

TABLE 1: ADDITIONAL TOTAL HALOGEN DATA—Continued

Fuel type	Facility	Total Halogen (ppmw)	Heat Value (Btu/lb)
No. 6 fuel oil	American Cyan., Kalamazoo	<45 (non-detect)	18,571
No. 6 fuel oil	American Cyan., Kalamazoo	<45 (non-detect)	18,571
No. 6 fuel oil	Huntsman Poly, Woodbury	<100 (non-detect)	18,500
No. 6 fuel oil	Huntsman Poly, Woodbury	<100 (non-detect)	18,500
No. 6 fuel oil	Huntsman Poly, Woodbury	<100 (non-detect)	18,500
No. 6 fuel oil	Huntsman Poly, Woodbury	<100 (non-detect)	18,500
No. 6 fuel oil	Huntsman Poly, Woodbury	<100 (non-detect)	18,500
No. 6 fuel oil	Huntsman Poly, Woodbury	<100 (non-detect)	18,500
No. 6 fuel oil	Rohm & Haas, Philadelphia	109	18,967
No. 6 fuel oil	Rohm & Haas, Philadelphia	110	18,881
No. 6 fuel oil	Rohm & Haas, Philadelphia	171	18,976
No. 6 fuel oil	Rohm & Haas, Bristol	180	18,400
No. 6 fuel oil	Rohm & Haas, Philadelphia	840	18,300
No. 6 fuel oil	Rohm & Haas, Philadelphia	840	18,600
No. 6 fuel oil	Rohm & Haas, Philadelphia	590	18,400
No. 6 fuel oil	Rohm & Haas, Philadelphia	660	18,300
No. 6 fuel oil	Rohm & Haas, Philadelphia	1000	18,400

TABLE 2: TOTAL HALOGEN DATA FROM PROPOSED RULE

No. 2 fuel oil	EPA sample 8835-001	<25 (non-detect)	19,583
No. 2 fuel oil	EPA sample 8835-002	<25 (non-detect)	19,610
No. 2 fuel oil	EPA sample 8835-003	<25 (non-detect)	19,823
No. 2 fuel oil	EPA sample 8835-004	<25 (non-detect)	19,755
No. 2 fuel oil	EPA sample 8835-005	<25 (non-detect)	19,763
No. 2 fuel oil	EPA sample 8835-006	<25 (non-detect)	19,891
No. 2 fuel oil	EPA sample 8835-007	<25 (non-detect)	19,570
No. 2 fuel oil	EPA sample 8835-008	<25 (non-detect)	19,865
No. 2 fuel oil	EPA sample 8835-009	<25 (non-detect)	19,942
No. 2 fuel oil	EPA sample 8835-010	<25 (non-detect)	20,000
No. 2 fuel oil	EPA sample 8835-011	<25 (non-detect)	19,745
Gasoline	EPA sample 8835-001	<25 (non-detect)	19,506
Gasoline	EPA sample 8835-002	<25 (non-detect)	19,394
Gasoline	EPA sample 8835-003	<25 (non-detect)	19,687
Gasoline	EPA sample 8835-004	<25 (non-detect)	19,420
Gasoline	EPA sample 8835-005	<25 (non-detect)	19,189
Gasoline	EPA sample 8835-006	<25 (non-detect)	19,924
Gasoline	EPA sample 8835-007	<25 (non-detect)	19,373
Gasoline	EPA sample 8835-008	<25 (non-detect)	19,552

Dated: August 25, 1997.

Elizabeth A. Cotsworth,

Acting Director Office of Solid Waste.

[FR Doc. 97-23843 Filed 9-8-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 54 and 64

[CC Docket Nos. 96-45; 97-21; FCC 97-292]

Changes to the Board of Directors of the National Exchange Carrier Association, Inc. and Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Further Notice of Proposed Rulemaking released August 15, 1997 proposes to amend the Commission's rules regarding revenue information submitted to NECA by TRS contributors. The proposed rules would permit USAC, NECA, to the extent that it is acting on behalf of USAC, and the permanent universal service Administrator, to use revenue data submitted to the TRS Administrator by TRS contributors in order to verify revenue information provided on the Universal Service Worksheet by contributors to the universal service support mechanisms.

DATES: Comments are to be filed on or before September 11, 1997. Reply comments are to be filed on or before September 26, 1997.

ADDRESSES: Office of the Secretary, Federal Communications Commission,

1919 M Street, NW., Room 222, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Valerie Yates, Legal Counsel, Common Carrier Bureau, (202) 418-1500 or Sheryl Todd, Common Carrier Bureau, (202) 418-7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking adopted and released on August 15, 1997. The full text is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M St., N.W., Washington, D.C. Pursuant to the Telecommunications Act of 1996, the Commission released a Notice of Proposed Rulemaking and Order Establishing a Joint Board, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, on March 8, 1996 (61 FR 10499 (March 14, 1996)), a

Recommended Decision on November 8, 1996 (61 FR 63778 (December 2, 1996)), a Public Notice seeking comment on rules to implement §§ 254 and 214(e) of the Communications Act of 1934, as amended, relating to universal service on November 18, 1996 (61 FR 63778 (December 2, 1996)), a Notice of Proposed Rulemaking in Changes to the Board of Directors of the National Exchange Carrier Association, Inc. in CC Docket No. 97-21, on January 10, 1997 (62 FR 2636 (January 17, 1997)), a Report and Order in Federal-State Joint Board on Universal Service, CC Docket No. 96-45, on May 8, 1997 (62 FR 32862 (June 17, 1997)), and a Report and Order and Second Order on Reconsideration in Changes to the Board of Directors of the National Exchange Carrier Association, Inc. and Federal-State Joint Board on Universal Service, CC Docket Nos. 97-21 and 96-45, on July 18, 1997 (62 FR 41294 (August 1, 1997)). The Further Notice of Proposed Rulemaking certifies, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), that the proposed rule amendments would not have a significant economic impact on a substantial number of small entities and seeks comment on this tentative conclusion.

Summary of Further Notice of Proposed Rulemaking

I. Further Notice of Proposed Rulemaking

In this Further Notice of Proposed Rulemaking (FNPRM) we propose to amend § 64.604(c)(4)(iii)(I) of the Commission's rules to permit the use of TRS Fund revenue data by USAC, NECA, to the extent that it is acting on behalf of USAC, and the permanent universal service Administrator to enable those entities to verify revenue information provided by contributors pursuant to the Universal Service Worksheet. Although § 64.604(c)(4)(iii)(I) specifically provides that the Commission may order the disclosure of the underlying revenue data contained in the TRS Fund database, we note that the rule also imposes limitations regarding permissible use of the data. Therefore, in light of the limitations imposed on NECA by § 64.604(c)(4)(iii)(I) regarding permissible use of the data, and consistent with our prior practice, we propose to amend the rule rather than directing NECA, in its capacity as TRS Administrator, to disclose the data to the universal service Administrator. Accordingly, we propose to amend the rule to state that the TRS Fund data also may be used by USAC, NECA, to the extent that it is acting on behalf of

USAC, and the permanent universal service Administrator, for the purpose of verifying revenue information provided by contributors to the universal service support mechanisms. We further propose to amend § 54.711(b) to clarify that, except as specified here, the duty of NECA, USAC, and the permanent Administrator to keep confidential all data obtained from universal service contributors, not to use such data except as provided in the proposed rule amendment, and not to disclose the information in company-specific form unless directed to do so by the Commission extends to data obtained from the TRS Fund as well.

We tentatively conclude that these proposed amendments are sufficient to maintain the confidentiality of the TRS Fund revenue data disclosed to the universal service Administrator in light of the restrictions we propose to impose upon their use. We seek comment on this tentative conclusion and the proposed rule amendments set forth below.

II. Procedural Matters

A. Ex Parte

The FNPRM is a permit-but-disclose notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules.

B. Regulatory Flexibility

Section 603 of the Regulatory Flexibility Act (RFA), as amended, requires an Initial Regulatory Flexibility Analysis in notice and comment rulemaking proceedings, unless the head of the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The FNPRM portion of this proceeding applies only to NECA's obligation to disclose certain TRS Fund data to the universal service Administrator.

For the purposes of this FNPRM, the RFA defines a "small business" to be the same as a "small business concern" under the Small Business Act, unless the Commission has developed one or more definitions that are appropriate to its activities. Under the Small Business Act, a "small business concern" includes a small organization, which is defined as a non-profit enterprise that is independently owned and operated and is not dominant in its field. NECA is a non-profit, quasi-governmental association that was created to administer the Commission's interstate

access tariff and revenue distribution processes. Therefore, NECA is not a small organization within the meaning of the RFA. Furthermore, this FNPRM does not apply to other "small business concerns" because it proposes to modify a rule that applies only to NECA. For this reason, we tentatively conclude that these proposals would not have a significant economic impact on a substantial number of small entities.

We therefore certify, pursuant to section 605(b) of the RFA, that the proposed rule amendments would not have a significant economic impact on a substantial number of small entities. We seek comment on this tentative conclusion. The Commission shall publish this certification in the **Federal Register**, and shall provide a copy of this FNPRM, including this certification, to the Chief Counsel for Advocacy of the Small Business Administration.

C. Effective Date

We find that the conclusions adopted herein should become effective immediately upon release of the Order.

D. Procedures for Filing Comments

We invite comment on the proposed rule amendments, issues, and tentative conclusion set forth in the Further Notice of Proposed Rulemaking. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file FNPRM comments on or before September 11, 1997 and reply comments on or before September 26, 1997. To file formally in this proceeding, parties must file an original and six copies of all comments, reply comments, and supporting comments. Parties that want each Commissioner to receive a personal copy, must file an original plus eleven copies. Parties should send comments and reply comments to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. Five courtesy copies should also be sent to Sheryl Todd at 2100 M Street, N.W., Room 8611, Washington, D.C. 20554. Parties should also file one copy of any document filed in this docket with the Commission's copy contractor, International Transcription Services, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. ITS's telephone number is 202-857-3800. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments must

include a concise summary of the substantive arguments raised in the pleading.

Parties are also asked to submit comments on diskette. Diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Sheryl Todd at 2100 M Street, N.W., Room 8611, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette in an IBM compatible format using WordPerfect 5.1 for Windows software in a "read only" mode. The diskette should be accompanied by a cover letter. For further information concerning this proceeding, contact Sheryl Todd, Accounting and Audits Division, Common Carrier Bureau at 202-418-7400.

III. Ordering Clauses

It is further ordered, pursuant to sections 1-4, 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, and 254 that notice is hereby given of proposed amendments to parts 64 and 54 of the Commission's Rules, 47 CFR parts 64 and 54, as described in the further notice of proposed rulemaking in CC Docket No. 97-21 and comments are requested as described above.

List of Subjects

47 CFR part 54

Universal service.

47 CFR part 64

Communications common carriers.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Rule Changes

Parts 54 and 64 of title 47 of the Code of Federal Regulations are proposed to be amended as follows:

PART 54—UNIVERSAL SERVICE

1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. Secs. 1, 4(i), 201, 214, and 254, unless otherwise noted.

2. Section 54.711 is proposed to be amended by revising paragraph (b) to read as follows:

Section 54.711 Contributor reporting requirements.

* * * * *

(b) The Commission shall have access to all data reported to the Administrator, Schools and Libraries Corporation, and Rural Health Care Corporation. Contributors may make requests for

Commission nondisclosure of company-specific information under § 0.459 of this chapter at the time that the subject data are submitted to the Administrator. The Commission shall make all decisions regarding nondisclosure of company-specific information. The Administrator, Schools and Libraries Corporation, and Rural Health Care Corporation shall keep confidential all data obtained from contributors, including all data obtained from the Administrator of the Telecommunications Relay Service Fund, shall not use such data except for purposes of administering the universal service support programs, and shall not disclose such data in company-specific form unless directed to do so by the Commission.

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PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. Sec. 154 unless otherwise noted.

2. Section 64.604 is amended by revising paragraph (c)(4)(iii)(I) to read as follows:

Section 64.604 Mandatory minimum standards.

* * * * *

(c) * * *

(4) * * *

(iii) * * *

(I) *Information filed with the administrator.* The administrator shall keep all data obtained from contributors and TRS providers confidential and shall not disclose such data in company-specific form unless directed to do so by the Commission. The administrator shall not use such data except for purposes of administering the TRS Fund, enabling the universal service Administrator to verify revenue information provided by contributors to the universal service support mechanisms, calculating the regulatory fees of interstate common carriers, and aggregating such fee payments for submission to the Commission. The Commission shall have access to all data reported to the administrator, and authority to audit TRS providers.

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BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-193, RM-9125]

Radio Broadcasting Services; Kaunakakai, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Native Hawaiian Broadcasting seeking the allotment of FM Channel 272C to Kaunakakai, Hawaii, as that community's first local aural transmission service. Coordinates used for this proposal are 21-05-30 and 157-01-24.

DATES: Comments must be filed on or before October 20, 1997, and reply comments on or before November 4, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dan J. Alpert, Esq., The Law Office of Dan J. Alpert, 2120 N. 21st Rd., Suite 400, Arlington, VA 22201.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-193, adopted August 20, 1997, and released August 29, 1997. 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 contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.