

Economy-wide effects of an amendment to the NPL are aggregations of efforts on firms and State and local governments. Although effects could be felt by some individual firms and States, the total impact of this amendment on output, prices, and employment is expected to be negligible at the national level, as was the case in the 1982 RIA.

Benefits

The real benefits associated with today's amendment are increased health and environmental protection as a result of increased public awareness of potential hazards. In addition to the potential for more Federally-financed remedial actions, expansion of the NPL could accelerate privately-financed, voluntary cleanup efforts. Listing sites as national priority targets also may give States increased support for funding responses at particular sites.

As a result of the additional CERCLA remedies, there will be lower human exposure to high-risk chemicals, and higher-quality surface water, ground water, soil, and air. These benefits are expected to be significant, although difficult to estimate in advance of completing the RI/FS at these sites.

IV. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

V. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

While this rule proposes to revise the NPL, an NPL revision is not a typical regulatory change since it does not automatically impose costs. As stated above, adding sites to the NPL does not in itself require any action by any party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, impacts on any group are hard to predict. A site's inclusion on the NPL could increase the likelihood of adverse impacts on responsible parties (in the form of cleanup costs), but at this time EPA cannot identify the potentially

affected businesses or estimate the number of small businesses that might also be affected.

The Agency does expect that placing the sites in this proposed rule on the NPL could significantly affect certain industries, or firms within industries, that have caused a proportionately high percentage of waste site problems. However, EPA does not expect the listing of these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would occur only through enforcement and cost-recovery actions, which EPA takes at its discretion on a site-by-site basis. EPA considers many factors when determining enforcement actions, including not only a firm's contribution to the problem, but also its ability to pay. The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

For the foregoing reasons, I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. Therefore, this proposed regulation does not require a regulatory flexibility analysis.

NATIONAL PRIORITIES LIST PROPOSED RULE #18 GENERAL SUPERFUND SECTION

State	Site name	City/county	NPL Gr ¹
FL	Normandy Park Apartments	Temple Terrace	6
KS	Ace Services	Colby	5/6
LA	Gulf State Utilities-North Ryan Street	Lake Charles	5
LA	Old Citgo Refinery	Bossier City	5/6
LA	Southern Shipbuilding	Slidell	5/6
ME	West Site/Hows Corners	Plymouth	5/6
MI	Bay City Middlegrounds	Bay City	5/6

¹ Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL. Note: Number of Sites Proposed to General Superfund Section: 7.

NATIONAL PRIORITIES LIST PROPOSED RULE #18 FEDERAL FACILITIES SECTION

State	Site name	City/county	NPL Gr ¹
KS	Sunflower Army Ammunition Plant	DeSoto	5/6
MD	Indian Head Naval Surface Warfare Center	Indian Head	5/6

¹ Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL. Note: Number of Sites Proposed to Federal Facilities Section: 2.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Authority: 42 U.S.C. 9605; 42 U.S.C. 9620; 33 U.S.C. 1321(c)(2); E.O. 11735, 3 CFR,

1971-1975 Comp., p. 793; E.O. 12580, 3 CFR, 1987 Comp., p. 193.

Dated: February 8, 1995.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 94-158; FCC 94-352]

Operator Services Providers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule and notice of inquiry.

SUMMARY: The Commission adopted this Notice of Proposed Rule Making and Notice of Inquiry to solicit comment on proposed changes to its rules and policies governing operator service providers (OSPs) and call aggregators. The proposed rule changes are intended to clarify existing OSP requirements, and the notice of inquiry examines the need for additional protection measures.

DATES: Comments must be submitted on or before March 9, 1995 and reply comments must be submitted on or before March 24, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW, Washington, D. C. 20554.

FOR FURTHER INFORMATION CONTACT: Carolyn Tatum Roddy, Enforcement Division, Common Carrier Bureau, (202) 418-0960.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making and Notice of Inquiry* in CC Docket No. 94-158 [FCC 94-352], adopted December 28, 1994 and released February 8, 1995. The full text of the Notice of Proposed Rule Making and Notice of Inquiry is available for inspection and copying during normal business hours in the Dockets Reference Room, Room 239, 1919 M Street, NW, Washington, D.C. The full text of this Notice of Proposed Rule Making and Notice of Inquiry may also be purchased from the Commission's duplicating contractor, International Transcription Services, 2100 M Street, NW, Suite 140, Washington, D.C. 20037, (202) 857-3800.

Summary of Notice of Proposed Rule Making and Notice of Inquiry

1. On December 28, 1994, the Commission adopted a Notice of Proposed Rule Making and Notice of Inquiry in CC Docket No. 94-158, FCC 94-352, proposing changes to rules governing the operator service providers (OSPs) and call aggregators and soliciting comments concerning the need to reexamine certain issues relating to OSPs in correctional institutions and the need to establish a time limit for updating consumer information posted on or near aggregator telephones. The proposed rule changes are intended to clarify existing OSP requirements, and the notice of inquiry examines the need for additional consumer protection measures.

2. The Commission adopted comprehensive regulations governing the practices and services of OSPs and

the call aggregators with whom they contract to provide operator services pursuant to the Telephone Operator Consumer Services Improvement Act of 1990 (TOCSIA). TOCSIA established rules concerning consumer information, call blocking, restrictions on certain charges, and equipment capabilities. Further, the Commission established minimum standards for OSPs to use in routing and handling emergency telephone calls. Subsequently, with the Telecommunications Authorization Act of 1992 (TAA), Congress amended Section 226 (d)(4)(A) to require the Commission to establish minimum standards for aggregators, as well as OSPs, to use in routing and handling emergency calls.

3. Section 226(b)(1)(A) of the Communications Act of 1934, as amended (Act), and Section 64.703(a)(1) of the Commission's rules (rules) require an OSP to identify itself, audibly and distinctly, to the consumer at the beginning of each telephone call and before the consumer incurs any charge for the call. This identification is known as "call branding." Section 226(a)(4) of the Act and Section 64.708(d) of the Commission's rules define a "consumer" as "a person initiating any interstate telephone call using operator services." The Commission notes that collect calls involve two parties making choices and tentatively concludes that both the calling party, who places the call, and the called party, who must accept the charges in order for the message portion of the call to begin, cooperatively initiate the call as "consumers" and should each receive a "brand" before they commence their portions of the collect call transaction. Thus, the Commission proposes to amend Section 64.708(d) of the Commission's rules to redefine "consumer" to that effect and invites interested parties to comment on this proposed rule change. The Commission specifically solicits data concerning both the cost of compliance with this proposed rule change and the ratio of collect calls to all operator-assisted calls.

4. Section 226(d)(4)(A) of the Act directed the Commission to prescribe regulations establishing minimum standards for OSPs to use in routing and handling emergency telephone calls. In the *Report and Order*, CC Docket No. 90-313, 56 F R 18519 (April 23, 1991), the Commission adopted Section 64.706 of the rules to implement this requirement. This rule currently requires that "[u]pon receipt of any emergency telephone call, a provider of operator services shall immediately connect the call to the appropriate

emergency service of the reported location of the emergency, if known, and, if not known, of the originating location of the call." The TAA amended Section 226(d)(4)(A) of the Act and directed the Commission to establish minimum standards for aggregators, as well as OSPs, to use in routing and handling emergency telephone calls. In light of this amendment, the Commission proposes to modify its rules to require that aggregators be subject to the same requirements for routing and handling emergency calls that apply to OSPs. The Commission solicits comment on this proposed rule change and whether the TAA or sound public policy support the adoption of additional requirements in order to ensure the prompt and proper handling of emergency calls from aggregator locations.

5. In the *Report and Order* in CC Docket No. 90-313, the Commission examined the question of whether correctional institutions providing inmate-only telephones should be excluded from the definition of "aggregator" and, therefore, exempt from the requirements of TOCSIA and the Commission's implementing regulations. The Commission concluded that providing such telephones to inmates presents an "exceptional set of circumstances" that warrant their exclusion from the definition of "aggregators" and ruled that inmate-only telephones would not be subject to the requirements specified by TOCSIA or the implementing rules. In light of numerous informal complaints, the Commission hereby initiates a Notice of Inquiry concerning what changes, if any, should be made to the rules applicable to inmate-only telephones in correctional institutions. The Commission specifically seeks comment on the needs of the inmate users, the resources and needs of correctional institutions in providing inmate telephone service, and whether the goals of Section 226 of the Act and the public interest have been met through the current treatment of inmate-only telephones in correctional institutions.

6. The Commission also seeks comment on whether to require a time limit for updating consumer information that is posted on aggregator telephones. Section 226(c)(1)(A) of the Communications Act and Section 64.703(b) of the Commission's rules require that each aggregator post on or near the telephone instrument in plain view of consumers: (1) the name, address, and toll-free telephone number of the provider of operator services; (2) a written disclosure that the rates for all operator-assisted calls are available on

request, and that consumers have a right to obtain access to the interstate common carrier of their choice and may contact their preferred interstate common carriers for information on accessing that carrier's service using that telephone; and (3) the name and address of the Enforcement Division of the Common Carrier Bureau of the Commission, to which the consumer may direct complaints regarding operator services. Neither the statute nor the Commission's rules specifies when this notice must be changed to reflect a change in the presubscribed carrier at the telephone location. In response to reports that some aggregators are not promptly updating this consumer information to reflect a change in the presubscribed OSP, the Commission seeks comment on the extent of this problem, and whether a specific time limit for updating the consumer information is necessary or desirable.

7. The Commission asserts that this is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 CFR §§ 1.1202, 1.1203, and 1.1206(a).

8. The Commission certifies that the Regulatory Flexibility Act of 1980 does not apply to this rule making proceeding because if the proposed rule amendments are promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The Commission has also directed the Secretary to send a copy of the Notice of Proposed Rule Making and Notice of Inquiry, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act.

Ordering Clauses

9. Accordingly, pursuant to Sections 1, 4(i), 4(j), 201-205, 218, 226, and 303(r) of the Communications Act, 47 U.S.C. §§ 151, 154(i), 154(j), 201-205, 218, 226, 303(r), a *Notice of Proposed Rule Making and Notice of Inquiry* is issued, proposing amendment of 47 CFR §§ 64.706 and 64.708(d) as set forth below.

10. Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, all interested parties may file comments on the matters discussed in this Notice and on the proposed rules contained below by March 9, 1995. Reply comments are due by March 24, 1995. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants wish each Commissioner to have a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 230) of the Federal Communications Commission, 1919 M Street, NW, Washington, D.C. 20554.

List of Subjects in 47 CFR Part 64

Communications Common Carrier, Telephone.
Federal Communications Commission.
William F. Caton,
Secretary.

Proposed Rules

Part 64 of Title 47 of the Code of Federal Regulations is proposed to be 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. 201-4, 218, 225, 226, 227, 48 Stat. 1070, as amended, 1077; 47 U.S.C. §§ 201, 218, 225, 226, 227, unless otherwise noted.

2. The heading of Subpart G is revised to read as follows:

Subpart G—Furnishing of Enhanced Services and Customer-Premises Equipment by Communications Common Carriers; Telephone Operator Services; Pay-Per-Call Services

3. Section 64.706 is revised to read as follows:

§ 64.706 Minimum standards for the routing and handling of emergency telephone calls.

Upon receipt of any emergency telephone call, providers of operator services and aggregators shall ensure immediate connection of the call to the appropriate emergency service of the reported location of the emergency, if known, and, if not known, of the originating location of the call.

4. Section 64.708 is amended by revising paragraph (d) to read as follows:

§ 64.708 Definitions.

* * * * *

(d) *Consumer* means a person initiating any interstate telephone call using operator services. In collect calling arrangements, both the party on the originating end of the call and the party on the terminating end of the call are consumers under this definition;

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