

document is available in the TSCA nonconfidential information center (NCIC), Rm. ETG-102 at the above address between 12:00 noon and 4:00 p.m., Monday through Friday, excluding legal holidays. EPA may modify or revoke the test marketing exemption if comments are received which cast significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury.

The following additional restrictions apply to TMEs-95-1 and 95-2. A bill of lading accompanying each shipment must state that the use of the substances is restricted to that approved in the TMEs. In addition, the applicants shall maintain the following records until five years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.
2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.
3. Copies of the bill of lading that accompanies each shipment of the TME substance.

TME-95-1

Date of Receipt: March 22, 1995. The extended comment period will close May 2, 1995.

Applicant: Confidential.

Chemical: (G) N,N,N'-Triphenylmelamine derivative.

Use: (G) UV Absorber.

Production Volume: Confidential.

Number of Customers: Fifteen.

Test Marketing Period: Three years, commencing on first day of commercial manufacture.

Risk Assessment: EPA identified no significant human health concerns for the test market substance. The TME substance is not expected to be toxic to aquatic organisms at maximum saturation in water. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

TME-95-2

Date of Receipt: March 23, 1995. The extended comment period will close (insert date 15 days after date of publication in the **Federal Register**).

Applicant: Lubricant Additive Research Co.

Chemical: (G) Synthetic Silver Complex.

Use: (G) Lubricant Additive.

Production Volume: Confidential.

Number of Customers: Confidential.

Test Marketing Period: One year, commencing on first day of commercial manufacture.

Risk Assessment: EPA identified no significant human health concerns for the test market substance. Based on Structure Activity Relationship (SAR) analysis from data on similar substances, EPA estimates that the TME substance could be toxic to aquatic organisms at a concentration of 1.0 parts per billion. However, the TME substance is not expected to be released to surface waters during the manufacturing, processing and use scenarios described in the TME application. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information that comes to its attention cast significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to human health or the environment.

List of Subjects

Environmental protection, Test marketing exemptions.

Dated: April 5, 1995.

Paul J. Campanella,

Chief, New Chemicals Branch, Office of Pollution Prevention and Toxics.

[FR Doc. 95-9385 Filed 4-14-95; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

[IAD File No. 94-102, FCC 95-19]

Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech—Illinois

AGENCY: Federal Communications Commission.

ACTION: Declaratory ruling and order.

SUMMARY: This Declaratory Ruling and Order (Order) responds to a Request for Declaratory Ruling and Order (Petition) filed with the Federal Communications Commission (Commission) on August 4, 1994, jointly by Mobilemedia Communications, Inc., Paging Network, Inc., and Page Mart, Inc. (Petitioners). Petitioners objected to a plan developed by Ameritech-Illinois (Ameritech) to relieve an anticipated telephone number shortage in the part of Illinois covered by numbering plan area 708. Petitioners contended portions of the Ameritech

plan violate the Communications Act and industry guidelines. In the Order, the Commission found the Ameritech plan was unreasonably discriminatory and otherwise unjust and unreasonable in violation of the Communications Act.

In the Order, the Commission declared the importance of modernization of telecommunications infrastructure, the introduction of new technologies, the promotion of competition, and the encouragement of new interstate and international services to meeting its goals under the Communications Act.

EFFECTIVE DATE: January 23, 1995.

FOR FURTHER INFORMATION CONTACT: Laurence Povich, Common Carrier Bureau, Industry Analysis Division, (202) 418-0953.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Declaratory Ruling and Order in Common Carrier Bureau, IAD File No. 94-102, adopted January 12, 1995, and released January 23, 1995, with Commissioner Barrett issuing a statement.

The complete text of the Order and the statement is available for inspection and copying between 9:00 AM and 4:00 PM during normal business days in the Public Reference Room, Industry Analysis Division, Common Carrier Bureau, located on the Plaza Level at 1250 23rd Street, N.W., Washington, D.C. and may also be purchased from the Commission's copy contractor, International Transcription Service, at 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Telephone: 202-857-3800.

Synopsis of Declaratory Order

1. Background

As the largest local exchange carrier in northern Illinois, Ameritech serves as the administrator of numbering plan area (NPA) 312 (serving Chicago) and NPA 708 (which covers an adjacent suburban area). NPAs are more popularly known as "area codes." In early 1994, Ameritech announced that the supply of central office codes within NPA 708 was nearing exhaustion and later presented its plan for relief of the anticipated shortage. Central office (CO) codes are the three-digit numbers that follow the NPA and precede the four-digit line number. Accordingly, each CO code represents about 10,000 telephone line numbers.

The Ameritech plan included the following elements: Ameritech would cease providing CO codes in NPA 708 to cellular and paging carriers and such wireless carriers would be required to "give back" to Ameritech NPA 708 CO

codes currently assigned to them. NPA 708 CO office codes returned by wireless carriers would then be used by Ameritech to assign NPA 708 CO codes to its own customers, to customers of competitive access providers, and to other wireline customers.

Ameritech would utilize a new NPA (630) to create an overlay NPA. This new overlay would cover the same geographic area as the existing NPAs 708 and 312. With such an "overlay" arrangement, a customer in NPA 708 or 312 could be served by both the new overlay NPA (630) and by its existing NPA.

Until the new NPA (630) became available, wireless customers requesting CO codes for NPA 708 would have to accept CO codes from NPA 312. When the new NPA (630) became available, wireless carriers would then be able to obtain CO codes from either NPA 312 or 630 but not from NPA 708.

Ameritech petitioned the Illinois Commerce Commission (ICC) on July 29, 1994, for approval of its plan. Petitioners filed their Petition on August 4, 1994. The Commission issued a Public Notice seeking comment. At the release of the Order, the ICC had not yet acted upon Ameritech's petition.

2. Federal/State Jurisdiction

The Commission explained that the Communications Act establishes a dual regulatory system of telephone service by granting to the Commission authority to regulate interstate and foreign commerce in wire and radio communication while reserving to the states jurisdiction with respect to intrastate communications service. While there was no need for the Commission to take such action in this case, the Commission did note there might be future situations in which a state's regulation of a local exchange carrier's numbering activities could raise the issue of preemption. However, in this case, the Commission declined to await the outcome of the ICC proceedings because of the impact on interstate and foreign telecommunications; because of violations of the Communications Act in parts of Ameritech's plan; and because of the strong possibility that defects in the Ameritech plan might be repeated in the relief plans being drawn elsewhere.

3. Federal Policy Objectives

As indicated above, the Commission declared the importance of modernization of telecommunications infrastructure, the introduction of new technologies, and the encouragement of new interstate and international services to meeting its goals under the

Communications Act to make available to all the people of the United States a rapid, efficient, Nation-wide, and world wide wire and radio communications service.

The Commission identified competition as the best means for achieving these objectives and noted that a uniform national system of numbering is essential to the efficient delivery of telecommunications services. Because of the importance of such a numbering system, the Commission declared that NPA codes and related central office codes should be viewed as essential resources to be shared as fairly and equitably as possible by all carriers who require such codes to offer telecommunications services.

In addition, the Commission noted that administration of the NANP significantly affects the ease with which new telecommunications services are introduced by existing carriers and that it should also facilitate marketplace entry of new carriers by making numbering resources available on an efficient, timely basis.

The Commission, also stated that successful number administration should not unduly favor or disadvantage any particular industry segment or group of consumers, that number administration should be largely technology neutral, and that, as a result, it should not unduly favor one technology over another.

The Commission further determined that number administrators must treat all applicants for codes in an impartial manner by providing telephone resources to them in accordance with the Act. Accordingly, each carrier's number administration practices and services must be just, reasonable, and not unreasonably discriminatory.

Measured against these principles, the Commission found the Ameritech plan to be deficient because it would unreasonably discriminate against wireless carriers and would, therefore, violate these principles.

4. Unreasonable Discrimination

Petitioners alleged several parts of Ameritech's plan to be unreasonably discriminatory in violation of Section 202(a) of the Communications Act, 47 U.S.C. 202(a): Ameritech's proposal to continue assigning NPA 708 codes to wireline carriers while excluding paging and cellular carriers from such assignments ("exclusion proposal"); Ameritech's proposal to require only paging and cellular carriers to take back from their subscribers and return to Ameritech all 708 telephone numbers previously assigned to them while

wireline carriers would not be required to do so ("take back" proposal); and Ameritech's proposal to assign all new numbers to paging and cellular exclusively from the existing NPA 312 and the new NPA 630 while wireline carriers (and perhaps others) may continue to receive such assignments from NPA 708 ("segregation proposal").

While acknowledging such impacts on paging and cellular carriers, Ameritech denied its plan would result in any unjust or unreasonable discrimination. On the contrary, Ameritech claimed its proposals were necessary and reasonable because the largest proportion of recent demand for NPA 708 numbers had come from wireless carriers; transfer of such carriers to NPA 312 and later NPA 630 from NPA 708 would most significantly decrease demand for increasingly scarce NPA 708 numbers, and that such transfer of carriers would not have a significant impact on either their customers, the network or the dialing plan. Ameritech also contended its plan did not unreasonably discriminate because the plan treats alike all providers of wireless services, including Ameritech's cellular affiliate, and because having such wireless carriers utilize NPA 312 CO codes instead of NPA 708 CO codes was, in Ameritech's view, the only feasible conservation measure. Because their customers' wireless terminals do not have a fixed (hard-wired) location on the public switched telephone network, Ameritech argued that paging and cellular carriers, unlike wireline carriers, are able to utilize NPA 312 CO codes within the NPA 708 geographical area.

The Commission found that Ameritech's "exclusion," "segregation," and "take-back" proposals violate the prohibition in the Act against unjust or unreasonable discrimination.

5. Unjust, Unreasonable Conduct

Petitioners also contended that Ameritech's "exclusion," "take back," and "segregation" proposals would constitute unjust and unreasonable practices in violation of Section 201(b) of the Communications Act, 47 U.S.C. 201(b). They further contended that Ameritech's plan violated applicable industry guidelines because it did not provide affected parties with a meaningful opportunity to participate in formulating the plan and because Ameritech failed to give adequate consideration to the impact of the plan on paging carriers and their customers. Ameritech asserted that it followed applicable guidelines in formulating its plan but that if the Commission finds that the plan conflicts with such

guidelines, Ameritech argues that those guidelines give it authority to refine conservation procedures as necessary to achieve code relief. Ameritech also contended that in an emergency situation such as the one faced in NPA 708, "first-come, first-serve" policies must be suspended. The United States Telephone Association contended any conflict with such guidelines would not be relevant because such guidelines have not yet been formally adopted and that, even if formal guidelines had been adopted, compliance would be voluntary.

The Commission found that Ameritech's "exclusion," "take-back," and "segregation" proposals represent unjust and unreasonable practices under Section 201(b) of the Communications Act and therefore would be unlawful if implemented. Specifically, the Commission found that these three facets of Ameritech's plan prevent that plan from achieving three important objectives: (a) optimal dialing plan; (b) minimal burden and (c) an uninterrupted supply of codes and related numbers. The Commission also found that Ameritech's justifications were not persuasive because those justifications could not override the fact that these facets of the plan would inhibit competition in the interstate access market.

6. Delegated Authority

To facilitate future supervision of numbering issues, the Commission delegated authority to the Common Carrier Bureau to resolve future number resources allocation disputes. That Bureau was directed to resolve such issues in coordination with the Wireless Telecommunications Bureau and other Bureaus of the Commission.

7. Accordingly, pursuant to Section 1, 4(i), 201-205, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201-205, and 403, and pursuant to Section 1.2 of the Commission's Rules, 47 CFR 1.2, it is ordered that the Request for Declaratory Ruling filed by Mobilemedia Communications, Inc., Paging Network, Inc., and Page Mart, Inc., is granted in part and is otherwise denied as set forth herein.

8. It is further ordered that Ameritech's Motion to accept late-filed comments is hereby accepted.

9. It is further ordered that the Request for Interlocutory Order filed by Mobilemedia Communications, Inc., Paging Network, Inc., and Page Mart, Inc., is denied as set forth herein.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-9186 Filed 4-14-95; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Open Meeting, Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, FEMA announces the following committee meeting:

NAME: Board of Visitors for the National Fire Academy.

DATES OF MEETING: June 1-3, 1995.

PLACE: Building G Conference Room, National Emergency Training Center, Emmitsburg, Maryland.

TIME: June 1, 1995, 8:30 a.m.-5:00 p.m.; June 2, 1995, 8:30 a.m.-9:00 p.m.; June 3, 1995, 8:30 a.m.-5:00 p.m.

PROPOSED AGENDA: June 1-3: Conduct the On Campus Program Survey and Review the Fiscal year 1995 and Fiscal Year 1996 Budgets.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public with seating available on a first-come first-served basis. Members of the general public who plan to attend the meeting should contact the Office of the Superintendent, National Fire Academy, U.S. Fire Administration, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447-1117, on or before May 15, 1995.

Minutes of the meeting will be prepared and will be available for public viewing in the Office of the Administrator, U.S. Fire Administration, Federal Emergency Management Agency, Emmitsburg, MD 21727. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: April 5, 1995.

Carrye B. Brown,

U.S. Fire Administrator.

[FR Doc. 95-9390 Filed 4-14-95; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the

following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-011375-018.

Title: Trans-Atlantic Conference

Parties:

Atlantic Container Line AB

P&O Containers Limited

Sea-Land Service, Inc.

Hapag-Lloyd AG

Nedlloyd Lijnen BV

A.P. Moller-Maersk Line

Cho Yang Shipping Co. Ltd.

Mediterranean Shipping Company, S.A.

DSR-Senator Lines

Polish Ocean Lines

Orient Overseas Container Line (UK) Ltd.

Transportacion Maritima Mexicana, S.A. de C.V.

Neptune Orient Lines Ltd.

Nippon Yusen Kaisha

Tecomar S.A. de C.V.

Hanjin Shipping Co., Ltd

Synopsis: The proposed amendment modifies ANNEX B—Space/Slot Chartering and Equipment Exchange to confine space/slot chartering operations under the Agreement to ad hoc, sporadic or emergency movements. This provision complies with the Commission's *Order Conditionally Approving Settlement* (dated March 2, 1995) in Fact Finding Investigation No. 21 and Dockets 94-29 and 94-30.

Agreement No.: 224-003800-014.

Title: City of Long Beach/California United Terminals Terminal Agreement

Parties:

City of Long Beach California United Terminals

Synopsis: The proposed amendment provides for an adjustment of the compensation payable for the five year segment of the term commencing July 1, 1994 and ending June 30, 1999.

By Order of the Federal Maritime Commission.