to grant Texas final approval. Further background on the tentative decision to grant approval appears at 60 FR 4586, January 24, 1995.

Along with the tentative determination, EPA announced the availability of the application for public comment. EPA also provided notice that a public hearing would be provided only if significant public interest was shown. No requests to present testimony at the public hearing were submitted and no written comments on the application were submitted.

D. Decision

I conclude that the State of Texas' application for final approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Texas is granted final approval to operate its UST program in lieu of the Federal program. Texas now has the responsibility for managing UST facilities within its borders and carrying out all aspects of the UST program except with regard to Indian lands, where EPA will retain and otherwise exercise regulatory authority. Texas also has primary enforcement authority, although EPA retains the right to conduct inspections under Section 9005 of RCRA, 42 U.S.C. 6991d, and to take enforcement actions under Section 9006 of RCRA, 42 U.S.C. 6991e.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. The approval effectively suspends the applicability of certain Federal regulations in favor of Texas' program, thereby eliminating duplicative requirements for owners and operators of USTs in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 281

Administrative Practice and Procedure, Hazardous Materials, State Program Approval, Underground Storage Tanks.

Authority: This Notice is issued under the authority of section 2002(a), 7004(b), and 90044 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6974(b), and 6991(c).

Dated: March 7, 1995.

William B. Hathaway,

Acting Regional Administrator.

[FR Doc. 95–6674 Filed 3–16–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MM Docket Nos. 92–266 and 93–125, FCC 95–42]

Cable Television Act of 1992

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted an Eighth Order on Reconsideration to revise certain cable regulations affecting small systems and certified local franchising authorities. Certified local franchising authorities, independent small systems, and small systems owned by small multiple system operators (''small MSOs'') will be permitted to enter into alternative rate regulation agreements that comply with the Communications Act of 1934, as amended.

EFFECTIVE DATE: April 14, 1995, except for 47 CFR section 76.934(f)(2) which will become effective upon OMB approval. The Commission will issue written confirmation of OMB approval at a later date.

FOR FURTHER INFORMATION CONTACT: Susan Cosentino, (202) 416–0800.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Eighth Order on Reconsideration in MM Docket No. 92–266 and MM Docket No. 93–215, FCC 95–42, adopted February 3, 1995 and released February 6, 1995.

The complete text of this Eighth Order on Reconsideration is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service at (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Synopsis of the Eighth Order on Reconsideration

The 1992 Cable Act requires the Commission to reduce regulatory burdens and the cost of compliance for small systems. Small systems are defined in the statute as systems serving 1,000 or fewer subscribers. Pursuant to that mandate, the Commission has created different regulatory approaches that are available to small systems.

The Cable Telecommunications Association (''CATA'') and other groups generally believe that our efforts have not produced the intended result of reducing administrative burdens and costs for smaller systems. Preliminarily, industry associations and individual operators assert that small systems face higher costs than other cable operators. In our Fifth Order on Reconsideration and Further Notice of Proposed Rulemaking (''Fifth Reconsideration Order''), MM Docket No. 92–266 and MM Docket No. 93–215, FCC 94–234, 59 FR 51869 (October 13, 1994), we sought comment on definitions of small businesses that could be used to define eligibility for any special rate or administrative treatment. In response, a number of commenters point out that smaller systems do not qualify for the volume discounts offered by equipment and program suppliers to larger systems. In addition, commenters observe that a smaller system serving a large rural area faces increased construction costs due to the increased amount of cable that must be installed to reach the entire area and increased operating costs given the greater amount of facilities that must be maintained. Moreover, commenters note that the total costs for which a small system is responsible must be recovered from a small subscriber base. Although our current rules take into account the number of subscribers a system has, the commenters are unanimous that the rules do not do so adequately. CATA further asserts that complexities in our rules, and the cost of enforcing them, have discouraged local franchising authorities in smaller communities from seeking certification. While CATA highlights the fact that, even in these circumstances, the mere potential of rate regulation hinders small systems in their attempts to obtain financing and capital, thus increasing their cost of doing business, we are equally concerned that there are local franchising authorities which desire to regulate basic rates but which lack the resources to do so in accordance with our existing rules.

Based on these factors, these groups have urged the Commission to adopt different and less stringent rules for small cable companies. In comments and in a letter to Chairman Reed E. Hundt, CATA proposes an alternative rate regulation scheme that differs significantly from the present method of rate regulation which CATA, and other commenters, claim is too complicated and burdensome. CATA's proposal is as

follows: The Commission should permit local franchising authorities and small systems to create their own alternative rate regulation plan, not based on the Commission's benchmark/cost-of-service rules, but still adhering to the regulatory factors of the 1992 Cable Act. CATA states that alternative regulation should be available to all small systems of 1,000 or fewer subscribers regardless of whether they are currently subject to regulation and without regard to system ownership or affiliation with an MSO of any size. CATA envisions that the parties could agree to regulate rates for the basic service and cable programming service (''CPS'') tiers, as well as going forward, inflation, and external cost issues. Rate increases also could be agreed to in advance. If a small system and a local franchising authority entered into an alternative regulation plan affecting the CPS tier, subscribers could still file a rate complaint with the Commission. Under CATA's proposal, both the small system and the local franchising authority would have to consent to the alternative regulatory framework. If the parties could not agree on an alternative approach, the local franchising authority would regulate rates, if at all, using Commission rules.

Based on comments received in response to the Fifth Reconsideration Order, and in light of other pending petitions for reconsideration, we reconsider on our own motion the Second Order on Reconsideration, Fourth Report and Order, and Fifth Notice of Proposed Rulemaking, MM Docket No. 92–266, FCC 94–38, 59 FR 18064 (April 15, 1994) as it relates to rate regulation of small systems. We believe that, subject to modifications discussed below, the alternative rate regulation framework proposed by CATA is consistent with the spirit and the letter of the Communications Act of 1934, as amended (''Communications Act''). Accordingly, we will establish an alternative form of rate regulation for independent small systems and small systems owned by small MSO's based upon CATA's suggestions. We limit availability of this alternative process to independent small systems and small systems owned by small MSOs because we believe that larger systems have the financial and administrative resources necessary to comply with our benchmark and cost-of-service rate regulations. A small MSO is an MSO serving 250,000 or fewer total subscribers that owns only systems with less than 10,000 subscribers each and has an average system size of 1,000 or fewer subscribers. However, in the future, we may modify our eligibility standards in response to action we take in our proceeding on system size definitions.

Congress acknowledged the special circumstances faced by small systems by specifically directing the Commission to reduce the administrative burdens and cost of compliance for them. We believe that this goal can best be achieved by giving certified local franchising authorities and eligible systems discretion to agree to an alternative form of rate regulation that will involve a traditional bargaining process guided by the specific criteria set forth in the Communications Act as being relevant to the establishment of rates for basic services and cable programming services. This framework will free both the cable operator and the local franchising authority from the burdens and costs of analyzing and applying our benchmark and cost-of-service rules.

While minimizing regulatory burdens, the alternative rate regulation agreements that the parties may create also will further the goal of ensuring reasonable rates by requiring local franchising authorities to take into account specific factors, identified by Congress, when imposing rate regulations for both the basic service tier and cable programming service tiers. With respect to basic service, those criteria are:

[1] The rates for cable systems, if any, that are subject to effective competition;

[2] The direct costs (if any) of obtaining, transmitting, and otherwise providing signals carried on the basic service tier, including signals and services carried on the basic service tier pursuant to paragraph (7)(B) [Communications Act § 623 (b)(7)(B), 47 U.S.C. 543(b)(7)(B)], and changes in such costs;

[3] Only such portion of the joint and common costs (if any) of obtaining, transmitting, and otherwise providing such signals as is determined, in accordance with regulations prescribed by the Commission, to be reasonably and properly allocable to the basic service tier, and changes in such costs;

[4] The revenues (if any) received by a cable operator from advertising from programming that is carried as part of the basic service tier or from other consideration obtained in connection with the basic service tier;

[5] The reasonably and properly allocable portion of any amount assessed as a franchise fee, tax, or charge of any kind imposed by any State or local authority on the transactions between cable operators and cable subscribers or any other fee, tax, or assessment of general applicability imposed by a governmental entity applied against cable operators or cable subscribers;

[6] Any amount required, in accordance with paragraph (4), to satisfy franchise requirements to support public, educational, or governmental channels or the use of such channels or any other services required under the franchise; and

[7] A reasonable profit, as defined by the Commission consistent with the Commission's obligations to subscribers under paragraph (1) [Communications Act § 623 (b)(1), 47 U.S.C. 543(b)(1)].

Among other factors, the criteria to be used in establishing the rates to be charged for cable programming services are:

[1] The rates for similarly situated cable systems offering comparable cable programming services, taking into account similarities in facilities, regulatory and governmental costs, the number of subscribers, and other relevant factors;

[2] The rates for cable systems, if any, that are subject to effective competition;

[3] The history of the rates for cable programming services of the system, including the relationship of such rates to changes in general consumer prices;

[4] The rates, as a whole, for all the cable programming, cable equipment, and cable services provided by the system, other than programming provided on a per channel or per program basis;

[5] Capital and operating costs of the cable system, including the quality and costs of the customer service provided by the cable system; and

[6] The revenues (if any) received by a cable operator from advertising from programming that is carried as part of the service for which a rate is being established, and changes in such revenues, or from other consideration obtained in connection with the cable programming services concerned.

We believe the rules we adopt here properly take into account these statutory factors. As a preliminary matter, we note that alternative rate regulation agreements will present an option for local franchising authorities and small systems. Both parties remain free to insist on analysis under our existing rules, which we have already determined take into account the statutory factors. In addition, we believe that small systems and local franchising authorities in markets where small systems provide service are likely to be familiar with the facts and circumstances underlying the factors for their particular markets. Moreover, the statutory factors must be taken into

account in negotiating alternative rate regulation agreements.

Given its knowledge of local conditions and its experience with the cable operator, the local franchising authority often will be in the best position to assess the relative importance of these criteria and to gather the relevant facts accordingly. Moreover, since a small system is likely to be located in an area with a relatively small population, we expect that the local franchising authority will be particularly responsive to the needs and desires of cable subscribers. This circumstance should give the local franchising authority substantial encouragement and leverage to guard against any attempt by the cable operator to view the alternative framework as an avenue to achieve unreasonable rates. Indeed, unless and until an alternative rate agreement is reached, the local franchising authority will always be able to rely upon the general benchmark/cost-of-service rules, further ensuring the reasonableness of the rates permitted under an alternative rate regulation agreement. Thus, we conclude that rates subject to alternative rate regulation agreements by small systems will be reasonable.

Further, we believe that alternative rate regulation agreements will assist the Commission in ensuring that rates for cable programming services are not unreasonable. As part of the alternative process, certified local franchising authorities are required to take into account relevant statutory factors to ensure that rates for CPS tiers are not unreasonable before entering into the negotiated agreement. The Commission, however, shall retain jurisdiction over cable programming service rates.

As discussed below, the local franchising authority must be certified in accordance with our standard procedures. Before entering into an alternative rate regulation agreement, the local franchising authority must take into account the relevant criteria discussed above and must provide for public notice and comment. Finally, all alternative rate regulation agreements will be subject to Commission review, as mandated by the Communications Act. For data collection purposes, and to assist the Commission in evaluating complaints, eligible cable operators must file with the Commission a copy of the operative alternative rate regulation agreement within 30 days after its effective date.

As with any local franchising authority seeking to enforce rate regulations, a local franchising authority that elects to regulate pursuant to an alternative rate agreement must file the certification required by Section 623(a)(3) of the Communications Act and our rules. The certification process shall be governed by our existing rules applicable to local franchising authorities who wish to regulate cable operators according to the benchmark and cost-of-service rules. No alternative rate regulation agreement will be effective until the effective date of the certification. However, this does not preclude a local franchising authority that has yet to be certified from entering into an alternative rate agreement that is conditioned upon the effectiveness of the local franchising authority's certification. Alternatively, the parties may wait until after the franchising authority is certified to begin their negotiations. A local franchising authority that already is certified by the Commission may enter into an alternative rate agreement with the cable operator at any time. We note that the cable operator will be subject to the standard benchmark/cost-of-service rules upon the expiration of an alternative rate agreement. Thus, the local franchising authority shall accept as reasonable the basic service rate in effect at the time the agreement expires and may apply benchmark/cost-of-service rules on a going-forward basis to determine the reasonableness of proposed changes to basic service rates stemming from external costs, inflation, and the addition, deletion, or substitution of channels.

The alternative approach may be pursued only by agreement of both the cable operator and the local franchising authority. To ensure maximum freedom from regulatory constraints, we will not establish any requirements to control the negotiation process. We note, however, that the scope of alternative agreements is limited exclusively to the regulation of rates charged for basic service and CPS tiers and the equipment used to receive these tiers. Thus, certified local franchising authorities may not enforce state/local negative option billing laws that conflict with federal negative option billing rules. See 47 CFR 76.981. See also Memorandum Opinion & Order, LOI–93–14, DA 95–60 (Cab. Serv. Bur. Jan. 20, 1995); Memorandum Opinion & Order, LOI–93–2, DA 95–61 (Cab. Serv. Bur. Jan. 20, 1995); Consolidated Memorandum Opinion & Order, LOI–93–1, et al., DA 95–106 (Cab. Serv. Bur. Jan. 25, 1995). There are numerous provisions of federal law which may not be waived, even by agreement of the local franchising authority and the small system, unless waivers are provided for in the Commission's rules. These provisions include, but are not limited to, geographically uniform rates structures, tier buy-through prohibitions, technical standards, must-carry obligations, and retransmission consent. See 47 CFR 76.984, 76.921, 76.605, 76.56, 76.64. Moreover, the intention of the alternative framework is not only to ease the cost of compliance with our rules but to ensure that eligible small systems are not required to reduce rates more than required by those rules. Therefore, an alternative rate agreement shall be unenforceable if it requires the cable operator to charge rates lower than would be permitted under the benchmark or cost-of-service rules.

Section 623(a)(3)(C) of the Communications Act requires a local franchising authority to ''provide a reasonable opportunity for consideration of the views of interested parties'' in the course of rate regulation proceedings. Although this provision is applicable to rate proceedings regardless of whether the alternative procedure is followed, we expect this provision to be particularly significant in the context of alternative rate regulation agreements. Active involvement by interested parties at an early stage of the proceedings, i.e., prior to final adoption of an agreement, should reduce the occurrence of complaints after the alternative agreement is implemented. Thus, the local franchising authority shall provide a reasonable opportunity for comment by interested parties, including subscribers, and, based upon its consideration of such comments, modify the agreement to the extent it deems appropriate before submitting the proposal to the cable operator. The local franchising authority need solicit public comment only once and thus is not precluded from entering into an alternative agreement that differs from a proposal that is presented for public comment.

Once a cable operator is subject to rate regulations, the Communications Act and our rules provide various mechanisms for resolving disputes regarding rates and the enforcement of regulations by local franchising authorities. Subscribers and other interested parties may appeal to the Commission a rate decision made by a certified local franchising authority concerning the basic service tier. Our rules also provide for Commission resolution of complaints regarding rates for CPS tiers. The Commission also may review disputes between cable operators and certified local franchising authorities relating to the administration of regulations governing basic service tier rates.

An appeal of a local franchising authority decision approving an alternative rate regulation agreement as it applies to basic service tier rates may be filed with the Commission under our regular procedures. Since we have determined that the agreed upon rate is by definition a reasonable rate, the issue before the Commission will be whether the small system is charging the agreed upon rate and whether the agreement was entered into consistent with our requirements. We also believe it would be useful for potential complainants regarding CPS rates to attempt to resolve their complaints with the local franchising authority when CPS rates are subject to an alternative rate regulation agreement. Given the local franchising authority's role as a party to the agreement, we believe that many CPS rate disputes can be resolved at that level. Thus, we will require as a prerequisite to a CPS complaint to the Commission involving an alternative rate regulation agreement that the complainant provide evidence that he or she was denied the requested relief from the local franchising authority. As with basic service rates, in an FCC complaint the Commission will determine whether the rates are consistent with the agreement and our requirements.

The Commission will resolve all CPS rate complaints pending at the time an alternative rate regulation agreement becomes effective under rules in effect at the time the rates were charged. Parties to an alternative rate regulation agreement must abide by the Commission's decision regarding appropriate remedies for unreasonable rates charged prior to the effective date of an alternative rate regulation agreement. However, the parties remain at liberty to determine reasonable CPS rates to be charged upon the effective date of an alternative rate regulation agreement. We do not believe this will hinder the negotiation process or implementation of an alternative rate regulation agreement because both local franchising authorities and cable operators are served with copies of FCC Form 329 complaints filed with the Commission by a subscriber and will know the status of any complaints at the time negotiations commence. In addition, since entering into an alternative agreement is voluntary, the terms of the agreement shall be binding as between the cable operator and the local franchising authority such that neither party shall be permitted to seek from the Commission relief that is inconsistent with the agreement. Thus, a local franchising authority may not challenge a rate permitted under the terms of the agreement and a cable operator may not seek to increase its rates above what the agreement permits.

We have previously interpreted Section 623(j) of the Communications Act to preclude grandfathering rate agreements entered into after July 1, 1990, in part because we concluded that grandfathering such agreements would conflict with the 1992 Cable Act's intent to abrogate rate agreements entered into after July 1, 1990. The rules we adopt today, permitting certified local franchising authorities to enter into agreements with qualifying cable operators with respect to rates, will be applied in the context of our existing cable rate regulation rules. These rules will provide a framework consistent with the statute, under which any such agreements will be negotiated. In addition, our rules will require local franchising authorities to take into account specific factors identified by Congress when determining rates for both basic and CPS tiers. In light of this requirement, we find such alternative rate agreements, developed in accordance with the statutory factors Congress identified for establishing rules to ensure that basic rates were reasonable and that CPS rates were not unreasonable, consistent with the Communications Act. As such, these agreements do not pose the kinds of conflicts with the 1992 Cable Act that we previously identified when we interpreted Section 623(j) as obviating rate agreements entered into after July 1, 1990.

Administrative Matters

Regulatory Flexibility Act Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, the Commission's final analysis with respect to the Eighth Order on Reconsideration is as follows:

Need and Purpose of this Action. The Commission, in compliance with section 3 of the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. 543 (1992), pertaining to rate regulation, adopts revised rules and procedures intended to ensure that cable services are offered to reasonable rates with minimum regulatory and administrative burdens on cable entities.

Summary of Issues Raised by the Public in Response to the Initial Regulatory Flexibility Analysis. There are no comments submitted in response to the Initial Regulatory Flexibility Analysis. The Chief Counsel for Advocacy of the United States Small Business Administration (SBA) filed comments in the original rulemaking order. The Commission addressed the concerns raised by SBA in the First Report and Order, MM Docket No. 92–266, FCC 93–177, 58 FR 29736 (May 21, 1993).

Significant Alternatives Considered and Rejected. In the course of this proceeding, petitioners representing cable interests and franchising authorities submitted several alternatives aimed at minimizing administrative burdens. The Commission has attempted to accommodate the concerns expressed by these parties. In this Order, the Commission is providing relief to small systems and certified local franchising authorities by permitting them to enter into alternative rate regulation agreements that do not require completion of any forms.

Paperwork Reduction Act

The requirements adopted herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified information collection requirements on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

Ordering Clauses

Accordingly, *it is ordered* That, pursuant to Section 4(i), 4(j), 303(r), 612, and 623 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 532, and 543 the rules, requirements and policies discussed in this Eighth Order on Reconsideration, are adopted and Sections 76.934 and 76.950 of the Commission's rules, 47 CFR Section 76.934 and are amended as set forth in below.

It is further order That, the requirements and regulations established in this decision shall become effective April 14, 1995, with the exception of new reporting requirements which will become effective on that date or as soon thereafter as they may be approved by the Office of Management and Budget.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 76—CABLE TELEVISION SERVICE

1. The authority citation for Part 76 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1101; 47 U.S.C. Secs. 152, 153, 154, 301, 303, 307, 308, 309, 532, 533, 535, 542, 543, 552, as amended, 106 Stat. 1460.

2. Section 76.934 is amended by adding paragraph (f) to read as follows:

§ 76.934 Small systems and small operators.

* * * * *

(f) *Alternative rate regulation agreements.*

(1) Local franchising authorities, certified pursuant to § 76.910, independent small systems, and small systems owned by small multiple system operators as defined by §§ 76.901 and 76.922(b)(5)(A) may enter into alternative rate regulation agreements affecting the basic service tier and the cable programming service tier.

(2) Small systems must file with the Commission a copy of the operative alternative rate regulation agreement within 30 days after its effective date.

(3) Alternative rate regulation agreements affecting the basic service tier shall take into account the following:

(i) The rates for cable systems that are subject to effective competition;

(ii) The direct costs of obtaining, transmitting, and otherwise providing signals carried on the basic service tier, including signals and services carried on the basic service tier pursuant to §§ 76.56 and 76.64, and changes in such costs;

(iii) Only such portion of the joint and common costs of obtaining, transmitting, and otherwise providing such signals as is determined to be reasonably and properly allocable to the basic service tier, and changes in such costs;

(iv) The revenues received by a cable operator from advertising from programming that is carried as part of the basic service tier or from other consideration obtained in connection with the basic service tier;

(v) The reasonably and properly allocable portion of any amount assessed as a franchise fee, tax, or charge of any kind imposed by any State or local authority on the transactions between cable operators and cable subscribers or any other fee, tax, or assessment of general applicability imposed by a governmental entity applied against cable operators or cable subscribers;

(vi) Any amount required to satisfy franchise requirements to support public, educational, or governmental channels or the use of such channels or any other services required under the franchise; and

(vii) A reasonable profit. The rate agreed to in such an alternative rate regulation agreement shall be deemed to be a reasonable rate.

(4) Alternative rate regulation agreements affecting the cable programming service tier shall take into account, among other factors, the following:

(i) The rates for similarly situated cable systems offering comparable cable programming services, taking into account similarities in facilities, regulatory and governmental costs, the number of subscribers, and other relevant factors;

(ii) The rates for cable systems, if any, that are subject to effective competition;

(iii) The history of the rates for cable programming services of the system, including the relationship of such rates to changes in general consumer prices;

(iv) The rates, as a whole, for all the cable programming, cable equipment, and cable services provided by the system, other than programming provided on a per channel or per program basis;

(v) Capital and operating costs of the cable system, including the quality and costs of the customer service provided by the cable system; and

(vi) The revenues received by a cable operator from advertising from programming that is carried as part of the service for which a rate is being established, and changes in such revenues, or from other consideration obtained in connection with the cable programming services concerned. The rate agreed to in such an alternative rate regulation agreement shall be deemed to be a reasonable rate.

(5) Certified local franchising authorities shall provide a reasonable opportunity for consideration of the views of interested parties prior to finally entering into an alternative rate regulation agreement.

(6) A basis service rate decision by a certified local franchising authority made pursuant to an alternative rate regulation agreement may be appealed by an interested party to the Commission pursuant to § 76.944 as if the decision were made according to §§ 76.922 and 76.923.

[FR Doc. 95–6555 Filed 3–16–95; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 22 and 52

[Federal Acquisition Circular 90–23 Correction]

Federal Acquisition Regulation; Technical Correction

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Technical correction.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are issuing a correction to Federal Acquisition Circular 90–23 published on December 28, 1994, at 59 FR 67010. Miscellaneous typographical, editorial, and technical errors appeared in the following areas: FAR Case 91–13—Acquisition of Utility Services, FAR Case 93–27—Cost Accounting Standards Applicability and Thresholds, and in FAR Case 90–62—Construction Contracting.

EFFECTIVE DATE: December 28, 1994.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Fayson at (202) 501–4755, General Services Administration, FAR Secretariat, Washington, DC 20405.

Corrections

41.501 [Corrected]

1. In the **Federal Register** issue of December 28, 1994, under FAR Case 91–13, on page 67022, under 41.501, in the third column, in paragraph (d)(3), in the second line from the bottom of the paragraph following the word ''paragraphs'', ''(f)'' and ''(i)'' should read ''(d)(6)'' and ''(d)(4)'', respectively.

FAR Case 93–27 [Corrected]

2. In the same issue under FAR Case 93–27, on page 67042, in the second column, under **EFFECTIVE DATE**, in the first line at the top, ''February 27, 1994'' should read ''February 27, 1995''.

52.236–27 [Corrected]

3. In the same issue under FAR Case 90–62, on page 67050, in the second column, under paragraph (a), second line from the top, ''Investigations'' should read ''Investigation''.