

promulgate (subject to review of public comment) regulations deferring the application of proposed Clean Air Act subpart YYY volatile organic compound emission standards for OSi's wastewater collection and treatment system (40 CFR part 60, subpart YYY) (CAA subpart YYY) for each WMPP opportunity that the agency determines meets the criteria set forth in the FPA, if CAA subpart YYY applies to that activity. WVDEP has also agreed to enter into a consent order with OSi to defer application of CAA subpart YYY to the extent that it is directly enforceable by WVDEP. Subsequently, WVDEP has agreed to propose and promulgate (subject to review of public comment and legislative approval) regulations incorporating EPA's deferral of CAA subpart YYY by reference. The CAA subpart YYY relief involves a deferral of subpart YYY if OSi begins recovery of CAA subpart YYY substances as a result of its waste minimization efforts and if the final CAA subpart YYY regulations apply to such activities. This deferral would be granted only if there is no resulting emissions increase from the facility's wastewater system or if organic air emissions increases from all YYY deferrals do not exceed 15,000 pounds per year (about 5 percent of the Project's expected air emission reductions). These deferrals will last until the required compliance date of the national emission standards for hazardous air pollutants from miscellaneous organic processes (the "MON"). It is expected that the MON will require installation of process vent controls similar to the control for the polyether methyl copper unit process vent emissions to be implemented under the Project. As a result, the Project will be reevaluated at that time to determine whether additional environmental benefits provided by the Project warrant the continuation of the regulatory flexibility granted by the Project. If continuation is warranted, then the FPA and other appropriate documents (e.g., permits, regulations, orders, etc.) will be amended as necessary. If EPA or WVDEP does not determine that continuation of the Project is warranted, the Project will end on the required compliance date of the MON.

**DATES:** The FPA was signed on October 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** To obtain a copy of the Final Project Agreement or other information about the Project, contact: Cheryl Atkinson, U.S. EPA, Region III, 841 Chestnut Street (3HW70), Philadelphia, PA 19107, or L. Nancy Birnbaum, U.S. EPA, 401 M Street, SW, Room 3134CY Mail

(2129), Washington, DC 20460. Information on the Project is also available via the Internet at the following location: "http://www.epa.gov/ProjectXL". In addition, public files on the Project are located at both the local Sistersville library and EPA Region III in Philadelphia. Questions to EPA regarding the Project can be directed to Cheryl Atkinson at (215) 566-3392 or L. Nancy Birnbaum at (202) 260-2601. To be included on the OSi Project XL mailing list to receive information about future public meetings, XL progress reports and other mailings from OSi on the XL Project, contact: Okey Tucker, OSi Specialties, Inc., Witco Corporation OrganoSilicones Group, 1500 South State Route 2, Friendly, WV 26146. Mr. Tucker can also be reached by telephone at (304) 652-8131. For information on all other aspects of the XL Program contact Christopher Knopes at the following address: Emerging Sectors and Strategies Division; United States Environmental Protection Agency; 3202 Mall; 401 M Street, SW; Mail Code 2129; Washington, DC 20460. The telephone number for the Division is (202) 260-5754. The facsimile number is (202) 401-6637. Additional information on Project XL, including documents referenced in this notice, other EPA policy documents related to Project XL, regional XL contacts, application information, and descriptions of existing XL projects and proposals, is available via the Internet at "http://www.epa.gov/ProjectXL" and via an automated fax-on-demand menu at (202) 260-8590.

Dated: October 15, 1997.

**Nancy Birnbaum,**

*Acting Director, Emerging Sectors and Strategies Division.*

[FR Doc. 97-28372 Filed 10-24-97; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) being Reviewed by the Federal Communications Commission

October 20, 1997.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An

agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (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 estimate; (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.

**DATES:** Written comments should be submitted on or before December 26, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Judy Boley at 202-418-0214 or via internet at jboley@fcc.gov.

#### SUPPLEMENTARY INFORMATION:

*OMB Control No.:* 3060-0789.

*Title:* Modified Alternative Plan, CC Docket No. 90-571, Order (1997 Suspension Order).

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for profit.

*Number of Respondents:* 36 respondents.

*Estimated Time Per Response:* 13 hours per response (avg.).

*Frequency of Response:* On occasion; one-time requirement.

*Total Annual Burden:* 468 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Needs and Uses:* Title IV of the Americans with Disabilities Act of 1990 ("ADA") requires each common carrier providing voice transmission services to provide Telecommunications Relay Services ("TRS") throughout the area it

serves to individuals with hearing and speech disabilities by 1993. The TRS enables customers with hearing or speech disabilities to use the telephone network in ways that are "functionally equivalent" to those used by customers using traditional telephone service. Under the Commission's rules, the TRS must be able to handle all calls normally provided by common carriers, unless those carriers demonstrate the infeasibility of doing so. The Commission has interpreted "all calls" to include coin sent-paid calls, which are calls made by depositing coins in a standard coin-operated public payphone. The Bureau has suspended enforcement of the requirement that carriers provide coin sent' paid calls through the TRS centers since 1993 based on common carriers' representations that it has been technically infeasible to provide the coin sent-paid service through the TRS centers ("coin sent-paid rule"). Since 1995, carriers have made payphones accessible to TRS users through an Alternative Plan ("Alternative Plan"). The Alternative Plan enables TRS users to make local relay calls for free and to make toll calls from payphones using calling or prepaid cards at or below the coin call rates. The Alternative Plan also requires carriers to educate TRS users about the alternative payment methods for the TRS users to make relay calls from payphones. In Telecommunications Relay Services, and the Americans with Disabilities Act of 1990, Order, (released 8/21/97), (1997 Suspension Order), the Common Carrier Bureau ("Bureau") suspended the enforcement of the requirement that the TRS be capable of handling coin sent-paid calls for one year until August 26, 1998 because the only technological solution that can provide the coin sent-paid calls through the TRS centers, coin signalling interface ("CSI"), has serious deficiencies and no new technological solution appears imminent. In the 1997 Suspension Order, the Bureau recommends that during the one year suspension, the Commission conduct a rulemaking on coin sent-paid issues to gather information sufficient to ensure that the Commission's final decision on whether the TRS must be capable of handling coin sent-paid calls is based on a complete and fresh record. In addition, the Bureau directed the industry to continue to make payphones accessible to TRS users under the terms of the Alternative Plan, as set forth in Telecommunications Relay Services, and the ADA, Memorandum Opinion and Order, 10 FCC Rcd 10927 (1995) ("1995 Suspension Order"), and as

modified by the 1997 Suspension Order. The 1997 Suspension Order modifies the Alternative by requiring industry to: (1) Send a consumer education letter to TRS centers (no. of respondents: 1; hour burden per respondent: 4 hours; total annual burden: 4); (2) inform organizations representing the hearing and speech disability community before attending their regional and national meetings who will be present at the meeting, where the industry booth will be located, and at what times the booth will be in operation (no. of respondents: 1; hour burden per respondent: 15 mins.; total annual burden: 1.5 hours); (3) publish an article in Consumer Action Network ("Can's") respective organizations' magazines or newsletters (no. of respondents: 1; hour burden per respondent: 8 hours; total annual hour burden: 8 hours); (4) send a letter directly to all CAN's members (no of respondents: 1; hour burden per respondent: 4 hours; total annual burden: 4 hours); (5) create laminated cards with visual characters that will provide a pictorial explanation to accompany the text describing access to TRS centers from payphones to be distributed to TRS users (no. of respondents: 30; hour burden per respondent: 15 hours; total annual hour burden: 450 hours); and (6) work jointly with affected communities to draft and submit a report within two months of the publication of a summary of the 1997 Suspension order in the **Federal Register** (no. of respondents: 1; hour burden per respondent: 7 hours; total annual hour burden: 7 hours). The Commission has imposed these third party disclosure requirements to educate TRS users about their ability to make relay calls from payphones, the payment methods available and the rates for the payphone calls. The report will help the Commission assess the effectiveness of the current consumer education programs and determine whether further requirements to educate TRS users about their ability to make relay calls from payphones are warranted.

*OMB Control No.:* 3060-0330.

*Title:* Part 62—Applications to Hold Interlocking Directorates.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for profit.

*Number of Respondents:* 10.

*Estimated Time Per Response:* 2 hours per response (avg.).

*Frequency of Response:* On occasion.

*Total Annual Burden:* 20 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Needs and Uses:* The collection of information is authorized by 47 U.S.C. Section 212. Congress mandated information collection under 47 U.S.C. Section 212 to be conducted by the Federal Communications Commission to monitor the effect of interlocking directorates on the telecommunications industry and to ensure they will not have any anticompetitive impact. Information is used to ensure that the effect of interlocking directorates will not have an anticompetitive impact in the telecommunications industry.

*OMB Control No.:* 3060-0439.

*Title:* Regulations Concerning Indecent Communications by Telephone.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for profit.

*Number of Respondents:* 10,200.

*Estimated Time Per Response:* .13 hours per response (avg.) (about 8 minutes).

*Frequency of Response:* On occasion.

*Total Annual Burden:* 1,632 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Needs and Uses:* Section 223 of the Communications Act of 1934, as amended, 47 USC Section 223 imposes fines and penalties on those who knowingly use the telephone to make obscene or indecent communications for commercial purposes. The fines and penalties are applicable to those who use the telephone, or permit their telephone to be used, for obscene communications to any person and to those who use the telephone for indecent communications to persons under 18 years of age or to adults without their consent. Section 223 requires telephone companies, to the extent technically feasible, to prohibit access to indecent communications from the telephone of a subscriber who has not previously requested access. The rules and regulations establish defenses to prosecution where the defendant restricts access to the prohibited indecent communications to persons 18 years of age or older by complying with the Commission's procedures. Section 64.201 contains several information collection requirements: (1) a requirement that certain common carriers block access to indecent messages unless the subscriber seeks access from the common carrier (telephone company) in writing; (2) a requirement that adult message service

providers notify their carriers to the nature of their programming; and (3) a requirement that a provider of adult message services request that their carriers identify it as such in bills to its subscribers. The information requirements are imposed on carriers, adult message service providers and those who solicit their services to ensure that minors are denied access to material deemed indecent.

*OMB Control No.:* 3060-0355.

*Title:* Rate of Return Reports, FCC Forms 492 and 492A.

*Form No.:* FCC Forms 492 and 492A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for profit.

*Number of Respondents:* 88.

*Estimated Time Per Response:* 8 hours per response (avg.).

*Frequency of Response:* Annual.

*Total Annual Burden:* 704 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Needs and Uses:* Filing of FCC Form 492 and FCC Form 492A is required by Sections 1.795 and 65.600 of the FCC Rules and Section 219 of the Communications Act of 1934, as amended. Filing of the FCC Form 492 on an annual basis is required from each local exchange carriers or group of affiliated carriers which is not subject to Sections 61.41 through 61.49 of the Commission's Rules and which has filed individual access tariffs during the enforcement period. Each local exchange carrier or group of affiliated carriers subject to the previously stated sections shall file the FCC Form 492A report with the Commission for the calendar year. The forms are necessary to enable the Commission to monitor the access tariffs and to enforce maximum rate of return prescriptions and price cap earnings levels. A copy of each report must be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection.

*OMB Control No.:* 3060-0422.

*Title:* Section 68.5, Waivers (Application for Waiver of Hearing Aid Compatibility Requirement).

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for profit.

*Number of Respondents:* 10.

*Estimated Time Per Response:* 3 hours per response (avg.).

*Frequency of Response:* On occasion.

*Total Annual Burden:* 30 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Needs and Uses:* Section 710(b) of the Communications Act of 1934, as amended, requires that almost all telephones manufactured in or imported into this country after August 16, 1989 be hearing aid compatible. Refurbished, repaired or resold telephones, telephones used with public and private mobile radio services, and secure telephones used for classified communications are exempt. The HAC Act provides a three year grace period for cordless telephones before they must comply with the requirement. Congress recognized, however, that there may be technological and/or economical reasons some new telephones may not meet the hearing aid compatibility requirement. Therefore, it provided for a waiver requirement for new telephone base on technological and economical grounds. Section 68.5 of the Commission's rules provides the criteria to be used to assess waivers. Applicants seeking waivers must submit sufficient information for the Commission to make an informed decision.

*OMB Control No.:* 3060-0173.

*Title:* Section 73.1207, Rebroadcasts.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for profit.

*Number of Respondents:* 1,012.

*Estimated Time Per Response:* 0.5 hours.

*Frequency of Response:* Recordkeeping requirement.

*Total Annual Burden:* 506 hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Needs and Uses:* Section 73.1207 requires that licensees of broadcast stations obtain written permission from an originating station prior to retransmitting any program or any part thereof. A copy of the written consent must be kept in the station's files and made available to the FCC upon request. This written consent assures the Commission that prior authorization for retransmission of a program was obtained.

*OMB Control No.:* 3060-0493.

*Title:* Section 74.986, Involuntary ITFS Station Modifications.

*Form No.:* FCC Form 330.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for profit; state, local or tribal government.

*Number of Respondents:* 25.

*Estimated Time Per Response:* 5 hours (These hours include the contracting hour cost to the respondents and the respondents hour burden).

*Frequency of Response:* On occasion.

*Total Annual Burden:* 25 hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$14,375.

*Needs and Uses:* Section 74.986 requires that an application for involuntary modification of an ITFS station to be filed on FCC Form 330 (OMB Control No. 3060-0062) but need not fill out Section II (Legal Qualifications). The application must include a cover letter clearly indicating that the modification is involuntary and identifying the parties involved. The data is used by FCC staff to insure that proposals to modify facilities of ITFS licensees/permittees would provide comparable ITFS service and would otherwise serve the public interest in promoting the MMDS service.

*OMB Control No.:* 3060-0494.

*Title:* Section 74.990, Use of available instructional television fixed service frequencies by wireless cable entities.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for profit; state, local or tribal government.

*Number of Respondents:* 100.

*Estimated Time Per Response:* 0.33 hours-2 hours (These hours include the contracting hour cost to the respondents and the respondents hour burden.)

*Frequency of Response:* On occasion.

*Total Annual Burden:* 42 hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$9,375.

*Needs and Uses:* Section 74.990(c) requires applicants to confirm their unopposed status after the period for filing competing applications and petitions to deny has passed. This confirmation is accomplished through the filing of a letter with the Commission. Section 74.990(d) requires a wireless cable applicant to show that there are no multipoint distribution service or multichannel multipoint distribution service channels available for application, purchase or lease that could be used in lieu of the instructional television fixed service frequencies applied for. The data provided in the showing will be used by FCC staff to insure that proposals to operate a wireless cable system on ITFS channels do not impair or restrict any reasonably foreseeable ITFS use.

*OMB Control No.:* 3060-0492.

*Title:* Section 74.992, Access to channels licensed to wireless cable entities.

*Form No.:* FCC Form 330.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for profit; state, local or tribal government.

*Number of Respondents:* 10.

*Estimated Time Per Response:* 3.5 hours (These hours include the contracting hour costs to the respondents and the respondents hour burden).

*Frequency of Response:* On occasion.

*Total Annual Burden:* 15 hours.

*Estimated Annual Reporting and*

*Recordkeeping Cost Burden:* \$4,000.

*Needs and Uses:* Section 74.992 requires that requests by ITFS entities for access to wireless cable facilities licensed on ITFS frequencies be made by filing FCC Form 330 (OMB Control No. 3060-0062), Section I (Identity of Applicant, Requested Facilities), Section II (Legal Qualifications of Applicant), Section III (Financial Qualifications of Applicant) and Section IV (ITFS Service Proposal). The application must include a cover letter clearly indicating that the application is for ITFS access to a wireless cable entity's facilities on ITFS channels. Section 74.992(d) requires an ITFS user to provide a wireless cable licensee with its planned schedule of use four months in advance of accessing the channels. This notice is completed before the filing of the application and the burden is included with the application. The data is used by FCC staff to determine eligibility of an educational institution or entity demanding access for ITFS use on a wireless cable facility. The four month advance notice is used by the wireless cable licensee to allow it to move programming to other channels.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 97-28362 Filed 10-24-97; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

October 21, 1997.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to

any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (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 estimate; (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.

**DATES:** Written comments should be submitted on or before November 26, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s) contact Judy Boley at 202-418-0214 or via internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-0029.

*Title:* Application for TV Broadcast Station License.

*Form Number:* FCC Form 302-TV.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit; not-for-profit institutions.

*Number of Respondents:* 83.

*Estimated Time Per Response:* 18-25 hours (avg.).

*Cost to Respondents:* \$207,309.

*Total Annual Burden:* 210 hours.

*Needs and Uses:* FCC Form 302-TV is used by licensees and permittees of TV broadcast stations to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities. The Office of Management and Budget (OMB) approved a Notice of Proposed Rulemaking (NPRM) which proposed to eliminate the present requirement for a construction permit (FCC Forms 301/340) for a broadcast station in certain instances where the changed facilities would not have an adverse impact on other broadcast facilities or on the public. In these instances, the

Commission would permit the broadcast licensee or permittee to make changes without prior authority from the Commission and file a license application (FCC Forms 302-AM/302-FM/302-TV) with specified exhibits to reflect the change afterwards.

On 8/14/97, the Commission adopted a Report and Order in MM Docket 96-58 which adopted these changes. Additionally, the Commission adopted revisions to the FCC Forms 302-FM and 302-TV. Until such times as the forms are revised to incorporate this information, applicants using the one-step licensing process must file this supplement with the FCC Form 302-TV.

The data is used by FCC staff to confirm that the station has been built to terms specified in the outstanding construction permit and to ensure that any changes made to the station will not have any impact on other stations and the public. Data is extracted from FCC Form 302-TV for inclusion in the license to operate the station.

*OMB Control Number:* 3060-0506.

*Title:* Application for FM Broadcast Station License.

*Form Number:* FCC Form 302-FM.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit; not-for-profit institutions.

*Number of Respondents:* 757.

*Estimated Time Per Response:* 3-25 hours (avg.).

*Cost to Respondents:* \$597,600.

*Total Annual Burden:* 2,082 hours.

*Needs and Uses:* FCC Form 302-FM is used by licensees and permittees of FM broadcast stations to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities. The Office of Management and Budget (OMB) approved a Notice of Proposed Rulemaking (NPRM) which proposed to eliminate the present requirement for a construction permit (FCC Forms 301/340) for a broadcast station in certain instances where the changed facilities would not have an adverse impact on other broadcast facilities or on the public. In these instances, the Commission would permit the broadcast licensee or permittee to make changes without prior authority from the Commission and file a license application (FCC Forms 302-AM/302-FM/302-TV) with specified exhibits to reflect the change afterwards.

On 8/14/97, the Commission adopted a Report and Order in MM Docket 96-58 which adopted these changes. Additionally, the Commission adopted revisions to the FCC Forms 302-FM and 302-TV. Until such times as the forms