

State/Location	Community No.	Effective date of eligibility	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Stevens County, unincorporated areas	530185	July 24, 1975, Emerg.; September 14, 1990, Reg.; August 16, 1996 Susp.do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: July 31, 1996.

Richard W. Krimm,
Acting Associate Director, Mitigation Directorate.

[FR Doc. 96-20720 Filed 8-13-96; 8:45 am]

BILLING CODE 6718-05-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 64 and 68

[CC Docket No. 87-124; FCC 96-285]

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

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action requires that all wireline telephones in the workplace, confined settings (e.g., hospitals, nursing homes) and hotels and motels eventually be hearing aid compatible and have volume control. As of April 1, 1997, hearing aid compatible telephones manufactured or imported for use in the United States must have the letters "HAC" permanently affixed to them, and, as of November 1, 1998, have volume control. The intent of these requirements is to increase access to telephone service by persons with impaired hearing.

EFFECTIVE DATE: October 23, 1996. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Greg Lipscomb, Attorney, 202/418-2340, Fax

202/418-2345, TTY 202/418-0484, glipscom@fcc.gov, Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Report and Order (R&O) in the matter of Access to Telecommunications Equipment and Services by Persons With Disabilities, (CC Docket 87-124, adopted June 27, 1996, and released July 3, 1996. 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, NW., Suite 240, Washington, DC 20037, phone 202/857-3800.

Paperwork Reduction Act

Public reporting burden for the collections of information is estimated as follows:

Rule sections	Hours per response	Annual responses	Total burden
68.112(b)(3)(E)	2	805,000	1,610,000
68.224(a)	11.36	1,100	12,500
68.300(c)	11.36	1,100	12,500
Total Annual Burden: 1,635,000			

Frequency of Response: On occasion. The foregoing estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding this burden estimate or any other aspect of the collections of information including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0687), Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0687), Washington, DC 20503.

Analysis of Proceeding: In 1992, the Commission adopted rules implementing the Hearing Aid Compatibility Act of 1988, 47 U.S.C. § 610 (HAC Act). In 1993, the

Commission suspended portions of the 1992 rules because petitions filed by establishments affected by the regulations stated that the establishments were encountering serious difficulties in their attempts to comply. (*Order*, 8 FCC Rcd 4958 (1993), 58 FR 26692 (May 5, 1993)). On March 27, 1995, the Commission announced that an advisory committee, the Hearing Aid Compatibility Negotiated Rulemaking Committee (Committee), would consider whether the rule suspension should be lifted and whether new rules should be proposed. (See 59 FR 60343 (Nov. 23, 1994); 58 FR 1539 (March 27, 1995); and 60 FR 27945 (May 26, 1995)). The Committee represented the views and interests of all interested parties, including those of the Commission, telephone equipment manufacturers, employers, hospitals, nursing homes, hotels and motels, and

persons with disabilities. The Committee's recommendations, adopted by unanimous consent, were filed with the Commission in the Committee's Final Report of August, 1995. On November 28, 1995, the Commission adopted and released a Notice of Proposed Rulemaking (*Notice of Proposed Rulemaking*, 11 FCC Rcd 4338 (1995) (NPRM)) that reflected the recommendations of the Committee (See 60 FR 63667 (December 12, 1995); 61 FR 1887 (January 24, 1996)). On June 27, 1996, the Commission adopted a R&O (FCC 96-285), which was released on July 3, 1996.

The R&O requires that wireline telephones in (1) the non-common areas of the workplace; (2) the patient and residential rooms of confined settings, such as hospitals and nursing homes; and (3) the guest rooms of hotels and motels eventually be hearing aid

compatible, as defined at 47 CFR Section 68.316 (electro-magnetic coil compatibility). The R&O also requires that, as of November 1, 1998, all replacement telephones and all newly purchased telephones be equipped with volume control, in addition to having electro-magnetic coil hearing aid-compatibility. The R&O also requires that, as of November 1, 1998, all telephones manufactured or imported for use in the United States have a volume control feature. The R&O includes a technical specification for volume control. The R&O modifies our rules governing telephone equipment labeling, and requires that, as of April 1, 1997, all telephones manufactured or imported for use in the United States that are hearing aid compatible have the letters "HAC" permanently affixed to them. The R&O implements additional recommendations of the Committee regarding consumer education. Finally, the R&O adopts other amendments to existing hearing aid compatibility rules for the purpose of clarification.

The new rules require no testing or retrofitting of existing workplace telephones. Instead, the rules set deadlines that are beyond the normal life-cycle times for the telephones to be replaced in these establishments. The rules also require volume control for newly acquired and replacement telephones in these establishments, but replacement or retrofitting for volume control are not required, and existing inventories of telephones are not be affected by the volume control requirement. The new rules will increase access by persons with hearing disabilities to telephones provided for emergency use and are necessary to implement the Hearing Aid Compatibility Act of 1988.

Under the rules, most workplace telephones will be required to be hearing aid compatible by January 1, 2000. In harmony with the provisions of the Americans With Disabilities Act of 1990, establishments with fewer than fifteen employees will be exempt from these requirements. After the applicable date for having hearing aid compatible telephones, employers can presume that their telephones are hearing aid compatible. Any person legitimately on the premises can challenge this presumption with a good faith request for a hearing aid compatible telephone. Upon receipt of such a request, the employer will have fifteen working days to replace any particular telephone that turns out not to be hearing aid compatible.

For confined settings, the new rules require that establishments with fifty or more beds make their telephones

hearing aid compatible by November 1, 1997, while those with fewer than fifty beds would have to comply by November 1, 1998. Telephones in all confined setting establishments would be exempt if alternate signalling devices were available, monitored and working, or if a resident brought in and maintained his or her own telephone equipment.

The rules require that hotels and motels with eighty or more guest rooms to provide hearing aid compatible telephones by November 1, 1998, while those with fewer than eighty guest rooms have until November 1, 1999 to do so. As of April 1, 1997, generally twenty percent of guest rooms must have telephones that are hearing aid compatible.

The rules do not address wireless telephone hearing aid compatible issues, because those are being addressed by the Commission's Wireless Telecommunications Bureau.

Final Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. Section 601, *et seq.*, the Commission's final analysis in this R&O is as follows:

1. *Final Regulatory Analysis:* As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 603 (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the NPRM. The Commission sought written public comments on the proposals in the NPRM, including on the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) in this R&O is as follows:

a. Need for, and objectives of, this action. This R&O amends the Commission's rules to require that eventually all wireline telephones in workplaces, confined settings and hotels and motels be hearing aid compatible and have volume control. The R&O also requires that as of November 1, 1998 all wireline telephones manufactured or imported for use in the United States must have volume control. These actions are needed to provide greater access to the telephone network by persons with hearing disabilities, pursuant to the requirements of the Hearing Aid Compatibility Act of 1988 (HAC Act). The HAC Act directs the Commission to take affirmative and specific steps to increase such access. The objectives of these rules are to provide the needed greater access, while at the same time balancing the needs of establishments that must provide the hearing aid compatible and volume control telephones.

b. Summary of significant issues raised by the public comments in response to the initial regulatory flexibility analysis. There were no comments submitted in direct response to the Regulatory Flexibility Analysis in the NPRM. In general comments on the NPRM, however, a number of commenters raised issues that might affect small entities. Several commenters stated that the Commission's proposed rules would duplicate the provisions of the Americans With Disabilities Act of 1990 (ADA), or exceed the Commission's authority under the HAC Act, thus unnecessarily burdening establishments. A number of hotel and motel owners said the costs to replace telephones would be burdensome. One manufacturer said the volume control manufacturing requirement could cost "millions of dollars" in start-up costs. An association of manufacturers stated that the proposed one-year phase-in of the volume control manufacturing requirement was too short. Several organizations representing persons with hearing disabilities said that stamping the letters "HAC" on a telephone would be more informative than stamping the date of manufacture.

c. Description and estimate of number of small businesses to which rules will apply. (1) 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.* The RFA Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) provisions also apply to nonprofit organizations and to governmental organizations.

(2) The rules in this *Report and Order* apply to four industry categories: (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. There is little overlap among these categories because the Commission's workplace rules affect workplace noncommon areas, while the rules that apply to confined settings and hotels and motels affect other than the workplaces of those establishments. Telephone manufacturers would be affected as workplaces, but separately affected by the requirement to affix the letters "HAC" to telephones and by the volume control manufacturing requirement. 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.

(3) *Workplaces*: Workplaces encompass establishments for profit and nonprofit, plus local, state and federal governmental entities. Establishments with fewer than fifteen employees generally would be excluded, because they are exempt from the Commission's new rules, except for the work station requirement. SBA guidelines to the SBREFA state that about 99.7 percent of all firms are small and have fewer than 500 employees and less than \$25 million in sales or assets. There are approximately 6.3 million establishments in the SBA database. We estimate that our rules would affect fewer than 6.3 million establishments, because our rules exclude establishments with fewer than fifteen employees. However, we have not been able to determine what portion of the 6.3 million establishments have fewer than fifteen employees. The SBA data base does include nonprofit establishments, but it does not include governmental entities. SBREFA requires us to estimate the number of such entities with populations of less than 50,000 that would be affected by our new rules. There are 85,006 governmental entities in the nation. This number includes such entities as states, counties, cities, utility districts and school districts. There are no figures available on what portion of this number has populations of fewer than 50,000. However, this number includes 38,978 counties, cities and towns, and of those, 37,566, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 96 percent, or 81,600, are small entities that would be affected by our rules.

(4) *Confined Settings*: According to the SBA's regulations, nursing homes and hospitals must have annual gross receipts of \$5 million or less in order to qualify as a small business concern. 13 CFR § 121.201. There are approximately 11,471 nursing care firms in the nation, of which 7,953 have annual gross receipts of \$5 million or less. There are approximately 3,856 hospital firms in the nation, of which 294 have gross receipts of \$5 million or less. Thus, the approximate number of small confined setting entities to which the Commission's new rules will apply is 8,247.

(5) *Hotels and Motels*: According to the SBA's regulations, hotels and motels must have annual gross receipts of \$5 million or less in order to qualify as a small business concern. 13 CFR § 121.201. There are approximately 34,671 hotel and motel firms in the United States. Of those, approximately 31,382 have gross receipts of \$5 million or less.

(6) *Telephone Manufacturers and Importers*: According to the SBA's regulations, telephone apparatus firms must have 1,000 or fewer employees in order to qualify as a small business concern. 13 CFR § 121.201. There are approximately 456 telephone apparatus firms in the nation. Figures are not available on how many of these firms have 1,000 or fewer employees, but 401 of the firms have 500 or fewer employees. It is probable that the great bulk of the 456 firms have 1,000 or fewer employees, and would be classified as small entities. In addition to telephone apparatus firms, there are approximately 12,654 wholesale electronic parts and equipment firms in the nation. Many of these firms serve as importers of telephones. According to the SBA's regulations, wholesale electronic parts and equipment firms must have 100 or fewer employees in order to qualify as a small business entity. 13 CFR § 121.201. Of the 12,654 firms, 12,161 have fewer than 100 employees, and would be classified as small entities.

d. Description of projected reporting, recordkeeping and other compliance requirements of the rules. (1) *Reporting and Recordkeeping*: This R&O involves three reporting requirements. First, as of April 1, 1997, importers and manufacturers of telephones for use in the United States must stamp their telephones with the letters "HAC." The potential respondents to this requirement are importers and manufacturers of telephones for use in the United States. Second, until the rules for all workplace telephones go into effect, employers are required to designate certain hearing aid compatible telephones for emergency use. The potential respondents to this requirement are owners of workplaces with fifteen or more employees. Third, a Commission rule regarding packaging is amended to clarify that the type of hearing aid compatibility referred to is electro-magnetic coil compatibility. The potential respondents to this requirement are importers and manufacturers of telephones for use in the United States.

(2) *Other Compliance Requirements*:

(a) The rules adopted in this R&O require that as of certain dates, owners

of workplaces, confined settings and hotels and motels provide telephones that have electro-magnetic coil hearing aid compatibility and volume control. These requirements will affect owners of workplaces, confined settings, and hotels and motels.

(b) The rules also require importers and manufacturers of telephones for use in the United States to provide telephones with volume control, beginning November 1, 1998. These rules would affect small as well as large domestic manufacturers of telephones.

e. Commission efforts to learn of, and respond to, the views of small business. In 1992 the Commission adopted rules requiring hearing aid compatible telephones in workplaces, confined settings and hotels and motels. As the time to implement the rules approached, businesses, including small businesses, stated that they were having difficulty implementing the rules. In response, the Commission suspended the rules in 1993. Subsequently, the Commission formed the nineteen-member Hearing Aid Compatibility Negotiated Rulemaking Committee. Among the Committee's membership were representatives of small business. Both the hotel and motel representatives (American Hotel and Motel Association) and the confined setting representatives (American Health Care Association) have many small members. In addition, the Tele-Communications Association (now known as The Information Technology and Telecommunications Association, or ITTA), a broadly based end-users group, was a member. ITTA has approximately 1,000 members, including small entities as members.

f. Commission efforts to minimize burdens on small business. (1) In applying the new rules, the Commission has sought to minimize any disproportionate burden on small entities. The workplace requirements, for example, generally exempt workplaces of fewer than fifteen employees. The Commission provided this exemption because small employers have smaller budgets, which can make installation of new telephones disproportionately more burdensome for those employers. This is the same coverage cutoff standard used in the ADA. In calculating the number of "employees" for purposes of compliance, the total employment force of an establishment, not the number of employees an employer may have at a particular site, is the determining factor. This distinction emphasizes that it is the overall size of the entity, not the circumstance of the deployment of its employees, that determines the impact of the Commission's requirements.

(2) The Commission also took into account the needs of small entities in setting the compliance deadlines for workplaces. The Committee determined that the average useful life of a workplace telephone is seven years. Almost all telephones manufactured or imported for use in the United States since August 16, 1989 have had to be hearing aid compatible. Thus, at the present time, any workplace telephone is most likely to be hearing aid compatible. As a margin of flexibility, however, the Commission set the workplace compliance deadline for November 1, 2005 for telephones purchased between January 1, 1985 through December 31, 1989, and November 1, 2000 for all other telephones. Even after those dates, small entities are allowed to exercise the rebuttable presumption, so that they do not have to test and replace their telephones. Before those dates, workplaces may use existing stored telephone inventories as replacements, subject to a rebuttable presumption. Thus, the stored inventories of small entities are not rendered obsolete.

(3) The requirements for confined settings and hotels and motels also make distinctions in the size of establishment. Smaller establishments are given more time to comply. Confined setting establishments with fewer than fifty beds are given an extra year, until November 1, 1998, to comply, and hotels and motels with fewer than eighty rooms also are given an extra year, until November 1, 1999, to comply.

(4) The Commission also took into account the needs of small entities in the terms of the volume control manufacturing requirement. The Commission had proposed, in the NPRM, a one-year deadline for this requirement, but after receiving comment from organizations representing large and small manufacturers, the Commission extended the period to two-years, until November 1, 1998, before compliance with the volume control rule is required. Similarly, the requirement that manufacturers affix the letters "HAC" to new telephones does not go into effect upon the effective date of the new rules, but six months later, on April 1, 1997. Current small manufacturer telephone inventories are not affected by this requirement.

(5) Under Section 610(e) of the HAC 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 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.

g. Commission efforts to maximize benefits. 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. Telephones also will be easier to identify by installers, many of whom will be small entities, as hearing aid compatible, once they are stamped "HAC." Finally, the volume control requirement probably will increase the consumer demand for volume control telephones, benefitting large and small manufacturers alike.

h. Significant alternatives minimizing impact on small entities that were rejected. (1) The Commission considered not including within the purview of "telephones provided for emergency use" telephones in workplace non-common areas, telephones in confined settings and telephones in hotels and motels. However, the Commission concluded that given the nature of such settings, and the needs of persons in such settings, telephones in workplace noncommon areas, confined settings and hotels and motels should be considered telephones provided for emergency use. The Commission noted that persons with hearing disabilities are particularly vulnerable in confined settings and hotels and motels because the persons may be unfamiliar with the settings and isolated in the event of an emergency.

(2) Similarly, the Commission considered not adding a requirement for volume control, but concluded that volume control should be required. The HAC Act defines telephone hearing aid compatibility as "an internal means for effective use with hearing aids," and the legislative history cites amplification, or volume control, as one such type of internal means. The Commission is

obliged under the HAC Act to encourage the use of currently available technology in fulfilling the act's mandates. Through the conclusions of its advisory committee, the Hearing Aid Compatibility Negotiated Rulemaking Committee, the Commission determined that volume control is a currently available technology that would help give many persons with hearing disabilities increased access to the telephone network.

i. Summary of paperwork, recordkeeping, and other compliance requirements for wireline telephones. (a) Paperwork requirements: As of April 1, 1997, importers and manufacturers of telephones for use in the United States must stamp their telephones with the letters "HAC." Until the rules for all workplace telephones go into effect, employers are required to designate certain hearing aid compatible telephones for emergency use. A Commission rule regarding packaging is amended to clarify that the type of hearing aid compatibility referred to is electro-magnetic coil compatibility.

(b) Recordkeeping requirements: NONE.

(c) Other compliance requirements: As of the effective date of this order, telephones, including headsets, made available to an employee with a hearing disability for use by that employee in his or her employment duty shall be hearing aid compatible;

As of the effective date of this order, newly purchased or replacement telephones in workplaces, confined settings and hotels and motels must be hearing aid compatible. In workplaces, if the replacement telephone is from inventory existing before the effective date of this order, any person may make a bona fide request that such telephone be hearing aid compatible, and, after November 1, 1998, have volume control.

As of the effective date of this order, 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 must be hearing aid compatible.

As of the effective date of this order, and until the applicable workplace dates of January 1, 2000 or 2005, workplaces of fifteen or more employees must provide and designate telephones for emergency use by employees with hearing disabilities by providing a hearing aid compatible telephone within a reasonable and accessible distance from an individual searching for a telephone from any point in the workplace, or by providing hearing aid compatible wireless telephones.

As of April 1, 1997, the telephones in at least twenty percent of hotel and motel guest rooms must be hearing aid compatible.

As of November 1, 1997 telephones (except telephones purchased and maintained by a resident for use in that resident's room, and except where a confined establishment has an alternate means of signalling life-threatening or emergency situations that is available, working and monitored) in confined settings with fifty or more beds must be hearing aid compatible;

As of November 1, 1998, telephones (except telephones purchased and maintained by a resident for use in that resident's room, and except where a confined establishment has an alternate means of signalling life-threatening or emergency situations that is available, working and monitored) in confined settings with fewer than fifty beds must be hearing aid compatible;

As of November 1, 1998, the telephones in hotels and motels with eighty or more guest rooms must be hearing aid compatible;

As of November 1, 1998 telephones for use in the United States provided by importers and manufacturers must have volume control, and newly purchased and replacement telephones in workplaces, confined settings and hotels and motels must have volume control. In addition, in hotels and motels, where a hotel or motel room is renovated or newly constructed, or the telephone is replaced or substantially, internally repaired, the telephone in that room must have volume control.

As of November 1, 1999, the telephones in hotels and motels with fewer than eighty guest rooms must be hearing aid compatible.

As of November 1, 1999, where a hotel or motel uses telephones purchased during the period January 1, 1985 through December 31, 1989, the telephones in at least twenty-five percent of hotel and motel guest rooms must be hearing aid compatible.

As of January 1, 2000, non-common area telephones (except headsets, and except for telephones purchased between January 1, 1985 and December 31, 1989, and except for telephones made available to an employee with a hearing disability under Section 68.112(b)(3)(A)) in workplace establishments of fifteen or more employees must be hearing aid compatible. There shall be a rebuttable presumption that, as of January 1, 2000, all such telephones located in the workplace are hearing aid compatible.

As of January 1, 2001, where a hotel or motel uses telephones purchased during the period January 1, 1985

through December 31, 1989, the telephones in one hundred percent of hotel and motel guest rooms must be hearing aid compatible, if the hotel or motel has eighty or more guest rooms.

As of January 1, 2004, where a hotel or motel uses telephones purchased during the period January 1, 1985 through December 31, 1989, the telephones in one hundred percent of hotel and motel guest rooms must be hearing aid compatible, if the hotel or motel has fewer than eighty guest rooms.

As of January 1, 2005, non-common area telephones (except headsets, and except for telephones made available to an employee with a hearing disability under Section 68.112(b)(3)(A)) purchased between January 1, 1985 and January 1, 1989 in workplace establishments of fifteen or more employees must be hearing aid compatible. There shall be a rebuttable presumption that, as of January 1, 2005, all such telephones located in the workplace are hearing aid compatible.

j. Report to Congress. The Secretary shall send a copy of this Final Regulatory Flexibility Analysis along with this R&O in a report to Congress pursuant to Section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, codified at 5 U.S.C. Section 801(a)(1)(A). A copy of this RFA will also be published in the Federal Register.

Ordering Clauses

1. Accordingly, it is ordered that, pursuant to Sections 1, 4, 201–205, 218, 220 and 610 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 201–205, 218, 220, and 610, and 5 U.S.C. §§ 552 and 553, this Report and Order is adopted, and Parts 64 and 68 of the Commission's Rules are amended as set forth below.

2. It is further ordered that the rule amendments set forth below shall be effective October 23, 1996.

3. It is further ordered that the Emergency Request to Reinstate Enforcement of the Hearing Aid Compatibility Rules, dated May 12, 1993, by Alexander Graham Bell Association for the Deaf, et al, is dismissed.

4. It is further ordered that, pursuant to Section 5(c)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 155(c)(1), authority is delegated to the Chief, Common Carrier Bureau, to make minor changes, pursuant to the Administrative Procedure Act procedures, in the technical standards specified in Sections 68.316 and 68.317 of the rules,

in order to incorporate minor changes made in the relevant industry standards.

List of Subjects

47 CFR Part 64

Communications common carriers, Federal Communications Commission, Hearing aid compatibility, Individuals with disabilities, Telephone.

47 CFR Part 68

Administrative practice and procedure, Communications common carriers, Communications equipment, Federal Communications Commission, Hearing aid compatibility, Incorporation by reference, Reporting and recordkeeping requirements, Telephone, Volume control.

Federal Communications Commission
Shirley Suggs,

Chief, Publications Branch.

Rule Changes

Parts 64 and 68 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

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, 610 unless otherwise noted.

2. Section 64.607 is revised to read as follows:

§ 64.607 Provision of hearing aid compatible telephones by exchange carriers.

In the absence of alternative suppliers in an exchange area, an exchange carrier must provide a hearing aid compatible telephone, as defined in § 68.316 of this chapter, and provide related installation and maintenance services for such telephones on a detariffed basis to any customer with a hearing disability who requests such equipment or services.

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, 610.

2. Section 68.3 is amended by adding the following definition in alphabetical order to read as follows:

§ 68.3 Definitions.

* * * * *

Hearing aid compatible: Except as used at §§ 68.4(a)(3) and 68.414, the terms hearing aid compatible or hearing aid compatibility are used as defined in § 68.316, unless it is specifically stated that hearing aid compatibility volume control, as defined in § 68.317, is intended or is included in the definition.

* * * * *

3. Section 68.4 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 68.4 Hearing aid compatible telephones.

(a)(1) Except for telephones used with public mobile services, telephones used with private radio services, and cordless and secure telephones, every telephone manufactured in the United States (other than for export) or imported for use in the United States after August 16, 1989, must be hearing aid compatible, as defined in § 68.316. Every cordless telephone manufactured in the United States (other than for export) or imported into the United States after August 16, 1991, must be hearing aid compatible, as defined in § 68.316.

(2) Unless otherwise stated and except for telephones used with public mobile services, telephones used with private radio services and secure telephones, every telephone listed in § 68.112 must be hearing aid compatible, as defined in § 68.316.

* * * * *

4. A new Section 68.6 is added to read as follows:

§ 68.6 Telephones with volume control.

As of November 1, 1998, 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.

5. Section 68.112 is amended by revising paragraphs (b)(1), (b)(3), (b)(4), (b)(5) and (c), and adding paragraph (b)(6), as follows:

§ 68.112 Hearing aid compatibility.

* * * * *

(b) * * *

(1) Telephones, except headsets, in places where a person with a hearing disability might be isolated in an emergency, including, but not limited to, elevators, highways, and tunnels for

automobile, railway or subway, and workplace common areas.

Note to paragraph (b)(1): Examples of workplace common areas include libraries, reception areas and similar locations where employees are reasonably expected to congregate.

* * * * *

(3) Telephones, except headsets, in workplace non-common areas. Note: Examples of workplace non-common areas include private enclosed offices, open area individual work stations and mail rooms. Such non-common area telephones are required to be hearing aid compatible, as defined in § 68.316, by January 1, 2000, except for those telephones located in establishments with fewer than fifteen employees; and those telephones purchased between January 1, 1985 through December 31, 1989, which are not required to be hearing aid compatible, as defined in § 68.316, until January 1, 2005.

(i) Telephones, including headsets, made available to an employee with a hearing disability for use by that employee in his or her employment duty, shall, however, be hearing aid compatible, as defined in § 68.316.

(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, as of November 1, 1998, with volume control, as defined in § 68.317.

(iii) Telephones, not including headsets, except those headsets furnished under paragraph (b)(3)(i) 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) Including, as of November 1, 1998, with volume control, as defined in § 68.317.

(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 as of November 1, 1998, the telephone must have volume control, as defined in § 68.317. The telephone shall be provided within fifteen working days.

(v) During the period from October 23, 1996, until the applicable date of January 1, 2000 or January 1, 2005, workplaces of fifteen or more employees also must provide and designate telephones for emergency use by employees with hearing disabilities through one or more of the following means:

(A) By having at least one coin-operated telephone, one common area telephone or one other designated hearing aid compatible telephone within a reasonable and accessible distance for an individual searching for a telephone from any point in the workplace; or

(B) By providing wireless telephones that meet the definition for hearing aid compatible for wireline telephones, as defined in § 68.316, for use by employees in their employment duty outside common areas and outside the offices of employees with hearing disabilities.

(4) All credit card operated telephones, whether located on public property or in a semipublic location (e.g. drugstore, gas station, private club), unless a hearing aid compatible (as defined in § 68.316) coin-operated telephone providing similar services is nearby and readily available. However, regardless of coin-operated telephone availability, all credit card operated telephones must be made hearing aid-compatible, as defined in § 68.316, when replaced, or by May 1, 1991, which ever comes sooner.

(5) Telephones needed to signal life threatening or emergency situations in confined settings, including but not limited to, rooms in hospitals, residential health care facilities for senior citizens, and convalescent homes:

(i) A telephone that is hearing aid compatible, as defined in § 68.316, is not required until:

(A) November 1, 1997, for establishments with fifty or more beds, unless replaced before that time; and

(B) November 1, 1998, for all other establishments with fewer than fifty beds, unless replaced before that time.

(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;

(B) Including, as of November 1, 1998, with volume control, as defined in § 68.317.

(iii) Unless a telephone in a confined setting is replaced pursuant to paragraph (b)(5)(ii) of this section, a hearing aid compatible telephone shall not be required if:

(A) A telephone is both purchased and maintained by a resident for use in that resident's room in the establishment; or

(B) The confined setting has an alternative means of signalling life-threatening or emergency situations that is available, working and monitored.

(6) Telephones in hotel and motel guest rooms, and in any other establishment open to the general public for the purpose of overnight accommodation for a fee. Such telephones are required to be hearing aid compatible, as defined in § 68.316, except that, for establishments with eighty or more guest rooms, the telephones are not required to be hearing aid compatible, as defined in § 68.316, until November 1, 1998; and for establishments with fewer than eighty guest rooms, the telephones are not required to be hearing aid compatible, as defined in § 68.316, until November 1, 1999.

(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;

(B) Including, as of November 1, 1998, with volume control, as defined in § 68.317.

(ii) The telephones in at least twenty percent of the guest rooms in a hotel or motel must be hearing aid compatible, as defined in § 68.316, as of April 1, 1997.

(iii) Notwithstanding the requirements of paragraph (b)(6) of this section, hotels and motels which use telephones purchased during the period January 1, 1985 through December 31, 1989 may provide telephones that are hearing aid compatible, as defined in § 68.316, in guest rooms according to the following schedule:

(A) The telephones in at least twenty percent of the guest rooms in a hotel or motel must be hearing aid compatible, as defined in § 68.316, as of April 1, 1997;

(B) The telephones in at least twenty-five percent of the guest rooms in a hotel or motel must be hearing aid compatible, as defined in § 68.316, by November 1, 1999; and

(C) The telephones in one-hundred percent of the guest rooms in a hotel or motel must be hearing aid compatible, as defined in § 68.316, by January 1, 2001 for establishments with eighty or more guest rooms, and by January 1, 2004 for establishments with fewer than eighty guest rooms.

(c) *Telephones frequently needed by the hearing impaired.* Closed circuit telephones, i.e., telephones which cannot directly access the public switched network, such as telephones located in lobbies of hotels or apartment buildings; telephones in stores which are used by patrons to order merchandise; telephones in public transportation terminals which are used to call taxis or to reserve rental automobiles, need not be hearing aid compatible, as defined in § 68.316, until replaced.

6. Section 68.224 is amended by revising paragraph (a) to read as follows:

§ 68.224 Notice of non-hearing aid compatibility.

* * * * *

(a) Contain in a conspicuous location on the surface of its packaging a statement that the telephone is not hearing aid compatible, as is defined in §§ 68.4(a)(3) and 68.316, or if offered for sale without a surrounding package, shall be affixed with a written statement that the telephone is not hearing aid-compatible, as defined in §§ 68.4(a)(3) and 68.316; and

* * * * *

7. Section 68.300 is amended by adding a new paragraph (c) to read as follows:

§ 68.300 Labelling requirements.

* * * * *

(c) As of April 1, 1997, all registered 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, that are hearing aid compatible, as defined in § 68.316, shall have the letters "HAC" permanently affixed thereto. "Permanently affixed" shall be defined as in § 68.300(b)(5). Telephones used with public mobile services or private radio services, and secure telephones, as defined by § 68.3, are exempt from this requirement.

8. Section 68.316 is amended by revising the section heading and the introductory paragraph to read as follows:

§ 68.316 Hearing aid compatibility magnetic field intensity requirements: technical standards.

A telephone handset is hearing aid compatible for the purposes of this section if it complies with the following standard, published by the Telecommunications Industry Association, copyright 1983, and reproduced by permission of the

Telecommunications Industry Association:

* * * * *

9. A new Section 68.317 is added to read as follows:

§ 68.317 Hearing aid compatibility volume control: technical standards.

(a) An analog telephone complies with the Commission's volume control requirements if the telephone is equipped with a receive volume control that provides, through the receiver in the handset or headset of the telephone, 12 dB of gain minimum and up to 18 dB of gain maximum, when measured in terms of Receive Objective Loudness Rating (ROLR), as defined in paragraph 4.1.2 of ANSI/EIA-470-A-1987 (Telephone Instruments With Loop Signaling). The 12 dB of gain minimum must be achieved without significant clipping of the test signal. The telephone also shall comply with the upper and lower limits for ROLR given in Table 4.4 of ANSI/EIA-470-A-1987 when the receive volume control is set to its normal unamplified level.

Note to paragraph (a): Paragraph 4.1.2 of ANSI/EIA-470-A-1987 identifies several characteristics related to the receive response of a telephone. It is only the normal unamplified ROLR level and the change in ROLR as a function of the volume control setting that are relevant to the specification of volume control as required by this section.

(b) The ROLR of an analog telephone shall be determined over the frequency range from 300 to 3300 HZ for short, average, and long loop conditions represented by 0, 2.7, and 4.6 km of 26 AWG nonloaded cable, respectively. The specified length of cable will be simulated by a complex impedance. (See Figure A.) The input level to the cable simulator shall be -10 dB with respect to 1 V open circuit from a 900 ohm source.

(c) A digital telephone complies with the Commission's volume control requirements if the telephone is equipped with a receive volume control that provides, through the receiver of the handset or headset of the telephone, 12 dB of gain minimum and up to 18 dB of gain maximum, when measured in terms of Receive Objective Loudness Rating (ROLR), as defined in paragraph 4.3.2 of ANSI/EIA/TIA-579-1991 (Acoustic-To-Digital and Digital-To-Acoustic Transmission Requirements for ISDN Terminals). The 12 dB of gain minimum must be achieved without significant clipping of the test signal. The telephone also shall comply with the limits on the range for ROLR given in paragraph 4.3.2.2 of ANSI/EIA/TIA-579-1991 when the receive volume

control is set to its normal unamplified level.

(d) The ROLR of a digital telephone shall be determined over the frequency range from 300 to 3300 Hz using the method described in paragraph 4.3.2.1 of ANSI/EIA/TIA-579-1991. No variation in loop conditions is required for this measurement since the receive level of a digital telephone is independent of loop length.

(e) The ROLR for either an analog or digital telephone shall first be determined with the receive volume control at its normal unamplified level. The minimum volume control setting shall be used for this measurement unless the manufacturer identifies a different setting for the nominal volume level. The ROLR shall then be determined with the receive volume

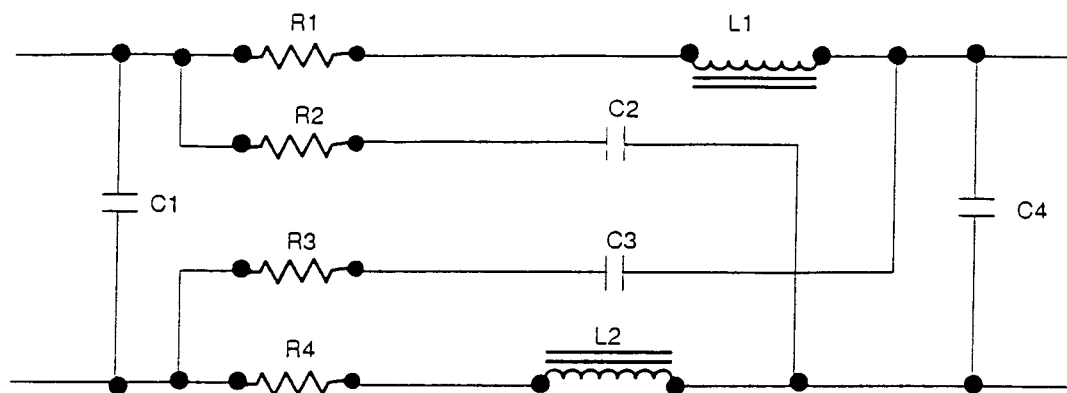
control at its maximum volume setting. Since ROLR is a loudness rating value expressed in dB of loss, more positive values of ROLR represent lower receive levels. Therefore, the ROLR value determined for the maximum volume control setting should be subtracted from that determined for the nominal volume control setting to determine compliance with the gain requirement.

(f) The 18 dB of receive gain may be exceeded provided that the amplified receive capability automatically resets to nominal gain when the telephone is caused to pass through a proper on-hook transition in order to minimize the likelihood of damage to individuals with normal hearing.

(g) These incorporations by reference of paragraph 4.1.2 (including Table 4.4) of American National Standards

Institute (ANSI) Standard ANSI/EIA-470-A-1987 and paragraph 4.3.2 of ANSI/EIA/TIA-579-1991 were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of these publications may be purchased from the American National Standards Institute (ANSI), Sales Department, 11 West 42nd Street, 13th Floor, New York, NY 10036, (212) 642-4900. Copies also may be inspected during normal business hours at the following locations: Federal Communications Commission, 2000 M Street, N.W., Public Reference Room, Room 220, Washington, D.C. 20554; and Office of the Federal Register, 800 N. Capitol Street, N.W., suite 700, Washington, D.C.

BILLING CODE 6712-01-P



Component	0.914 km (3 kft)	1.83 km (6 kft)
R ₁ , R ₄	124 Ω	249 Ω
R ₂ , R ₃	174 Ω	312 Ω
C ₁ , C ₄	0.0113 μF	0.0226 μF
C ₂ , C ₃	0.0122 μF	0.0255 μF
L ₁ , L ₂	0.336 mH	0.983 mH

Notes:(1) All values are $\pm 1\%$.

(2) 2.7 km (9 kft) and 4.6 km (15 kft) can be made up of cascaded sections of the above.

Loop Simulator for 26 AWG Cable

[FR Doc. 96-20705 Filed 8-13-96; 8:45 am]
BILLING CODE 6712-01-C

47 CFR Part 73

[MM Docket No. 95-82; RM-8630 and RM-8743]

**Radio Broadcasting Services;
Monticello, Perry, Quincy, and
Springfield, FL**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 268C1 for Channel 268C2 at Quincy, Florida, and modifies the license for Station WXSJ(FM) to specify operation on Channel 268C1, in response to a counterproposal filed by Great South Broadcasting, Inc. See 60 FR 32934, June 26, 1995. The coordinates for Channel 268C1 at Quincy are 30-10-22 and 84-26-52. To accommodate the upgrade at Quincy, we are substituting Channel 289C3 for

Channel 270C3 at Monticello, Florida, at coordinates 30-25-05 and 83-50-18, substituting Channel 221A for Channel 288A at Perry, Florida, at coordinates 30-06-27 and 83-34-00, and substituting Channel 266A for Channel 267A at Springfield, Florida, at coordinates 30-12-12 and 85-36-57. With this action this proceeding is terminated.

EFFECTIVE DATE: September 16, 1996.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-82, adopted July 26, 1996, and released August 2, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International

Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 268C2 and adding Channel 268C1 at Quincy, by removing Channel 270C3 and adding Channel 289C3 at Monticello, by removing Channel 288A and adding Channel 221A at Perry and by removing Channel 267A and adding Channel 266A at Springfield.