of the modified standard or implementation specification may be no earlier than 180 days following the adoption of the modification. HHS determines the actual date, taking into account the time needed to comply due to the nature and extent of the modification. HHS may extend the time for compliance for small health plans.

Subparts B–E [Reserved]

Subpart F—National Employer Identifier Standard

§ 142.602 National employer identifier standard.

The employer identifier standard that must be used under this subpart is the employer identification number (EIN), which is the taxpayer identifying number of an individual or other entity (whether or not an employer) that is assigned pursuant to 26 U.S.C. 6011(b), or corresponding provisions of prior law, or pursuant to 26 U.S.C. 6109, and in which nine digits are separated by a hyphen, as follows: 00–0000000. The EIN is assigned by the Internal Revenue Service, U.S. Department of the Treasury.

§ 142.604 Requirements: Health plans.

Each health plan must accept and transmit the national employer identifier of any employer that must be identified by the national employer identifier in any standard transaction.

§ 142.606 Requirements: Health care clearinghouses.

Each health care clearinghouse must use the national employer identifier of any employer that must be identified by the national employer identifier in any standard transaction.

§ 142.608 Requirements: Health care providers.

Each health care provider must use the national employer identifier wherever required on all transactions the health care provider transmits electronically.

§ 142.610 Requirements: Employers.

Each employer must disclose its EIN, when requested, to any entity that conducts standard electronic transactions that require that employer's identifier.

§ 142.612 Effective dates of the initial implementation of the national employer identifier standard.

(a) *Health plans.* (1) Each health plan that is not a small health plan must comply with the requirements of §§ 142.104 and 142.604 by [24 months after the effective date of the final rule in the **Federal Register**].

(2) Each small health plan must comply with the requirements of §§ 142.104 and 142.604 by [36 months after the effective date of the final rule in the **Federal Register**].

(b) *Health care clearinghouses and health care providers.* Each health care clearinghouse and health care provider must begin using the standard specified in § 142.602 by [24 months after the effective date of the final rule in the **Federal Register**].

Dated: April 17, 1998.

Donna E. Shalala,

Secretary.

[FR Doc. 98–15782 Filed 6–15–98; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 98–67; FCC 98–90]

Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On May 14, 1998, the Commission adopted a Notice of Proposed Rulemaking (NPRM) regarding telecommunications relay services (TRS) and speech-to-speech (STS) relay services, for persons with hearing and speech disabilities. We believe that our proposed rule amendments will enhance the quality of TRS, and broaden the potential universe of TRS users. The proposals set forth in the NPRM are intended to further promote access to telecommunications for the millions of persons with disabilities who might otherwise be foreclosed from participation in our increasingly telecommunications and information-oriented society. Rules proposed in the NPRM would require that, within two years of the publication in the **Federal Register** of a Report and Order in this proceeding, common carriers providing voice transmission service must ensure that nationwide STS relay services are available to users with speech disabilities throughout their service area. Rules proposed in the NPRM also would amend the Commission's current mandatory minimum standards for TRS service to improve the effectiveness of these rules and their application to TRS service.

DATES: Written comments are due on or before July 20, 1998. Reply comments are due on or before September 14, 1998. Written comments by the public on the proposed information collections are due July 20, 1998.

ADDRESSES: Office of the Secretary, Room 222, Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to jboley@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: Kris Monteith, 202/418–1098 (Voice), 202/418–0484 (TTY), 202/418–2345 (FAX), kmonteit@fcc.gov, Network Services Division, Common Carrier Bureau. For additional information concerning the information collections contained in this NPRM contact Judy Boley at 202–418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) in the matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, (CC Docket No. 98–67, adopted May 14, 1998, and released May 20, 1998). The full text of the NPRM is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, Room 239, 1919 M Street, N.W., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 2100 M Street, N.W., Suite 140, Washington D.C. 20037, 202/857–3800. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collections on or before August 17, 1998.

Paperwork Reduction Act of 1995

This NPRM contains proposed 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 No. 104–13. Public and agency comments are due at the same time as other comments on this NPRM; OMB comments are August 17, 1998.

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.

OMB Approval Number: 3060–0463.

Title: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities—CC Docket No. 98–67.

Form No.: N/A.

Type of Review: Revision.

Proposed information collection	Number of respondents	Estimated time per response (hours)	Total annual burden
Proposed 64.604(b)(2)	31	*1	11,315
Proposed 64.605(b)(2)	52	1	52
Proposed 64.605(f)	52	40	2,080

*Based on 365 hours per respondent per year.

Total Annual Burden: 13,447 hours (proposed collections only)

Respondents: Business or other for-profit.

Estimated Costs per Respondent: $0.

Needs and Uses: The information collections proposed in this NPRM are needed to ensure compliance with the Commission's mandatory minimum standards for telecommunications relay services and will address concerns from TRS users that state TRS programs are not providing sufficient information to consumers on their complaint and grievance options.

Synopsis of Notice of Proposed Rulemaking

1. The NPRM is based upon the record developed in Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996, Notice of Inquiry, CC Docket No. 90–571, 12 FCC Rcd 1152 (1997). The NPRM tentatively concludes that two forms of improved relay services, Video Relay Interpreting (VRI) and speech-to-speech relay service (STS), are ''telecommunications relay services'' (TRS) within the meaning of Title IV of the ADA (47 U.S.C. 225) and that the definition of ''TRS'' should be expanded to encompass these services. VRI allows persons with hearing disabilities to access the telephone network through the use of sign language interpreters and desktop personal computer video conferencing software. STS uses specially trained ''communications assistants'' (CAs) that serve as call facilitators for persons with speech disabilities. The tentative conclusion that these services fall within the scope of ''TRS'' under Title IV of the ADA will allow TRS providers to recover the costs of these improved TRS services from the intrastate jurisdiction or from the interstate TRS Fund, as appropriate.

2. The NPRM proposes that STS become a mandatory TRS feature two (2) years after the effective date of final rules in this proceeding. STS services provide access to the telephone network for people with severe speech disabilities, a population that is still largely excluded from the telephone network and that is not served by traditional TTY-based TRS. The NPRM, however, does not propose to require that VRI services become mandatory at this time, because of the high costs of the service, an inadequate supply of qualified interpreters to provide the service on a nationwide basis, and the need for further technical development of the service. Allowing TRS providers to recover the costs of voluntarily provided VRI service, however, will provide incentives for TRS providers to continue to develop and test this service.

3. The NPRM does not propose to require multilingual relay services (MRS) at this time, as some commenters suggested, although MRS is a covered TRS under Title IV of the ADA. Because language needs and population demographics vary widely from state to state, the NPRM tentatively concludes that the decision whether or not to mandate MRS should remain with the state TRS program administrators.

4. The NPRM also seeks comment on issues concerning access to emergency services through TRS, because a number of commenters assert that there are inconsistencies among the states as to how these ''critical'' TRS calls are handled. Finally, the NPRM does not propose to require access to enhanced services through TRS, in light of Congressional language stating that Title IV was not intended to provide access to enhanced services. The NPRM proposes, however, to encourage the voluntary provision of access to enhanced services by, for example, allowing CAs to alert the TRS user to the presence of recorded messages that cannot be relayed in a verbatim, effective manner, and giving the TRS user the option of having the CA summarize the message or listen for specific information.

5. The NPRM proposes a number of rule changes and clarifications intended to improve the ''functional equivalency'' of TRS service. First, the NPRM proposes to amend the rule requiring that 85% of all TRS calls be answered in 10 seconds or less (47 CFR 64.604(b)(2)) to require that: (1) calls be ''answered'' by a CA prepared to place the TRS call, and not answered by an auto-answer system and placed on hold; (2) the 85–10 calculation be performed on at least a daily basis; and (3) the 10-second time period begin to run when the TRS call reaches the TRS provider's network. Second, the NPRM proposes to require that a CA answering and placing a TRS call stay with that call for at least ten (10) minutes before an in-call transfer can take place. This proposal should minimize the frequency of TRS call disruptions that currently occur when CAs change shifts in the middle of ongoing TRS calls. Finally, the NPRM does not propose to require a minimum typing speed for CAs or other such CA standards at this time, because of concern that such a regulation could shrink the labor pool of potential CAs, a labor pool already subject to high turnover and attrition rates.

6. Consistent with the overall policy goal of the Telecommunications Act of 1996 to introduce competition into telecommunications markets, the NPRM seeks comment on several competitive issues surrounding TRS. First, the NPRM seeks comment on the issue of ''multivendoring,'' the practice of allowing several TRS vendors to compete directly for consumers in a state for their intrastate TRS calling needs (the vast majority of states currently rely on a single-provider TRS mechanism, where one provider obtains exclusive rights to deliver intrastate TRS

service for a period of time). The NPRM seeks comment on jurisdictional and cost-recovery issues regarding multivendoring. Second, the NPRM seeks comment on the use of TRS caller profile data collected by TRS providers. Specifically, the NPRM seeks to identify whether this data is the property of, and transferable to the state TRS program, or whether it is proprietary to the TRS provider, who does not have to surrender this data to its competitors in the event it no longer is the incumbent TRS provider for that state.

7. To increase the effectiveness of the Commission's certification process, the NPRM proposes that certified state programs shall be required to notify the Commission of substantive changes to their state TRS program within sixty (60) days of the effective date of the change, and to file documentation demonstrating that the state TRS program remains in compliance with the Commission's mandatory minimum standards. This proposal is intended to remedy a gap in current Commission rules where, once a five-year certification is obtained from the Commission, certified state TRS programs are not required to update their certification file regardless of whether or not substantive changes occur in their programs during the five-year certification period. Also, the NPRM proposes to amend the Commission's certification rules to require that, as a condition of certification, a state TRS program must demonstrate that its program makes available to TRS users informational materials on state and Commission complaint procedures. This proposal would address a concern from TRS users that state programs are not providing sufficient information to consumers on their complaint and grievance options. Finally, the NPRM seeks comment on whether the Commission should adopt specific guidelines that can be used to assess whether a state TRS program provides ''adequate procedures and remedies for enforcing the requirements of the state program,'' pursuant to 47 U.S.C. 225(f)(2)(B).

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in the NPRM. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. 603(a).

A. Need for, and Objectives of, the Proposed Rules

The NPRM is based upon the record developed in Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996, *Notice of Inquiry,* CC Docket No. 90–571, 12 FCC Rcd 1152 (1997). The goal of this proceeding is to consider ways in which TRS can be improved, both to better serve current TRS users and to ensure that TRS serves the broadest possible population of persons with hearing and speech disabilities, consistent with Congress' direction at 47 U.S.C. 225(d)(2) to the Commission to ensure that its regulations encourage the use of existing technology and do not discourage or impair the development of improved technology. Specifically, the NPRM proposes to require nationwide speech-to-speech (STS) service for persons with severe speech disabilities as a mandatory TRS feature within two years of publication of final rules in this proceeding, and requests comment on this proposal. The NPRM also proposes a number of rule amendments based upon the comments submitted by parties in the Notice of Inquiry, and seeks comment on those proposals. The overall intent of these proposed rules is to improve the effectiveness of TRS service and the Commission's oversight of TRS, and to clear up ambiguities surrounding several of the Commission's current TRS rules.

B. Legal Basis

Authority for actions proposed in this *Notice* may be found in: Sections 1, 4(i) and (j), 201–205, 218 and 225 of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154(i), 151(j), 201–205, 218 and 225.

C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 603(b)(3). The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' *Id.* A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Small Business Act, 15 U.S.C. 632 (1996).

TRS Providers. Neither the Commission nor the SBA has developed a definition of small entity specifically applicable to providers of telecommunications relay services (TRS). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. *Id.* The SBA defines such establishments to be small businesses when they have no more than 1,500 employees. 13 CFR 121.201, Standard Industrial Classification (SIC) code 4813. According to our most recent data, there are 12 interstate TRS providers, and these consist of interexchange carriers, local exchange carriers, and state-managed entities. We do not have data specifying the number of these providers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and we are thus unable at this time to estimate with greater precision the number of TRS providers that would qualify as small business concerns under the SBA's definition. We note, however, that these providers include large interexchange carriers and incumbent local exchange carriers. Consequently, we estimate that there are fewer than 12 small TRS providers that may be affected by the proposed rules, if adopted. We seek comment generally on our analysis identifying TRS providers, and specifically on whether we should conclude, for Regulatory Flexibility Act purposes, that any TRS providers are small entities.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

This NPRM proposes the following information collection: that states be

required to notify the Commission of substantive changes in their state TRS program within 60 days of the effective date of the change and to file documentation demonstrating that the state TRS program remains in compliance with the Commission's mandatory minimum standards. The information collection generally would be performed by a state official familiar with the state's telecommunications relay program; it would have no impact on large or small entities. The Commission estimates that the costs of compliance with this information collection will be minimal.

E. Significant Alternatives Minimizing Impact on Small Entities and Consistent With Stated Objectives

The proposals in the NPRM, and the comments the Commission seeks regarding them, are part of the Commission's analysis of its role with respect to the implementation and operation of nationwide TRS for persons with hearing and speech disabilities. The guiding principal shaping these proposals is Congress' direction to the Commission to ensure that TRS keeps pace with advancing technology and that the Commission's rules do not discourage the implementation of technological advances or improvements. The majority of TRS service is provided by large interexchange carriers and incumbent local exchange carriers, and we believe that the number of small entities impacted by these proposals would be potentially very small. With respect to proposed amendments to the Commission's rules governing TRS, by statute, common carriers providing voice transmission services who are subject to the TRS rules, including small entities, may comply with their obligations individually, through designees, through a competitively selected vendor, or in concert with other carriers. 47 U.S.C. 225(c). For this reason, the Commission expects that the proposed rule amendments will have a minimal impact on small entities. Moreover, the NPRM does not propose any reporting requirements applicable to small entities. We tentatively conclude that our proposals in the NPRM would impose minimum burdens on small entities. We encourage comment on this tentative conclusion.

F. Federal Rules That Duplicate, Overlap, or Conflict With Proposed Rules

None.

List of Subjects in 47 CFR Part 64

Communications common carriers, disabilities, telephone, telecommunications relay service.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–15719 Filed 6–15–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 385 and 390

[FHWA Docket No. FHWA–98–3947]

RIN 2125–AD49

Federal Motor Carrier Safety Regulations; General; Commercial Motor Vehicle Marking

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: The FHWA is proposing to amend its regulations concerning the marking of commercial motor vehicles (CMVs) and the submission of the Motor Carrier Identification Report (Form MCS–150) that new motor carriers must submit to the FHWA. The FHWA is proposing to eliminate the marking regulations of the former Interstate Commerce Commission (ICC), and require that motor carriers replace the vehicle markings specified by those requirements with markings that conform to the requirements of 49 CFR 390.21. The agency is proposing to amend its current marking requirements to require that CMVs be marked with the legal name of the business entity that owns or controls the motor carrier operation, or the ''doing business as'' (DBA) name, and the city and State for the principal place of business as they appear on the Form MCS–150. Motor carriers would be allowed two years to comply with the proposed marking requirement to affix the USDOT number to both sides of their CMVs and five years to comply with the additional requirements to add the address of the principal place of business, and the legal name or DBA name to their CMVs. The FHWA is also proposing to move the regulations that require motor carriers to submit the Form MCS–150 from 49 CFR part 385 to part 390, and to amend the regulations to require that all new interstate motor carriers submit a Form MCS–150 to the FHWA before (rather than within 90 days after) commencing operations. The FHWA solicits public comment from interested persons on this action, including responses to the information collection requirements set forth in this document.

DATES: Written comments must be received on or before August 17, 1998.

ADDRESSES: Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments received will be available for examination at the above address between 10:00 a.m. and 5:00 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Forjan, Office of Motor Carrier Research and Standards, (202) 366–4001, or Mr. Charles Medalen, Office of the Chief Counsel, (202) 366–1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On January 28, 1992, the FHWA published a final rule (57 FR 3142) which required interstate motor carriers to mark their interstate CMVs with specific information, including the USDOT number (see 49 CFR 390.21) . The final rule, however, provided an exception for ICC authorized for-hire motor carriers that complied with the marking requirements formerly in 49 CFR part 1058, now redesignated as 49 CFR 390.401, 390.403, 390.405, and 390.407 (61 FR 54706, 54710, October 21, 1996). The ICC Termination Act of 1995 (ICCTA) (Pub. L. 104–88, 109 Stat. 803) was enacted on December 29, 1995, and became effective on January 1, 1996. The ICCTA abolished the ICC, amended subtitle IV of title 49, United States Code, reformed the economic regulation of transportation, and transferred the assets, personnel, and many of the duties and functions of the ICC to the Secretary of Transportation (Secretary). In response to this action, the FHWA is proposing to: (1) eliminate the marking requirements at 49 CFR 390.401, 390.403, 390.405, and 390.407, Identification of Vehicles; and (2) require all motor carriers operating CMVs in interstate commerce, including those motor carriers formerly authorized by the ICC, to meet the vehicle marking requirements at 49 CFR 390.21. The