

CFR Sections 1.1202, 1.1203, and 1.1206(a).

12. As required by section 603 of the Regulatory Flexibility Act of 1980, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals in this document. The IRFA is set forth in the paragraph below. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. P.L. No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601, *et seq.* (1980).

13. Initial Regulatory Flexibility Analysis. *Reason for Action:* The Telecommunications Act of 1996 permits a Bell Operating Company, through a separate subsidiary, to engage in the manufacture of telecommunications equipment and customer premises equipment after the Commission authorizes the company to provide in-region interLATA services. As one of the safeguards for the manufacturing process, the Telecommunications Act of 1996 amended the Communications Act by creating a new section 273, which sets forth procedures for a "non-accredited standards development organization," such as Bell Communications Research, Inc., to set industry standards for manufacturing such equipment. The statutory procedures allow outside parties to participate in setting the organization's standards and require the organization and the parties to attempt to develop a process for resolving any technical disputes. Section 273(d)(5) requires the Commission "to prescribe a dispute resolution process" to be used in the event that all parties cannot agree to a mutually satisfactory dispute resolution process. 47 U.S.C. § 273(d)(5). This rulemaking proceeding was initiated to secure comment on our proposal to rely on binding arbitration as this dispute resolution process. The proposals advanced in this *Notice* are also designed to implement Congress' goal of establishing procedures "to enable all interested parties to influence the final resolution of the dispute without significantly impairing the

efficiency, timeliness and technical quality of the activity." H.R. Conf. Rep. No. 230, 104th Cong., 2d Sess. 39 (1996).

Objectives: The Commission proposes a dispute resolution process that requires parties to rely on binding arbitration which appears to be the most feasible option given the 30 day period for completing the dispute resolution process. It also seeks to adopt rules that conform to specific statutory parameters. Section 273(d)(5) directs that the Commission "shall not establish itself as a party to the dispute resolution process," that the process shall permit resolution "in an open, non-discriminatory and unbiased fashion within 30 days after the filing of such dispute" and that the Commission will "establish penalties to be assessed for delays caused by referral of frivolous disputes to the dispute resolution process." 47 U.S.C. 273(d)(5).

Legal Basis: The proposed action is authorized under the Communications Act, sections 4(i), 4(j), 273(d)(5), 303(r) and 403 of the Communications Act, 47 U.S.C. §§ 154 (i) and (j), 273(d)(5), 303(r), and 403.

Reporting, Recordkeeping, and Other Compliance Requirements: The dispute resolution requirement contained in this *Notice*, if adopted, will require parties to use binding arbitration in the event that all parties cannot agree to a dispute resolution process. No reporting or recordkeeping requirements are proposed in this *Notice*.

Federal Rules Which Overlap, Duplicate or Conflict With These Rules: None.

Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives: This *Notice* solicits comments on a variety of alternatives. Any additional significant alternatives presented in the comments will also be considered.

IRFA Comments: We request written comments on the foregoing Initial Regulatory Flexibility Analysis. Comments must have a separate and distinct heading designating them as responses to the IRFA and must be filed by the comment deadlines set forth in this *Notice*.

14. Authority to conduct this inquiry is given in sections 4(i), 4(j), 273(d)(5), 303(r) and 403 of the Communications Act, 47 U.S.C. 154 (i) and (j), 273(d)(5), 303(r) and 403.

15. Further information on this proceeding may be obtained by contacting Sharon B. Kelley, Office of the General Counsel, 202/418-1720.

List of Subjects in 47 CFR Part 64

Communications common carriers, Dispute resolution process, Manufacturing by Bell operating companies, Non-accredited standards development organization, Penalties for delaying parties.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-5824 Filed 3-11-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 65

[CC Docket No. 96-22; FCC 96-63]

Interstate Rate of Return Prescription Procedures and Methodologies, Subpart G, Rate Base

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission proposes to amend its rules regarding, "Interstate Rate of Return Prescription Procedures and Methodologies," to revise the rate base treatment of prepaid postretirement benefits other than pensions (OPEB) costs recorded in Account 1410, Other Noncurrent Assets, and all items in Account 4310, Other Long-Term Liabilities, including accrued liabilities related to OPEBs. The Commission is taking this action to update its interstate rate base rules so that items of similar nature can be afforded uniform treatment under the rate base rules.

DATES: Comments must be filed on or before April 12, 1996, and reply comments must be filed on or before May 14, 1996.

ADDRESSES: Comments should be addressed to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn or Thaddeus Machcinski, Common Carrier Bureau, Accounting and Audits Division, (202) 418-0800.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Federal Communications Commission's Notice of Proposed Rulemaking in CC Docket No. 96-22, Amendments to Part 65, Interstate Rate of Return Prescription Procedures and Methodologies, Subpart G, Rate Base, FCC 96-63, adopted February 20, 1996 and released March 7, 1996. The complete text of the Notice of Proposed Rulemaking is available for

inspection and copying during normal business hours in the Commission's Reference Center, Room 239, 1919 M Street, N.W., Washington D.C. 20554, and may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., at 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, telephone number (202) 857-3800.

Synopsis of Notice of Proposed Rulemaking

1. The Notice of Proposed Rulemaking invites comment on proposals to revise the rate base treatment of prepaid postretirement benefits other than pensions (OPEB) costs recorded in Account 1410, Other Noncurrent Assets, and all items in Account 4310, Other Long-Term Liabilities, including accrued liabilities related to OPEBs. The Commission notes that it does not agree with the suggestion by some parties that modification of its Part 65 regulations be deferred until the conclusion of several pending investigations of LEC tariffs, which include exogenous adjustments for OPEB costs, but invites comment on this issue.

2. The Notice of Proposed Rulemaking proposes to include prepaid OPEB costs recorded in Account 1410, Order Noncurrent Assets, in the interstate rate base. The rationale for this action is our tentative conclusion that prepaid OPEB costs in excess of the SFAS-106 cost calculation earn a return, which benefits ratepayers by reducing amounts companies must accrue in future periods. Because investors fund these excess prepayments, this Notice proposes to include these excess prepayments in the rate base. The Commission invites comment on this proposal.

3. Currently, unfunded accrued pension costs recorded in Account 4310 are removed from the rate base, although other items recorded in Account 4310, such as accrued OPEB liabilities, are not removed from the rate base. The Notice of Proposed Rulemaking proposes to accord to the accrued OPEB liabilities recorded in Account 4310 the same rate base treatment presently accorded to unfunded accrued pension costs without modifying the rate base treatment for other items recorded in Account 4310. Alternatively, the Notice of Proposed Rulemaking also proposes to exclude all amounts recorded in Account 4310 from the interstate rate base. It is the Commission's tentative conclusion that all items recorded in Account 4310 should be removed from the rate base because these amounts are zero-cost sources of funds, those funds

provided to a carrier without cost to investors. The Commission invites comment on these proposals.

4. In the Notice the Commission states that this rulemaking is a non-restricted notice and comment proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules, 47 CFR 1.1202, 1.1203, 1.1206.

5. In the Notice the Commission certifies that the Regulatory Flexibility Act of 1980 does not apply to this rulemaking proceeding because if the proposals in this proceeding are adopted, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. Because of the nature of local exchange and access service, the Commission has concluded that LECs, including small LECs, are dominant in their fields of operation and therefore are not "small entities" as defined by that act. The Secretary has sent a copy of this Notice of Proposed Rulemaking, including the certification, to the Chief Counsel for advocacy of the Small Business Administration in accordance with Section 603(a) of that act.

Ordering Clause

6. Accordingly, IT IS ORDERED that, pursuant to Sections 1, 4(i), 4(j), 201 through 205, 220, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201 through 205, 220 and 403, notice is hereby given of proposed amendments to Part 65, Subpart G of the Commission's Rules, 47 CFR Part 65, Subpart G, as described in the Notice of Proposed Rulemaking.

List of Subjects in 47 CFR Part 65

Administrative practice and procedure; Communications common carriers; Reporting and recordkeeping requirements; Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-5826 Filed 3-11-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

49 CFR Part 40

Federal Aviation Administration

14 CFR Part 121

Research and Special Programs Administration

49 CFR Part 199

Federal Railroad Administration

49 CFR Part 219

Federal Highway Administration

49 CFR Part 382

Federal Transit Administration

49 CFR Part 653 and 654

[OST Docket No. OST-96-1132, Notice 96-3]

RIN 2105-AC33

Amendment to Definition of "Substance Abuse Professional"

AGENCIES: Office of the Secretary, Federal Aviation Administration, Research and Special Programs Administration, Federal Highway Administration, Federal Railroad Administration, Federal Transit Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: Each of the Department's alcohol testing rules include a definition of a substance abuse professional. By this action, the Department is consolidating these definitions into its Department-wide testing procedures rule and adding to the definition substance abuse professionals certified by the International Certification Reciprocity Consortium.

DATES: Comments should be received by April 11, 1996. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Comments should be sent, preferably in triplicate, to Docket Clerk, Docket No. OST-96-1132, Department of Transportation, 400 7th Street, S.W., Room PL-400, Washington, D.C. 20590. Comments will be available for inspection at this address from 9:00 a.m. to 5:30 p.m., Monday through Friday. Commenters who wish the receipt of their comments to be acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will date-stamp the postcard and mail it back to the commenter.