18. The Commission determined that the rule incorporating the terms ''interLATA and intraLATA'' as well as ''interstate and intrastate'' contained in this Order on Reconsideration will not impose any additional requirements on IXCs. These terms were incorporated only to remove possible confusion or uncertainty as to the scope of our rules as pertaining to all jurisdictions. Likewise, the rule clarifying that IXCs must employ only one verification option will not impose any additional requirements on IXCs. Therefore, adoption of these rules should have little or no economic impact on small entities. Because the Commission concludes that adoption of these rules will cause little or no economic impact on small entities, the Commission has identified no significant alternatives, nor were any offered by parties commenting on the IRFA.

vi. Report to Congress

19. The Commission shall send a copy of this FRFA, along with this Memorandum Opinion and Order on Reconsideration, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A). A copy of this FRFA will also be published in the **Federal Register**.

IV. Conclusion

20. The Commission reaffirms, with minor modifications, its verification procedures adopted in the *1995 Report and Order.* The Commission's stay of its *1995 Report and Order,* insofar as it extends the PIC-change verification requirements set forth in § 64.1100 of the Commission rules to consumer-initiated or in-bound telemarketing calls, remains in effect.

V. Ordering Clauses

21. *It is ordered* that, pursuant to Sections 1, 4, 201–205, 215, 218, 220 and 258 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201–205, 215, 218, 220, and 258, the Petitions for Reconsideration of Allnet Communication Services, Inc., AT&T Corporation, Frontier Communications International, Inc., MCI Telecommunications Corporation, National Association of Attorneys General, and Sprint Communications Company Are granted to the extent described herein and Are denied in all other respects.

22. *It is further ordered* that the Petition for Clarification of the Telecommunications Resellers Association is granted to the extent described herein and is denied in all other respects.

23. *It is further ordered* that 47 CFR Part 64 is amended as set forth below.

24. *It is further ordered* that the policies, rules and requirements set forth below in this memorandum opinion and order on reconsideration are effective January 12, 1998 except for section 64.1150 which will become effective upon approval by the Office of Management and Budget. The Commission will publish a document at a later date announcing the effective date.

List of Subjects in 47 CFR Part 64

Communications common carriers, Consumer protection, Telecommunications.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

47 CFR part 64 is amended as follows:

1. The authority citation for part 64 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 226, 228, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201, 218, 226, 228, unless otherwise noted.

2. Section 64.1100(a) is revised to read as follows:

§ 64.1100 Verification of orders for long distance service generated by telemarketing.

* * * * *

(a) The IXC has obtained the customer's written authorization in a form that meets the requirements of § 64.1150;

* * * * *

3. Section 64.1150(e)(4) is revised to read as follows:

§ 64.1150 Letter of agency form and content.

* * * * *

(e) * * *

(4) That the subscriber understands that only one interexchange carrier may be designated as the subscriber's interstate or interLATA primary interexchange carrier for any one telephone number. To the extent that a jurisdiction allows the selection of additional primary interexchange carriers (e.g., for intrastate, intraLATA or international calling), the letter of agency must contain separate statements regarding those choices. Any carrier designated as a primary interexchange carrier must be the carrier directly setting the rates for the subscriber. One interexchange carrier can be both a subscriber's interstate or interLATA primary interexchange carrier and a subscriber's intrastate or intraLATA primary interexchange carrier; and

* * * * *

4. Section 64.1150(g) is revised to read as follows:

§ 64.1150 Letter of agency form and content.

* * * * *

(g) If any portion of a letter of agency is translated into another language, then all portions of the letter of agency must be translated into that language. Every letter of agency must be translated into the same language as any promotional materials, oral descriptions or instructions provided with the letter of agency.

[FR Doc. 97–21527 Filed 8–13–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 87–124; FCC 97–242]

Access to Telecommunications Equipment and Services by Persons With Disabilities (Hearing Aid Compatibility)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends Commission rules regarding HAC, which would have required all telephones manufactured or imported for use in the United States after November 1, 1998 to contain a volume control feature. Under the amended rules, this compliance date is extended to January 1, 2000. Furthermore, the Commission has made conforming amendments to its hearing aid compatibility rules so that workplaces, hotels and motels, and confined settings (*e.g,* hospitals and nursing homes) will not be required to ensure that new or replacement telephones contain a volume control feature until January 1, 2000, parallel with the manufacturing requirements. This action was taken in response to a petition for reconsideration filed by the Consumer Electronics Manufacturers Association (CEMA).

EFFECTIVE DATE: September 15, 1997.

FOR FURTHER INFORMATION CONTACT: Andy Firth, Attorney, 202/418–1898, Fax 202/418–2345, TTY 202/418–2224, afirth@fcc.gov, Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Order on

Reconsideration in the matter of Access to Telecommunications Equipment and Services by Persons With Disabilities, (CC Docket 87–124, adopted July 3, 1997, and released July 11, 1997.) 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 Street, N.W., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 2100 M Street, N.W., Suite 240, Washington D.C. 20037, phone 202/857–3800.

Paperwork Reduction Act

No impact.

Analysis of Proceeding

On June 27, 1996, the Commission adopted a Report and Order (R&O) (FCC 96–285), 61 FR 42181 (August 14, 1996), which was released on July 3, 1996. The R&O, among other things, required that as of November 1, 1998, all telephones manufactured or imported for use in the United States have a volume control feature. *See* 47 CFR 68.6. The R&O also required that, as of November 1, 1998, all replacement telephones and all newly purchased telephones in workplaces, confined settings, and hotels and motels must be equipped with volume control, in addition to having electro-magnetic coil hearing aid-compatibility. See 47 CFR 68.112 (b)(3), (b)(5), and (b)(6). The R&O included a technical specification for volume control. *See* 47 CFR 68.317.

On September 13, 1996, the Consumer Electronics Manufacturers Association (CEMA) filed a Petition for Reconsideration of the R&O, specifically for reconsideration of the rule adopted under 47 CFR 68.6, which would have required all telephones manufactured or imported for use in the United States after November 1, 1998, to contain volume control. CEMA asserted that the rule as adopted would cause undue financial burdens upon telephone equipment manufacturers, and also asserted that the rule exceeded the Commission's authority under the Hearing Aid Compatibility Act of 1988, 47 U.S.C. 610 (HAC Act). In the alternative, CEMA urged the Commission to find that 47 CFR 68.6 should only apply to new telephone models registered under part 68 after November 1, 1998, as opposed to all telephone products manufactured after that date. CEMA asserted that this ''grandfathering'' of existing telephone models would, among other things, lessen burdens upon the manufacturing industry by avoiding the need to re-tool existing production lines.

In its Order on Reconsideration, the Commission denied CEMA the specific relief requested in its Petition. The Commission concluded that CEMA's proposal would fall short of the HAC Act's requirement that persons with hearing disabilities have reasonable access to the telephone network, because there would be no assurance that manufacturers will phase out the production of existing models without volume control. By requiring volume control as a standard feature in the manufacture of all telephones, the intent of the HAC Act is furthered by minimizing the risk that persons with hearing disabilities would be unable to access the telephone network in the event of an emergency. The Commission also concluded that CEMA's argument that it failed to consider the costs and benefits of the volume control rule to be without merit, because in the R&O the Commission specifically considered the costs and benefits of the rule, and concluded that the costs of the volume control rule were not such a major obstacle as to negate the benefits of the rule. The Commission concluded that CEMA presented no further facts that would compel it to depart from this finding made in the R&O.

In the interest of minimizing potential burdens on the manufacturing industry, however, the Commission concluded that the volume control compliance date at 47 CFR 68.6 should be extended by fourteen (14) months, to January 1, 2000. The Commission noted that upon this date, manufacturers would have had three and one-half (3½) years to adjust their production cycles to comply with new volume control manufacturing requirements, a generous compliance timetable. Finally, the Commission adjusted existing rules at 47 CFR 68.112 that would have required workplaces, hotels and motels, and confined settings to provide telephones with volume control as of November 1, 1998, so that such establishments would not be required to comply until January 1, 2000, parallel with the manufacturing requirements.

Supplemental Final Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, the Commission's Supplemental Final Regulatory Flexibility Analysis in this proceeding is as follows:

1. *Supplemental Final Regulatory Flexibility Analysis*: As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking (*NPRM*). The Commission sought written public comments in the *NPRM*, including on the IRFA. In addition, pursuant to the RFA, 5 U.S.C. 603, a Final Regulatory Flexibility Analysis (FRFA) was incorporated in the *Report and Order*. Those analyses conformed to the RFA. This Supplemental Final Regulatory Flexibility Analysis (SFRFA) in this *Order on Reconsideration* also conforms to the SBREFA. The Commission's SFRFA in this *Order on Reconsideration* is as follows:

a. *Need for, and Objectives of this Order on Reconsideration*: The need for and objectives of the rules adopted in this *Order on Reconsideration* are the same as those discussed in the FRFA in the *Report and Order*. In general, the rules adopted herein amend the Commission's rules at 47 CFR 68.6 to require that as of January 1, 2000, all wireline telephones manufactured or imported for use in the United States must have volume control. This represents an amendment of the original final rule in the *Report and Order* requiring all telephones manufactured or imported for use in the U.S. after November 1, 1998, to have volume control. For reasons explained in this *Order and Reconsideration*, the Commission has decided to extend its original November 1, 1998 compliance timeline for this rule by fourteen (14) months, to January 1, 2000. The Commission has also made conforming amendments to portions of 47 CFR 68.112, which require establishments such as workplaces, hospitals and hotels to provide volume control telephones in their facilities. These establishments will not be required to ensure that newly replaced or installed telephones must have volume control until after January 1, 2000. This likewise reflects a 14-month extension of the original November 1, 1998 timelines for such establishments adopted in the *Report and Order*.

b. *Summary of Significant Issues Raised by the Public Comments In Response to the FRFA*: No comments were submitted specifically in response to the FRFA. In its petition for reconsideration, which was the initiating document for this *Order on Reconsideration*, the Consumer Electronics Manufacturers Association (CEMA) asserted, *inter alia*, that if 47 CFR 68.6 was to be applicable to all telephone models on the compliance date, and not only to new models which are registered under part 68 of the Commission's rules after that date, manufacturers would incur significant expenses caused by the ''retooling'' of existing production cycles prior to November 1, 1998. Several telephone

equipment manufacturers also submitted comments in support of CEMA's petition for reconsideration, stating that the rule as adopted in the *Report and Order* would impose undue burdens on their manufacturing processes and resources.

c. *Description and Estimate of Number of Small Entities to Which Rules Will Apply*:

(1) Under the RFA, small entities may include small organizations, small businesses, and small governmental organizations. The RFA generally defines the term ''small business'' as having the same meaning as the term ''small business concern'' under the Small Business Act, 15 U.S.C. 632. A small business concern is one which (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). *Id*.

(2) The description and estimate of the number of small businesses to which the rules will apply set forth in the FRFA in the *Report and Order* also applies to the rules adopted in this *Order on Reconsideration*. The same four industry categories identified in the FRFA are also subject to the rules adopted in this *Order on Reconsideration*: (a) Workplaces; (b) confined settings, such as hospitals and nursing homes; (c) hotels and motels; and (d) importers and manufacturers of telephones for use in the United States. The determination of whether or not an entity within these industry groups is small is made by the Small Business Administration (SBA). These standards also apply in determining whether an entity is a small business for purposes of the RFA. The detailed analysis and estimate of the number of small entities within each of these above four industry categories in the FRFA to the *Report and Order* is also applicable to the rules adopted in this *Order on Reconsideration*.

d. *Description of Projected Reporting, Recordkeeping and Other Compliance Requirements*:

(1) *Reporting and Recordkeeping:* No additional reporting requirements beyond those identified in the FRFA to the *Report and Order* are imposed by this *Order on Reconsideration*.

(2) *Other Compliance Requirements:*

(a) The rules adopted in this *Report and Order* require that on or after January 1, 2000, owners of workplaces, confined settings, and hotels and motels must ensure that newly installed or replacement telephones have volume control. These requirements will affect owners of workplaces, confined settings, and hotels and motels.

(b) The rules also require that on or after January 1, 2000, all telephones manufactured or imported for use in the United States must have volume control. These rules would affect small as well as large domestic manufacturers and importers of telephones.

e. *Steps Taken to Minimize Significant Economic Burdens on Small Entities, and Significant Alternatives Considered:*

(1) The Commission's efforts to learn of and respond to small business concerns detailed in the FRFA to the *Report and Order* are likewise applicable to this SFRFA. In applying the rules adopted in this *Order on Reconsideration*, the Commission has sought to minimize any disproportionate burden on small entities. The Commission's efforts described in the FRFA to the *Report and Order* are also applicable to the rules adopted in this *Order on Reconsideration*. In particular, the Commission's decision in this *Order on Reconsideration* to extend the date by which all telephones manufactured or imported for use in the United States must have volume control is a direct result of the Commission's consideration of the impact of the rule on small entities and manufacturers. Furthermore, the Commission's decision to also extend compliance dates for workplaces, confined settings, and hotels is a result of consideration of the potential impact of the rule on small business establishments.

(2) Under Section 610(e) of the Hearing Aid Compatibility Act, the Commission must consider the costs, as well as the benefits, of the proposed rules to all telephone users, including persons with and without hearing disabilities. In the *NPRM*, the Commission solicited comment on the costs to establishments of providing volume control and hearing aid compatible telephones. After reviewing the comments, the Commission concluded in the *Report and Order* that the new rules will not impose significant additional costs on telephone users, manufacturers or establishments, and that any costs are significantly outweighed by the benefits to be achieved. Likewise, in this *Order on Reconsideration* the Commission specifically considered the costs and benefits of the rules to all telephone users in its decision to extend the original compliance date for volume control by fourteen (14) months.

(3) Small entities will be among the beneficiaries of the Commission's new rules. Under the new rules, telephones in workplaces, confined settings and hotels and motels will be more accessible to persons with hearing disabilities. These changes may lead to new business for hotels and motels and confined settings, and workplaces may be able to hire better employees, since the pool of potential employees will be widened to include persons with hearing disabilities. In addition, the level of public safety will increase in all three settings, thereby benefitting both the business setting and the public at large. The volume control manufacturing requirement probably will increase the consumer demand for volume control telephones, benefitting large and small manufacturers alike, due to the fact that volume control is a feature useful not only to people with hearing disabilities, but to non-disabled telephone users as well. Furthermore, to the extent that the rule amendments may allow smaller manufacturers and suppliers more time to recoup costs sunk in any remaining equipment inventory and allow them to expand their marketing options, they are consistent with section 257 of the Communications Act, as amended, 47 U.S.C. 257. That section requires, among other things, that the Commission eliminate marker entry barriers for small businesses who may provide parts or services to providers of telecommunications services and information services. *Id*. at section 257(a).

(4) The Commission rejected the proposal of the Consumer Electronics Manufacturers Association in its petition for reconsideration that the volume control rules apply only to new telephone models registered under part 68 of the Commission's rules after the compliance date. The Commission concluded that this approach would mean that upon the compliance date, some telephone models would be without volume control, which would not further Congressional intent in the HAC Act that persons with hearing disabilities have reasonable access to the telephone network. Rather, the Commission concluded that by extending the compliance timeline by an additional fourteen (14) months, potential burdens on small entities could be reduced, while at the same time furthering the goals of the HAC Act to provide access to the telephone network for people with hearing disabilities.

f. *Summary of Projected Reporting, Recordkeeping, and Other Compliance Requirements:*

On or after January 1, 2000, all telephones manufactured or imported for use in the United States must have

volume control; and newly purchased and replacement telephones in workplaces, confined settings and hotels and motels must have volume control on or after January 1, 2000. There are no other recordkeeping or other compliance requirements.

g. Report to Congress: The Commission will include a copy of this Supplementary Final Regulatory Flexibility Analysis, along with this *Order on Reconsideration*, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. Section 801(a)(1)(A). A copy of this SFRFA (or summary thereof) is also published herein.

Ordering Clauses

Accordingly, *It Is Orderd* that pursuant to Sections 1, 4, 405, and 710 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 405 and 610, part 68 of the Commission's rules Is Amended as set forth below.

2. It *Is Further Ordered* that, pursuant to Sections 1, 4, 405, and 710 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 405 and 610, the Petition for Reconsideration filed by the Consumer Electronics Manufacturers Association is granted to the extent indicated herein, and otherwise *Denied*.

3. *It Is Further Ordered* that the rule amendments set forth below shall be effective September 15, 1997.

List of Subjects in 47 CFR Part 68

Administrative practice and procedure, Communications common carriers, Communications equipment, Hearing aid compatibility, Labeling, Reporting and recordkeeping requirements, Telephone, Volume control.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

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

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

1. The authority citation for Part 68 is revised to read as follows:

Authority: 47 U.S.C. 154, 155, 303.

2. Section 68.6 is revised to read as follows:

§ 68.6 Telephones with volume control.

As of January 1, 2000, all telephones, including cordless telephones, as defined in § 15.3(j) of this chapter, manufactured in the United States (other than for export) or imported for use in the United States, must have volume control in accordance with § 68.317. Secure telephones, as defined by § 68.3 are exempt from this section, as are telephones used with public mobile services or private radio services.

3. Section 68.112 is amended by revising paragraphs (b)(3)(ii), (b)(3)(iii), (b)(3)(iv), (b)(5)(ii), and (b)(6)(i), to read as follows:

§ 68.112 Hearing aid-compatibility.

* * * * *

(b) * * *

(3) * * *

(ii) As of January 1, 2000 or January 1, 2005, whichever date is applicable, there shall be a rebuttable presumption that all telephones located in the workplace are hearing aid compatible, as defined in § 68.316. Any person who identifies a telephone as non-hearing aid-compatible, as defined in § 68.316, may rebut this presumption. Such telephone must be replaced within fifteen working days with a hearing aid compatible telephone, as defined in § 68.316, including, on or after January 1, 2000, with volume control, as defined in § 68.317.

(iii) Telephones, not including headsets, except those headsets furnished under paragraph (b)(3)(i)(A) of this section, that are purchased, or replaced with newly acquired telephones, must be:

(A) Hearing aid compatible, as defined in § 68.316, after October 23, 1996; and

(B) Include volume control, as defined in § 68.317, on or after January 1, 2000.

(iv) When a telephone under paragraph (b)(3)(iii) of this section is replaced with a telephone from inventory existing before October 23, 1996, any person may make a bona fide request that such telephone be hearing aid compatible, as defined in § 68.316. If the replacement occurs on or after January 1, 2000, the telephone must have volume control, as defined in § 68.317. The telephone shall be provided within fifteen working days.

* * * * *

(5) * * *

(ii) Telephones that are purchased, or replaced with newly acquired telephones, must be:

(A) Hearing aid compatible, as defined in § 68.116, after October 23, 1996; and

(B) Include volume control, as defined in § 68.317, on or after January 1, 2000.

* * * * *

(6) * * *

(i) Anytime after October 23, 1996, if a hotel or motel room is renovated or newly constructed, or the telephone in a hotel or motel room is replaced or substantially, internally repaired, the telephone in that room must be:

(A) Hearing aid compatible, as defined in § 68.316, after October 23, 1996; and

(B) Include volume control, as defined in § 68.317, on or after January 1, 2000.

* * * * *

[FR Doc. 97–20899 Filed 8–13–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970429101–7101–01; I.D. 070297B]

Fisheries Off West Coast States and in the Western Pacific States; West Coast Salmon Fisheries; Inseason Adjustment From the Queets River to Leadbetter Point, WA

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS announces that the daily bag limit for the recreational salmon fishery in the area from the Queets River to Leadbetter Point, WA, is two fish, only one of which may be a chinook, beginning the season opening date of July 21, 1997. This action is intended to help meet the recreational season duration objectives for this subarea.

DATES: Effective July 21, 1997, through September 25, 1997. Comments will be accepted through August 28, 1997.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS (Regional Administrator), 7600 Sand Point Way NE., Seattle, WA 98115–0070. Information relevant to this action is available for public review during business hours at the office of the Regional Administrator.

FOR FURTHER INFORMATION CONTACT: William Robinson, 206–526–6140.

SUPPLEMENTARY INFORMATION: In the annual management measures for ocean salmon fisheries (62 FR 24355, May 5, 1997), NMFS announced that the recreational fishery in the subarea between the Queets River and