CAS No.	Chemical Name	FR cite	Sunset dates
116–15–4	Hexafluoropropene	52 FR 21516, 6/8/87	Jan 22, 1994
123–31–9	Hydroquinone	50 FR 53145, 12/30/85	Dec. 11, 1994
149–57–5	2-Ethylhexanoic Acid	51 FR 40318, 11/6/86	June 19, 1993
328-84-7	3,4-Dichlorobenzotrifluoride	52 FR 23547, 6/23/87	Dec. 5, 1993
25550-98-5	Diisodecyl Phenyl Phosphite	54 FR 8112, 2/24/89	May 21, 1995

¹ Only substances obtained from the reforming of crude petroleum.

§§ 799.500, 799.925, 799.940, 799.1051, 799.1052, 799.1054, 799.1250, 799.1285, 799.1550, 799.1650, 799.2175, 799.2200, 799.3175, 799.3450, 799.4000, 799.4400 [Removed]

d. Sections 799.500, 799.925, 799.940, 799.1051, 799.1052, 799.1054, 799.1250, 799.1285, 799.1550, 799.1650, 799.2175, 799.2200, 799.3175, 799.3450, 799.4000, and 799.4400 are removed.

§799.5000 [Amended]

e. Section 799.5000 is amended by removing from the table the complete entries for the following substances and/ or mixtures: Aniline, 2-nitroaniline, 2chloroaniline, 3,4-dichloroaniline, 2,4dinitroaniline, 2,6-dicloro-4nitroaniline, 4-nitroaniline, 4chloroaniline, 3,4dichlorobenzotrifluoride, and diisodecyl phenyl phosphite.

[FR Doc. 95–14910 Filed 6–16–95; 8:45 am] BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 87-266; FCC 95-203]

Cross-Ownership Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has voted to adopt the tentative conclusion regarding the Commission's legal authority to grant waivers to telephone companies allowing them to provide video programming directly to subscribers in their telephone service areas. For "good cause" the Commission may waive Section 613(b) of the Communications Act, the cable-telco cross-ownership restriction, where a waiver is "justified by the particular circumstances." In response to the decisions of the Fourth and Ninth Circuits which found Section 613(b) unconstitutional on First Amendment grounds, the Commission concluded that under Section 613(b)(4), the waiver provision, it has the legal

authority to grant waivers to allow telephone companies to provide video programming in their telephone service areas on video dialtone networks. The Commission further concluded that waiving the restriction in that manner is fully consistent with the language of the statute and Section 613(b)'s underlying policy, and obviates the constitutional infirmities identified by the court of appeals. This order is intended to provide guidance to the public regarding the Commission's legal authority to grant waivers of the cabletelco cross-ownership rule to telephone companies seeking to provide video programming directly to subscribers in their telephone service areas.

EFFECTIVE DATE: June 19, 1995.

FOR FURTHER INFORMATION CONTACT: Aliza Katz, Office of General Counsel, (202) 418–1720.

SUPPLEMENTARY INFORMATION: A summary of the Commission's Third Report and Order (TR&O), adopted May 16, 1995 and released May 16, 1995, is set forth below. The full text of this document is available for inspection and copying during normal business hours in the Administrative Law Division, Office of General Counsel (Room 616), 1919 M Street NW., Washington, DC. The full text may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS), 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Third Report and Order

Introduction. In this Third Report and *Order,* we adopt the tentative conclusion set forth in the *Fourth* Further Notice of Proposed Rulemaking ("Fourth FNPRM"), 60 FR 8996, February 16, 1995, in the above captioned docket regarding the Commission's legal authority to waive Section 613(b) of the Communications Act, 47 U.S.C. § 533(b). Section 613(b) generally prohibits telephone companies from providing "video programming directly to subscribers in the[ir] telephone service area.' However, the statute expressly authorizes us to waive the restriction for

"good cause." We conclude that Section 613(b)(4) authorizes us to grant waivers to allow telephone companies to provide video programming directly to subscribers in their telephone service areas under certain conditions. In particular, in response to decisions of the Fourth and Ninth Circuits, we conclude that under Section 613(b)(4)we have the legal authority to grant waivers allowing telephone companies to provide video programming in their telephone service areas on video dialtone networks. We adopt that construction of the waiver provision because it is fully consistent with the language of the statute and Section 613(b)'s underlying policy, and because waiving the restriction in that manner obviates the constitutional infirmities identified by the courts of appeals.

2. Background and Summary. Section 613(b), the "cable-telco cross-ownership rule," prohibits a telephone company from operating a cable system where it has a monopoly on local telephone service. Although Section 613(b) does *not* bar a telephone company from acting as a conduit to carry video programming selected and provided by an unaffiliated party, it *does* generally bar a telephone company from selecting (or "exerting editorial control over") and providing the video programming carried over its wires in its local service area. Two counts of appeals, the Fourth and Ninth Circuits, have recently held Section 613(b) unconstitutional because it prohibits telephone companies from choosing the video programming to be provided in their local exchange telephone service areas altogether. See US West, Inc. v. United States, 48 F.3d 1092 (9th Cir. 1995) (US West); Chesapeake and Potomac Tel. Co. v. United States, 42 F.3d 181 (4th Cir. 1994) (*C&P*). In so holding, both courts referred to the Commission's 1992 recommendation to Congress is our video dialtone docket, a proposal that the Ninth Circuit described in US West as a "more speech-friendly plan" than the absolute ban contained in the statute. Under the Commission's legislative recommendations, as described by the Fourth Circuit in *C&P*, "telephone companies' editorial control