

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

Facility	Address	Waste description
		(7) <i>Notification Requirements:</i> Occidental Chemical must provide a one-time written notification to any State Regulatory Agency to which or through which the debited 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.
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TABLE 2. WASTES EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
Occidental Chemical	Ingleside, Texas	Limestone sludge, (at a maximum generation of 1,114 cubic yards per calendar year) Rockbox Residue, (at a maximum generation of 128 cubic yards per calendar year) and Caustic Neutralized Wastewater, (at a maximum generation of 148,282 cubic yards per calendar year) generated by Occidental Chemical using the wastewater treatment process to treat the Rockbox Residue, the Limestone Sludge, and the Caustic Neutralized Wastewater (EPA Hazardous Waste No. K019, K020. Occidental Chemical must implement a testing program that meets conditions found in Table 1. Wastes Excluded From Non-Specific Sources for the petition to be valid.
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FEDERAL COMMUNICATIONS COMMISSION**47 CFR 61****[IB Docket No. 98-60; FCC 98-78]****Policies and Rules for Alternative Incentive Based Regulation of Comsat Corporation****AGENCY:** Federal Communications Commission.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Commission has issued a notice of proposed rulemaking to consider replacing traditional rate of return regulation with an alternative incentive based regulation plan for Comsat Corporation ("Comsat") with respect to Comsat's provision of INTELSAT switched voice, private line and occasional-use video services to those markets where the Commission finds it dominant. The Commission believes that its current rate of return regulation that would be applicable to Comsat's dominant markets may no longer be an efficient or effective means of regulating Comsat's rates and may not create adequate efficiency incentives for Comsat. Therefore, the Commission invites interested parties to file comments in response to the Commission's tentative conclusions set forth in the notice of proposed

rulemaking regarding alternative incentive based regulation for Comsat's dominant markets.

DATES: Interested parties may file comments by May 26, 1998 and reply comments by June 5, 1998.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Daniel Connors, International Bureau, Satellite Policy Branch, (202) 418-0755; or Kathleen Campbell, International Bureau, Satellite Policy Branch (202) 418-0753.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking in IB Docket No. 98-60 that is contained in the Commission's Order and Notice of Proposed Rulemaking; FCC 98-78, adopted April 24, 1998, and released April 28, 1998. The complete text of the Order and Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C., and from the Commission's world-wide-web page on the Internet (<http://www.fcc.gov>), and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, D.C. 20037. Because this Notice of Proposed Rulemaking contains information

collections that affect less than 10 persons and, therefore, is not subject to the Paperwork Reduction Act of 1995, Public Law 104-13. As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Certification certifying that the proposed rule will not impact small entities.

1. The Initial Regulatory Flexibility Certification necessary to comply with the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*, is set forth below.

2. The Paperwork Reduction Act does not apply to the rules adopted herein because such rules apply to less than 10 persons.

Initial Regulatory Flexibility Certification

3. The Regulatory Flexibility Act ("RFA") requires that an initial regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." U.S.C. § 605(b). The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." *Id.* § 601(6). In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. *Id.* § 601(3). A small business concern is one which: (a) is

independently owned and operated; (b) is not dominant in its field of operation; and (c) satisfies any additional criteria established by the Small Business Administration ("SBA"). See 15 U.S.C. § 632.

4. The Order and Notice of Proposed Rulemaking is an order reclassifying Comsat as a non-dominant common carrier in certain INTELSAT markets. The Order and Notice of Proposed Rulemaking contains a notice of proposed rulemaking ("Notice") proposing rules that will apply to Comsat. The *Notice* indicates that the Commission will consider replacing the current rate of return regulations applicable to Comsat's INTELSAT switched voice, private line and occasional-use video services in the markets, where Comsat continues to be subject to dominant common carrier regulation, with an alternative form of incentive based regulation similar to a price cap. The *Notice* tentatively concludes: (a) that any alternative incentive based regulation plan that the Commission adopts for Comsat with

respect to its services in dominant markets remain in effect for an indefinite period of time, rather than expiring after three years; and (b) that any alternative incentive based regulation plan that the Commission adopts for Comsat with respect to its services in dominant markets allow all users of Comsat's service in dominant markets to benefit from a competitive or "transaction" rate rather than the non-discounted tariffed rate that would result from Comsat's uniform pricing commitment. The *Notice* invites Comsat and other interested parties to comment on these tentative conclusions. If commenters believe that the proposed rules discussed in the *Notice* require additional RFA analysis, they should include a discussion of this in their comments.

5. The Commission has not developed a definition of small entities applicable to satellite service licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to Communications Services "Not Elsewhere Classified." This

definition provides that a small entity is one with \$11 million or less in annual receipts. 13 CFR § 121.201. The proposed rules will apply only to Comsat's INTELSAT services in markets where the Commission finds Comsat dominant. Comsat's 1996 INTELSAT revenues were in excess of \$11 million. Thus, Comsat does not qualify as a small entity under the SBA's definition. We therefore certify that the proposed rules in this *Notice* will not apply to any small entities.

6. The Commission's Office of Public Affairs, Reference Operations Division, will send a copy of this *Notice*, including this certification, to the Chief Counsel for Advocacy of the SBA.

List of Subjects in 47 CFR 61

Satellites.
Federal Communications Commission.
Magalie Roman Salas,
Secretary.
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