

By the Commission.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 97-23830 Filed 9-8-97; 8:45 am]

BILLING CODE 8010-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 179-0051; FRL-5890-7]

#### Withdrawal of Direct Final Rule for Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to an adverse comment, EPA is withdrawing the direct final rule for the approval of revisions to the California State Implementation Plan. EPA published the direct final rule on August 4, 1997 at 62 FR 41865, approving revisions to rules from the Bay Area Air Quality Management District (BAAQMD). As stated in that **Federal Register** document, if adverse or critical comments were received by September 3, 1997, the effective date would be delayed and notice would be published in the **Federal Register**. EPA subsequently received adverse comments on that direct final rule. EPA will address the comments received in a subsequent final action in the near future. EPA will not institute a second comment period on this document.

**DATES:** The direct final rule published at 62 FR 41865 is withdrawn as of September 9, 1997.

**FOR FURTHER INFORMATION CONTACT:** Christine Vineyard, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1197.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule located in the final rules section of the August 4, 1997 **Federal Register**, and in the short informational notice located in the proposed rule section of the August 4, 1997 **Federal Register**.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping

requirements, Volatile organic compounds.

Dated: August 27, 1997.

**John Wise,**

*Acting Regional Administrator.*

[FR Doc. 97-23834 Filed 9-8-97; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 54, 64, and 69

[CC Docket Nos. 96-45; 97-21; FCC 97-292]

#### Changes to the Board of Directors of the National Exchange Carrier Association, Inc. and Federal-State Joint Board on Universal Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Order released August 15, 1997 directs NECA to assume the duties of USAC pertaining to the distribution, receipt, and processing of the Universal Service Worksheet until such time as USAC is prepared to begin its operations and assume these duties. The Order also authorizes NECA to perform certain ministerial functions on behalf of the Schools and Libraries and Rural Health Care Corporation to the extent that the performance of those functions is necessary to meet the January 1, 1998 starting date established by the Commission for implementing the universal service support mechanisms set forth in 47 U.S.C. § 254. Additionally, the Order authorizes NECA, in its capacity as the Administrator of the TRS Fund, to make available to USAC, to NECA, to the extent that it is acting on behalf of USAC, and to the entity selected to be the permanent universal service Administrator, certain TRS Fund information consisting of the names, addresses, contact persons, type of business, and other non-financial, identifying information relating to TRS Fund contributors. Finally, the Order instructs entities that currently are unable, without substantial difficulty, to distinguish their intrastate, interstate, or international revenues or are unable to provide specific, line-by-line revenue totals for certain categories of revenues, to provide good faith estimates of such revenues in the Universal Service Worksheet that must be completed by September 1, 1997.

**DATES EFFECTIVE:** August 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** Valerie Yates, Legal Counsel, Common

Carrier Bureau, (202) 418-1500 or Sheryl Todd, Common Carrier Bureau, (202) 418-7400.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order on Reconsideration and Second Report and Order adopted and released on August 15, 1997. The full text is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M St., N.W., Washington, D.C. Pursuant to the Telecommunications Act of 1996, the Commission released a Notice of Proposed Rulemaking and Order Establishing a Joint Board, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, on March 8, 1996 (61 FR 10499 (March 14, 1996)), a Recommended Decision on November 8, 1996 (61 FR 63778 (December 2, 1996)), a Public Notice seeking comment on rules to implement §§ 254 and 214(e) of the Communications Act of 1934, as amended, relating to universal service on November 18, 1996 (61 FR 63778 (December 2, 1996)), a Notice of Proposed Rulemaking in Changes to the Board of Directors of the National Exchange Carrier Association, Inc. in CC Docket No. 97-21, on January 10, 1997 (62 FR 2636 (January 17, 1997)), a Report and Order in Federal-State Joint Board on Universal Service, CC Docket No. 96-45, on May 8, 1997 (62 FR 32862 (June 17, 1997)), and a Report and Order and Second Order on Reconsideration in Changes to the Board of Directors of the National Exchange Carrier Association, Inc. and Federal-State Joint Board on Universal Service, CC Docket Nos. 97-21 and 96-45, on July 18, 1997 (62 FR 41294 (August 1, 1997)).

#### Summary of Report and Order

##### I. Universal Service Implementation Issues

A. Authorization for NECA to Perform Functions Relating to Distribution and Processing of the Universal Service Worksheet on Behalf of USAC

We direct NECA to assume the duties assigned to USAC, as set forth in the NECA Order, relating to the distribution, receipt, and processing of the Universal Service Worksheet until USAC is prepared to assume these duties. In making this determination, we reconsider on our own motion our decision in the NECA Order immediately to assign these duties to USAC. In order to ensure timely distribution of the Universal Service Worksheet, we conclude that it is critical that we authorize NECA to begin distributing the Worksheet immediately to potential contributors so that entities

have sufficient time to complete and submit the Worksheet by the September 1, 1997 deadline.

We also agree with NECA that USAC's ability to meet the January 1, 1998 target implementation deadline may be jeopardized unless NECA begins work immediately on establishing the systems that are necessary to process the revenue information provided on the Universal Service Worksheet and on processing the Worksheet information that is received, until the USAC Board of Directors is in place and is prepared to assume these responsibilities. It is our expectation, however, that, as soon as possible following its establishment, the USAC Board of Directors will provide direction to NECA with respect to any developmental work already begun by NECA and, when it is prepared to do so, will assume responsibility for these functions.

#### B. Authorization for NECA to Perform Certain Functions on Behalf of Schools and Libraries Corporation and Rural Health Care Corporation

We authorize NECA to perform certain ministerial functions on behalf of the Schools and Libraries and Rural Health Care Corporations to the extent that the performance of those functions is necessary to meet the January 1, 1998 deadline. For example, we anticipate that NECA will begin developmental work relating to the creation of websites for the posting of applications submitted on behalf of schools, libraries, and rural health care providers. We also anticipate that NECA will begin assigning identification numbers to eligible schools, libraries, and rural health care providers and taking steps to create a database containing this information. In making these determinations, we reconsider on our own motion our decision in the NECA Order immediately to assign these duties to the Schools and Libraries and Rural Health Care Corporations. It is our expectation, however, that, as soon as possible following their establishment, the Schools and Libraries and Rural Health Care Corporation Boards of Directors will provide direction to NECA with respect to any developmental work already begun by NECA and, when they are prepared to do so, will assume responsibility for these functions.

#### C. Mechanism for Recovery of Administrative Expenses Incurred by NECA

We also establish a mechanism by which NECA will receive reimbursement for administrative expenses associated with its

performance of the incorporation and other start-up functions that have been assigned to it. We conclude that NECA should be entitled to recover from the new universal service support mechanisms in 1998 all reasonable administrative costs, including interest on funds advanced for start-up activities, that NECA incurs in 1997 in performing the duties assigned to it pursuant to this Order and the NECA Order. We direct NECA to keep a separate accounting of all implementation expenses that it incurs in performing the incorporation and other start-up functions that we have directed it to perform on behalf of USAC and the Schools and Libraries and Rural Health Care Corporations.

#### D. Use of TRS Fund Carrier Identification Information Data by the Universal Service Administrator

We also authorize NECA, in its capacity as the Administrator of the TRS Fund, to make available to USAC, to NECA to the extent that it is acting on behalf of USAC, and to the entity selected to be the permanent universal service Administrator, certain TRS Fund information consisting of the names, addresses, contact persons, type of business, and other non-financial, identifying information relating to TRS Fund contributors. Such information shall be used by these entities solely for the purpose of identifying contributors to the universal service support mechanisms and for the related purpose of identifying entities engaged in certain types of business.

As a separate matter, we propose to amend § 64.604(c)(4)(iii)(I) of the Commission's rules specifically to permit the use of TRS Fund revenue data by USAC or NECA, to the extent that it is acting on behalf of USAC, and the permanent universal service Administrator, for purposes of verifying revenue information reported on the Universal Service Worksheet. We seek comment on this proposal in a Further Notice of Proposed Rulemaking, as described below.

#### E. Other Implementation Issues

In the Universal Service and NECA Orders, the Commission adopted detailed rules governing the implementation and operation of the new universal service support mechanisms. As in the case of any new program, implementation of the support mechanisms will require the administering corporations to exercise judgment and discretion in interpreting the governing rules. USAC, the Schools and Libraries Corporation, or the Rural Health Care Corporation may encounter

complex issues that require expeditious resolution in order to avoid undue prejudice to individual applicants for support or in order to prevent delayed implementation of the universal service program generally, but with respect to which our rules do not provide specific guidance. We anticipate that USAC and the Corporations will exercise sound judgment and discretion in such circumstances, in a manner that is consistent with the Commission's overall policies and rules governing the universal service programs. Of course, acknowledging the need for such discretion in no way diminishes our commitment to the impartial allocation of funds to individual applicants by entities administering the universal service support mechanisms.

#### II. Reporting End-User Telecommunications Revenue Data and Other Revenue Data on the Universal Service Worksheet

We recognize that some contributors to the universal service support mechanisms may not be able, without substantial difficulty, to derive from their existing books of account the revenue information required by the Worksheet. Furthermore, we recognize that some non-common carrier contributors to the universal service support mechanisms will face similar difficulties identifying their revenues by the specific line-by-line categories listed on the Worksheet. In light of the Worksheet's September 1, 1997 due date, however, we must provide immediate guidance to these contributors. Therefore, on an interim basis, until such time as the Commission takes action on the pending petitions for reconsideration, contributors that cannot derive interstate revenues from their books of account or cannot derive the line-by-line revenue breakdowns from their books of account may provide on the Worksheet good faith estimates of these figures. Contributors may derive their estimates using a method that they, in good faith, believe will yield a reasonably accurate result. Contributors must document how they calculated their estimates and make such information available to the Commission or Administrator upon request.

We conclude for good cause that compliance with the notice and public comment provisions of the APA is impracticable and is not required at this time with respect to our interim decision to permit contributors to make good faith estimates of their end-user telecommunications and other revenues as described above for purposes of

completing the Universal Service Worksheet. In order to facilitate the timely filing of Universal Service Worksheets and implementation of the universal service support mechanisms, and because the action we take represents an interim solution to a problem that will be addressed more comprehensively in a forthcoming order on reconsideration of the Universal Service Order, in CC Docket No. 96-45, we find that compliance with the notice and comment provisions of the APA is impracticable at this time.

### III. Procedural Matters

#### Effective Date

We find that the conclusions adopted herein should become effective immediately upon release of the Order.

### IV. Ordering Clauses

Accordingly, it is ordered, pursuant to sections 1-4, 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, and 254 that the Order on Reconsideration of the Report and Order and Second Order on Reconsideration in CC Docket Nos. 97-21 and 96-45, FCC 97-253, is adopted.

It is further ordered, pursuant to sections 1-4, 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, and 254 that the Second Report and Order in CC Docket No. 96-45 is adopted.

It is further ordered that the conclusions adopted in this order shall become effective immediately upon release of this Order.

### List of Subjects

#### 47 CFR Part 54

Universal Service.

#### 47 CFR Part 64

Communications common carriers.

#### 47 CFR Part 69

Communications common carriers.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 97-23829 Filed 9-8-97; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR PART 68

[CC Docket Nos. 96-128 and 91-35; DA 97-1793]

### Pay Telephone Equipment Grandfathering

**AGENCY:** Federal Communications Commission.

**ACTION:** Memorandum Opinion and Order.

**SUMMARY:** The Federal Communications Commission (Commission) amends its rules concerning the connection of terminal equipment to the telephone network. The amendments allow certain terminal equipment presently connected to a central-office-implemented payphone to remain connected without registration. Registration is required, however, if such equipment is modified.

**EFFECTIVE DATE:** October 5, 1997

**ADDRESSES:** This document may be viewed at the Federal Communications Commission, Reference Center, Room 239, 1919 M Street NW, Washington, DC 20554.

#### FOR FURTHER INFORMATION CONTACT:

*Technical Information:* William Von Alven, 202-418-2342.

*Legal Information:* Alan Thomas, 202-418-2338.

**SUPPLEMENTARY INFORMATION:** The adopted rules are part of the Commission's efforts to ensure that competition among payphone providers exists by enabling independent payphone providers to use central-office-implemented coin pay telephones as well as instrument-implemented payphones. The adopted rules provide that terminal equipment, including premises wiring, that is directly connected to a central-office-implemented telephone on or before October 8, 1997, does not have to be registered, unless subsequently modified. Modifications are any changes that affect the Part-68 related characteristics of that equipment at the network interface. Additionally, new installations of terminal equipment, including premises wiring, may occur until April 8, 1999, without registration of any central-office-implemented telephone equipment involved, provided that the terminal equipment is of a type directly connected to a central-office-implemented telephone as of October 8, 1997.

### List of Subjects in 47 CFR Part 68

Communications common carriers, Communications equipment, Reporting and recordkeeping requirements.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

### Rule Changes

Part 68 of Title 47 of the Code of Federal Regulations is amended to read as follows:

### PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

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

**Authority:** 47 U.S.C. 154, 155.

2. Section 68.2 is amended by adding a new paragraph (l) before the concluding paragraph to read as follows:

#### § 68.2 Scope.

\* \* \* \* \*

(l) *Grandfathered central office implemented payphone equipment.* (1) Terminal equipment, including its premises wiring, that is directly connected to a central-office-implemented telephone on or before October 8, 1997, may remain for service life without registration, unless subsequently modified. Service life means that life of the equipment until retired from service. Modification means changes to the equipment that affect the Part 68-related characteristics of that equipment at the network interface.

(2) New installation of terminal equipment, including its premises wiring, may occur until April 8, 1999, without registration of any central-office-implemented telephone equipment involved, provided that the terminal equipment is of a type directly connected to a central-office-implemented telephone as of October 8, 1997. This terminal equipment may remain connected and be reconnected to a central-office-implemented telephone.

\* \* \* \* \*

[FR Doc. 97-23528 Filed 9-8-97; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

### Radio Broadcasting Services; Various Locations

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual