

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete.</p> <p>In the event that any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.</p> <p>10. <i>Notification Requirements:</i> Texas Eastman must provide a one-time written notification to any State Regulatory Agency to which or through which the delisted waste described above will be transported for disposal at least 60 days prior to the commencement of such activities. Failure to provide such a notification will result in a violation of the delisting petition and a possible revocation of the decision.</p>

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
*	*	*
Texas Eastman .....	Longview, Texas .....	Incinerator ash (at a maximum generation of 7,000 cubic yards per calendar year) generated from the incineration of sludge from the wastewater treatment plant (EPA Hazardous Waste No. K009 and K010, and that is disposed of in Subtitle D landfills after September 25, 1996. Texas Eastman must implement a testing program that meets conditions found in Table 1. Wastes Excluded From Non-Specific Sources for the petition to be valid.

TABLE 3.—WASTES EXCLUDED FROM COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SOIL RESIDUES THEREOF

Facility	Address	Waste description
*	*	*
Texas Eastman .....	Longview, Texas .....	Incinerator ash (at a maximum generation of 7,000 cubic yards per calendar year) generated from the incineration of sludge from the wastewater treatment plant (EPA Hazardous Waste No. U001, U002, U003, U019, U028, U031, U037, U044, U056, U069, U070, U107, U108, U112, U113, U115, U117, U122, U140, U147, U151, U154, U159, U161, U169, U190, U196, U211, U213, U226, U239, and U359, and that is disposed of in Subtitle D landfills after September 25, 1996. Texas Eastman must implement the testing program described in Table 1. Wastes Excluded From Non-Specific Sources for the petition to be valid.

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**FEDERAL COMMUNICATIONS  
COMMISSION**

**47 CFR Parts 32, 43 and 64**

[CC Docket No. 96-193; FCC 96-370]

**Implementation of the  
Telecommunications Act of 1996:  
Reform of Filing Requirements and  
Carrier Classifications**

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule.

**SUMMARY:** This Order revises the Commission's rules to require only annual Automated Reporting Management Information System ("ARMIS") reports and annual Cost Allocation Manual revisions. These changes were required by the Telecommunications Act of 1996. Because the 1996 Act did not specify how we should measure inflation in adjusting references to carrier revenues, we also adopt interim rules to adjust those references for inflation using a generally available inflation index. The intended effect of this action is to

reduce the more frequent filings we previously required.

**EFFECTIVE DATE:** September 25, 1996.

**FOR FURTHER INFORMATION CONTACT:** Valerie Yates, Accounting and Audits Division, Common Carrier Bureau at 202-418-0850.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order implementing Sections 402(b)(2)(B) and 402(c) of the Telecommunications Act of 1996 adopted September 3, 1996 and released September 11, 1996. The full text of this Commission Order is available for inspection and copying during normal business hours in the FCC Public Reference Room (Room 230), 1919 M St., N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcript Service (202) 857-3800, 1919 M St., N.W., Suite 246, Washington, D.C. 20554.

2. The Commission has not published a notice of proposed rulemaking, as allowed by 5 U.S.C. 553(b)(B) when the agency determines, for good cause, that it is unnecessary to publish a proposed rule and obtain comments from interested persons. The Commission has determined that publication of a proposed rule is unnecessary for the following reasons. The rule changes to require only annual ARMIS reports and cost allocation manual revisions merely implement the requirements of the 1996 Act and involve no discretionary action by the Commission. The changes to revenue thresholds are necessary to comply with the effective date of the statutory directive. Providing prior notice and an opportunity to comment would be impracticable and contrary to the public interest.

3. Paperwork Reduction Analysis: Public reporting burden for this collection of information is estimated to average 220 hours per response, including the time frame for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0511), Washington, D.C. 20554 and to the Office of Management and Budget, Paperwork Reduction Project (3060-0511), Washington, D.C. 20503.

#### Ordering Clauses

Accordingly, *it is ordered* that, pursuant to Sections 402(b)(2)(B) and 402(c) of the Telecommunications Act of 1996, Pub. L. No. 104-104, sec. 402(b)(2)(B) and 402(c), and Sections 1, 4, 201-205, 215, 218, 220 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151(a), 154, 201-205, 215, 218 and 220, and Section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. § 553(b)(B), Parts 32, 43, and 64 of the Commission's rules, 47 CFR Parts 32, 43, and 64 are amended, as set forth below.

*It is further ordered* that this Report and Order will be effective September 25, 1996.

#### List of Subjects in 47 CFR Parts 32, 43 and 64

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

Shirley S. Suggs,

*Chief, Publications Branch.*

#### Rule Changes

Parts 32, 43 and 64 of Title 47 of the CFR are amended as follows:

#### PART 32—UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS COMPANIES

1. The authority citation for Part 32 is revised to read as follows:

Authority: 47 U.S.C. 154.

2. Section 32.11 is amended by revising paragraphs (a) (1) and (a)(2) to read as follows:

##### § 32.11 Classification of companies.

(a) \* \* \*

(1) *Class A.* Companies having annual revenues from regulated telecommunications operations that are equal to or above the indexed revenue threshold.

(2) *Class B.* Companies having annual revenues from regulated telecommunications operations that are less than the indexed revenue threshold.

\* \* \* \* \*

3. Section 32.9000 is amended by adding the definition of "Indexed revenue threshold for a given year" in alphabetical order to read as follows:

##### § 32.9000 Glossary of terms.

\* \* \* \* \*

*Indexed revenue threshold for a given year* means \$100 million, adjusted for inflation, as measured by the Department of Commerce Gross Domestic Product Chain-type Price Index (GDP-CPI), for the period from

October 19, 1992 to the given year. The indexed revenue threshold for a given year shall be determined by multiplying \$100 million by the ratio of the annual value of the GDP-CPI for the given year to the estimated seasonally adjusted GDP-CPI on October 19, 1992. The indexed revenue threshold shall be rounded to the nearest \$1 million. The seasonally adjusted GDP-CPI on October 19, 1992 is determined to be 100.69.

\* \* \* \* \*

#### PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

1. The authority citation for Part 43 is revised to read as follows:

Authority: 47 U.S.C. 154.

2. Section 43.21 is amended by revising the first two sentences of paragraph (a), revising paragraph (c), revising the first two sentences of paragraph (d), revising the introductory text of paragraph (f), and adding new paragraph (g) to read as follows:

##### § 43.21 Annual reports of carriers and certain affiliates.

(a) Communication common carriers having annual operating revenues in excess of the indexed revenue threshold, as defined in § 32.9000, and certain companies (as indicated in paragraph (c) of this section) directly or indirectly controlling such carriers shall file with the Commission annual reports or an annual letter as provided in this section. Except as provided in paragraphs (c), (e), (f), and (g) of this section, each annual report required by this section shall be filed not later than March 31 of each year, covering the preceding calendar year. \* \* \*

\* \* \* \* \*

(c) Each company, not itself a communication common carrier, that directly or indirectly controls any communication common carrier that has annual operating revenues equal to or above the indexed revenue threshold shall file annually with the Commission, not later than the date prescribed by the Securities and Exchange Commission for its purposes, two complete copies of any annual report Forms 10-K (or any superseding form) filed with that Commission.

(d) Each miscellaneous common carrier (as defined by § 21.2 of this chapter) with operating revenues for a calendar year in excess of the indexed revenue threshold shall file with the Common Carrier Bureau Chief a letter showing its operating revenues for that year and the value of its total

communications plant at the end of that year. Each record carrier with operating revenues for a calendar year in excess of three-fourths of the indexed revenue threshold shall file a letter showing selected income statement and balance sheet items for that year with the Common Carrier Bureau Chief. \* \* \*

\* \* \* \* \*

(f) Each local exchange carrier with annual operating revenues equal to or above the indexed revenue threshold shall file, no later than April 1 of each year, reports showing:

\* \* \* \* \*

(g) Each local exchange carrier with operating revenues for the preceding year that are equal to or above the indexed revenue threshold shall file, no later than April 1 of each year, a report showing for the previous calendar year its revenues, expenses, taxes, plant in service, other investment and depreciation reserves, and such other data as are required by the Commission, on computer media prescribed by the Commission. The total operating results shall be allocated between regulated and nonregulated operations, and the regulated data shall be further divided into the following categories: State and interstate, and the interstate will be further divided into common line, traffic sensitive access, special access and nonaccess.

3. Section 43.22 is revised to read as follows:

#### **§ 43.22 Quarterly reports of communication common carriers.**

Each designated interstate carrier with operating revenues for the preceding year that are equal to or above the indexed revenue threshold shall file, by March 31, June 30, September 30, and December 31 of each year, a report showing for the previous calendar quarter its revenues, expenses, taxes, plant in service, other investment and depreciation reserves, and such other data as are required by the Commission, on computer media prescribed by the Commission. The total operating results shall be allocated between regulated and nonregulated operations, and the regulated data shall be further divided into the following categories: State and interstate, and the interstate will be further divided into the major services.

4. Section 43.41 is amended by revising the first sentence to read as follows:

#### **§ 43.41 Reports on Inside Wiring Services.**

Each local exchange carrier with annual operating revenues equal to or above the indexed revenue threshold shall file, within thirty (30) days of its publication or release, a copy of any

state or local statute, rule, order, or other document that regulates, or proposes to regulate, the price or prices the local exchange carrier charges for inside wiring services. \* \* \*

5. Paragraph (a) of section 43.43 is revised to read as follows:

#### **§ 43.43 Reports of proposed changes in depreciation rates.**

(a) Each communication common carrier with annual operating revenues equal to or above the indexed revenue threshold and which has been found by this Commission to be a dominant carrier with respect to any communications service shall, before making any change in the depreciation rates applicable to its operated plant, file with the Commission a report furnishing the data described in the subsequent paragraphs of this section, and also comply with the other requirements thereof.

\* \* \* \* \*

### **PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS**

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

Authority: 47 U.S.C. 154.

2. Section 64.903 is amended by revising the introductory text of paragraph (a) and paragraph (b) to read as follows:

#### **§ 64.903 Cost Allocation Manuals.**

(a) Each local exchange carrier with annual operating revenues equal to or above the indexed revenue threshold, as defined in § 32.9000 of this chapter, shall file with the Commission a manual containing the following information regarding its allocation of costs between regulated and nonregulated activities:

\* \* \* \* \*

(b) Each carrier shall ensure that the information contained in its cost allocation manual is accurate. Carriers must update their cost allocation manuals at least annually, except that changes to the cost apportionment table and to the description of time reporting procedures must be filed at least 60 days before the carrier plans to implement the changes. Annual cost allocation manual updates shall be filed on or before the last working day of each calendar year. Proposed changes in the description of time reporting procedures, the statement concerning affiliate transactions, and the cost apportionment table must be accompanied by a statement quantifying the impact of each change on regulated operations. Changes in the description of time reporting procedures and the statement concerning affiliate

transactions must be quantified in \$100,000 increments at the account level. Changes in cost apportionment tables must be quantified in \$100,000 increments at the cost pool level. The Chief, Common Carrier Bureau may suspend any such changes for a period not to exceed 180 days, and may thereafter allow the change to become effective or prescribe a different procedure.

\* \* \* \* \*

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### **47 CFR Part 73**

[MM Docket No. 96-38; RM-8759]

#### **Radio Broadcasting Services; Delta, CO**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 277C2 to Delta, Colorado, as that community's second local FM service, in response to a petition for rule making filed on behalf of Blink Communications, Inc. See 61 FR 10977, March 18, 1996. Coordinates used for Channel 277C2 at Delta are 38°44'24" and 108°04'00". With this action, the proceeding is terminated.

**DATES:** Effective October 28, 1996. The window period for filing applications will open on October 28, 1996, and close on November 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 277C2 at Delta, Colorado, should be addressed to the Audio Services Division, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 96-38, adopted September 6, 1996, and released September 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.