XII. Executive Order 13084

What Is Executive Order 13084 and Is It Applicable to This Proposed Rule?

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments because it does not significantly or uniquely affect their communities. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

TABLE 1.—NATIONAL PRIORITIES LIST PROPOSED RULE NO. 26, GENERAL SUPERFUND SECTION

State	Site name	City/county	Group
CA	Lava Cap Mine	Nevada City	21
CA	Omega Chemical Corporation	Whittier	22
MN	Fridley Commons Park Well Field	Fridley	4/5
NJ	Middlesex Sampling Plant	Middlesex	4/5
NJ	United States Avenue Burn	Gibbsboro	4/5
NY	Hiteman Leather	West Winfield	4/5
NY	Mohonk Road Industrial Plant	High Falls	4/5
NY	Smithtown Ground Water Contamination	Smithtown	4/5
OK	Tulsa Fuel and Manufacturing	Collinsville	4/5
TX	City of Perryton Well No. 2	Perryton	4/5
TX	Many Diversified Interests, Inc	Houston	19
VT	Pownal Tannery	Pownal	4/5

Number of Sites Proposed to General Superfund Section: 12.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: September 22, 1998.

Timothy Fields, Jr.,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 98–163; FCC 98–221]

1998 Biennial Regulatory Review—Modifications to Signal Power Limitations

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This NPRM proposes increasing the signal power limitations in order to improve the transmission rates experienced by persons using high speed digital information products, such as 56 kilobits per second (kbps) modems, to download data from the Internet. Current rules limiting the signal power that can be transmitted over telephone lines can prohibit such products from operating at their full potential. We believe that these signal power limitations may be increased without causing interference or other technical problems. We propose increasing the signal power limitations and request comment on the benefits and harms, if any, that may result from this change. Specifically, this change will allow Pulse Code Modulation (PCM) modems, used by Internet Service Providers (ISPs) and other online information service providers to utilize higher signal power levels to transmit data at moderately higher speeds.

DATES: Comments are due on or before October 29, 1998, and reply comments are due on or before November 13, 1998.

ADDRESSES: Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554. In addition to filing comments with the Secretary, an electronic and a paper copy of any comments, reply comments, and supporting documents should be submitted to Vincent M. Paladini, Federal Communications Commission, Common Carrier Bureau, Network Services Division, Room 235, 2000 M Street, N.W., Washington, D.C. 20554 or via the Internet to vpaladin@fcc.gov. Electronic submissions must be in WordPerfect 5.1 for Windows format.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (May 1, 1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form <your e-mail

address.'' A sample form and directions will be sent in reply.

FOR FURTHER INFORMATION CONTACT: Vincent M. Paladini, (202) 418–2320, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554. Further information may also be obtained by sending an electronic mail message to vpaladin@fcc.gov.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Notice of Proposed Rulemaking in the matter of 1998 Biennial Regulatory Review—Modifications to Signal Power Limitations Contained in Part 68 of the Commission's Rules. The technical parameters of Part 68 fall into three broad categories: signal power limitations, transverse balance requirements, and billing protection provisions. The signal power limitations of section 68.308 are designed to protect the network from crosstalk and other interference caused by excessive signal power. Theoretically, PCM modems operating over the Public Switched Telecommunications Network (PSTN) are capable of data transmission rates of up to 56 kbps. The signal power limitations found in section 63.308 of our rules appear to limit the transmission rate of PCM modems to 54 kbps. This is due to the way PCM is decoded within the PSTN. Digital signals transmitted by a PCM modem may be converted into analog signals by decoders within the network that translate digital signals into analog signals. Decoders operate by converting each discrete eight-bit digital input signal, or ''word,'' into a specific analog output signal strength, or voltage. PCM technique utilizes 256 decoder output voltages, one for each of the 256 possible eight-bit input combinations, or ''words.'' Each voltage corresponds with a specific signal power level. The signal power limitations contained in Part 68 may curtail the acceptable range of signal strengths used by PCM modems connected to the PSTN, potentially limiting transmission speeds.

In response to this situation, we propose increasing the encoded analog content power limitations specified in sections 68.308(h)(1)(iv) and 68.308(h)(2)(v) from −12 dBm to −6 dBm. We understand that an increase of this magnitude may be sufficient to broaden the range of acceptable signal strengths to enable PCM modems to approach their theoretical maximum speed. We seek comment on the effect of this proposed rule change. In particular, we seek comment on whether this rule change will discernibly improve the performance of PCM modems, whether increasing the signal power risks harm to the network, whether a signal power limit other than −6 dBm but greater than −12 dBm, or another modification to Part 68 of our rules, would be more beneficial and entail less risk. We request that all comments be accompanied by a thorough analysis of the likely effect of the proposed rule change, both the positive, in terms of increased transmission rates and other tangible benefits, and the negative, in terms of additional signal interference, crosstalk, or other network detriment. In particular, we seek comment on the potential detrimental effects of the proposed power increase on advanced communications services, such as asymmetric digital subscriber loop (ADSL), and other digital subscriber line (e.g., xDSL) services. We seek comment on whether the proposed rule change will allow consumers who access the Internet or other online services to experience faster transmission rates. We also seek comment identifying other factors limiting transmission rates, such as available network capacity, line noise, and the quality of the local loop, and discussing how these factors may be affected by increased signal power limitations. Finally, we seek comment on what rule modifications would be necessary to implement the revised signal power limitation.

We recognize that the modifications proposed in this Notice may produce only moderate improvements in the actual performance of 56 kbps PCM modems. We propose these modifications, however, because we desire to remove impediments to data transmission over the PSTN where we find that the public interest will be served by doing so. We ask parties to identify other provisions of Part 68 that may be affected by this proposed rule change.

List of Subjects in 47 CFR 68

Communications common carriers, Communications equipment.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

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