

cases similar in issue together with the circumstances under and/or reasons for which the Board and/or Secretary have granted or denied relief. The index shall be published quarterly and shall be available for public inspection and distribution by sale at the reading room located at Crystal Mall 4, Room 211, Arlington, Virginia. Inquiries concerning the index or the reading room may be addressed to the Chief, Micromation Branch/Armed Forces Discharge Review/Correction Boards Reading Room, Crystal Mall 4, 1941 Jefferson Davis Highway, Arlington, Virginia 22202.

(3) To the extent necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details of the applicant and other persons will be deleted from the documents made available for public inspection and copying. Names, addresses, social security numbers and military service numbers must be deleted. Deletions of other information which is privileged or classified may be made only if a written statement of the basis for such deletion is made available for public inspection.

Dated: September 28, 1995.

M. A. Waters,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 95-25133 Filed 10-11-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80, 86, 89

[AMS-FRL-5314-4]

Control of Air Pollution From Heavy-Duty Engines

AGENCY: Environmental Protection Agency.

ACTION: Advance notice of proposed rule; reopening of public comment period.

SUMMARY: This action reopens the comment period for the advance notice of proposed rule relating heavy-duty engine emissions published August 31, 1995 (60 FR 45579). EPA is reopening the comment period to October 23, 1995.

DATES: Written comments on the advance notice must be received no later than October 23, 1995.

ADDRESSES: Materials relevant to this Notice are contained in Public Docket A-95-27.

Comments on this notice should be sent to Public Docket A-95-27 located at room M-1500, Waterside Mall

(ground floor), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. The docket may be inspected from 8:00 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials. EPA requests that a copy of comments also be sent to Tad Wysor, U.S. EPA, Engine Programs and Compliance Division, 2565 Plymouth Road, Ann Arbor, MI 48105.

FOR FURTHER INFORMATION CONTACT: Tad Wysor, U.S. EPA, Engine Programs and Compliance Division, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone (313) 668-4332; FAX (313) 741-7816.

SUPPLEMENTARY INFORMATION: EPA published an Advance Notice of Proposed Rulemaking (ANPRM) August 31, 1995 to announce its plans to propose new emission standards for highway heavy-duty engines. The comment period was originally scheduled to end on October 2, 1995. After receiving requests from interested parties, EPA is reopening the comment period until October 23, 1995.

Dated: October 6, 1995.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 95-25306 Filed 10-11-95; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 95-155; FCC 95-419]

Toll Free Service Access Codes

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Notice of Proposed Rulemaking seeks comment on how toll free numbers should be reserved, assigned, and used. Specifically, it proposes to take steps to promote the efficient use of toll free numbers; foster the fair and equitable reservation and distribution of toll free numbers; smooth the introduction of new toll free codes as numbers within operational codes are consumed; guard against warehousing of toll free numbers; and determine how toll free vanity numbers should be treated. The recent experience with 800 toll free numbers leads the Commission to believe that it is necessary to initiate a rulemaking proceeding through which the Commission seeks to assure that, in the future, toll free numbers are allocated on a fair, equitable, and

orderly basis. The Commission also seeks to assure that the transition period during which the numbers in one toll free code are approaching full consumption and another code is being introduced is smooth, without disruption of service to existing customers or interruption in the availability of toll free numbers for new customers.

DATES: Comments are due on November 1, 1995, and reply comments are due on November 15, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Irene Flannery, 202-418-2373. Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Notice of Proposed Rulemaking in the matter of Toll Free Service Access Codes (CC Docket 95-155, adopted October 4, 1995, and released October 5, 1995). The file is available for inspection and copying during the weekday hours of 9:00 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M Street, NW., Washington, DC, or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, phone 202-857-3800.

Paperwork Reduction Act

The following collections of information contained in this Notice of Proposed Rulemaking have been submitted to the Office of Management and Budget for review under Section 3507(d) of the Paperwork Reduction Act of 1995. 44 U.S.C. 3507(d). For copies of the OMB submission, contact Dorothy Conway at 202-418-0217 or via internet to dconway@fcc.gov. Comments are solicited on the Commission's need for this information, whether the information will have practical utility, the accuracy of the provided burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques. Persons wishing to comment on the collections of information should direct their comments to Timothy Fain, Office of Management and Budget, Room 101236NEOB, Washington, DC 20503, phone 202-395-3561 or via internet at fain_t@al.eop.gov. Comments must be filed with the Office of Management and Budget within 60 days of this publication. A copy of any comments

filed with the Office of Management and Budget should also be sent to the following address at the Commission: Federal Communications Commission, Records Management Branch, room 234,

Paperwork Reduction Project, Washington, DC 20553. For further information, contact Judy Boley, 202-418-0214.
Title: Toll Free Service Access Codes.
Action: Proposed collections.

OMB Control Number: None.
Respondents: Business or other for profit, including small business.
Frequency of Response: On occasion.
Estimated Annual Burden:

Collection	Paragraph No.	Hours per response	Total annual responses
Recordkeeping	13	10 minutes	4 million.
Reporting	31	1	1.
Certification	34	30 minutes	138.
Coding	44	30 minutes	4 million.

Total Annual Hours: 2,664,079.

Needs and Uses: The Notice of Proposed Rulemaking solicits public comments to respond to the requests of industry to smooth the transition to an expanded set of toll free service access codes, starting with 888 and eventually deploying 877, 866, and so forth. In light of the rapid unanticipated depletion recently experienced with 800 numbers, the Commission is compelled to initiate this rulemaking proceeding.

Analysis of Proceeding

Background

Toll free service differs from traditional telephone service in that the charges for toll free calls received are paid by the called party (*i.e.*, the 800 subscriber). Toll free numbers are contained in a database known as the SMS/800. To obtain a toll free number, a subscriber must choose an entity responsible for managing that subscriber's SMS/800 record and coordinating with the service providers that will provide the subscriber's toll free service. (That entity is known as a RespOrg.) RespOrgs can gain access to and modify the subscriber's record in the SMS/800 database. There are currently approximately 138 RespOrgs.

Toll free service has proven to be very popular because it provides callers with a free and convenient means of contacting parties holding toll free numbers. Toll free numbers are widely used today for business purposes, personal needs, and for access to such services as voice mail and paging devices. The original toll free service access code was 800. Of the approximately 8 million 800 numbers originally available, less than 800,000 800 numbers are available for subscribers today.

Earlier in 1995, the industry selected 888 as the first relief toll free code and reserved 877, 866, 855, 844, 833, and 822 as the subsequent relief toll free codes. The industry originally estimated that modification in the local exchange networks to enable use of 888 numbers

would not be completed until April 1, 1996. The 888 deployment date has now been advanced to March 1, 1996. After a week in June 1995 in which over 113,000 800 numbers were assigned, the industry approached the Common Carrier Bureau for assistance because of fears that the supply of 800 numbers would be depleted well in advance of the deployment of 888 numbers. The Bureau developed a conservation plan designed to slow the depletion of 800 numbers.

Summary

To prevent unnecessarily rapid depletion of the scarce numbering resource, we must ensure that toll free numbers are used efficiently. To that end, the Notice of Proposed Rulemaking first seeks comment on: (1) Making sure that toll free numbers are available to subscribers who need and want them rather than reserved or assigned to consumers or businesses who did not ask for them; (2) requiring a one time deposit into an escrow account for each toll free number held in reserve status by RespOrgs, 800 Service Providers, third party agents and/or toll free service subscribers; (3) revising the process for recycling previously used toll free numbers; and (4) using personal identification numbers ("PINs") to expand the number of users who can use a single toll free number.

Second, given the problems that arose with 800 numbers, as well as the heightened interest in and demand for toll free numbers, it is particularly important to have policies in place well in advance of the deployment of new toll free codes. The Notice of Proposed Rulemaking seeks comment on proposals regarding: (1) The reservation of new toll free codes; (2) the phased opening of new toll free service; (3) the implementation plan for the next toll free code beyond 888; and (4) the tracking of toll free number usage.

Toll free numbers are currently reserved on a "first come, first served" basis. Because this procedure seems to

enable large RespOrgs with multiple terminals that can access the database to reserve mass quantities of toll free numbers in rapid order and may, as a result place smaller, less technologically sophisticated RespOrgs at a competitive disadvantage, the Notice of Proposed Rulemaking proposes amending the "first come, first served" reservation system. The Notice of Proposed Rulemaking also proposes activating new toll free codes gradually to avoid a "run on the bank" of new toll free numbers.

In an effort to prevent an exhaust situation in which all toll free numbers from existing codes have been assigned by the time a new code is opened, the Notice of Proposed Rulemaking proposes that the planning for the introduction of new toll free codes start well in advance of the projected total consumption of the previous toll free codes. The early planning proposals include identifying a trigger that would alert the industry that the current toll free code is nearing depletion and that the next toll free code should be prepared for deployment, and mandating the implementation of a new toll free code on six months notice. To further facilitate planning and implementation, the Notice of Proposed Rulemaking proposes requiring the administrator of the SMS/800 database, currently Database Service Management, Inc., to submit periodic reports to the Commission on the use of toll free numbers.

Third, the Notice of Proposed Rulemaking seeks comment on the alleged warehousing and hoarding of toll free numbers. Warehousing occurs when RespOrgs obtain toll free numbers from the database without having an actual customer to whom those numbers are to be assigned. Hoarding occurs when a toll free subscriber acquires more numbers from a RespOrg than it immediately intends to use. Despite voluntary guidelines limiting the quantity of toll free numbers that RespOrgs may reserve, the rapid

depletion of 800 numbers prompted growing concern that 800 numbers were being warehoused and hoarded. The Notice of Proposed Rulemaking proposes imposing a permanent cap on the quantity of numbers a RespOrg may hold in reserve status at any one time and requiring that RespOrgs certify to the Commission that they have actual subscribers for each number drawn from the SMS/800 database.

Fourth, the Notice of Proposed Rulemaking seeks comment on assignment of vanity numbers. A vanity number is a telephone number for which the letters associated with the number's digits on a telephone handset spell a word of value to the number holder (e.g., "1-800-FLOWERS" and "1-800-THECARD"). For the purposes of this Notice, vanity numbers also include any numbers in which holders have a particular interest, be it economic or otherwise. The Notice of Proposed Rulemaking seeks comment on whether the current holder of a vanity 800 number should have a superior right vis-a-vis all other interested parties to receive the equivalent 888 number, as well as any right such a holder would have to the equivalent number in subsequent toll free codes.

Fifth, the Notice of Proposed Rulemaking seeks comment on issues related to toll free Directory Assistance, administration of the SMS/800, and public awareness of and industry participation in the implementation process. 800 Directory Assistance is currently a monopoly service provided by AT&T. The Notice of Proposed Rulemaking proposes combining 800 Director Assistance and 888 Directory Assistance, and eventually Directory Assistance for subsequent toll free codes, into an interchangeable toll free Directory Assistance service. The Notice of Proposed Rulemaking also seeks comment on whether Database Services Management, Inc. should continue to administer the toll free databases or whether some other entity should assume that responsibility. Further, the Notice of Proposed Rulemaking seeks comment on whether public awareness initiatives, in addition to those industry has already taken, are necessary to

ensure that the public is informed about the deployment of new toll free codes.

Sixth, to prevent one or a few RespOrgs from laying claim to large percentages of a new toll free service access code on the day it becomes available, the Notice of Proposed Rulemaking seeks comment on a "circuit breaker" model designed to regulate the rate at which toll free numbers can be drawn from the database. The impetus for this proposal is the recent experience when the 800-555 code was opened. On the day it became available, one carrier claimed approximately 90% of the numbers that were available. This froze out many small RespOrgs and was widely regarded as unfair, although permitted by the industry guidelines. The Commission believes that it would be sensible to consider a circuit breaker mechanism to prevent a repeat of this problem. Circuit breakers, in the context of securities trading, are designed to limit program trading in volatile markets by restricting access to computerized trading systems and by allowing the markets to cool off by suspending trading for short periods of time. While a circuit breaker model in the toll free context could not be identical to one in the securities context, the Notice of Proposed Rulemaking proposes a model that has an effect over the toll free market similar to the effect the circuit breaker rules have over the securities market.

Finally, the Notice of Proposed Rulemaking seeks comment on how 888 and subsequent toll free codes should be tariffed. Since the Commission believes that 800 and 888 will be used interchangeably and are functionally the same, the Notice of Proposed Rulemaking tentatively concludes that 888 and subsequent toll free codes should be treated, for tariffing purposes, like existing 800 services. As a result, the Notice of Proposed Rulemaking also tentatively concludes that the existing Part 69 provisions for 800 service would also cover 888 service and local exchange carriers would not need to obtain a waiver.

Initial Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. § 601, *et seq.*, this Notice of Proposed Rulemaking may

require RespOrgs and 800 Service Providers to have a written request from a toll free subscriber before assigning a toll free number and may be required to retain such record for two years. The administrator of the SMS/800 database, currently Database Services Management, Inc., will be required to submit periodic reports to the Commission on toll free number utilization. RespOrgs will be required to certify, under penalty of false statement, the accuracy of certain subscriber information.

The Secretary shall send a copy of the Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

Written public comments are requested in the Initial Regulatory Flexibility Analysis. These comments must be filed in accordance with the same filing procedures as other comments in this proceeding, but they must also have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis.

Ordering Clauses

Accordingly, *It Is Ordered*, That pursuant to Sections 1, 201-205, 218 of the Communications Act of 1934, as amended, 47 U.S.C. 161, 154, 201-205, 218, the Notice of Proposed Rulemaking is hereby provided.

It Is Further Ordered That, the Secretary shall send a copy of this Notice of Proposed Rulemaking to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

List of Subjects in 47 CFR Part 61

Communications common carriers, Telecommunications.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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