

rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

DATES: Comments must be received on or before May 6, 1996.

ADDRESSES: Comments may be mailed to Susan Studien, Deputy Director, Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and Division of Air and Hazardous Materials, Department of Environmental Management, 291 Promenade Street, Providence, RI 02908-5767.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 565-3166.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Dated: January 12, 1996.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 96-8224 Filed 4-3-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 94-158; FCC 96-75]

Operator Service Providers and Call Aggregators

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted a combined Report and Order and Further Notice of Proposed Rule Making which amends the Commission's rules and policies governing operator service

providers (OSPs)¹ and call aggregators.² In the Further Notice the Commission seeks comment on a proposal to amend the Commission's rules to prescribe a thirty-day time limit, after the presubscribed OSP has changed, for aggregators to update the posted consumer information. The proposed modification is intended to provide updated OSP information to consumers and enable consumers to make informed choices when placing operator service calls.

DATES: Written comments by the public on the Further Notice of Proposed Rule Making and the proposed and/or modified information collections are due March 26, 1996. Reply comments are due on April 5, 1996. Written comments by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before June 3, 1996.

ADDRESSES: In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to dconway@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20503 or via the Internet to fain_t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Cathy Seidel, Enforcement Division, Common Carrier Bureau, (202) 418-0960. For additional information concerning the information collections contained in this Further Notice of Proposed Rule Making contact Dorothy Conway at 202-418-0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rule Making in CC Docket No. 94-158 [FCC 96-75], adopted on February 28, 1996 and released March 5, 1996. The full text of the Further Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's duplicating contractor,

¹ "Provider of operator services means any common carrier that provides operator services or any other person determined by the Commission to be providing operator services." 47 C.F.R. § 64.708(i).

² An "aggregator" is "any person that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises, for interstate telephone calls using a provider of operator services." *Id.* § 64.708(b).

International Transcription Services, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037 (202) 857-3800. This Further Notice of Proposed Rule Making contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Pub. L. No. 104-13. It has been submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

Paperwork Reduction Act

This FNPRM contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this FNPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13. Public and agency comments are due at the same time as other comments on this NPRM; OMB comments are due June 3, 1996. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Control Number: 3060-0653.

Title: Section 64.703(b)—Consumer Information—Posting by Aggregators.
Type of Review: Revision of existing collection.

Respondents: Business or other for-profit, including small business.

Number of Respondents: 56,200.

Estimated Time Per Response: 3.67 hours.

Total Annual Burden: 206,566.

Estimated Cost Per Respondent: \$0.

Needs and Uses: As required by 47 U.S.C. § 226(c)(1)(A), 47 C.F.R. section 64.703(b) provides that aggregators (providers of telephones to the public or transient users) must post in writing, on or near such phones, information about presubscribed operator services, rates, carrier access, and the FCC address to which consumers may direct complaints. The Commission proposes to modify section 64.703 to establish a

30-day time limit for updating consumer information posting on aggregator telephones. This information will be used to provide updated OSP information to consumers at aggregator telephones.

Summary of Further Notice of Proposed Rule Making

I. Background

1. On February 28, 1996, the Commission adopted a combined Report and Order and Further Notice of Proposed Rule Making in Docket 94-158 (released March 5, 1996, FCC 96-75). The Commission adopted the Further Notice of Proposed Rule Making in order to seek comment on a proposal to establish a 30-day time limit for updating the consumer information posting on aggregator telephones.

2. Section 226(c)(1)(A) of the Communications Act, 47 U.S.C. § 226(c)(1)(A), and section 64.703(b) of the Commission's rules, 47 CFR § 64.703(b), 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 OSP at the telephone location.

II. Discussion

3. In the *NOI* in CC Docket No. 94-158, 60 FR 08217 (February 13, 1995), the Commission solicited comment on whether the Commission's rules should be amended to prescribe a time limit for updating the consumer information posted on or near aggregator telephones in the event the presubscribed OSP has changed. Specifically, the Commission sought comment on the extent of the problem caused by delays in updating the posted consumer information, on whether a specific time limit for updating the consumer information is necessary or desirable and, if so, what a reasonable limit might be.

4. The Commission found that the comments support the conclusion that a delay exists in updating consumer information and that a Further Notice of Proposed Rule Making to establish specific time limits is necessary. The Commission noted that the majority of the commenters favor a 30-day posting requirement, and that 30 days seems to offer payphone owners enough time to make updates during regularly scheduled maintenance visits, while providing reasonably current information to users.

5. The Commission stated that the proposed rule was tailored to meet the public's need for updated information and the aggregator's need to avoid unnecessary service calls to aggregator locations. The Commission was not persuaded that an allegation of unauthorized conversion of the presubscribed carrier should be an automatic defense to a violation of the proposed requirement, but stated that it would consider such arguments on a case-by-case basis if the proposed time limit was adopted. The Commission, therefore, seeks comment on a rule requiring consumer information be updated within 30 days after a payphone owner is notified that a PIC change has occurred.

III. Ex Parte Requirements

6. 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).

IV. Conclusion

7. With this Further Notice of Proposed Rule Making, the Commission seeks additional comment on a rule requiring that consumer information on or near aggregator phones be updated within 30 days after a change in the presubscribed OSP.

V. Regulatory Flexibility Analysis

8. 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 Secretary shall send a copy of this Further Notice of Proposed Rule Making, 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. See 5 U.S.C. 601 *et seq.*

VI. Ordering Clauses

9. It is ordered, pursuant to Sections 1, 4(i), 4(j), 201-205, 218, and 226, of the Communications Act, as amended, 47 U.S.C. 151, 154(i), 154(j), 201-205, 218, 226, that a Further Notice of Proposed Rule Making is issued proposing amendment of 47 CFR section 64.703(b) of the Commission's rules 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 matter discussed in this Further Notice and on the proposed rule contained below by March 26, 1996. Reply comments are due by April 5, 1996. 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, N.W., Washington, D.C. 20554.

11. *It is further ordered* that the Chief of the Common Carrier Bureau is delegated authority to require the submission of additional information, make further inquiries, and modify the dates and procedures if necessary to provide for a more complete record and a more efficient proceeding.

12. *It is further ordered* that the Secretary shall cause a copy of this Further Notice, including the Further Initial Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 603(a) (1981). The Secretary shall also cause a summary of this Further Notice to appear in the Federal Register.

List of Subjects in 47 CFR Part 64

Communication common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.
William F. Caton,
Acting Secretary.

Rule Changes

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. Section 64.703(b)(1) is proposed to be revised to read as follows:

§ 64.703 Consumer information.

* * * * *

(b) * * *

(1) The name, address, and toll-free telephone number of the provider of operator services. This information must be updated within 30 days of a change in the provider of operator services.

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[FR Doc. 96–8199 Filed 4–3–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–64; RM–8747]

Radio Broadcasting Services; Boulder and Lafayette, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Salem Media of Colorado, Inc., licensee of Station KRKS-FM, Channel 234C, Boulder, Colorado, requesting the reallocation of Channel 234C to Lafayette, Colorado, as that community's first local transmission service, and modification of the authorization for Station KRKS-FM to specify Lafayette as its community of license, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. Coordinates used for Channel 234C at Lafayette are 39–40–35 and 105–29–09. As the petitioner's modification proposal complies with the provisions of Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 234C at Lafayette, Colorado, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

DATES: Comments must be filed on or before May 21, 1996, and reply comments on or before June 5, 1996.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: James P. Riley, Esq., Fletcher, Heald & Hildreth, P.C., 1300 North 17th Street, 11th Fl., Rosslyn, VA 22209–3801.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of*

Proposed Rule Making, MM Docket No. 96–64, adopted March 8, 1996, and released March 29, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–8119 Filed 4–3–96; 8:45 am]

BILLING CODE 6712–01–F