

affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposed rule.

List of Subjects in 40 CFR Part 745

Environmental protection, Hazardous substances, Lead-based paint, Lead poisoning, Reporting and recordkeeping requirements.

Dated: December 11, 1998.

William H. Sanders III,

Director, Office of Pollution Prevention and Toxics.

In FR Doc. 98-14736 published on June 3, 1998 (63 FR 30302) make the following corrections:

1. On page 30322, in the table entitled "Table 3.—Hazard Evaluation and Control Costs", under the second heading of the table entitled "Single-Family", in the fifth entry, "45,706" is corrected to read "5,706".

2. On the same page, in the same table, under the third heading of the table entitled "Multi-family (per unit)", in the fifth entry, "12,275" is corrected to read "2,275".

3. On page 30351, in the first column, under the paragraph entitled "4. Sensitivity and uncertainty analyses.", in the second paragraph, in the seventh line, "(Refs. 109 and 110)." is corrected to read "(Refs. 107 and 108)."

§ 745.227 [Corrected]

4. On page 30354, in the third column, in § 745.227(d)(4), remove the second sentence.

[FR Doc. 98-33630 Filed 12-17-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 91-346; FCC 98-322]

Intelligent Networks

AGENCY: Federal Communications Commission.

ACTION: Termination of proposed rule proceeding.

SUMMARY: The Federal Communications Commission terminates the proceeding concerning third-party access to the local exchange carriers' intelligent networks. Since we conclude that most of the issues raised in this proceeding have been addressed by the *Local Competition Order*, or are being considered in the *Computer III Further Notice*, which is the Commission's current review of its *Open Network Architecture* (ONA) and *Computer III* requirements, we terminate this proceeding.

FOR FURTHER INFORMATION CONTACT: Claudia Fox, Attorney, Common Carrier Bureau, Policy and Program Planning Division, (202) 418-1580 or via the Internet at cfox@fcc.gov. Further information may also be obtained by calling the Common Carrier Bureau's TTY number: 202-418-0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted December 2, 1998, and released December 4, 1998. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., NW, Room 239, Washington, DC. The complete text of this document also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc98322.wp>, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th St., NW, Washington, DC 20036.

Synopsis of Order

1. In this Order, we terminate the proceeding concerning third-party access to the local exchange carriers' (LECs') intelligent networks. We conclude that most of the issues raised in this proceeding have been addressed

by the *Local Competition Order*, 61 FR 45476, August 29, 1996, or are being considered in the *Computer III Further Notice*, 63 FR 9749, February 26, 1998, which is the Commission's current review of its *Open Network Architecture* (ONA) and *Computer III* requirements.

2. The Commission initiated the *Intelligent Networks* proceeding (56 FR 65721, Dec. 18, 1991) in 1991 to consider whether the Commission should apply ONA requirements for the unbundling of network functionalities to the LECs' deployment of intelligent network technology. In 1993, the Commission adopted a Notice of Proposed Rulemaking that proposed requiring all Tier 1 LECs that deploy advanced intelligent networks (AIN) to provide third parties with mediated access to those capabilities. The Commission specifically proposed to require that Tier 1 LECs provide third parties with access to their service management systems for the creation and deployment of AIN-based services.

3. In February 1996, the Telecommunications Act of 1996 (1996 Act) became law, bringing sweeping changes to regulation of the telecommunications industry. Among other things, section 251 of the Act requires that incumbent LECs: (1) provide interconnection with requesting telecommunications carriers; (2) provide requesting telecommunications carriers with access to unbundled network elements; (3) offer retail services for resale at wholesale rates; and (4) provide physical collocation necessary for interconnection or access to unbundled network elements at the premises of the incumbent LEC.

4. In August 1996, the Commission adopted regulations that implement the local competition provisions of the 1996 Act. With respect to AIN, the Commission determined that it was technically feasible for incumbent LECs to provide requesting telecommunication carriers with unbundled access to both the service creation environment and service management system, and access to the service control point for the purpose of interconnecting with a requesting carrier's switch. The Commission also concluded that there was not enough evidence to determine the technical feasibility of interconnecting third-party call-related databases to the incumbent LEC's signaling system.

5. On January 30, 1998, the Commission released the *Computer III Further Notice*, which proposes to revise the safeguards under which the Bell Operating Companies provide information services in light of the requirements of the 1996 Act. Among

other things, the Commission sought comment on whether the public interest would be served by Commission action, pursuant to our general rulemaking authority, to extend the availability of unbundling similar to that provided for in section 251 of the Act to information service providers. These entities do not have access to unbundled network elements under section 251 of the Act because they are not telecommunications carriers.

6. Most of the proposals in this proceeding concerning access to AIN by telecommunications carriers were adopted by the Commission in the *Local Competition Order*. Most of the issues in this proceeding concerning access to AIN by information service providers are now under consideration in the *Computer III Further Notice*. Based on the information currently available to us, it does not appear that there is a need to address the few remaining issues in this proceeding at present. If a need for consideration of these issues should arise in the future, we will institute appropriate proceedings.

7. Accordingly, it is ordered that the proceeding, *In the Matter of Intelligent Networks*, CC Docket No. 91-346, is hereby terminated.

Federal Communications Commission.

Shirley S. Suggs,

Chief, Publications Branch.

[FR Doc. 98-33484 Filed 12-17-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 98-200; FCC 98-298]

Assessment and Collection of Regulatory Fees For Fiscal Year 1999

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The Commission is seeking proposals to assist it in revising its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress has required it to collect for fiscal year 1999. Section 9 of the Communications Act of 1934, as amended, provides for the annual assessment and collection of regulatory fees. For fiscal year 1999 sections 9(b) (2) and (3) provide for annual "Mandatory Adjustments" and "Permitted Amendments" to the Schedule of Regulatory Fees. These revisions will further the National Performance Review goals of

reinventing Government by requiring beneficiaries of Commission services to pay for such services.

DATES: Comments are due January 7, 1999 and Reply Comments are due January 19, 1999.

FOR FURTHER INFORMATION CONTACT: Terry Johnson, Office of Managing Director at (202) 418-0445, or the Fees Hotline at (202) 418-0192.

SUPPLEMENTARY INFORMATION:

Adopted: November 10, 1998.

Released: December 4, 1998.

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I. Introduction

1. By this *Notice of Inquiry* ("NOI"), the Commission begins a rulemaking proceeding seeking comments and suggestions for revising its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress requires it to collect for Fiscal Year ("FY") 1999.¹

II. Background

2. Section 9(a) of the Communications Act of 1934, as amended, authorizes the Commission to assess and collect annual regulatory fees to recover the costs, as determined annually by Congress, that it incurs in carrying out enforcement, policy and rulemaking, international, and user information activities.² In our FY 1994 *Report and Order*,³ we adopted the Schedule of Regulatory Fees that Congress established and we prescribed rules to govern payment of the fees, as required

¹ 47 U.S.C. 159(a).

² *Id.*

³ 59 FR 30984 (Jun. 16, 1994).

by Congress.⁴ Subsequently, in our FY 1995, FY 1996, FY 1997 and FY 1998 fee Orders,⁵ we modified the Schedule to increase by approximately 93 percent, 9 percent, 21 percent, and 7 percent, respectively, the revenue generated by these fees in accordance with the amounts Congress required us to collect for FY 1995, FY 1996, FY 1997 and FY 1998. Also, in our FY 1995, FY 1996, FY 1997 and FY 1998 fee Orders, we amended certain rules governing our regulatory fee program based upon our experience administering the program in prior years.⁶

3. Section 9(b)(3), entitled "Permitted Amendments," requires that we determine annually whether additional adjustments to the fees are warranted, taking into account factors that are reasonably related to the payer of the fee and factors that are in the public interest. In making these amendments, we are to "add, delete, or reclassify services in the Schedule to reflect additions, deletions or changes in the nature of its services."⁷

III. Discussion

4. Pursuant to its FY 1998 *Notice of Proposed Rulemaking* ("NPRM"),⁸ the Commission received comments from interested parties concerning its proposed "permitted amendments" to the fee schedule. However, the Commission rejected some and was unable to resolve several other of the commenters' proposals in time for inclusion in its FY 1998 *Report and Order*,⁹ due to the statutory 90-day advance notice required by Congress.¹⁰ Further, in its FY 1998 *Report and Order*, the Commission stated its intention to issue this *NOI* requesting that interested parties comment on possible solutions to these unresolved issues.¹¹ Briefly, the issues for which we seek comment include: (1) Clarification of the Commercial Mobile Radio Services ("CMRS") fee categories and demarcation of which types of services or usage to include in each category; (2) determination of the appropriate basis for assessing regulatory fees on geostationary orbit space stations ("GSOs"); (3) determination of the appropriate method of assessing our regulatory costs associated with non-

⁴ 47 U.S.C. 159(b), (f)(1).

⁵ 60 FR 34004 (Jun. 29, 1995), 61 FR 36629 (Jul. 12, 1996), 62 FR 37408 (Jul. 11, 1997), and 63 FR 35847 (Jul. 1, 1998), respectively.

⁶ 47 CFR 1.1151 *et seq.*

⁷ 47 U.S.C. 159(b)(3).

⁸ 63 FR 16188, (Apr. 2, 1998).

⁹ 63 FR 35847, (Jul. 1, 1998).

¹⁰ 47 U.S.C. 159(b)(4)(B).

¹¹ See FY 1998 *Report and Order* at paragraphs 48, 53, 55, and 67.