program. Consequently, EPA does not view the change in roles of the SRB and the MDNR Director as a transfer of authorities between agencies under the purview of 40 CFR 271.21(c).

The third comment made by NWF is not related in any way to EO 1991–31. The commenter suggested that Michigan's program has wrongfully failed to eliminate the exemption for municipal waste combustion ash addressed in *Chicago v. Environmental Defense Fund,* 114 S.Ct. 1588 (1994). According to the commenter, Michigan's reorganized RCRA program is therefore not in conformance with the Federal RCRA program, and authority for it should be withdrawn pursuant to 40 CFR 271.22. In the present matter, EPA requested that Michigan submit information to EPA pursuant to 40 CFR 271.21(d) on whether any revisions occurred in Michigan's Federally authorized hazardous waste management program as a result of EO 1991–31. EPA has not requested information pertaining to any other issues regarding Michigan's hazardous waste management program. Therefore, EPA is limiting its review to the effects of EO 1991–31.

EPA appreciates the comments received on these matters, has forwarded them to Michigan, and will consider them in the context of EPA's ongoing oversight of Michigan's hazardous waste management program. If, in the course of its ongoing oversight, EPA determines that additional program revisions have occurred, EPA will take the appropriate steps as set forth at 40 CFR 271.21 to review and approve or disapprove of the revisions.

C. Decision

I conclude that Michigan's application for final authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Michigan is granted final authorization to operate its hazardous waste program as revised. Michigan now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Michigan also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Sections 3008, 3013, and 7003 of RCRA.

D. Incorporation by Reference

EPA incorporates by reference authorized State programs in 40 CFR part 272 to provide notice to the public of the scope of the authorized program in each State. Incorporation by reference of these revisions to the Michigan program will be completed at a later date.

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 authorization will not have a significant economic impact on a substantial number of small entities, nor will it impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority

This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: January 4, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 95–823 Filed 1–12–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7110

[AK–932–1410–00; AA–6649]

Withdrawal of Public Lands for Atka Village Selection; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 13,968.61 acres of public lands located within the Alaska Peninsula National Wildlife Refuge or the Alaska Maritime National Wildlife Refuge, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, pursuant to section 22(j)(2) of the Alaska Native Claims Settlement Act. This action also reserves the lands for selection by the Atxam Corporation, the village corporation for Atka. This withdrawal is for a period of 120 days; however, any lands selected shall remain withdrawn by the order until they are conveyed. Any lands described herein that are not selected by the corporation will remain withdrawn as part of the Alaska Peninsula National Wildlife Refuge or the Alaska Maritime National Wildlife Refuge, pursuant to the Alaska National Interest Lands Conservation Act, and will be subject to the terms and conditions of any withdrawal of record.

EFFECTIVE DATE: January 13, 1995.

FOR FURTHER INFORMATION CONTACT: Sue A. Wolf, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5477.

By virtue of the authority vested in the Secretary of the Interior by Section 22(j)(2) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1621(j)(2) (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands located within the Alaska Peninsula Wildlife Refuge or the Alaska Maritime National Wildlife Refuge, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and are hereby reserved for selection under Section 12 of the Alaska Native Claims Settlement Act, 43 U.S.C. 1611 (1988), by the Atxam Corporation, the village corporation for Atka:

Seward Meridian

T. 52 S., R. 72 W.,
Secs. 15 to 34, inclusive.
T. 75 S., R. 121 W.,
Secs. 28, 33, 34, and 35.
T. 76 S., R. 121 W.,

Secs. 3 and 4.
T. 93 S., R. 177 W., (Unsurveyed)
Sec. 8.
T. 93 S., R. 179 W., (Unsurveyed)
Sec. 28.

The areas described aggregate approximately 13,968.61 acres.

2. Prior to conveyance of any of the lands withdrawn by this order, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal.

3. This order constitutes final withdrawal action by the Secretary of the Interior under section 22(j)(2) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1621(j)(2) (1988), to make lands available for selection by the Atxam Corporation, to fulfill the entitlement of the village for Atka under Section 12 and Section 14(a) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1611 and 1613 (1988).

4. This withdrawal will terminate 120 days from the effective date of this order; provided, any lands selected shall remain withdrawn pursuant to this order until conveyed. Any lands described in this order not selected by the corporation shall remain withdrawn as part of the Alaska Peninsula National Wildlife Refuge or the Alaska Maritime National Wildlife Refuge, pursuant to Sections 302(1), 303(1) and 304(c) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 668(dd) (1988); and will be subject to the terms and conditions of any other withdrawal of record.

5. It has been determined that this action is not expected to have any significant effect on subsistence uses and needs pursuant to Section 810 of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 3120(c) (1988) and this action is exempted from the National Environmental Policy Act of 1969, 42 U.S.C. 4321 note (1988), by Section 910 of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1638 (1988).

Dated: January 4, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–973 Filed 1–12–95; 8:45 am]

BILLING CODE 4310–JA–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MM Docket No. 92–265; FCC 94–326]

Cable Television Act of 1992—Program Distribution and Carriage Agreements

AGENCY: Federal Communications Commission.

ACTION: Final rule; Petition for reconsideration; denial.

SUMMARY: In this Memorandum Opinion and Order (MO&O) the Commission denies a petition for reconsideration of its rule that prohibits exclusive programming contracts between cable operators and satellite cable or satellite broadcast programming vendors in which a cable operator has an attributable interest, in areas unserved by cable. The rule was promulgated to implement section 19 of the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act). The Commission held that the rule is a reasonable interpretation of the 1992 Cable Act and that there are other provisions in the Act under which a distributor can challenge a non-cable distributor's exclusive contract.

EFFECTIVE DATE: February 13, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Markowitz or Maura Cantrill, Cable Services Bureau, (202) 416–0800.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commissions Memorandum Opinion and Order adopted December 15, 1994 and released December 23, 1994. A synopsis of the First Report and Order (First R&O) that was reconsidered in the MO&O may be found at 58 FR 27658 (May 11, 1993). This action will not add or decrease the public reporting burden. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Washington, DC 20037.

Synopsis of Memorandum Opinion and Order

I. Introduction

1. By this action, the Commission denies National Rural Telecommunications Cooperative's (NRTC) petition for reconsideration of the Commission's rule implementing section 628(c)(2)(C) of the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act).[1] The rule was adopted in the First Report and Order in MM Docket 92–265 (First R&O), 8 FCC Rcd 3359 (1993); 58 FR 27658 (May 11, 1993).

2. The 1992 Cable Act amended the Communications Act of 1934, in part, by adding a new section 628. Section 628 is intended to foster the development of competition to traditional cable systems by providing greater access by competing multichannel systems to cable programming services. Section 628(b) of the 1992 Cable Act generally prohibits ''unfair'' or ''deceptive'' practices the purpose or effect of which is to prevent a distributor from providing programming to subscribers or consumers and section 628(c) proscribes specific conduct that the Commission shall prohibit in its rules. The Act provides that the regulations promulgated to implement section 628(c)(2)(C) must:

> Prohibit practices, understandings, arrangements, and activities, including exclusive contracts for satellite cable programming or satellite broadcast programming between a cable operator and a satellite cable programming vendor or satellite broadcast programming vendor, that prevent a multichannel video programming distributor from obtaining such programming from any satellite cable programming vendor in which a cable operator has an attributable interest or any satellite broadcast programming vendor in which a cable operator has an attributable interest for distribution to persons in areas not served by a cable operator as of the date of enactment of this section.

Section 76.1002(c)(1) of the Commission's rules adopted in the First R&O to implement this section of the 1992 Cable Act prohibits exclusive contracts between cable operators and vertically integrated programmers in areas that are not served by cable operators. NRTC filed a petition for reconsideration of the First R&O, requesting the Commission to amend its implementing rule to include any behavior of a vertically integrated programmer that prevents any distributor from obtaining programming in areas not served by cable, and specifically exclusive contracts for the distribution of programming between direct broadcast satellite (''DBS'') distributors and vertically integrated satellite cable programming vendors.

II. Background

3. The 1992 Cable Act and its legislative history indicate that Congress

[1] Pub. L. No. 102–385, 106 Stat. 1460 section 19 (1992), amending Communications Act of 1934, section 628.