ACTION: Notice of final determination on the Commonwealth of Massachusetts' application for final approval.

SUMMARY: The Commonwealth of Massachusetts has applied for final approval of its Underground Storage Tank (UST) Program under Subtitle I of the Resource Conservation and Recovery Act, 42 U.S.C. 9004. The Environmental Protection Agency (EPA) has reviewed Massachusetts's application and has reached a final determination that Massachusetts's UST Program satisfies all the requirements necessary to qualify for final approval. Thus, EPA is granting final approval to Massachusetts to operate its program in lieu of the Federal UST program.

EFFECTIVE DATE: Final approval for the Commonwealth of Massachusetts' UST Program shall be effective at 1:00 p.m. on April 17, 1995.

FOR FURTHER INFORMATION CONTACT: Myra Schwartz, Office of Underground Storage Tanks, HPU–CAN7, U.S. EPA, Region I, JFK Federal Building, Boston, MA 02203, (617) 573–5743.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) enables EPA to approve state underground storage tank programs to operate in a state in lieu of the Federal UST program. To qualify for final authorization, a state's program must: (1) Be ''no less stringent'' than the Federal program, and (2) provide for adequate enforcement. Section 9004 (a) and (b) of RCRA, 42 U.S.C. 6991c (a) and (b).

On October 5, 1992, as required by 40 CFR 281.50(c), EPA acknowledged receiving from Massachusetts a complete official application requesting final approval to administer its UST program. On May 17, 1994, EPA published a tentative decision announcing its intent to grant Massachusetts final approval of its program. See 59 FR 25588 (1994). Further background on EPA's tentative decision to grant approval is included in that decision.

Along with the tentative determination, EPA announced the availability of the application for public comment and the date of a public hearing on the application. EPA received written and oral comments on the application, and a public hearing was held on June 30, 1994.

Three commentators raised concerns regarding the applicability of environmental justice to the Massachusetts UST program implementation. EPA notes that Massachusetts' receipt of Federal financial assistance subjects Massachusetts to the obligations of Title VI of the Civil Rights Act of 1964. EPA is committed to working with Massachusetts to support and ensure compliance with all Title VI requirements. Furthermore, the narrative portion of Massachusetts' application expresses its voluntary support of environmental justice principles in the management of the UST program. Although this is not a criterion for program approval, EPA acknowledges Massachusetts' support of environmental justice principles.

B. Decision

I conclude that Massachusetts' application for final approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Massachusetts is granted final approval to operate its UST program in lieu of the Federal program. Massachusetts now has the responsibility for managing all regulated underground storage tank facilities within its borders and carrying out all aspects of the Federal UST program, except with regard to Indian lands, where EPA will continue to have regulatory authority. Massachusetts also has primary enforcement responsibility, although EPA retains the right to conduct inspections under Section 9005 of RCRA, 42 U.S.C. 6991d, and to take enforcement actions under Section 9006 of RCRA, 42 U.S.C. 6991e. EPA will continue to work together with the Massachusetts Department of Environmental Protection (DEP) in its ongoing commitment and efforts to address environmental justice concerns in low-income urban and minority neighborhoods in Massachusetts.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the approval will not have a significant economic impact on a substantial number of small entities. This approval effectively suspends the applicability of certain federal regulations in favor of Massachusetts' Program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks within Massachusetts. It does not impose any new burdens on small entities. This rule, therefore, does not require flexibility analysis.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials.

Authority: Section 9004 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6991c.

Dated: March 3, 1995.

John P. DeVillars,

Regional Administrator.

[FR Doc. 95–6675 Filed 3–16–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 281

[FRL–5173–5]

Texas; Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Texas' application for final approval.

SUMMARY: The State of Texas has applied for final approval of its underground storage tank (UST) program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Texas' application and has reached a final determination that Texas' UST program satisfies all of the requirements necessary to qualify for final approval. Thus, EPA is granting final approval to Texas to operate its program.

EFFECTIVE DATE: Final approval for Texas shall be effective at 1:00 p.m. Central Standard Time on April 17, 1995.

FOR FURTHER INFORMATION CONTACT: Joe Womack, Texas Program Officer, Underground Storage Tank Program, US EPA, Region 6, Mailcode: 6H–A, 1445 Ross Avenue, Dallas, Texas 75202, Phone: (214)665–6586.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of RCRA enables EPA to approve State UST programs to operate in the State in lieu of the Federal UST program. To qualify for final authorization, a state's program must: (1) Be ''no less stringent'' than the Federal program; and (2) provide for adequate enforcement (sections 9004(a) and 9004(b) of RCRA, 42 U.S.C. 6991c(a)).

B. Texas

On April 28, 1994, Texas submitted an official application for final approval. On January 24, 1995, EPA published a tentative decision announcing its intent

to grant Texas final approval. Further background on the tentative decision to grant approval appears at 60 FR 4586, January 24, 1995.

Along with the tentative determination, EPA announced the availability of the application for public comment. EPA also provided notice that a public hearing would be provided only if significant public interest was shown. No requests to present testimony at the public hearing were submitted and no written comments on the application were submitted.

D. Decision

I conclude that the State of Texas' application for final approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Texas is granted final approval to operate its UST program in lieu of the Federal program. Texas now has the responsibility for managing UST facilities within its borders and carrying out all aspects of the UST program except with regard to Indian lands, where EPA will retain and otherwise exercise regulatory authority. Texas also has primary enforcement authority, although EPA retains the right to conduct inspections under Section 9005 of RCRA, 42 U.S.C. 6991d, and to take enforcement actions under Section 9006 of RCRA, 42 U.S.C. 6991e.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. The approval effectively suspends the applicability of certain Federal regulations in favor of Texas' program, thereby eliminating duplicative requirements for owners and operators of USTs in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 281

Administrative Practice and Procedure, Hazardous Materials, State Program Approval, Underground Storage Tanks.

Authority: This Notice is issued under the authority of section 2002(a), 7004(b), and 90044 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6974(b), and 6991(c).

Dated: March 7, 1995.

William B. Hathaway,

Acting Regional Administrator.

[FR Doc. 95–6674 Filed 3–16–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MM Docket Nos. 92–266 and 93–125, FCC 95–42]

Cable Television Act of 1992

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted an Eighth Order on Reconsideration to revise certain cable regulations affecting small systems and certified local franchising authorities. Certified local franchising authorities, independent small systems, and small systems owned by small multiple system operators (''small MSOs'') will be permitted to enter into alternative rate regulation agreements that comply with the Communications Act of 1934, as amended.

EFFECTIVE DATE: April 14, 1995, except for 47 CFR section 76.934(f)(2) which will become effective upon OMB approval. The Commission will issue written confirmation of OMB approval at a later date.

FOR FURTHER INFORMATION CONTACT: Susan Cosentino, (202) 416–0800.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Eighth Order on Reconsideration in MM Docket No. 92–266 and MM Docket No. 93–215, FCC 95–42, adopted February 3, 1995 and released February 6, 1995.

The complete text of this Eighth Order on Reconsideration is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service at (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Synopsis of the Eighth Order on Reconsideration

The 1992 Cable Act requires the Commission to reduce regulatory burdens and the cost of compliance for small systems. Small systems are defined in the statute as systems serving 1,000 or fewer subscribers. Pursuant to that mandate, the Commission has created different regulatory approaches that are available to small systems.

The Cable Telecommunications Association (''CATA'') and other groups generally believe that our efforts have not produced the intended result of reducing administrative burdens and costs for smaller systems. Preliminarily, industry associations and individual operators assert that small systems face higher costs than other cable operators. In our Fifth Order on Reconsideration and Further Notice of Proposed Rulemaking (''Fifth Reconsideration Order''), MM Docket No. 92–266 and MM Docket No. 93–215, FCC 94–234, 59 FR 51869 (October 13, 1994), we sought comment on definitions of small businesses that could be used to define eligibility for any special rate or administrative treatment. In response, a number of commenters point out that smaller systems do not qualify for the volume discounts offered by equipment and program suppliers to larger systems. In addition, commenters observe that a smaller system serving a large rural area faces increased construction costs due to the increased amount of cable that must be installed to reach the entire area and increased operating costs given the greater amount of facilities that must be maintained. Moreover, commenters note that the total costs for which a small system is responsible must be recovered from a small subscriber base. Although our current rules take into account the number of subscribers a system has, the commenters are unanimous that the rules do not do so adequately. CATA further asserts that complexities in our rules, and the cost of enforcing them, have discouraged local franchising authorities in smaller communities from seeking certification. While CATA highlights the fact that, even in these circumstances, the mere potential of rate regulation hinders small systems in their attempts to obtain financing and capital, thus increasing their cost of doing business, we are equally concerned that there are local franchising authorities which desire to regulate basic rates but which lack the resources to do so in accordance with our existing rules.

Based on these factors, these groups have urged the Commission to adopt different and less stringent rules for small cable companies. In comments and in a letter to Chairman Reed E. Hundt, CATA proposes an alternative rate regulation scheme that differs significantly from the present method of rate regulation which CATA, and other commenters, claim is too complicated and burdensome. CATA's proposal is as