RCRA CMI ACO, EPA approved the Final CMI Report. AMP is continuing to implement the selected remedy, which includes pumping and treating groundwater, operating an infiltration trench, and monitoring groundwater and surface water. The 1991 RCRA CMI ACO will remain in effect until such time when EPA determines that the terms of this order have been satisfied. AMP has been in compliance with the RCRA CMI ACO. All known groundwater contamination is being addressed through EPA's exercise of its corrective action authorities pursuant to RCRA.

3. Response under RCRA is progressing adequately.

Corrective action is progressing satisfactorily under the RCRA CMI ACO, as described above. There has been no history of protracted negotiations due to lack of cooperation. See 60 FR 14642, 14643 (March 20, 1995).

4. Deletion would not disrupt an ongoing CERCLA action.

Other than completing a CERCLA Site Assessment and listing the Site on the NPL, no response action has taken place pursuant to CERCLA. Based upon the continued compliance with the RCRA CMI ACO, no CERCLA action is planned for the future.

EPA has received the following concurrence from PADEP: ''The Commonwealth of Pennsylvania concurs in the decision to delete the site from the NPL, but reserves all of its rights, abilities and authorities to address contamination at the site and to pursue responsible parties regarding this contamination.''

EPA concludes that this Site meets the criteria under the new NPL deletion policy and announces its intention to delete the Site from the NPL.

Dated: July 9, 1996.

Thomas Maslany,

Acting Regional Administrator, U.S. EPA Region III.

[FR Doc. 96–18838 Filed 7–25–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 93–22; CC Docket No. 96–146; FCC 96–289]

Interstate Information Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted this Notice of Proposed Rule Making to address possible evasions of new statutory requirements that impose more stringent restrictions on the use of toll-free numbers to charge callers for information services and repeal the exemption to pay-per-call status accorded to any service provided pursuant to tariff. This action was taken to amend the Commission's rules to ensure that these requirements governing interstate pay-per-call and other information services contained in the Telecommunications Act of 1996 are fully realized.

DATES: Comments must be submitted on or before August 26, 1996. Reply comments must be submitted on or before September 16, 1996. Written comments by the public on the proposed and/or modified information collections are due August 26, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before September 24, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street N.W., Washington, D.C. 20554. 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, D.C. 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street, N.W., Washington, D.C. 20503 or via the Internet to fain__t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Mary Romano, Enforcement Division, Common Carrier Bureau, (202) 418–0960. For additional information concerning the information collections contained in this NPRM contact Dorothy Conway at (202) 418–0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making (NPRM) in CC Docket No. 96–146 [FCC 96–289], adopted June 28, 1996 and released July 11, 1996. The full text of the NPRM 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 full text of this NPRM may also be purchased from the Commission's duplicating contractor, International Transcription Services, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857–3800. For a document relating to this NPRM, see final rules involving interstate information services published elsewhere in this issue.

Paperwork Reduction Act

This NPRM 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 NPRM as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due on or before August 26, 1996. OMB comments are due September 24, 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.

Title: Disclosure Requirements for Information Services Provided Under a Presubscription or Comparable Arrangement.

Type of Review: New collection.

Respondents: Information providers offering services under a presubscription or comparable arrangement.

Number of Respondents: 1,000.

Estimated Time per Response: 5.

Total Annual Burden: 5,000.

Estimated costs per respondent: $0.00.

Needs and Uses: This disclosure requirement will ensure that consumers are fully informed about an information service before entering into an agreement to purchase the service on a subscription basis.

Summary of Notice of Proposed Rule Making

1. On June 28, 1996, the Commission adopted a Notice of Proposed Rule Making (NPRM) in CC Docket No. 96–146 (released July 11, 1996; FCC 96–289) proposing changes to Part 64 of the Commission's rules which govern the provision of interstate pay-per-call and information services. In a companion Order, the Commission amended these rules to conform with amendments to Section 228 of the Communications Act of 1934, as amended, (Communications Act), 47 USC § 228, that were enacted by the Telecommunications Act of 1996,

Public Law 104–104, (1996 Act). The NPRM proposes limited additional rule changes intended to prevent evasion of the new statutory requirements.

2. Through amendments to Section 228 of the Communications Act, the 1996 Act addresses abusive practices that have threatened public confidence in toll-free numbers and left telephone subscribers vulnerable to unexpected charges for calls to information services, subject to disconnection of local and long-distance telephone service for failure to pay such charges, and unable to block access to unwanted services. In apparent efforts to avoid consumer safeguards applicable to pay-per-call (or 900 number) services, information providers (IPs) have offered their programs through collect calls, purported presubscription arrangements, and tariffed-service systems that have been available on 500, 700, 800, international and domestic POTS (''plain old telephone service'') numbers. IPs evidently move their services from one arrangement and dialing sequence to another in response to new protective regulations, rulings, or enforcement actions, sometimes with the apparent encouragement of common carriers who pay commissions to IPs in exchange for the increased traffic generated by information-service calls.

3. The provisions of Section 228 of the Communications Act attest to Congress' determination that consumers should be: (1) Provided basic information regarding the price and other material terms and conditions applicable to interstate information services before agreeing to purchase them; (2) able to block access to unwanted services; and (3) protected from disconnection of basic communications services for failure to pay information-services charges. 47 USC § 228(c) (4), (5). The revisions to Section 228 enacted by the 1996 Act are intended to ensure that consumers are not deprived of these protections by information services available through toll-free dialing sequences or tariffed-service systems.

4. The Commission determined that in analyzing the effect of the new statutory requirements, it must look not only to the practices that are now prohibited but also to the likely responses of IPs and common carriers who might seek to evade the statute. The Commission stated that its consideration of possible evasions has been influenced by awareness of past evasions that have resulted in widespread deception and abuse. The Commission concluded that it should act now to discourage future abuse. Accordingly, as set forth in the proposed rules and explained below the Commission proposed certain very limited modifications to Sections 64.1501(b), 64.1504, and 64.1510 of the rules, which contain the presubscription definition, toll-free number limitations, and billing requirements. We also seek comment on whether additional regulations are necessary to protect consumers from certain practices by common carriers involved in transmitting interstate information services that could be interpreted as not being just and reasonable under Section 201(b) of the Act.

I. Proposed Rule Changes

A. ''Definitions—Presubscription or Comparable Arrangement''—47 CFR § 64.1501(b)

5. While the 1996 Act requires written subscription to information services available through toll-free numbers, written agreements are not explicitly required for information services that might be offered through other telephone numbers. Although virtually all complaints involving purportedly presubscribed information services have involved programs available through 800 numbers, the Commission expressed concern that, without a uniform requirement for written presubscription, the same ''instant presubscription'' abuses experienced by 800-number callers when oral presubscription was permissible might emerge on other dialing sequences. Accordingly, the Commission proposed to revise the presubscription definition to include a requirement that all presubscription arrangements (not just those involving toll-free service) be executed in writing or, alternatively, through payment by direct remittance, prepaid account, or debit, credit, charge or calling card regardless of the telephone number used to access the relevant information service. The Commission also proposed to require explicitly that presubscription agreements must be executed by a legally competent adult. In addition, to prevent deceptive use of presubscription agreements tied to contests or other promotions, the Commission proposed that the presubscription document be separate or easily severable from any promotions or inducements. The Commission asked commenters to consider whether safeguards should be required to ensure that electronically transmitted presubscription agreements are valid commercial instruments and that electronic execution does not encourage the abuses that arose from oral execution of presubscription contracts.

6. The Commission also proposed to add to the presubscription definition a requirement that a consumer must use a pre-existing credit, charge, or calling cards to obtain information services and that an actual card must have been delivered to the party to be billed prior to assessment of any charges. Additionally, such cards could not operate to assess charges through automatic number identification (ANI). The Commission stated that these proposals are intended to prevent use of ''instant'' credit, charge, or calling cards that might be issued by an IP during the course of a call to an information service without confirming that the caller is, in fact, the party to be billed.

B. ''Restrictions on the Use of Toll-Free Numbers''—47 CFR § 64.1504

7. The limitations on the use of toll-free numbers to provide information services contained in Section 228(c)(7) of the Communications Act are framed to apply to ''the calling party.'' Thus, the statute explicitly protects callers to toll-free numbers from six prohibited transactions, including connection to a pay-per-call service and assessment of information-service charges absent a written agreement or payment by prepaid account, debit, credit, charge, or calling card. The Commission proposed to modify Section 64.1504 of the rules to ensure that subscribers whose telephone lines may be used to place calls to toll-free numbers likewise are not assessed charges for calls to information services provided by means specifically described in the statutory prohibitions. Thus, the Commission proposed to amend Section 64.1504 (c), (d), and (e) to state explicitly that the protections afforded to ''the calling party'' also apply to ''the subscriber to the originating line.''

8. The Commission urged parties to comment on the potential effectiveness of these provisions in combating deception and fraud that have been associated with 800 number information services and invited comment as to whether any other actions might be warranted to forestall future abuse involving toll-free numbers. The Commission asked parties to address its tentative conclusion that a carrier's billing of calls dialed to an 800 or other toll-free number on the basis of ANI is a violation of Section 228(c)(7)(A) of the Communications Act unless the call involves use of telecommunications devices for the deaf. Usually, calls to carriers' toll-free-access numbers are delivered only if a calling card is used or the call is collect. The Commission tentatively concluded that with the exception of calls using

telecommunications devices for the deaf, reliance on ANI to bill any type of call to a toll-free number—even a carrier's toll-free-access code—does not appear to satisfy a common carrier's statutory obligation to provide communications service in a just and reasonable manner under Section 201(b) of the Communications Act. The Commission sought comment on that tentative conclusion and encouraged parties to address whether it is appropriate to revisit issues involving use of ANI to bill callers to toll-free numbers now, and, if so, what would be the most effective regulatory response.

C. ''Billing and Collection of Pay-Per-Call and Similar Service Charges''—47 CFR § 64.1510

9. The Commission proposed one minor modification to Section 64.1510(c) to implement the 1996 Act's billing requirements virtually verbatim. The Commission proposed to add language to state explicitly that charges for presubscribed information services accessed through a toll-free number must be displayed separately from those for local and long-distance telephone service. The Commission asked for comment on the costs to carriers for separate billing. In addition, the Commission requested commenters' views as to whether current or predicted conditions warrant adoption of a rule covering carrier billing of presubscribed information services that are not available through toll-free numbers.

D. Redefinition of Pay-Per-Call to Remove the Tariffed Services Exemption

10. The Commission noted that in repealing the tariffed services exemption to pay-per-call status, Congress specifically sought to end service arrangements in which telephone subscribers are charged high prices for transmission of calls to ostensibly free information services. The Commission expressed concern, however, that some entities may seek to continue these arrangements despite Congress' clear intention that they be ended. Under Section 228(i)(1) of the Communications Act, imposition of a per-call or per-time-interval charge in excess of the charge assessed for transmitting a call is a requirement for pay-per-call status. Carriers who have invoked the tariffed services exemption in an effort to shelter arrangements whereby information services are provided at tariffed rates might likewise still claim that their services do not meet the criteria for pay-per-call status because callers purportedly are not charged for conveyance of information but only for transmission of calls. While recognizing that there may be some truly free information services that callers might wish to access through a toll call, the Commission concluded that it must take steps to ensure that the protective purposes underlying Congress' decision to remove the tariffed services exemption are fully realized.

11. The Commission tentatively concluded that when a common carrier charges a telephone subscriber for a call to an interstate information service, any form of remuneration from that carrier to an entity providing or advertising the service, or any reciprocal arrangement between such entities, constitutes *per se* evidence that the charge levied actually exceeds the charge for transmission. Accordingly, interstate services provided through such arrangements would fit within the pay-per-call definition and, thus, be required to be offered exclusively through 900 numbers. The Commission invited comment on this tentative conclusion and, also, as to whether, in any event, such conduct by a common carrier is just and reasonable.

II. Procedural Issues

A. Ex Parte Presentations

12. This is a non-restricted notice-and-comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules. *See generally* 47 CFR §§ 1.1202, 1.1203, 1.1206.

B. Initial Regulatory Flexibility Analysis

13. Pursuant to the Regulatory Flexibility Act of 1980, 5 USC 601, the Commission concluded that the proposals contained in the NPRM may have some impact on small entities due to the proposed requirement that all presubscription agreements to obtain interstate information services be executed in writing. Public comment is requested on the initial regulatory flexibility analysis set forth fully in the NPRM. These comments must be filed in accordance with the same filing deadlines set for comments on the other issues in this NPRM but they must have a separate and distinct heading designating them as responses to the Regulatory Flexibility Analysis.

C. Comment Filing Procedures

14. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before August 26, 1996 and reply comments on or before September 16,1996. 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 FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

15. Parties are asked to submit comments and reply comments on diskette. Such diskette submission are in addition to the formal filing requirements addressed above. Parties submitting diskettes should submit them to Mary Romano of the Common Carrier Bureau, 2025 M Street, N.W., Room 6120, Washington, D.C. 20554. Such submissions should be on a 3.5 inch diskette formatted in an IBM compatible form using MS DOS 5.0 and WordPerfect 5.1 software. The diskette should be submitted in ''read only'' mode. The diskette should be clearly labelled with the party's name, proceeding, type of pleading (comment or reply comments) and date of submission. The diskette should be accompanied by a cover letter.

Ordering Clauses

16. It is ordered, pursuant to Sections 1, 4(i), 4(j), and 228 of the Communications Act, 47 USC §§ 152, 154(i), 154(j), and 228, that a Notice of Proposed Rule Making is hereby adopted, proposing amendment of 47 CFR Part 64 as set forth below.

17. It is further ordered that CC Docket No. 93–22 is hereby terminated.

18. It is further ordered that the Secretary shall send a copy of this Notice of Proposed Rule Making including the initial regulatory flexibility analysis to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with Section 603(a) of the Regulatory Flexibility Act.

List of Subjects in 47 CFR Part 64

Communications common carriers, Computer technology, Federal Communications Commission, 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:

1. The authority citation for Part 64 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 USC 154, unless otherwise noted. Interpret or apply secs. 201, 218, 226, 228, 48 Stat 1070, as amended, 1077; 47 USC 201, 218, 226, 228 unless otherwise noted.

2. Section 64.1501(b) is revised to read as follows:

§ 64.1501 Definitions.

* * * * *

(b) *Presubscription or comparable arrangement* means an agreement to purchase information services evidenced by:

(1) A written contractual agreement (including one transmitted through electronic medium) between an information services provider and a legally competent individual that is executed for the sole purpose of arranging purchase of information services and is separate or easily severable from any promotions or inducements, and in which:

(i) The service provider clearly and conspicuously discloses to the consumer all material terms and conditions associated with the use of the service, including the service provider's name and address, a business telephone number which the consumer may use to obtain additional information or to register a complaint, and the rates for the service;

(ii) The service provider agrees to notify the consumer at least one billing cycle in advance of any future rate changes;

(iii) The consumer agrees to use the service on the terms and conditions disclosed by the service provider; and

(iv) The service provider requires the use of an identification number or other means to prevent unauthorized access to the service by nonsubscribers; or

(2) Disclosure of a pre-existing credit, prepaid account, debit, charge, or calling card number, along with authorization to bill that number: *Provided,* that an actual credit, charge, or calling card:

(i) Has, upon request or application, been delivered to the party to be billed prior to assessment of charges; and

(ii) Does not operate to assess charges through automatic number identification;

(3) Provided, that a presubscription arrangement to obtain information services provided by means of a toll-free number shall conform to the requirements of § 64.1504(c).

3. Section 64.1504 is amended by revising introductory text of paragraph (c) and paragraphs (d) and (e) to read as follows:

§ 64.1504 Restrictions on the use of toll-free numbers.

* * * * *

(c) The calling party or subscriber to the originating line being charged for information conveyed during the call unless:

* * * * *

(d) The calling party or subscriber to the originating line being called back collect for the provision of audio or data information services, simultaneous voice conversation services, or products; and

(e) The calling party or subscriber to the originating line being assessed by virtue of the caller being asked to connect or otherwise transfer to a pay-per-call or other information service, a charge for the call.

* * * * *

4. Section 64.1510 is amended by revising paragraph (c)(2) to read as follows:

§ 64.1510 Billing and collection of pay-per-call and similar service charges.

* * * * *

(c) * * *

(2) Clearly list the 800 or other toll-free number dialed in a location separate from local and long distance telephone charges.

[FR Doc. 96–19137 Filed 7–25–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1011, 1104, 1111, 1112, 1113, 1114, 1115 and 1121

[STB Ex Parte No. 527]

Expedited Procedures For Processing Rail Rate Reasonableness, Exemption And Revocation Proceedings

AGENCY: Surface Transportation Board.

ACTION: Notice Of Proposed Rulemaking.

SUMMARY: Under new 49 U.S.C. 10704(d), enacted as part of section 102(a) of the ICC Termination Act of 1995 (ICCTA), the Surface Transportation Board (Board) is required to establish procedures to expedite the handling of challenges to the reasonableness of railroad rates and of railroad exemption and revocation proceedings. This publication contains our proposed regulations.

DATES: Comments are due on August 21, 1996.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 527 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Ave., NW., Washington, DC 20423. Parties are encouraged to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

FOR FURTHER INFORMATION CONTACT: Thomas J. Stilling, (202) 927–7312. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: The Board's decision discussing this proposal is available to all persons for a charge by calling DC NEWS & DATA INC. at (202) 289–4357. The Board certifies that the rules proposed, if adopted, would not have a significant economic effect on a substantial number of small entities. The proposed rules should result in easier and quicker discovery and record-building. The Board, however, seeks comments on whether there would be effects on small entities that should be considered. If comments provide information that there would be a significant effect on small entities, the Board will prepare a regulatory flexibility analysis at the final rule stage.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects

49 CFR Part 1011

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

49 CFR Parts 1104, 1112, 1113, 1114, and 1115

Administrative practice and procedure.

49 CFR Part 1111

Administrative practice and procedure, Investigations.

49 CFR Part 1121

Administrative practice and procedure, Rail exemption procedures, Railroads.

Decided: July 18, 1996.