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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1751

RIN 0572-AB07

Telecommunications System Planning and Design Criteria, and Procedures

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) hereby amends its rule on State Telecommunications Modernization Plans to incorporate changes in RUS Telecommunications Program policy. These amendments also incorporate suggestions received from the public in response to the proposed rule. All Telephone Borrowers will be affected by this final rule.

EFFECTIVE DATE: March 15, 1995.

FOR FURTHER INFORMATION CONTACT:

Orren E. Cameron III, Director, Telecommunications Standards Division, U.S. Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue, SW., Room 2835-S, Washington, DC 20250-1500, telephone number (202) 720-8663.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be significant and was reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

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 in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The RUS Telecommunications Program provides loans to RUS Borrowers at interest rates and terms that are more favorable than those generally available from the private sector. RUS Borrowers, as a result of obtaining federal financing, receive economic benefits which ultimately offset any direct economic costs associated with complying with RUS regulations and requirements. Moreover, this action is in response to the Rural Electrification Loan Restructuring Act of 1993.

Information Collection and Recordkeeping Requirements

The reporting and recordkeeping requirements contained in the final rule have been submitted to OMB for approval in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Send comments regarding this collection of information to: Department of Agriculture, Clearance Office, Office of Information Resources Management, Room 404-W, Washington, DC 20250, 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 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

The Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub. L. 103-354, 108 Stat. 3178), (Reorganization Act), signed by President Clinton on October 13, 1994, provides for a streamlining and reorganizing of the Department of Agriculture (Department). The Reorganization Act requires the Secretary of Agriculture (Secretary) to establish the Rural Utilities Service (RUS) within the Department. On October 20, 1994, the Secretary of Agriculture, in Secretary's Memorandum 1010-1, abolished the Rural Electrification Administration (REA) and established RUS, as required by the Reorganization Act.

On December 20, 1993, RUS (formerly REA) published an interim rule (58 FR 66250) to incorporate changes to telephone loan policies required by the Rural Electrification Loan Restructuring Act of 1993 (RELRA) (107 Stat. 1356).

On April 13, 1994, RUS adopted its interim rule as a final rule (59 FR 17460) with one exception, 7 CFR Part 1751, Telecommunications System Planning and Design Criteria, and Procedures. Because of the overwhelming response and concerns regarding the requirements of the State Telecommunications Modernization Plan (Modernization Plan), RUS published proposed amendments to 7 CFR Part 1751, Subpart B on October 27, 1994 (59 FR 53939).

During the comment period RUS received 39 comments regarding the proposed rule and these comments were taken into consideration in preparing the final rule. Comments were received from the following:

- (1) Colorado Public Utilities Commission Staff.
- (2) Florida Public Service Commission.
- (3) Idaho Public Utilities Commission.
- (4) Illinois Commerce Commission.