

State's delegated air toxics program in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603 and 604.) Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Delegation of pre-existing Federal requirements under section 112 of the CAA does not create any new requirements, but simply allows the State to enforce Federal requirements that have been or will be separately promulgated. Therefore, because this Federal delegation approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The CAA forbids EPA to base its actions concerning State plans on such grounds. *Union Electric Co. v. EPA.*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rule that include a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more.

This Federal action approves delegation of pre-existing Federal requirements to the State. No new Federal requirements are imposed. Accordingly, no additional costs to local or tribal governments, or the private sector, result from this action. EPA believes that the cost of any additional authority voluntarily undertaken by the State will be less than \$100 million.

D. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a major rule as defined by section 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 8, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 63

Environmental Protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

Authority: 42 U.S.C. 7401-7671(q).

Dated: June 26, 1997.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 97-17737 Filed 7-7-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 88-57; FCC 97-209]

Connection of Simple Inside Wiring to the Telephone Network and Petition for Modification

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On June 17, 1997, the Commission released an Order on Reconsideration and Second Report and Order amending several rules concerning connection of inside wiring to the telephone network. The Order on Reconsideration and Second Report and Order is intended to clarify our demarcation point definition and other rules in part 68.

EFFECTIVE DATE: August 7, 1997.

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

FOR FURTHER INFORMATION CONTACT: Bill von Alven, Senior Engineer (202) 418-2342, or Marian Gordon, Special Counsel, Network Services Division, Common Carrier Bureau, (202) 418-2337.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Order on Reconsideration and Second Report and Order in the matter of Review of §§ 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network and Petition for Modification of § 68.213 of the Commission's Rules filed by the Electronic Industries Association, FCC 97-209, adopted June 12, 1997, and released June 17, 1997. The Commission concurrently released a Second Further Notice of Proposed Rulemaking in the same docket. The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., N.W., Washington, D.C. or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2100 M St., N.W., Suite 140, Washington, D.C. 20037, phone (202) 857-3800.

Analysis of Proceeding

1. In the Order on Reconsideration, and Second Report and Order, the Commission clarifies its demarcation point definition and addresses other part 68 rules regarding inside wiring. The Commission finds that, because there may be factors such as physical

conditions or safety considerations which make it difficult to place the demarcation point within twelve inches of the point at which the wiring enters a customer's premises, the demarcation point may be located within twelve inches of the customer's premise "or as near thereto as practicable." The Commission also clarifies that only major additions or rearrangements of existing inside wiring are considered new installations under its rules. To address the concern that customers working on wiring outside their own individual unit in a multiunit building could pose risk of harm, the Commission concludes that in the case of multiunit premises, the premises owner may prohibit tenants from working on wiring located outside of the tenant's individual unit or on wiring that serves other customers. The Commission states that it did not intend that carriers establish new operating procedures to govern multiunit buildings existing on August 13, 1990 that would automatically relocate those buildings' demarcation points, and clarifies that the standard operating practices are those practices in effect on August 13, 1990. Thus, our rules do not authorize changing the demarcation point for an existing building to the minimum point of entry. The Commission also requires telephone companies to give building owners, upon request, all available information regarding the wiring layout of their buildings including copies of existing schematic diagrams and service records. It also adopted a standard for determining whether a material meets the requirements for gold or gold equivalence under our rules. The Commission determined that customers may connect simple wiring installations of up to four access lines to the telephone network. It finds that this change will increase consumer options without presenting a significant risk of harm to the network. It also amends the definition of non-system premises wiring to state that such wiring includes wiring installations of up to four access lines.

2. It is ordered that, pursuant to sections 1, 4, 201–205, 218, 220, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 201–205, 218, 220 and 405, and 5 U.S.C. §§ 552 and 553, the Order on Reconsideration and Second Report and Order is adopted.

3. It is further ordered that the rule amendments set forth herein are effective on August 7, 1997. The collection of information contained within is contingent upon approval by the Office of Management and Budget.

List of Subjects in 47 CFR Part 68

Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Accordingly part 68 of title 47 is amended as follows:

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

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

Authority: Secs. 1, 4, 5, 201–5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410, 602 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 155, 201–5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410, 602.

2. Section 68.3 is amended by revising paragraphs (a) and (b) of the demarcation point definition, and by revising the introductory paragraph for the definition of non-system premises wiring, to read as follows:

§ 68.3 Definitions.

* * * * *

Demarcation point: * * *

(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 30 cm (12 in) of the protector or, where there is no protector, within 30 cm (12 in) of where the telephone wire enters the customer's premises, or as close thereto as practicable.

(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 non-discriminatory 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, or as close thereto as practicable.

(2) In multiunit premises in which wiring is installed after August 13, 1990, including major additions or 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 30 cm (12 in) from where the wiring enters the customer's premises, or as close thereto as practicable.

(3) In multiunit premises with more than one customer, the premises owner may adopt a policy restricting a customer's access to wiring on the premises to only that wiring located in the customer's individual unit that serves only that particular customer.

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Non-system premises wiring: Wiring that is used with up to four-line business and residence services, located at the subscriber's premises.

* * * * *

3. Section 68.110 is amended by adding a new paragraph (c) to read as follows:

§ 68.110 Compatibility of the telephone network and terminal equipment.

* * * * *

(c) *Availability of inside wiring information.* Any available technical information concerning wiring on the customer side of the demarcation point, including copies of existing schematic diagrams and service records, shall be provided by the telephone company upon request of the building owner or agent thereof. The telephone company may charge the building owner a reasonable fee for this service, which shall not exceed the cost involved in locating and copying the documents. In the alternative, the telephone company may make these documents available for review and copying by the building owner. In this case, the telephone company may charge a reasonable fee, which shall not exceed the cost involved in making the documents available, and may also require the building owner to pay a deposit to guarantee the documents' return.

4. Section 68.213 is amended by revising paragraphs (a) and (b), to read as follows:

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

(a) *Scope of this rule.* Provisions of this rule apply only to "unprotected" premises wiring used with simple

installations of wiring for up to four line residential and business telephone service. More complex installations of wiring for multiple line services, for use with systems such as PBX and key telephone systems, are controlled by § 68.215 of these rules.

(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 this part. In multiunit premises with more than one customer, the premises owner may adopt a policy restricting a customer's access to wiring on the premises to only that wiring located in the customer's individual unit wiring that serves only that particular customer. See Demarcation point definition, § 68.3(b)(3). 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 this part.

* * * * *

5. Section 68.215 is amended by revising the subject heading to read as follows:

§ 68.215 Installation of other than "fully protected" system premises wiring that serves more than four subscriber access lines.

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6. Section 68.500 is amended by adding a new sentence at the end of the introductory paragraph, and prior to the specifications for a 6-position plug, to read as follows:

§ 68.500 Specifications.

General. * * * For the purposes of this section, hard gold and contact performance equivalent to gold shall be determined in accordance with the standards detailed in Appendix H of TIA Telecommunications Systems Bulletin No. 31 Part 68 Rationale and Measurement Guidelines (TSB.31), prepared by EIA/TIA TR-41 Committee on Telephone Terminals (1992). This publication may be obtained by contacting Global Engineering Documents, 7730 Carondelet Avenue, Suite # 407, St. Louis, Missouri, 63105. (Telephone number 1-800-854-7179).

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[FR Doc. 97-17713 Filed 7-7-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 193

[Docket No. PS-151; Notice 1]

RIN 2137-AC91

Liquefied Natural Gas Regulations; Miscellaneous Amendments

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

ACTION: Confirmation of effective date; and partial removal of direct final rule.

SUMMARY: This document confirms the effective date of the amendments of the direct final rule which updated the Liquefied Natural Gas (LNG) regulations by replacing the current "Flammable vapor-gas dispersion protection" method with a method based on the "dense gas dispersion (DEGADIS)" model, and replacing the current "Thermal radiation protection" method with a method based on the "LNGFIRE" program model. This document removes the section of the direct final rule that incorporated safety requirements for mobile and temporary LNG facilities by referencing National Fire Protection Association (NFPA) Standard 59A (1996 edition), Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG).

EFFECTIVE DATES: This document confirms June 25, 1997, as the effective date of the amendments to § 193.2057, § 193.2059 and Appendix A to Part 193 published on February 25, 1997, at 62 FR 8402. The approval of the incorporation by reference of certain publications listed in those amendments remains June 25, 1997. This document

also removes § 193.2019 effective June 25, 1997.

FOR FURTHER INFORMATION CONTACT:

Mike Israni, telephone: (202) 366-4571, or e-mail: mike.israni@rspa.dot.gov, regarding the subject matter of this document, or the Dockets Unit (202) 366-5046, for copies of this document or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

On February 25, 1997, RSPA published a direct final rule (62 FR 8402) titled "Liquefied Natural Gas Regulations—Miscellaneous Amendments." In that rule, RSPA stated that if no adverse comments were received by April 28, 1997, it would publish a confirmation notice within 30 days, and if an adverse comment was received, RSPA would issue a document to confirm that fact and would withdraw the direct final rule in whole or in part. The rule also stated that RSPA might then incorporate the adverse comment(s) into a subsequent direct final rule or might publish a notice of proposed rulemaking.

RSPA received two comments on Section 193.2019, Mobile and temporary LNG facilities, in the direct final rule. One comment was from the industry and a second was from an individual employed by a state utility commission. The industry comment, from the largest independent natural gas distribution company in New England, applauded RSPA's incorporation by reference of the safety requirements for mobile and temporary LNG facilities contained in standard NFPA 59A. The commenter from the state utility commission expressed concern over adopting the NFPA standard 59A by reference for the mobile and temporary LNG facilities. Details of this comment will be discussed in a subsequent direct final rule.

RSPA did not receive any comments relative to the direct final rule provisions for Section 193.2057, Thermal radiation protection, and Section 193.2059, Flammable vapor-gas dispersion protection, in the direct final rule. Therefore, this document confirms that the changes to Sections 193.2057 and 193.2059 in the direct final rule will become effective on June 25, 1997.

List of Subjects in 49 CFR Part 193

Fire prevention, Pipeline safety, Reporting and recordkeeping requirements, Security measures.

In consideration of the foregoing, RSPA amends Part 193 of title 49 of the Code of Federal Regulations as follows: