

| Source of flooding and location  | #Depth in feet above ground.<br>*Elevation in feet (NGVD) |
|--|---|
| Approximately 400 feet south of intersection of Market Street and Van Ness Avenue .....                                    | *28   |
| <i>Williams Creek:</i>   |   |
| At confluence with Salt River At Rose Avenue .....   | *28   |
| Approximately 1,150 feet upstream of Grizzly Bluff Road .....  | *47   |
| <i>Janes Creek:</i>  |   |
| Approximately 800 feet upstream of Samoa Road .....  | *65   |
| Approximately 140 feet upstream of Lumberyard Road .....   | *7  |
| <i>Mad River (At Blue Lake):</i>   |   |
| Approximately 6,000 feet upstream of confluence with Noisy Creek .....   | *24   |
| At Hatchery Road .....   | *65   |
| <i>Dave Power's Creek:</i>   |   |
| Approximately 100 feet upstream of an unnamed road (log bridge) .....  | *86   |
| Approximately 2,150 feet upstream of confluence with Mad River .....   | *72   |
| <b>Maps are available for inspection</b> at the Humboldt County Planning Department, 3015 H Street, Eureka, California.    | *75   |
| <b>COLORADO</b>  |   |
| <b>Wellington (Town), Larimer County (FEMA Docket No. 7246)</b>  |   |
| <i>Coal Creek:</i>   |   |
| Approximately 2,000 feet downstream of Fourth Street .....   | *5,182  |
| Approximately 1,000 feet north of Windsor Ditch .....  | *5,222  |
| <b>Maps are available for inspection</b> at the Town of Wellington Town Hall, 3735 Cleveland Avenue, Wellington, Colorado. |   |

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

Dated: September 29, 1998.

**Michael J. Armstrong,**

Associate Director for Mitigation.

[FR Doc. 98-27240 Filed 10-8-98; 8:45 am]

BILLING CODE 6718-04-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CC Docket No. 96-115; FCC 98-239]

### Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The order released September 24, 1998 extends the deadline by which all telecommunications carriers must implement effective electronic safeguards to protect against unauthorized access to CPNI. This deadline was established in the Commission's CPNI Report and Order in this proceeding. The Commission is currently reviewing a number of petitions for reconsideration that seek modification of the electronic safeguards requirement, and believes that postponing the deadline for implementation of these safeguards until after the Commission acts upon the reconsideration petitions is in the public interest.

**EFFECTIVE DATE:** November 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** Brent Olson, Attorney, Common Carrier Bureau, Policy and Program Planning Division, (202) 418-1580 or via the Internet at [bolson@fcc.gov](mailto:bolson@fcc.gov). Further information may also be obtained by calling the Common Carrier Bureau's TTY number: 202-418-0484. For additional information concerning the information collections contained in this Order contact Judy Boley at (202) 418-0214, or via the Internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order adopted September 23, 1998, and released September 24, 1998. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., N.W., Room 239, Washington, D.C. The complete text also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc98239.wp>, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th St., N.W., Washington, D.C. 20036.

### Regulatory Flexibility Certification

The changes adopted in this Order do not affect our certification in the CPNI Report and Order.

### Synopsis of Order

1. On February 26, 1998, the Commission released an Order, 63 FR 20326, April 24, 1998 ("CPNI Report and Order") promulgating regulations to implement the statutory obligations of section 222 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, which was enacted to protect the confidentiality of customer proprietary network information (CPNI). In that

order, the Commission established January 26, 1999 as the deadline by which all telecommunications carriers must implement effective electronic safeguards to protect against unauthorized access to CPNI. For the reasons discussed below, we extend that deadline.

### I. Background

2. In the CPNI Report and Order, the Commission concluded that "all telecommunications carriers must establish effective safeguards to protect against unauthorized access to CPNI by their employees or agents, or by unaffiliated third parties." Specifically, the Commission required that carriers develop and implement software systems that "flag" customer service records in connection with CPNI and that carriers maintain an electronic audit mechanism ("audit trail") that tracks access to customer accounts. The Commission also required that carriers' employees be trained as to when they can and cannot access customers' CPNI; that carriers establish a supervisory review process that ensures compliance with CPNI restrictions when conducting outbound marketing; and that each carrier submit a certification signed by a current corporate officer attesting that he/she has personal knowledge that the carrier is in compliance with our requirements on an annual basis. Because the Commission anticipated that carriers would need time to conform their data systems and operations to comply with the software flags and electronic audit mechanisms required by the Order, enforcement of these safeguards was deferred until eight months from when the rules became effective, specifically January 26, 1999.

3. Following the release of the CPNI Report and Order, several petitioners sought reconsideration of a variety of issues, including the decision to require carriers to implement the use of software flags and audit trails. We are currently reviewing these petitions. In addition, a number of carriers, representing virtually the entire industry affected by the CPNI rules, expressed concern about meeting the January deadline. GTE has also proposed some alternative methods of implementing safeguards that GTE claims will accomplish the goals of the Act without unduly burdening the industry.

### II. Discussion

4. We conclude that it serves the public interest to extend the deadline by which we will begin to enforce our rules requiring software flags and electronic

audit mechanisms so that we may consider recent proposals to tailor our requirements more narrowly and to reduce burdens on the industry while serving the purposes of the CPNI rules. As an initial matter, we note that all segments of the industry unanimously oppose these requirements as adopted. We emphasize that the circumstances presented here are both unique and compelling. We recognize that it will take time and effort to implement these requirements, and we believe that postponement of compliance until the Commission provides additional guidance may promote more efficient and effective deployment of resources spent on meeting the new CPNI requirements set forth in the statute and our implementing rules. By delaying the date of enforcement until after the Commission acts upon reconsideration petitions, parties will have the opportunity to comment on GTE's proposed alternatives or make proposals of their own.

5. We emphasize that this extension of time is only temporary and that ultimately carriers will be required to comply with whatever electronic safeguards the Commission deems appropriate in this proceeding. We recognize that software flags and electronic audit mechanisms may be more costly to implement when older systems are involved. To the extent that new systems are being deployed during the pendency of the reconsideration petitions, however, we expect that carriers will install electronic flags and audit trails at the time the system is deployed in order to avoid the increased cost of having to retrofit systems in the future to come into compliance. We also note that this extension applies only to the electronic safeguards requirement, and that compliance with the rest of the rules elaborated in the CPNI Report and Order is still required. In particular, our action in this Order does not relieve carriers of the underlying obligation to use CPNI in accordance with section 222 and the Commission's implementing rules.

### III. Ordering Clauses

6. Accordingly, it is ordered, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and 303(r), and § 1.429(k) of the Commission's rules, 47 CFR 1.429(k), that we will not seek enforcement actions against carriers regarding compliance with the CPNI software flagging and audit trail requirements as set forth in 47 CFR 64.2009 (a) and (c) until six months after the release date of the Commission's

order on reconsideration addressing these issues in CC Docket No. 96-115.

#### List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 98-27190 Filed 10-8-98; 8:45 am]

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[MM Docket No. 98-106; RM-9277]

#### Radio Broadcasting Services; Missoula, MT

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 290A to Missoula, Montana, in response to a petition filed by Dale A. Ganske d/b/a L. Topaz Enterprises, Inc. See 63 FR 37090, July 9, 1998. The coordinates for Channel 290A at Missoula are 46-51-42 and 114-00-30. Canadian concurrence has been obtained for this allotment. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** November 16, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 98-106, adopted September 23, 1998, and released October 2, 1998. 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., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

#### 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:

#### 47 CFR PART 73—[AMENDED]

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

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Channel 290A at Missoula.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 98-27065 Filed 10-8-98; 8:45 am]

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[MM Dockets No. 90-176, RM-7053 and RM-8040]

#### FM Broadcasting Services; Arnold and Columbia, California

**AGENCY:** Federal Communications Commission.

**ACTION:** Final Rule; petition for reconsideration.

**SUMMARY:** The Commission denied the petition for partial reconsideration, filed by Clarke Broadcasting Corporation, of the *Memorandum Opinion and Order* in MM Docket No. 90-176, 57 FR 45,577, published October 2, 1992. It also affirmed the *Memorandum Opinion and Order*, which, in reversing the *Report and Order* in this docket, 56 FR 26,367, published June 7, 1991, allotted Channel 255A to Columbia and Channel 240A to Arnold. With this action, the proceeding is terminated.

**DATE:** Effective October 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** J. Bertron Withers, Jr., Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order*, MM Docket No. 90-176, adopted September 30, 1998 and released October 2, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in Commission's Reference Center (Room 239), 1919 M Street, N.W., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, 2100 M Street, N.W., Suite 140, Washington, DC 20037, (202) 857-3800.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.