

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Ch. XIII

Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of meeting.

SUMMARY: The Compact Commission will hold its monthly meeting to consider bylaw amendments, issues relating to the Commission's upcoming rulemaking procedure and matters relating to administration.

DATES: The meeting is scheduled for Thursday, May 7, 1998 commencing at 1:30 PM to adjournment.

ADDRESSES: The meeting will be held at the Cat 'n Fiddle Restaurant, 118 Manchester Street, Concord, New Hampshire (exit 13 off Interstate 93).

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission, 43 State Street, PO Box 1058, Montpelier, VT 05601. Telephone (802) 229-1941.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Northeast Dairy Compact Commission will hold its regularly scheduled monthly meeting. The Commission will consider certain bylaw amendments including the separate promulgation as a rule of the provisions relating to the referendum procedure, administration matters and issues relating to the Commission's upcoming rulemaking procedure.

(Authority: (a) Article V, Section 11 of the Northeast Interstate Dairy Compact, and all other applicable Articles and Sections, as approved by Section 147, of the Federal Agriculture Improvement and Reform Act (FAIR ACT), Pub. L. 104-127, and as thereby set forth in S.J. Res. 28(1)(b) of the 104th Congress; Finding of Compelling Public Interest by United States Department of Agriculture Secretary Dan Glickman, August 8, 1996 and March 20, 1997. (b) Bylaws of

the Northeast Dairy Compact Commission, adopted November 21, 1996.)

Daniel Smith,

Executive Director.

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DEPARTMENT OF JUSTICE

28 CFR Part 100

RIN 1105-AA39

Implementation of Section 109 of the Communications Assistance for Law Enforcement Act: Proposed Definition of "Significant Upgrade or Major Modification"

AGENCY: Federal Bureau of Investigation, DOJ.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FBI proposes to amend the Communications Assistance for Law Enforcement Act (CALEA) Cost Recovery Regulations by adding a new section which defines the term "Significant Upgrade or Major Modification." This NPRM sets forth both the FBI's proposed section and the rationale behind the proposed definition. The addition of this section will clarify the applicability of the CALEA, Cost Recovery Regulations and assist the telecommunications industry in assessing its responsibilities under CALEA.

DATES: Comments must be received on or before June 29, 1998.

ADDRESSES: Comments should be submitted to the Telecommunications Contracts and Audit Unit, Federal Bureau of Investigation, P.O. Box 221286, Chantilly, VA 20153-0450, Attention: CALEA FR Representative. All comments will be available from the FBI Reading Room located at FBI Headquarters, 935 Pennsylvania Avenue, NW., Washington, DC 20535. To review the comments, interested parties should contact Ms. Mary Stuzman, FBI Reading Room, FBI Headquarters, telephone number (202) 324-2664, to schedule an appointment (48 hours advance notice required). See Section G of the Supplementary Information for further information on electronic submission of comments.

FOR FURTHER INFORMATION CONTACT: Walter V. Meslar, Unit Chief, Telecommunications Contracts and

Audit Unit, Federal Bureau of Investigation, P.O. Box 221286, Chantilly, VA 20153-0450, telephone number (703) 814-4900.

SUPPLEMENTARY INFORMATION:

A. General Background

Recent and continuing advances in telecommunications technology and the introduction of new digitally-based services and features have impaired the ability of federal, state, and local law enforcement agencies to fully and properly conduct various types of court-authorized electronic surveillance. Therefore, on October 25, 1994, the President signed into law the Communications Assistance for Law Enforcement Act (CALEA) (Public Law 103-414, 47 U.S.C. 1001 *et seq.*). This law requires telecommunications carriers, as defined in CALEA, to ensure that law enforcement agencies, acting pursuant to court order or other lawful authorization, are able to intercept communications regardless of advances in telecommunications technologies.

Under CALEA, certain implementation responsibilities are conferred upon the Attorney General; the Attorney General has, in turn, delegated responsibilities set forth in CALEA to the Director, FBI, or his designee, pursuant to 28 CFR 0.85(o). The Director, FBI, has designated the Telecommunications Industry Liaison Unit of the Information Resources Division and the Telecommunications Contracts and Audit Unit of the Finance Division to carry out these responsibilities.

One of the CALEA implementation responsibilities delegated to the FBI is the establishment, after notice and comment, of regulations necessary to effectuate timely and cost-efficient payment to telecommunications carriers for certain modifications made to equipment, facilities and services (hereafter referred to as "equipment") to make that "equipment" compliant with CALEA.¹ Section 109(b)(2) of CALEA authorizes the Attorney General, subject to the availability of appropriations, to agree to pay telecommunications carriers for additional reasonable costs directly associated with making the assistance capability requirements found in section 103 of CALEA reasonably achievable with respect to

¹ CALEA § 109(e).