viable alternative to the current procedure, which plainly serves the public interest by assuring that harmful equipment is not registered and attached to the network. We therefore reject GTE's proposal.

21. *Pre-Grant Assignment of Registration Numbers.* Several parties have requested that we adopt a method of early assignment of registration numbers, or permit applicants to self-assign a registration number, prior to grant of the application. According to GTE, this would facilitate manufacturing and labeling of the terminal device pending registration. CCL and ATT–IS similarly state that earlier assignment of registration numbers would facilitate manufacturing and the ability of manufacturers to respond to marketplace or competitive pressures. According to the BOCs, early assignment of registration numbers would prejudge applications and lead to premature distribution of terminal equipment products.

22. Under the current rules the assignment of registration numbers takes place after the application is granted, *i.e.*, after full compliance with Part 68 has been demonstrated. Consumers and carriers have a strong assurance that terminal equipment properly labeled with the FCC registration number may be connected to the telephone network. The proposed scheme of pre-grant of registration numbers would inevitably weaken this assurance, because, as we have indicated, a substantial number of applications after their initial review and acceptance reveal non-conformance with Part 68 technical requirements. We believe that this risk factor outweighs the alleged benefits to manufacturers by pre-grant assignment of registration numbers. Moreover, we have determined in this report and order to shorten the public notice period from twenty to five days. This should result in earlier grant of Part 68 applications, and may achieve some of the objectives sought by GTE and others. We prefer to monitor the impact of our modification to § 68.202(a), prior to further consideration of this proposal. Accordingly, we will not decide at this time the matter of early assignment of registration numbers.

23. *Modification of affidavit requirement of § 68.215(e).* Section 68.215(e) requires that an affidavit be prepared by the installation supervisor and submitted to the carrier prior to installation or reconfiguration of other than fully protected premises wiring. This affidavit provides information on the equipment involved and indicates that the installer's qualifications will be adequate to assure Part 68 compliance. The BOCs state that they do not need the affidavit itself but only the information contained in it. They state that the collection and maintenance of these affidavits is burdensome and expensive and urge that § 68.215(e) be modified to require that the affidavit be maintained on the customer's premises. NATA and ATT–IS oppose this BOC proposal on the ground that current procedures are not burdensome due to the use of "blanket affidavits" and that it would not reduce any burdens but merely shift them from the carriers to equipment vendors and customers. DOD supports the proposal stating that it would reduce costs to the ratepayers.

24. As the comments from NATA and ATT–IS indicate, under current industry practice the installation supervisor, frequently the equipment vendor, will file a blanket affidavit with the carrier and receive an indentification number which is then placed near the network interface for each installation. It is not necessary to submit numerous affidavits to the carrier. This is an acceptable administration of § 68.215(e), *see* Public Notice, Mimeo #16384, April 12, 1979, which substantially ameliorates the record keeping requirements that might otherwise be entailed under that rule section. The BOCs have not shown that this system of blanket affidavits could be maintained under its proposal, or that it might not result in an overall increase in regulatory burdens. Accordingly, we will not adopt its proposal at this time.

Regulatory Flexibility Act—Final Analysis

A. Need for and Objective of Rules

25. The Commission has determined that the public interest will be served by, and that there is a need for, elimination of unnecessary regulations from Part 68 of the rules and implementation of streamlined procedures for processing and grant of Part 68 equipment registration applications. The objective of the rules adopted in this report and order is to move toward achievement of these purposes of eliminating unnecessary regulations and streamlining application procedures.

26. The notice of proposed rulemaking in this proceeding solicited comments on the Initial Regulatory Flexibility Analysis, and specified that such comments be contained under separate headings from comments relating to other issues. No such comments were received. Nevertheless, in order to discharge our duty under the Regulatory Flexibility Act, we will discuss issues concerning costs, if any, arising from the rules we are adopting today.

B. Analysis of Rules Adopted

27. We are adopting rules which shorten the public notice period prior to grant of Part 68 applications, eliminate mandatory reporting requirements to telephone carriers by customers prior to connection of terminal equipment, eliminate specifications for equipment-to-equipment connectors, and eliminate the requirement for administration of shock tests to packaged terminal

[14] The BOCs state that the Part 68 application process is less burdensome than other types of equipment authorizations required by the Commission such as type approval procedures under § 2.903 of the rules 47 CFR 2.903. Under type approval, applicable primarily to marine transmitters, actual testing by the Commission is a precondition of equipment authorization.

equipment as a condition of registration. These rule amendments do not impose any costs or burdens on any person because they represent elimination of present requirements in the rules. Moreover, these rule changes should serve to reduce costs and burdens on manufacturers by permitting earlier grant of Part 68 applications. The Commission has stated in paragraph 8, *supra*, that manufacturers should include in operating instructions information on ringer equivalency. This information related to installation and operation of terminal equipment and is required under the existing § 68.218(b)(1). Accordingly, the Commission's statement is a reiteration of existing requirements and does not constitute the imposition of new or different regulatory burdens on any person.

C. Flexibility Analysis Conclusion

28. We conclude that the action we are taking today complies with the purposes of the Regulatory Flexibility Act. These regulations do not impose any significant costs on any person. No showing has been made that the rule amendments we are adopting will be more costly than other possible amendments. However, where alternative resolutions were available we have chosen the least costly alternative unless a more costly alternative would clearly be more effective in achieving the Commission's objectives under the Communications Act. In the majority of instances, both large and small carriers and manufacturers will be able to include such expenses as are necessary to meet the obligations of the rules adopted herein as part of revenue requirements for regulated services or by setting their own price for unregulated products and services.

29. The rules contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified requirements or burdens upon the public. Implementation of any new or modified requirement or burden will be subject to approval by the Office of Management and Budget as prescribed by the Paperwork Reduction Act.

Conclusion

30. In view of the foregoing, we will adopt the Part 68 rule changes indicated in Appendix B. As no further issues remain in this docket, we will terminate it.

31. Accordingly, it is ordered, pursuant to 47 U.S.C. 151, 154(i), 154(j), 201–205, 218, 220, 313, 403, 412, and 5 U.S.C. 553, That Part 68 of the Commission's rules, 47 CFR Part 68, is amended as set forth in Appendix B, effective December 2, 1985.

32. It is further ordered, That the motion to amend filed by the Telecommunications Research Action Center is denied.

33. It is further ordered, that this proceeding is Terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Comments:

The Department of Defense (DOD)
J. P. Neil, P.E.
GTE Service Corporation (GTE)
North American Telecommunications Association (NATA)
AT&T Information Systems (ATT–IS)
National Telephone Cooperative Association (NTCA)
Mountain States Telephone and Telegraph Company, et al. (US West Companies)
Pepper, Hamilton and Scheetz
Southern New England Telephone Company
Bell Operating Companies (BOCs)
Radio Shack
General Electric (GE)
International Business Machines (IBM)
Electronic Industries Association (EIA)
Communications Certification Laboratory (CCL)
Retlif, Inc. Testing Laboratories (Retlif)

Reply Comments:

The Department of Defense
Bell Operating Companies
Independent Data Communications Manufacturers Association (IDCMA)
GTE Service Corporation
AT&T Information Systems
North American Telecommunications Association
Webcor Electronics, Inc. (Webcor)
National Telephone Cooperative Association
Retlif, Inc. Testing Laboratories

Appendix B

PART 68—[AMENDED]

Part 68 of the Commission's Rules and Regulations (Chapter I of Title 47 of the Code of Federal Regulations, Part 68) is amended as follows:

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

Authority: Secs. 4, 201, 202, 203, 204, 205, 208, 215, 218, 313, 314, 403, 404, 410, 602, 48 Stat. as amended, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. Secs. 154, 201, 202, 203, 204, 205, 208, 215, 218, 313, 314, 403, 404, 410, 602.

2. Section 68.106 is amended by revising paragraphs (a) and (b) to read as follows:

§ 68.106 Notification to telephone company.

(a) General: Customers connecting terminal equipment or protective circuitry to the telephone network shall, upon request of the telephone company, inform the telephone company of the particular line(s) to which such connection is made, the FCC registration number and ringer equivalence number of the registered terminal equipment or registered protective circuitry.

(b) Systems assembled of combinations of individually-registered terminal equipment and protective circuitry: Customers connecting such assemblages to the telephone network shall, upon the request of the telephone company, provide to the telephone company the following information:

* * * * *

3. Section 68.202 is amended by revising paragraph (a) to read as follows:

§ 68.202 Public notice.

(a) The Commission will issue public notices of the filing of applications for equipment registrations and the grants thereof. No grant will issue before five days from the date of the public notice of the filing of the application.

* * * * *

4. Section 68.204 is revised to read as follows:

§ 68.204 Comments and replies.

Comments may be filed as to any application for equipment registration within five days of the date of the public notice of its filing. Replies to such comments may be filed within five days of the filing of such comments. All comments must be served on all parties filing comments. An original and three copies of all comments and replies must be filed.

5. Section 68.213 is amended by revising paragraph (e) to read as follows:

§ 68.213 Installation of other than "fully protected" premises wiring.

* * * * *

(e) *Notice to the telephone company.* Subscribers performing installation, connection, disconnection, reconfiguration or removal of premises wiring to or from the telephone network shall, upon request of the telephone company, inform the telephone company of:

* * * * *

§ 68.302 [Amended].

6. Section 68.302 is amended by removing paragraph (c)(1), redesignating (c)(2) as (c)(1), and redesignating (c)(3) as (c)(2).

7. Section 68.502 is amended by removing paragraphs (a)(2) and (a)(3) and redesignating (a)(4) as (a)(2); removing (b)(2), (b)(3), (b)(4) and (b)(5) and redesignating (b)(6) as (b)(2); (c)(2); (d)(2), (d)(3), and (d)(4); and revising (f)(1) as follows:

§ 68.502 Configurations.

* * * * *

(f) *Multiple-line series configurations.*—(1) *Up to eight (8) position jacks.* Multiple series jacks in this category consist of multiple arrangements of configurations specified in subsection (b) of this Section, in a multiple mounting arrangement. Such multiple arrangements may be ordered as a unit under the following UNIVERSAL SERVICE ORDER CODE:

RJ31M—multiple series T/R ahead of all station equipment (reference § 68.502(b)(1)).

8. In § 68.504, paragraphs (a) and (b) are removed, the Unilateral Patent License Agreement is designated as the text of the section, and the section heading is revised to read as follows:

§ 68.504 Universal patent license agreement.

* * * * *

[FR Doc. 85-27164 Filed 11-18-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 50950-5182]

Tanner Crab off Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; initial fishing season dates.

SUMMARY: NOAA issues this notice as provided for under the Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska to establish the 1985–1986 initial fishing season dates for Registration Areas A (Southeastern), E (Prince William Sound), H (Cook Inlet), and J (Westward). This action is intended to promote orderly fisheries that are consistent with the needs of participants and with conservation and management requirements.

EFFECTIVE DATE: November 14, 1985.

ADDRESS: Copies of the regulatory impact review prepared for this notice are available from Robert W. McVey, Director, Alaska Region (Regional Director), National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fishery Biologist), 907–586–7229.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP) is implemented by regulations appearing at 50 CFR Part 671. Amendment 9 to the FMP (49 FR 35779, September 12, 1984) provides a framework procedure for establishing annual fishing seasons based on both biological and socioeconomic information.

This rule establishes the following new fishing season data for the commercial Tanner crab fishery off Alaska:

Registration area	District	Dates
A (Southeastern)	Southeast	Feb.10 to May 1.
	Yakutat	Jan. 15 to May 1.
E (Prince William Sound).	Western	Jan. 5 to May 31.
	Eastern	Do.
	Hinchinbrook	Do.
H (Cook Inlet)	Southern	Nov. 1 to May. 15.
	All other districts	Nov. 1 to May 31.
J (Westward)	Kodiak	Jan. 15 to Apr. 30.
	Semidi Island Section	Jan. 15 to Apr. 30.
	South Peninsula	Do.
	Chignik	Do.
	Eastern Aleutians	Jan. 15 to June 15.
	Western Aleutians	Nov. 1 to June 15.
	Bering Sea	
	C. bairdi	Jan. 15 to June 15.
	C. opilio	Jan. 15 to Aug. 1.

The preamble to the initial notice of fishing season dates (50 FR 38867, September 25, 1985) discussed the rationale and need for the new season dates. Except for the Western Aleutians District, Registration Area J, which was left as November 10, these are the same season dates set by emergency interim rule (49 FR 46549, November 27, 1984) for the 1984–85 season.

Public comments on these new fishing season dates were invited through October 21, 1985. No comments were received. The Secretary has made one technical correction to Table 1 of the first notice changing Semidi Island District to read Semidi Island Section.

Classification

This action is authorized by 50 CFR Part 671, and complies with Executive Order 12291. NOAA has prepared a regulatory impact review (RIR) for this action. You may obtain a copy of the RIR from the address above.

The Environmental Assessment (EA) prepared by NOAA for the emergency interim rule to implement seasons for the 1984–85 Tanner crab fishery (49 FR 46549, November 27, 1984) addresses seasons established by this action. The EA concluded that no significant impact on the human environment would result from implementation of the seasons. You may obtain a copy of the EA from the address above.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. A summary of the socioeconomic analysis upon which this determination is based appears in the preamble to the initial notice of this action (50 FR 38867, September 25, 1985).

The Assistant Administrator for Fisheries, NOAA, has determined that this rule does not directly affect the coastal zone of the State of Alaska.

This action does not contain a collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 671

Fisheries, Reporting and recordkeeping requirements.

Dated: November 14, 1985.

Joseph W. Angelovic,

Deputy Assistant Administrator For Science and Technology, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 671 is amended as follows:

PART 671—TANNER CRAB OFF ALASKA

1. The authority citation for Part 671 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In the table of contents the titles of § 671.21 and § 671.26 are revised to read as follows:

671.21 Optimum yields and seasons.

* * * * *

671.26 Procedures for establishing season dates, general gear restrictions, and registration areas.

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3. In § 671.21, the heading and paragraph (a) are revised to read as follows: