

personal property, or both. If the grantee is a renter, flood insurance coverage must be maintained on the contents for as long as the renter resides at the flood-damaged property address. The restriction is lifted once the renter moves from the rental unit.

* * * * *

(D) A State may not make a grant to any individual or family who received Federal disaster assistance for flood damage occurring after September 23, 1994, if the individual or family received flood disaster assistance and was required, but failed, to purchase and maintain flood insurance as a condition of receiving that Federal flood disaster assistance.

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Dated: January 31, 1995.

Richard W. Krimm,

Associate Director, Response and Recovery.

[FR Doc. 95-2960 Filed 2-6-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 25 and 160

[CGD 78-174]

RIN 2116-AA29

Hybrid PFDs; Establishment of Approval Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: The Coast Guard is correcting errors to a final rule published on January 9, 1995, in the **Federal Register** (60 FR 2482) entitled "Hybrid PFDs; Establishment of Approval Requirements." The final rule amends the structural and performance standards and procedures for approval of hybrid inflatable personal flotation devices.

EFFECTIVE DATE: February 8, 1995.

FOR FURTHER INFORMATION CONTACT:

Mr. Samuel E. Wehr, Office of Marine Safety, Security, and Environmental Protection (G-MVI-3/14), 2100 Second St. SW., Washington, DC 20593-0001, (202) 267-1444.

SUPPLEMENTARY INFORMATION:

Background

The final rule that is the subject of this correction amends 46 CFR parts 25 and 160 regarding structural and performance standards and procedures for approval of hybrid inflatable personal flotation devices (hybrid PFDs). Hybrid PFDs are designed to

have a minimum amount of inherent flotation to ensure that a wearer will surface after falling in the water and to have a mechanism to inflate the PFD to provide additional buoyancy, and thereby greater clearance from the water, while a wearer awaits rescue. The rule also allows for approval of hybrid PFDs for youths and small children.

Need for Correction

As published, the final rule contains typographical errors in table 160.077-2(j) and in citations contained in § 160.077-21. Also, the final rule contains formatting errors and an incorrectly designated paragraph in § 160.077-31.

Correction of Publication

The publication on January 9, 1995 of the final rule [CGD 78-174], which was the subject of FR Doc. 95-433, is corrected as follows:

§ 160.077-2(j) [Corrected]

1. On page 2486, in table 160.077-2(j), in the first column under the heading "Reference PFD Type", first line, the words "Devices for adults, weight over 40 kg (90 lbs):" are corrected to read, "Devices for adults, weighing over 40 kg (90 lb):"

§ 160.077-21 [Corrected]

2. On page 2488, in the first column, in § 160.077-21, paragraph (c)(4)(i), line 10, the citation "S.7.1.B" is corrected to read "S7.1.B".

3. On page 2488, in the first column, in § 160.077-21, paragraph (c)(5)(i), line 3, the citation "S7 1.A" is corrected to read "S7.1.A".

§ 160.077-31 [Corrected]

4. On page 2591, in the first column, the amendatory instructions for § 160.077-31 are revised to read as follows:

"19. In § 160.077-31, paragraphs (c), (d), (g), (h), (j), introductory text, (j)(1) and (k) are revised, paragraphs (j) (2) and (3) are redesignated as (j) (3) and (4) respectively and revised, new paragraph (j)(2) is added, and paragraph (e)(5) is removed and paragraph (e)(6) is redesignated as paragraph (e)(5) to read as follows:"

5. On page 2491, in the first column, in § 160.077-31, paragraph (c), line 6 is corrected by indenting the line two spaces.

6. On page 2491, in the second column, in § 160.077-31, paragraph (d), line 8 is corrected by indenting that line two spaces, and line 9 is corrected by aligning that line against the left hand margin of the column.

7. On page 2491, in the third column, in § 160.077-31, paragraph (l), the

paragraph designation of "(l)" is corrected to read "(k)".

Dated: January 31, 1995.

Joseph J. Angelo,

Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 95-2993 Filed 2-6-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[DA 95-36]

Bell Operating Companies' Joint Petition for Waiver of Computer II Rules

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order.

SUMMARY: On October 18, 1994, the United States Court of Appeals for the Ninth Circuit remanded in part the Commission's BOC Safeguards Order (57 FR 4373 (February 5, 1992)), which had established procedures for the Bell Operating Companies (BOCs) to offer enhanced services on a structurally integrated basis. This Memorandum Opinion and Order concluded that, because the Ninth Circuit decision generally returned the regulation of BOC enhanced services to a Comparably Efficient Interconnection (CEI) plan framework, waivers would only be necessary for new enhanced services or market trials, and for those existing services and market trials that were not covered by previously-approved CEI plans. In order to avoid possible service disruptions and customer confusion, the Common Carrier Bureau clarified the requirements for BOC provision of enhanced services, and granted the BOCs any necessary interim waivers to: Provide existing enhanced services pursuant to CEI plans approved prior to the lifting of structural separation; continue providing other existing enhanced services, pending FCC review of CEI plans for those services; file CEI plans for any new enhanced services; continue to perform research and planning activities and technical trials for enhanced services; continue existing market trials, conditioned on their filing the market trial notification required under the CEI plan regime; and begin market trials of new enhanced services pursuant to the market trial requirements of the CEI plan regime.

EFFECTIVE DATE: January 13, 1995.

FOR FURTHER INFORMATION CONTACT:

Rose Crellin at (202) 418-1571 or Kevin Werbach at (202) 418-1597, Policy and Program Planning Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Common Carrier Bureau's Memorandum Opinion and Order, DA 95-36, adopted January 11, 1995 and released January 11, 1995. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Memorandum Opinion and Order

1. In the Computer III proceeding, beginning with the Phase I Order (51 FR 24350 (July 3, 1986)), the Commission reversed its earlier decision to require the Bell Operating Companies (BOCs) to establish structurally separate subsidiaries for the provision of enhanced services. Enhanced services use the existing telephone network to deliver services—such as voice mail, E-Mail, and gateways to on-line databases—beyond a basic transmission offering. The commission established a two-step process in Computer III for the removal of structural separation restrictions. Initially, BOCs were permitted to offer individual enhanced services on a structurally integrated basis once they had received FCC approval of service-specific Comparably Efficient Interconnection (CEI) plans. Those plans were required to detail how the BOCs would make the underlying network services used by their own enhanced service offerings available to competing enhanced service providers (ESPs) on an equal access basis.

2. In the second stage of Computer III, BOCs were required to develop Open Network Architecture (ONA) plans detailing how they would unbundle and make available basic network services, and describing how they would comply with other nonstructural safeguards. Upon FCC approval of the initial BOC ONA plans, the remaining structural separation requirements were to be lifted. Following a remand from the Court of Appeals for the Ninth Circuit, the Commission strengthened and reaffirmed its regime of nonstructural safeguards in the 1991 BOC Safeguards Order (57 FR 4373 (February 5, 1992)). Between 1992 and 1993, the Common Carrier Bureau granted full structural relief to the BOCs upon a showing that

they had complied with the requirements of the BOC Safeguards Order, and those decisions were subsequently ratified by the Commission.

3. In October 1994, the Ninth Circuit partially remanded the BOC Safeguards Order. The court concluded that the Commission had scaled back its conception of ONA, and had not explained how the more limited version of ONA represented in the approved BOC ONA plans provided sufficient protection to justify fully lifting structural separation. In light of this decision, on November 14, 1994, the BOCs jointly filed a petition for an interim waiver (BOC Petition). The BOC Petition requested permission to continue offering existing enhanced services on a structurally integrated basis; to continue integrated research, development, and market trials; and to offer new integrated enhanced services associated with video dialtone service offerings.

4. In this Memorandum Opinion and Order, the Common Carrier Bureau (Bureau) clarified the requirements that will govern BOCs' enhanced service offerings, pending further Commission action on remand, and issued an interim waiver. Specifically, the Bureau concluded that, after the partial remand of the BOC Safeguards Order, the BOCs may generally provide enhanced services that comply with the CEI plan regime in effect before the Commission completely lifted structural separation requirements. The Bureau granted the BOCs a limited waiver to continue providing those enhanced services that they first offered after the CEI plan approval requirement had expired, conditioned on their filing CEI plans for those services within sixty days after the release of the waiver order. The Memorandum Opinion and Order also granted the BOCs a limited waiver to continue existing market trials initiated after the expiration of the CEI plan approval requirement, conditioned on the BOCs' filing market trial notifications within sixty days after the release of the waiver order. To the extent that the decision remanding the BOC Safeguards Order might be regarded as returning regulation to the Computer II framework of full structural separation, the Memorandum Opinion and Order granted the BOCs limited waivers of the Computer II structural separation requirements.

5. The Bureau concluded that the safeguards provided by the CEI plan regime would protect against potential anticompetitive conduct by the BOCs during the pendency of remand proceedings. The Memorandum

Opinion and Order noted that the BOCs currently offer enhanced services on an integrated basis to approximately five million customers, and determined that service disruptions and customer confusion were possible in the absence of a waiver. The Bureau observed that it had granted a similar waiver following the first remand of Computer III in 1990, and that waiver was not subsequently challenged before the Commission or in court. Given these considerations, the Bureau determined that it would be in the public interest to provide the BOCs with a limited waiver to allow them to offer integrated enhanced services subject to defined safeguards until the Commission acted on remand.

6. Accordingly, the Bureau granted any necessary waivers to enable the BOCs to: (1) Provide existing enhanced services pursuant to CEI plans approval prior to the lifting of structural separation; (2) continue providing other existing enhanced services, pending Commission consideration of CEI plans for those services; (3) file CEI plans for any new enhanced services; (4) continue to perform research and planning activities and technical trials for enhanced services; (5) continue existing market trials, conditioned on their filing the market trial notifications required under the CEI plan regime; and (6) begin market trials of new enhanced services pursuant to the market trial requirements of the CEI plan regime. The Bureau declined to treat video-dialtone-related enhanced services differently from other new enhanced services.

Ordering Clauses

1. Accordingly, IT IS ORDERED that pursuant to §§ 0.91, 0.291, and 1.3 of the Commission's Rules, 47 CFR §§ 0.91, 0.291, and 1.3, the BOC Joint Contingency Petition for Interim Waiver of the Computer II Rules, IS GRANTED to the extent described herein and otherwise Denied.

2. *It is further ordered* that this order is effective upon issuance of the Ninth Circuit's mandate in California III.

List of Subjects in 47 CFR Part 64

Communications common carriers; Computer technology.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-2948 Filed 2-6-95; 8:45 am]

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