

Dated: December 8, 1995.

Lon Hatamiya,

Administrator, Agricultural Marketing Service.

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Rural Utilities Service

7 CFR Part 1755

RUS General Specification for Digital, Stored Program Controlled Central Office Equipment (Form 522)

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) hereby amends the RUS General Specification for Digital, Stored Program Controlled Central Office Equipment by eliminating the requirement for multiparty service and certain other technical aspects associated with this service. This amendment does not diminish public telephone service integrity.

EFFECTIVE DATE: This regulation is effective on January 16, 1996.

FOR FURTHER INFORMATION CONTACT: John J. Schell, Chief, Central Office Equipment Branch, Telecommunications Standards Division, U.S. Department of Agriculture, Rural Utilities Service, room 2836-S, Washington, DC 20250-1500, telephone (202) 720-0671.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be not-significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This final rule will not:

(1) Preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule;

(2) Have any retroactive effect; and

(3) Require administrative proceedings before parties may file suit challenging the provisions of this rule.

Regulatory Flexibility Act Certification

RUS has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The changes to the General Specification for Digital, Stored Program Controlled Central Office Equipment in

this final rule are updates which have been made so that RUS telephone borrowers can continue to provide their subscribers with the most up-to-date and efficient telephone service.

Information Collection and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection and recordkeeping requirements contained in this final rule have been approved by OMB under control number 0572-0059. Comments concerning these requirements should be directed to the United States Department of Agriculture, Clearance Office, OIRM, room 404-W, Washington, DC 20250 or to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for USDA, room 10102, New Executive Office Building, Washington, DC 20503.

National Environmental Policy Act Certification

RUS has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this final rule is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.851, Rural Telephone Loans and Loan Guarantees, and 10.852, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402-9325.

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation. A Notice of Final rule entitled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts RUS and RTB loans and loan guarantees to governmental and nongovernmental entities from coverage under this Order.

Background

RUS makes loans and loan guarantees to telephone systems to provide and improve telecommunications service in rural areas, as authorized by the Rural Electrification Act of 1936, as amended, 7 U.S.C. 901 *et seq.*, (RE Act). RUS issues construction standards and specifications for materials and

equipment. In accordance with the RUS loan contract, these standards and specifications apply to facilities constructed by RUS telephone borrowers. The Rural Electrification Loan Restructuring Act of 1993 (RELRA) (107 Stat. 1356) contemplates elimination of multiparty service by telephone companies receiving RUS loans. This final rule eliminates the requirement in 7 CFR 1755.522 for multiparty service along with features which are associated with that service such as reverberate calling and multifrequency ringing.

Public comments regarding the proposed rule were received from AT&T and the United States Telephone Association. These comments were taken into consideration in preparing the final rule.

1. *Comment.* One commenter stated that although there was no issue to be taken with the proposed rule as it stands, much of the remainder of RUS Form 522 is counter to the STMP requirements. The commenter recommended that all antiquated requirements be eliminated and an additional requirement be added which limits future funding by RUS to products which demonstrate available technology supporting STMP regulations.

Response. RUS disagrees that the Form 522 is counter to the State Telecommunications Modernization Plan requirements. Form 522 is, and has always been, intended as a basic specification. Traditionally, RUS has left development of specifications for advanced telecommunication features to other sources within the telecommunications industry. RUS believes that the industry has provided, and will continue to provide, appropriate specifications for the necessary advanced features.

2. *Comment.* One commenter commended RUS for proposing the elimination of the multiparty requirement and recommended that RUS conduct a review of all its regulations in order to identify and rescind all obsolete requirements.

Response. RUS continuously reviews and updates regulations to keep them as technologically current as possible.

List of Subjects in 7 CFR Part 1755

Loan programs-communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

For the reasons set out in the preamble, chapter XVII of title 7 of the Code of Federal Regulations is amended as follows: