regrouped the affected cases. The revisions are as follows:

Table 5

11. On page 36123, the following lines 14 through 17 of Table 5 are incorrect:

434 20	ALC/drug abuse or dependence, detox or other sympt trt with cc	.8830	7.0	38
435 20	ALC/drug abuse or dependence, detox or other sympt w/o with cc	.7177	7.0	38
436 20	ALC/drug dependence w rehabilitation therapy	.9873	8.1	37
437 20	ALC/drug dependence, combined rehab & detox therapy	1.2005	3.5	33

The corrected lines 14 through 17 are as follows:

434 20	ALC/drug abuse or dependence, detox or other sympt trt with cc	.7649	5.5	35
435 20	ALC/drug abuse or dependence, detox or other sympt trt w/o cc	.5007	4.5	34
436 20	ALC/drug dependence w rehabilitation therapy	.9979	13.5	43
437 20	ALC/drug dependence, combined rehab & detox therapy	1.1437	13.9	43

Table 7A

12. On page 36150, the following lines 15 and 16 of Table 7A are incorrect:

434	22513	10.3661	2	4	7	14	24
435	21013	10.6439	2	4	7	15	27

The corrected lines 15 and 16 of Table 7A and two new lines adding DRGS 436 and 437 are:

434	17241	8.0612	2	3	5	9	16
435	12456	6.7228	2	3	5	7	14
436	3578	17.0143	4	9	16	26	29
437	10251	16.9185	5	9	16	25	29

Table 7B

13. On page 36160, the following lines 14 and 15 of Table 7B are incorrect:

434	22488	10.3286	2	4	7	14	24
435	21020	10.6450	2	4	7	15	27

The corrected lines 14 and 15 of Table 7B and two new lines adding DRGS 436 and 437 are:

434	17223	8.0114	2	3	5	9	16
435	12456	6.7228	2	3	5	7	14
436	3578	17.0143	4	9	16	26	29
437	10251	16.9185	5	9	16	25	29

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: October 24, 1990.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 90-25877 Filed 10-31-90; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 89-114; FCC 90-337]

Billing Protection

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Part 68 of the rules of the Federal Communications Commission (FCC), 47 CFR part 68, governing "Billing protection" is amended as set forth in this Report and Order (R&O). The rule amendment generally conforms to the proposals in the Notice of Proposed Rulemaking (NPRM) in the matter of Petitions for adoption of a new

§ 68.314(h) of the Commission's Rules, CC Docket 89–114, FCC 89–152, 4 FCC Rcd 4577 (1989) [54 FR 24721, June 9, 1989]. The NPRM was issued in response to a petition filed by American Telephone and Telegraph Company (AT&T), who requests a means of assurance that customers placing direct-inward-dialing (DID) calls to stations behind private branch exchanges (PBXs) are properly billed. The rule will provide a balanced solution for equipment connected to the network in the future while affording equitable treatment to ratepayers. (The term PBX as used herein includes all customer premises equipment, i.e., key systems, multifunction systems, multiplexers, etc., which employ "reverse battery" for returning answer supervison.)

EFFECTIVE DATE: December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Abraham A. Leib, Chief, Domestic Services Branch, Domestic Facilities Division, Common Carrier Bureau, (202) 634–1816.

SUPPLEMENTARY INFORMATION: The "summary" and "supplementary information" in this notice summarize the amended rule in a concise, nontechnical manner. For an analysis of the issues and comments, and changes adopted by the FCC in this R&O in CC Docket 89–114, FCC 90–337, adopted October 5, 1990 and released October 24, 1990, interested persons should refer to the R&O and comments which are available for inspection and copying during the weekday hours (excluding federal holidays) of 9 a.m. to 4:30 p.m. in the FCC's Public Reference Room, Room 239, 1919 M St., NW., Washington, DC. Copies of the file may be purchased from the duplicating contractor, International Transcription Services, 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800. The item also will be published in the FCC Record.

Part 68 of the rules, 47 CFR part 68, sets forth the terms and conditions under which subscribers may connect customer premises equipment and wiring to the telephone network. A primary objective of part 68 is to assure consumers, manufacturers and carriers that customer premises equipment attached to the network causes no harm. The term "Harm" defined in § 68.3 ("Definitions") as "Electrical hazards to telephone company personnel, damage to telephone company equipment, malfunction of telephone company billing equipment, and degradation of service to persons . . . " The NPRM was initiated by a petition for rulemaking filed by AT&T which sought amendment of part 68 because, it alleges, many PBXs are failing to return answer supervision signals to telephone company billing equipment in response to DID calls. According to AT&T, such failure of equipment to return answer supervision signals denies telephone companies of tens of millions of dollars in revenues annually.

Normally, when a called party lifts the telephone handset, Central Office (CO) equipment activates billing mechanisms. When a PBX is used between the CO and called station, however, the PBX must in some way "notify" the CO when the called station answers in order for the billing equipment to be activated. The problem is complicated when calls received at the PBX are rerouted to another number in a distant city.

In the NPRM, the FCC proposed that a new paragraph (h) be added to § 68.314, "Billing protection," the objective being to assure that PBXs will return answer supervision for proper billing on certain DID calls. Fifteen comments and eight reply comments were filed. Based on the record, the FCC is adopting a rule which "addresses the billing fraud issue prospectively and relies on carriers' toll fraud detection efforts and normal PBX retirement and replacement to resolve the problem involving installed and in-the-pipeline equipment." Although this approach will not remove offending equipment from the market immediately, over time the market should be free of noncomplying equipment. Moreover, the FCC views this approach as causing the least disruption in the marketplace while imposing minimal costs on equipment manufacturers, carriers, and suppliers and users, while affording equitable treatment to ratepayers.

Final Regulatory Flexibility Analysis

I. The regulations adopted by this R&O are required to protect the public switched telephone network from harm which, as defined in 47 CFR 68.3, includes malfunction of telephone company billing equipment, e.g., that caused by failure of PBXs to return answer supervision signals. The regulations will require PBXs to provide such signals under a variety of circumstances designed to prevent billing losses to carriers.

II. No comments were filed in response to the Initial Regulatory Flexibility Analysis.

III. The FCC considered the alternatives raised by the parties in this proceeding and considered all timely filed comments directed to those issues. After carefully weighing all aspects of this proceeding, the FCC has adopted the most reasonable course of action under the Communications Act of 1934, as amended.

Paperwork Reduction Act Statement: The new rule contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found not to impose a new or modified information collection requirement on the public.

Ordering Clause

It is ordered, pursuant to sections 1, 4(i), 4(j), 201, 202, 203, 204, 205, 215, 218, 303(r) 313, and 412 of the Communications Act of 1934, as amended, that part 68 of the Commission's Rules and Regulations, 47 CFR part 68, is amended as set forth below. The rule amendment adopted herein shall become effective sixty days after publication in the **Federal Register.**

List of Subjects in 47 CFR Part 68

Definitions, Connection of terminal equipment to telephone network, Registration requirement, Billing protection, Communications equipment (telephone).

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:

Authority: Secs. 4, 201, 202, 203, 204, 205, 208, 215, 218, 313, 314, 403, 404, 410, 602, 48 Stat. 1066, as amended; 47 U.S.C. 154, 201, unless otherwise noted.

2. Section 68.314 is amended by adding paragraph (h) to read as follows:

§ 68.314 Billing protection.

* * * * *

(h) Operating Requirements for Direct-Inward-Dialing ("DID"). (1) Answer supervision for DID calls to stations connected to the telephone company network through a Private Branch Exchange or similar system ("PBX") shall be returned to the central office on all calls which are:

(i) Answered by the called DID station,

(ii) Answered by an attendant,

(iii) Routed to an announcement, except for "number invalid," "not in service," or "not assigned" recordings,

(iv) Routed to a dialing prompt, or

(v) Routed back to the public switched network by the PBX, including calls routed to "number invalid," "not in service," or "not assigned" recordings.

(2) DID calls which do not require the PBX to return answer supervision are those:

(i) which are not routed back to the

public switched network and, in addition, are:

(A) Unanswered, i.e., the called DID station receives a ring or other alerting signal, but does not answer, or the DID station to which the call is forwarded receives a ring or other alerting signal, but does not answer,

(B) Routed to a busy signal,

(C) Routed to a reorder signal, or

(D) Routed to a recorded announcement stating "number invalid," "not in service," or "not assigned"; and those

(ii) which are routed back to the public switched network and, in addition, are:

(A) Unanswered, i.e., the called station receives a ring or other alerting signal, but does not answer, or the DID station to which the call is forwarded receives a ring or other alerting signal, but does not answer,

(B) Routed to a busy signal, or

(C) Routed to a reorder signal.

(3) Answer supervision on DID calls shall be provided in accordance with industry engineering standards.

(4) PBX and similar systems manufactured one year from December 31, 1990, shall comply with the paragraph. PBX and similar systems of earlier manufacture shall comply with the paragraph if newly installed or relocated on a customer's premises eighteen months from December 31, 1990, or any time thereafter. Such equipment must be reregistered by the manufacturer or other person responsible for equipment compliance with part 68, if already registered but not compliant with this paragraph (h). Compliance with the paragraph shall require that the equipment be designed, manufactured and installed so that it will return answer supervision in conformity with this rule in a manner which cannot be readily altered by software control or other user controlled media.

(5) As used in this § 68.314(h), "Private Branch Exchange or similar system ("PBX") means customer premises equipment, such as private branch exchanges, key equipment, multifunction systems, multiplexers, and any equipment for which adopted industry standard signalling is the standard mode of returning answer supervision.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 25549 Filed 10-31-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-515; RM-6898]

Radio Broadcasting Services; Clarkesville, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 275C3 for Channel 275A at Clarkesville, Georgia, and modifies the construction permit for Station WMJE(FM) to specify operation on the higher powered channel, at the request of Clara Morris Martin. See 54 FR 48650, November 24, 1989. Channel 275C3 can be allotted to Clarkesville in compliance with the minimum distance separation requirements of the Commission's Rules with a site restriction of 12.3 kilometers (7.7 miles) south of the community. The coordinates for this allotment are North Latitude 34-30-00 and West Longitude 83-30-00. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 13, 1990.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-515, adopted September 28, 1990, and released October 29, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 275A and adding Channel 275C3 at Clarkesville.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-25885 Filed 10-31-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-527; RM-7044]

Radio Broadcasting Services; Valley City, ND

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Ingstad Broadcasting, Inc., substitutes Channel 266C1 for Channel 265A at Valley City, North Dakota, and modifies its license for Station KOVC-FM to specify operation on the higher powered channel. See 54 FR 50004, December 4, 1989. Channel 266C1 can be allotted to Valley City in compliance with the Commission's minimum distance separation requirements with a site restriction of 8.2 kilometers (5.1 miles) southwest to avoid a short-spacing to Station KBHP, Channel 266C1, Bemidji, Minnesota. The coordinates for Channel 266C1 at Valley City are North Latitude 46-50-52 and West Longitude 98-03-02. Candian concurrence for the allotment of Channel 266C1 at Valley City has been received since the community is located within 320 kilometers of the U.S.-Canadian border. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 13, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-527, adopted September 28, 1990, and released October 29, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under North Dakota, is amended by removing Channel 265A

and adding Channel 266C1 at Valley City.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-25886 Filed 10-31-90; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 525 and 552

[Acquisition Circular AC-90-2]

General Services Administration Acquisition Regulation; Deviation to FAR Buy American Act—Trade Agreements Act—Balance of Payment Program

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary rule with request for comments.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5 (ADP 2800.12A), is temporarily amended by revising paragraph (b) of section 525.402; by designating the current text of section 525.407 as paragraph (a) and adding paragraph (b); and by adding section 552.225-8 and section 552.225-9. These changes are made in order to authorize GSA contracting officers to deviate from FAR 52.225-8 and FAR 52.225-9. The class deviation authorizes contracting officers to insert the provision at 552.225-8 and the clause at 552.225-9 in lieu of the FAR provision and clause in procurements subject to the Trade Agreements Act. The intended effect is to provide a provision and clause for use which is consistent with the ruling of the General Services Administration Board of Contract Appeals (GSBCA) in the protest of the *International Business Machines Corporation*, GSBCA No. 10532-P, May 18, 1990.

DATES: Effective date: October 29, 1990; Expiration date: October 29, 1991.

Comment Date: Comments should be submitted to the Office of GSA Acquisition Policy at the address shown below on or before December 31, 1990, to be considered in the final rule.

ADDRESSES: Comments should be addressed to Ms Marjorie Ashby, Office of GSA Acquisition Policy, 18th and F Streets, NW., Room 4026, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Edward J. McAndrew, Office of GSA Acquisition Policy, (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. *Determination to Issue a Temporary Regulation.* A determination has been made to issue the regulation in GSAR as a temporary rule. This action is necessary to authorize a class deviation from an existing FAR provision and clause consistent with the GSBCA's ruling. However, pursuant to Pub. L. 98-577 and FAR 1.501, public comments are solicited and will be considered in formulating a final rule.

B. *Executive Order 12291.* The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule.

C. *Regulatory Flexibility Act.* This temporary rule is not expected to have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because it authorizes a deviation from a FAR provision and clause that will resolve an inconsistency with the current FAR provision and clause based upon the GSBCA's ruling. Therefore, an Initial Regulatory Flexibility Analysis has not been prepared.

D. *Paperwork Reduction Act.* This temporary rule does not contain information collection requirements that require approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501).

List of Subjects in 48 CFR Parts 525 and 552

Government procurement.

1. The authority citation for 48 CFR parts 525 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. 48 CFR parts 525 and 552 are amended by the following Acquisition Circular:

General Services Administration Acquisition Regulation Acquisition Circular (AC-90-2)

October 24, 1990.

To: All GSA contracting Activities.

Subject: Deviation to FAR 52.225-8, Buy American Act—Trade Agreements Act—Balance of Payment Certificate and 52.225-9, Buy American Act—Trade Agreements Act—Balance of Payment Program

1. *Purpose.* This Acquisition Circular temporarily amends the General Services Administration Acquisition Regulation (GSAR) Chapter 5 (APD 2800.12A) to authorize GSA contracting activities to deviate from the FAR 52.225-8, Buy American Act—Trade Agreements Act—Balance of Payments Program Certificate and FAR 52.225-9, Buy American Act—Trade Agreements Act—Balance of Payment Program, in the manner prescribed in this Acquisition Circular.

2. *Background.*

a. The Federal Acquisition Regulation (FAR) subpart 25.4, the provision at 52.225-8 and the clause at 52.225-9 are intended to implement the provisions of the Buy American Act (BAA) and the Trade Agreements Act (TAA) in acquisitions subject to the TAA. The cited provision and clause require an offeror to supply either a "domestic end product" (i.e., a product manufactured in the United States (U.S.) where more than fifty percent of the cost of components is attributed to components of U.S. origin) or a "designated country end product" (i.e., a product "substantially transformed" in a designated country). Consequently, all offers of end products other than offers of domestic end products or designated country end products must be rejected. Where an offered product is "substantially transformed" in the United States, but fails the fifty percent component cost test, such product cannot be considered a domestic product. Additionally, an offer of such product cannot be considered a product of a designated country because the United States is not a designated country. Accordingly, offers of such products must be rejected because such products are neither domestic products nor designated country end products.

b. The General Services Administration Board of Contract Appeals (GSBCA), in the protest of *International Business Machines Corporation*, GSBCA No. 10532-P, May 18, 1990, ruled that FAR clause 52.225-9 was invalid to the extent that it does not treat certain products made in the United States, as defined by the TAA's rule of origin (i.e., substantial transformation), as exempt from the purchasing prohibition in the TAA. The GSBCA, however, did not rule on the application of the administrative requirements (i.e., the 6 or 12 percent evaluation factors) of the BAA in acquisitions subject to the TAA.

c. As a result of the GSBCA's ruling, a class deviation from the use of FAR provision at 52.225-8 and FAR clause at 52.225-9 has been approved for use by GSA contracting activities in procurements subject to the TAA. In lieu of the FAR provision and clause, this Acquisition Circular prescribes a new provision and clause for use in procurements subject to the TAA.

3. *Effective Date.* October 29, 1990.