control emissions from previously uncontrolled sources.

Yolo-Solano Rule 2.21 has been revised by adding paragraph (a)(7) which adds a requirement that drainage during transfer operations be controlled. Since this rule will now control emissions that were previously uncontrolled, it is being approved.

San Diego Rule 67.10 sets emission standards for a previously uncontrolled source and is, therefore, being approved.

South Coast Rule 1108 has been revised to eliminate the 2,000 foot exemption for the use of medium cure asphalts. Since this rule will result in a decrease in emissions, it is being approved.

The rules listed above have been evaluated for consistency with section 110 of the Clean Air Act, 40 CFR part 51, and EPA policy. The rules were found to be consistent with those requirements and were proposed for approval in the Federal Register. Copies of the rules and of EPA's evaluation report for each rule were made available at EPA's Regional Office in San Francisco. In addition, the Notice of Proposed Rulemaking provided for a 30-day public comment period. No comments were received on any of these rules. EPA is, therefore, finalizing the proposed action. The remaining rules from the May 15, 1989 Notice of Proposed Rulemaking will be acted on in a separate Federal Register notice at a later date.

All the rules listed above are being approved under Section 110 of the Clean Air Act because they satisfy the requirements of the Clean Air Act, 40 CFR part 51, and EPA policy in effect at the time of the proposed rulemaking. Some of the VOC rules contain deficiencies according to present policy and are not appropriate for approval under part D of the Clean Air Act. However, theser rules are being approved under section 110 because they represent improvements of the currently approved SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Clean Air Act, petitions for judical review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 10, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Sulfur oxides.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 2, 1990.

Daniel W. McGovern,

Regional Administrator.

Title 40 of the Code of Federal Regulations, part 52, subpart F is amended to read as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart F—California

2. Part 52.220 is being amended by adding paragraphs (c)(159)(iv)(B), (c)(159)(v)(C), (c)(159)(v)(D), (c)(159)(vii), and (c)(160)(i)(D) and (c)(160)(i)(E) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(159) * * *

(iv) * * *

(B) Amended Rule 447 adopted November 20, 1984.

(v) * * *

(C) Amended Rule 1105 adopted September 21, 1984.

(D) New Rule 1117 adopted January 6, 1984.

* * * * *

(vii) Yolo-Solano County APCD.

(A) Amended Rule 2.21.a.7. (a) and (b) adopted November 21, 1984.

(160) * * *

(i) * * *

(D) San Diego County APCD.

(*1*) New Rule 67.10 adopted January 30, 1985.

(E) South Coast AQMD.

(*1*) Amended Rule 1108 adopted February 1, 1985.

* * * * *

[FR Doc. 16299 Filed 7–11–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

RIN 3067–AB54

Individual and Family Grant Program

AGENCY: Federal Emergency Management Agency.

ACTION: Interim final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) coordinates the delivery of disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act when the President has declared a major disaster. Under that Act, FEMA provides States 75 percent of the funds for the Individual and Family Grant (IFG) program. The IFG program is administered by the State under FEMA regulations at 44 CFR 206.131 (54 FR 11622; March 21, 1989).

This interim final rule removes paragraph (d)(1)(iii)(E) of the IFG implementing regulation. That provision prohibits IFG awards to individuals or families who "knowingly assumed a risk" by living:

—Within a flowage easement;

—Between a levee and a river (where the family built the home before the levee was built, or was compensated for future flood damage at the time the levee was built); or

—On leased land, where the lease holds the family harmless from the risk of damages.

The amended regulation is less restrictive and enables those individuals and families living in the areas referred to above to receive assistance from the Individual and Family Grant Program.

DATES: April 1, 1990. Comments must be received on or before September 10, 1990.

ADDRESSES: Send comments to Agnes C. Mravcak, Office of Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Agnes C. Mravcak, Office of Disaster Assistance Programs, (Federal Emergency Management Agency, Washington, DC 20472, (202–646–3660)).

SUPPLEMENTARY INFORMATION: FEMA is doing away with the existing regulatory restriction for six reasons.

First, to make this aspect to the Individual and Family Grant (IFG) program consistent with the standards of the National Flood Insurance Program so that IFG program applicants who would otherwise be affected by previous regulations will be subject to the same restrictions as other disaster victims. All IFG program applicants whose property is located in a special flood-hazard area are required to purchase and maintain flood insurance available under the National Flood Insurance Act of 1968.

Second, it delays assistance to disaster victims. The IFG program is intended to meet necessary expenses and serious needs. The information base needed to make an eligibility determination is not readily accessible to FEMA or its employees or inspectors, or necessarily to the States. In many cases, the easements are privately granted (from prior owners or from an independent utility, for example) and no local records are available. In some cases the information is available (for example, from the Corps of Engineers in the case of certain Government leases), but experience shows this may not be accurate, up-to-date, or readily accessible. Developing the information from numerous sources delays critically needed disaster aid. Besides title searches (an activity which is expensive and in which FEMA does not have expertise), property surveys are frequently necessary to determine whether the residence itself is located in the easement area. The time and expenses associated with title searches and property surveys is unwarranted in view of the average grant amount: $2,100 nationwide.

The present procedure relating to IFG applications from individuals in Flood Zone A involves remapping the applicant's property to determine its proximity to a lake or river with known easements. If the structure appears to be near an easement, that application is denied with an attachment to inform the applicant that he/she has three options: (1) Show by means of deed, title insurance, or lease that no flowage easement exists on the property; (2) show that the structure in question is located outside the easement or is elevated above mean sea level tied to the easement, which, in some cases, may require the applicant to pay the cost of a survey of his property; or (3) move out of the easement area in order to receive assistance. The impact of this procedure has been to delay assistance to applicants in areas where no easement information is available, or is inadequate; to compound the problems of applicants who live near but not in an easement; and to require many extra hours of staff time.

Third, it is hard to determine whether an individual or family "knowingly assumed a risk" of flooding, i.e., knew of the existence of restrictions in deeds or leases, especially in the case of a renter. The majority of persons faced with denial of disaster assistance bought or rented their properties in good faith, unaware or uninformed of the flood potential and the disastrous impact upon their homes and personal property.

Fourth, in the case of flowage easements or land leased from the Government, it is hard to prove that the flooding damage was caused by Government action rather than natural forces; that being the case, FEMA wishes to give the disaster victim the benefit of the doubt and to provide disaster aid.

Fifth, in establishing the original rule, FEMA applied the restriction in flood-risk areas only. Individuals in other risk situations, such as on earthquake faults, are not subject to the denial of assistance, even if they knowingly live on an earthquake fault or build their homes after the existence of the fault was known. FEMA wishes to eliminate this inconsistency.

Last, unlike flood insurance and floodplain management restrictions, this restriction was not mandated by statute. While it was seen as a way to clear risk areas by not providing rebuilding funds, we find that the wisest way to clear such areas is to use the permitting process in the community which is subject to flood risks. In communities participating in the National Flood Insurance Program, community floodplain management regulations are a more appropriate vehicle than the disaster assistance program to regulate rebuilding. In its implementation of the National Flood Insurance Program, FEMA does not require that coverage or claim payments be suspended in risk areas, except where it can be proven that the Government caused the flooding.

In order to make the benefits of this interim final regulation applicable to current major disaster responses, in Arkansas and Texas which brought the deficiency of the regulation to light, it is necessary to make this change retroactive to the commencement of these disasters. This regulation is therefore effective April 1, 1990.

In view of the promulgation of this interim final rule without opportunity for prior comments, FEMA invites comments now, and will consider these comments before the rule is finalized.

Environmental Considerations

An environmental assessment has been prepared, leading to the determination that this interm final rule will not have a significant impact on the environment and that an Environmental Impact Statement is not required. The assessment is available for review at the Office of the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

Regulatory Flexibility

FEMA has determined that this interim final rule is not a major rule under Executive Order 12291, and will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Hence, no regulatory impact analyses have been prepared.

Federalism Assessment

In promulgating this interim final rule, FEMA has considered the President's Executive Order on Federalism issued on October 26, 1987 (E.O. 12612, 52 FR 41685). The purpose of the Order is to assure the appropriate division of governmental responsibilities between national government and the States. Among other provisions, this interim final rule implements the requirement that agency rules be in accordance with the so-called common rule, adopted by FEMA at 44 CFR part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. These regulations conform FEMA assistance to Executive Order 12612. To describe this, a Federalism assessment has been prepared. It may be obtained or reviewed at the Office of the Rules Docket Clerk, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

Reporting Requirements

There are no information collection requirements under this interim final rule pursuant to the Paperwork Reduction Act of 1980, as amended, 44 U.S.C. 3501, Et. Seq.

List of Subjects in 44 CFR Part 206

Disaster Assistance: general, Declaration process, Emergency assistance, Individual assistance, Public assistance, the Coastal Barrier Resources Act, Community disaster loans, Fire suppression, Hazard mitigation.

Accordingly, 44 CFR part 206 is amended as follows:

PART 206—[AMENDED]

1. The authority citation for part 206 continues to read as follows:

Authority: 42 U.S.C. 5121; Reorganization Plan No. 3 of 1978 (3 CFR, 1979, p. 329); Executive Order 12148 (3 CFR, 1980, p. 412); the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93–288, as amended by Pub. L. 100–707; Executive Order 12673.

§ 206.131 [Amended]

2. Section 206.131 is amended by removing paragraph (d)(1)(iii)(E).

Dated: July 5, 1990.

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 90–16471 Filed 7–10–90; 3:44 pm]

BILLING CODE 6718–02–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 87

[GEN Docket No. 89–295; FCC 90–236, RM–6620, RM–6649]

Aviation Services; Use of Frequencies in the 136–137 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This rule permits aircraft to use the frequencies in the 136–137 MHz band. This action was initiated in response to two petitions. One petition (RM–6620) was filed by the Aeronautical Radio, Inc. (ARING) and the other (RM–6649) filed by the American Petroleum Institute (API). The effect of this rule is to permit the aviation community to use additional frequencies in order to alleviate the frequency congestion that currently exists in the aviation services.

EFFECTIVE DATE: August 17, 1990.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: William P. Berges, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632–7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket No. 89–295, adopted June 14, 1990, and released July 5, 1990. The full text of this Commission decision including the adopted rule changes are available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The full text of this decision including the adopted rule changes may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC. 20037.

Summary of Report and Order

In response to two petitions for rulemaking, one filed by the Aeronautical Radio, Inc. (ARINC), RM–6620, and the other by the American Petroleum Institute (API), RM–6649, on June 28, 1989, the Commission released a *Notice of Proposed Rule Making*, GEN. Docket No. 89–295, FCC 89–207 54 FR 28823, July 10, 1989, which proposed to amend the rules to authorize the aviation services to use the frequencies in the 136–137 MHz band. Authorization to use these frequencies will help to alleviate the frequency congestion currently being experienced in the aviation services. The *Report and Order* discusses the comments filed regarding the proposed rules in the *Notice of Proposed Rule Making* and assigns the 136–137 MHz band to the aviation services.

The Report and Order contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Ordering Clauses

Authority for issuance of this Report and Order is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

It is ordered, that parts 2 and 87 of the Commission's Rules are amended as shown at the end of this document effective as indicated in the "**EFFECTIVE DATE**" paragraph of this document.

It is further ordered, that a copy of this Report and Order will be served on the Chief Counsel for Advocacy of the Small Business Administration.

It is further ordered, that this proceeding is terminated.

List of Subjects

47 CFR Part 2

Frequency allocations, Treaties, Radio.

47 CFR Part 87

Aviation services, Aeronautical stations, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Parts 2 and 87 of chapter I title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

Authority: Secs. 4, 302, 303, 307, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 302, 303, 307, unless otherwise noted.

2. In § 2.106, United States footnote US244 is revised to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

United States (US) Footnotes

* * * * *

US244 The band 136.000–137.000 MHz is allocated to the non-Government aeronautical mobile (R) service on a primary basis, and is subject to pertinent international treaties and agreements. The frequencies 136.000 MHz, 136.025 MHz, 136.050 MHz, 136.075 MHz, 136.125 MHz, 136.150 MHz, 136.175 MHz, 136.225 MHz, 136.250 MHz, 136.300 MHz, 136.325 MHz, 136.350 MHz, 136.400 MHz, 136.425 MHz and 136.450 MHz are available on a shared basis to the Federal Aviation Administration for air traffic control purposes, such as automatic weather observation services (AWOS), automatic terminal information services (ATIS) and airport control tower communications. Stations licensed prior to January 2, 1990, using the 136–137 MHz band for space operation (space-to-earth), meteorological-satellite service (space-to-earth) and the space research service (space-to-earth) may continue to use this band on a secondary basis to aeronautical mobile (R) service stations. No new assignments will be made to stations in the above space services.

* * * * *

PART 87—AVIATION SERVICES

1. The authority citation for Part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

2. In § 87.137, paragraph (a), Footnote 5 is amended by revising the first sentence to read as follows:

§ 87.137 Types of emission.

(a) * * *

[5] This emission may be authorized for audio frequency shift keying and phase shift keying for digital data links on any frequency listed in § 87.263(a)(1), § 87.263(a)(3) or § 87.263(a)(5). * * *

* * * * *

3. In § 87.173, the frequency table in paragraph (b) is amended by adding the following four columnar entries in frequency numerical order to read as follows:

§ 87.173 Frequencies.

* * * * *

(b) * * *

Frequency or frequency band	Subpart	Class of station	Remarks
*	*	*	*
136.000–136.075 MHz	0, S	MA, FAC, FAW	Air traffic control operations.
136.100 MHz			Reserved for future unicom or AWOS.
136.125–136.175 MHz	0, S	MA, FAC, FAW	Air traffic control operations.
136.200 MHz			Reserved for future unicom or AWOS.
136.225–136.250 MHz	0, S	MA, FAC, FAW	Air traffic control operations.
136.275 MHz			Reserved for future unicom or AWOS.
136.300–136.350 MHz	0, S	MA, FAC, FAW	Air traffic control operations.
136.375 MHz			Reserved for future unicom or AWOS.
136.400–136.450 MHz	0, S	MA, FAC, FAW	Air traffic control operations.
136.475 MHz			Reserved for future unicom or AWOS.
136.500–136.600 MHz	I	MA, FAE	Domestic VHF.
136.625 MHz	I	MA, FAE	Domestic VHF.
136.650 MHz	I	MA, FAE	Domestic VHF.
136.675 MHz	I	MA, FAE	Domestic VHF.
136.700 MHz	I	MA, FAE	Domestic VHF.
136.725 MHz	I	MA, FAE	Domestic VHF.
136.750 MHz	I	MA, FAE	Domestic VHF.
136.775 MHz	I	MA, FAE	Domestic VHF.
136.800 MHz	I	MA, FAE	Domestic VHF.
136.825 MHz	I	MA, FAE	Domestic VHF.
136.850 MHz	I	MA, FAE	Domestic VHF.
136.875 MHz	I	MA, FAE	Domestic VHF.
136.900 MHz	I	MA, FAE	Domestic VHF.
136.925 MHz	I	MA, FAE	Domestic VHF.
136.950 MHz	I	MA, FAE	Domestic VHF.
136.975 MHz	I	MA, FAE	Domestic VHF.
*	*	*	*

4. In § 87.263, paragraph (a)(1) is revised, a new paragraph (a)(5) is added and paragraph (c) is revised to read as follows:

§ 87.263 Frequencies.

(a) *Domestic VHF service.* (1) The frequencies in the 128.825–132.000 MHz band and the frequencies 136.500 MHz, 136.525 MHz, 136.550 MHz, 136.575 MHz, 136.600 MHz, 136.650 MHz, 136.700 MHz, 136.750 MHz, 136.800 MHz, 136.850 MHz, 136.900 MHz and 136.950 MHz are available to serve domestic routes. The frequencies 136.625 MHz, 136.675 MHz, 136.725 MHz 136.775 MHz, 136.825 MHz, 136.875 MHz, 136.925 MHz and 136.975 MHz are also available to enroute stations located at least 288 km (180 miles) from the Gulf of Mexico shoreline (outside the Gulf of Mexico Region). Frequency assignments are based on 25 kHz spacing. Use of these frequencies must be compatible with existing operations and must be in accordance with pertinent international treaties and agreements.

* * * * *

(5) The frequencies 136.625 MHz, 136.675 MHz, 136.725 MHz, 136.775 MHz, 136.825 MHz, 136.875 MHz, 136.925 MHz and 136.975 MHz are available in the Gulf of Mexico Region to serve domestic routes over the Gulf of Mexico and adjacent coastal areas. Assignments of these eight frequencies in the Gulf of Mexico Region are not subject to the conditions contained in section 87.261(c) and paragraph (a)(2) of this section. Frequency assignments are based on 25 kHz spacing. Use of these frequencies must be compatible with existing operations and must be in accordance With pertinent international treaties and agreements. For the purpose of this paragraph, the Gulf of Mexico Region is defined as an area bounded on the east, north and west by a line 288 km (180 miles) inland from the Gulf of Mexico shoreline.

* * * * *

(c) *International VHF service.* Frequencies in the 128.825–132.000 and 136.000–137.000 MHz bands are available to enroute stations serving international flight operations. Frequency assignments are based on 25 kHz channel spacing. Proposed operations must be compatible with existing operations in the band.

* * * * *

5. In § 87.421, the introductory text is revised to read as follows:

§ 87.421 Frequencies.

The Commission will assign VHF frequencies after coordination with the FAA. The following frequencies are available to control towers. Channel spacing is 25 kHz.

118.000–121.400 MHz
121.600–121.925 MHz
123.600–128.800 MHz
132.025–135.975 MHz
136.000–136.075 MHz
136.125–136.175 MHz
136.225–136.250 MHz
136.300–136.350 MHz
136.400–136.450 MHz

* * * * *

[FR Doc. 90-16172 Filed 7-11-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 68

[CC Docket 88-57, RM-5643; FCC 90-220]

Connection of Simple Inside Wiring to Telephone Network

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission's (FCC's) rules setting forth the terms and conditions under which subscribers may install and connect simple inside wiring to the local telephone company network are amended in response to the Notice of Proposed Rulemaking in CC Docket 88-57, RM-5643 (FCC 88-38), adopted January 29, 1988, 53 FR 9952, March 28, 1988. The rule changes will expand consumer options for, and eliminate unnecessary restrictions on, inside

wiring operations; will encourage the development of a competitive, innovative and excellent American communications system; and will provide effective and adaptive regulation for communications, while eliminating regulations which are unnecessary or inimical to the public interest

This item was released as a combined Report and Order (R&O) and Further Notice of Proposed Rulemaking (Further NPRM) in CC Docket 88–57, RM–5643, FCC 90–220, adopted June 8, 1990 and released June 14, 1990. This R&O portion of that action revises the rules. For the document relating to the Further NPRM see the proposed rule published elsewhere in this issue.

EFFECTIVE DATE: August 13, 1990.

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Domestic Service Branch, Common Carrier Bureau, (202) 634–1832.

SUPPLEMENTARY INFORMATION: This is a summary of the FCC's R&O in CC Docket 88–57, RM–5643, FCC 90–220, adopted June 8, 1990 and released June 14, 1990. The full text of this decision is 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 Street NW., Washington, DC; or transcripts may be purchased from the FCC's duplicating contractor, International Transcription Services, l2100 M Street NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Part 68 of the FCC's 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. Section 68.213 of the rules, which generally authorizes customers to install at their premises and connect to the telephone network one and two-line telephone wiring (also referred to as "simple inside wiring") was adopted in 1984. Also adopted was a definition of the network interface or demarcation point to serve as the dividing line between carrier and customer wiring; prohibition against customer access to the protector (a device which prevents excessive electrical current from passing from the telephone line into the customer's premises or from the customer's premises into telephone company facilities); and a number of limitations on customer installation rights carriers believed necessary at that time to guard against harm to the telephone network, including the ban against subscribers or their agents severing carrier-installed wiring on the subscriber's premises and installing a jack. See First Report and Order, CC Docket 81–2165, 97 F.C.C.2d 527 (1984), stay denied, Order, FCC 84–546, released Nov. 20, 1984, *recon. granted in part, § 68.213 Reconsideration Order*, 50 FR 29384 (1985).

In its Review of §§ 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network (Notice of Proposed Rulemaking), CC Docket 88–57, 3 FCC Rcd 1120 (1988), the FCC undertook a general review of those rules which set forth the terms and conditions under which customers may install and connect simple inside wiring to the telephone network, and proposed a number of revisions. Particular concern was expressed that the requirement that inside wiring be connected to the network only through a carrier-installed jack might be causing consumers unnecessary costs. Comments on that aspect, as well as others, were solicited. Also offered for comment was (1) a petition for rulemaking filed by the Electronic Industries Association requesting that the FCC rule that all plugs and jacks used in inside wiring, not just the jack at the network interface, are required to conform to the technical specifications of subpart F of the rules, and (2) a request of AT&T that subpart F be modified to eliminate the language that permitted materials equivalent to gold in the jack contact interface. Comments were filed by several carriers and other parties. Based on the record, we are adopting the rules set forth below.

In this R&O, we (1) modify § 68.104 to allow customers to connect simple inside wiring to the telephone network by direct access to carrier-installed wiring at points up to and including the demarcation point, (2) revise lthe definition of the demarcation point in § 68.3 so that in most cases it will be at or near where wiring enters the customer's premises, (3) modify § 68.108 to authorize the carrier to discontinue service when harm occurs originating from customer-installed wiring, or when the carrier reasonably believes such harm is imminent, (4) delete § 68.218 (e), (f) and (g) concerning notification, acceptance testing and extraordinary procedures, (5) determine that jacks and plugs used in inside wiring must conform to subpart F, and (6) state that we expect local exchange carriers to continue to develop and submit to subscribers an informational brochure on the rights of subscribers to perform inside wiring operations.

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that the amendments of part 68 of the rules, 47 CFR part 68, adopted in this R&O will not have a significant impact on small entities because the amendments will only remove regulatory requirements for inside wiring operations performed by small entities and do not create any additional regulatory requirements for inside wiring operations performed by small entities.

List of Subjects in 47 CFR Part 68

Definitions, Means of connection, Incidence of harm, Installation of unprotected premises wiring, Telephone.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

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:

Authority: Sec. 5, 48 Stat. 1068, as amended, 47 U.S.C. 155, unless otherwise noted.

2. Section 68.3 is amended by removing the definition of *Network interface or demarcation point* and adding a new definition in alphabetical order, *Demarcation point* to read as follows:

§ 68.3 Definitions.

* * * * *

Demarcation point: The point of demarcation and/or interconnection between telephone company communications facilities and terminal equipment, protective apparatus or wiring at a subscriber's premises. Carrier-installed facilities at, or constituting, the demarcation point shall consist of wire or a jack conforming to subpart F of part 68 of the Commission's rules. "Premises" as used herein generally means a dwelling unit, other building or a legal unit of real property such as a lot on which a dwelling unit is located, as determined by the telephone company's reasonable and nondiscriminatory standard operating practices. The "minimum point of entry" as used herein shall be either the closest practicable point to where the wiring crosses a property line or the closest practicable point to where the wiring enters a multiunit building or buildings. The telephone company's reasonable and nondiscriminatory standard operating practices shall determine which shall apply. The telephone company is not precluded from establishing reasonable classifications of multiunit premises for purposes of determining which shall apply. Multiunit

premises include, but are not limited to, residential, commercial, shopping center and campus situations.

(a) *Single unit installations.* For single unit installations existing as of August 13, 1990, and installations installed after that date the demarcation point shall be a point within twelve inches of the protector or, where there is no protector, within twelve inches of where the telephone wire enters the customer's premises.

(b) *Multiunit installations.* (1) In multiunit premises existing as of August 13, 1990, the demarcation point shall be determined in accordance with the local carrier's reasonable and nondiscriminatory standard operating practices. Provided, however, that where there are multiple demarcation points within the multiunit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point twelve inches from where the wiring enters the customer's premises.

(2) In multiunit premises in which wiring is installed after August 13, 1990, including additions, modifications and rearrangements of wiring existing prior to that date, the telephone company may establish a reasonable and nondiscriminatory practice of placing the demarcation point at the minimum point of entry. If the telephone company does not elect to establish a practice of placing the demarcation point at the minimum point of entry, the multiunit premises owner shall determine the location of the demarcation point or points. The multiunit premises owner shall determine whether there shall be a single demarcation point location for all customers or separate such locations for each customer. Provided, however, that where there are multiple demarcation points within the multiunit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point twelve inches from where the wiring enters the customer's premises.

* * * * *

3. Section 68.104 is amended by revising paragraph (a) to read as follows:

§ 68.104 Means of connection.

(a) *General.* Any jack installed by the telephone company at, or constituting, the demarcation point shall conform to subpart F of this part. Subject to the requirements of § 68.213, connection of wiring and terminal equipment to the telephone network may be made through a jack conforming to subpart F or by direct attachment to carrier-installed wiring including, but not limited to, splicing, bridging, twisting and soldering. Telephone company-provided ringers may be connected to the network in accordance with the carrier's reasonable and nondiscriminatory standard operating practices. Connection to the network of wiring subject to § 68.215 and terminal equipment used therewith shall be through telephone company-provided jacks conforming to subpart F of this part, in such a manner as to allow for easy and immediate disconnection.

* * * * *

4. Section 68.108 is revised to read as follows:

§ 68.108 Incidence of harm.

Should terminal equipment, inside wiring, plugs and jacks, or protective circuitry cause harm to the telphone network, or, should the carrier reasonably determine that such harm is imminent, the telephone company shall, where practicable, notify the customer that temporary discontinuance of service may be required; however, wherever prior notice is not practicable, the telephone company may temporarily discontinue service forthwith, if such action is reasonable under the circumstances. In case of such temporary discontinuance, the telephone company shall:

(a) Promptly notify the customer of such temporary discontinuance;

(b) Afford the customer the opportunity to correct the situation which gave rise to the temporary discontinuance; and

(c) Inform the customer of his right to bring a complaint to the Commission pursuant to the procedures set forth in subpart E of this part.

5. Section 68.213 is amended by revising the heading and paragraph (b) and by removing paragraphs (e), (f) and (g) to read as follows:

§ 68.213 Installation of other than "fully protected" non-system simple customer premises wiring.

* * * * *

(b) *Wiring authorized.* Unprotected premises wiring may be used to connect units of terminal equipment or protective circuitry to one another, and to carrier-installed facilities if installed in accordance with these rules. The telephone company is not responsible, except pursuant to agreement between it and the customer or undertakings by it, otherwise consistent with Commission requirements, for installation and maintenance of wiring on the subscriber's side of the demarcation point, including any wire or jacks that may have been installed by the carrier. The subscriber and/or premises owner may install wiring on the subscriber's side of the demarcation point, and may remove, reconfigure, and rearrange wiring on that side of the demarcation point including wiring that may have been installed by the carrier. The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point. Customers may not access the telephone company-installed protector. All plugs and jacks used in connection with inside wiring shall conform to subpart F of the Commission's rules.

* * * * *

[FR Doc. 90-16100 Filed 7-11-90; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 507

[APD 2800.12A, Chge 9]

General Services Administration Acquisition Regulation; Comprehensive Acquisition Plan and Miscellaneous Revisions to GSA Forms

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) (APD 2800.12A), chapter 5, is amended to revise §§ 507.102, 507.104 and 507.105 to update references to the GSA order on Comprehensive Acquisition Planning which has been revised and to revise the GSAR to conform to the requirements of the revised GSA order. Section 553.370-3506 is revised to illustrate the September 1989 edition of GSA From 3506, Construction Contract Clauses and § 553.370-3507 is revised to illustrate the December 1989 edition of GSA Form 3507, Supply Contract Clauses. The intended effect is to provide guidance to GSA contracting personnel.

EFFECTIVE DATE: July 12, 1990.

FOR FURTHER INFORMATION CONTACT: Shirley Scott, Office of GSA Acquisition Policy, (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the Federal Register for public comment prior to issuance because it merely deals with internal operating procedures in GSA.