

Chicago FIP. On November 19, 1994 (59 FR 59739), USEPA published a proposed rule on this reconsideration which offered the opportunity for a public hearing. A public hearing was held on the November 19, 1994, proposed rule on March 8, 1995, and the public comment period was reopened February 3, 1995 (60 FR 6687) and remained open until April 7, 1995 (30 days after the public hearing). At the request of Duo-Fast, USEPA is granting a further ninety day extension of the public comment period until July 6, 1995.

DATES: The public comment period is reopened from May 19, 1995 until July 6, 1995.

ADDRESSES: Written comments on the proposed rule should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Comments should be strictly limited to the subject matter of the November 18, 1994 proposed rule.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Regulation Development Branch, 18th Floor Southwest, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052.

Dated: May 9, 1995.

David A. Ullrich,

Acting Regional Administrator.

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40 CFR Part 281

[FRL-5208-8]

Connecticut, Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative determination to approve the State of Connecticut's Underground Storage Tank Program, Public Hearing and Public Comment Period.

SUMMARY: The State of Connecticut has applied for final approval of its underground storage tank (UST) program under Subtitle I of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 9004 *et seq.* The Environmental Protection Agency (EPA) has reviewed Connecticut's application and has made the tentative decision that Connecticut's underground storage tank program satisfies all of the requirements necessary to qualify for final program approval. EPA intends to grant final approval to Connecticut to operate its

program in lieu of the Federal program. Connecticut's application for final approval is available for public review and comment and a public hearing will be held to solicit comments on the application, if requested.

DATES: All written comments on Connecticut's state program approval application must be postmarked no later than June 21, 1995. EPA will then respond to written comments where issues are raised concerning EPA's tentative program approval.

A public hearing is scheduled for June 21, 1995. The hearing will begin at 10:00 a.m. and will continue until the end of testimony or 1:00 p.m., whichever is later. Connecticut will participate in any public hearing held by EPA on this subject. Requests to present oral comments at the hearing must be received at EPA by June 14, 1995.

EPA reserves the right to cancel the public hearing if significant public interest in a hearing is not communicated to EPA, in writing, and postmarked by June 14, 1995.

EPA will determine after June 14, 1995 whether there is significant interest to hold a public hearing. In the event the public hearing is cancelled, persons requesting to present oral comments will be timely notified of the cancellation.

ADDRESSES: Written comments should be mailed to Andrea Beland, Underground Storage Tank Program, HPU-7, U.S. EPA, Region I, JFK Federal Building, Boston, Massachusetts 02203, Phone: (617) 573-9604.

The public hearing will be held at the State Capitol Building, Old Judiciary Hearing Room, 210 Capitol Ave., Hartford, Connecticut.

Copies of Connecticut's final approval application are available between 8:30 a.m.-4:00 p.m., Monday through Friday, at the following locations for review and copying:

Connecticut Department of Environmental Protection, Waste Management Bureau, 79 Elm Street, Hartford, Connecticut 06106, Phone: (203) 424-3374; (Attn.: Kelly McShea);

U.S. EPA Headquarters, Library, Room 211A, 401 M Street, Washington, D.C. 20460, Phone: (202) 382-5926;

U.S. EPA, Region I Library, 1 Congress Street, 11th Floor, Boston, Massachusetts 02203, Phone: (617) 565-3300.

FOR FURTHER INFORMATION CONTACT: Andrea Beland, HPU-7, Underground Storage Tank Program, U.S. EPA, Region I, JFK Federal Building, Boston, Massachusetts 02203, Phone: (617) 573-

9604. Comments should be sent to this address.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 9004, authorizes EPA to approve State underground storage tank programs to operate in lieu of the Federal underground storage tank (UST) program. Program approval is granted by EPA, if the Agency finds that the State program:

(1) Is "no less stringent" than the Federal program in all eight elements found at 40 CFR 281;

(2) Includes the notification requirements found at Section 9004(a)(8), 42 U.S.C. 6991c(a)(8); and

(3) Provides for adequate enforcement of compliance with UST standards at Section 9004(a), 42 U.S.C. 6991c(a).

B. Connecticut

In February of 1991, the State of Connecticut submitted a draft UST application to EPA for program approval. The Connecticut Department of Environmental Protection (CT DEP) prepared and submitted the application, because it is responsible for the underground storage tank regulatory program and the leaking underground storage tank corrective action program.

The CT DEP, working with EPA, amended its UST rules, to meet the "no less stringent" federal requirements. Consistent with Connecticut's laws, the State provided public notice and an opportunity to comment on the amended regulations. Connecticut DEP held public hearings on May 22, 1992 and on September 29, 1992. The proposed regulations were rejected without prejudice by Connecticut's Legislative Regulation Review Committee (LRRC) most recently in April of 1994. However, CT DEP corrected the regulations and the LRRC approved them. The regulations then became effective on July 28, 1994, but were not fully enforceable until they were published on September 27, 1994.

In accordance with the requirements of 40 CFR 281.50(b), Connecticut published a public notice on April 14, 1992 and August 25, 1992, announcing a public hearing to be held on May 22, 1992 and September 29, 1992, respectively and requesting comments on Connecticut's intention to seek program approval. On December 28, 1994, EPA received a Final Application for program approval.

EPA reviewed Connecticut's application and tentatively determined that the state's program meets all of the

requirements necessary to qualify for final program approval. Consequently, EPA intends to grant final approval to Connecticut to operate its UST program in lieu of the Federal UST program.

Based on a detailed review of Connecticut's application for UST program approval, EPA has determined that the Connecticut Department of Environmental Protection has developed standards and criteria for the design, installation, operation, maintenance, and monitoring of underground storage tanks to prevent UST related ground and surface water contamination, under the authority of the Connecticut General Statue Section 22a-449(d) and Regulations of Connecticut State Agency ("R.C.S.A.") Sections 22a-449(d)-101 through 113.

Connecticut General Law provides:

(1) Authority to promulgate UST regulations for controlling underground storage facilities containing petroleum and hazardous substances;

(2) Authority to impose civil penalties for violations of any statutory or regulatory requirement;

(3) Authority to conduct compliance monitoring inspections and other enforcement activities;

(4) Authority to promulgate UST notification requirements for owners and operators of underground storage tanks; and

(5) Authority for the response to, clean up, and corrective actions of petroleum or hazardous substance releases.

C. Public Hearing and Comments

In accordance with Section 9004 of RCRA, 42 U.S.C. 6991c and 40 CFR 281.50(e), if sufficient public interest is received by June 14, 1995, EPA will hold a public hearing on its tentative decision on June 21, 1995 from 10:00 a.m.-1:00 p.m. in the State Capitol Building, Old Judiciary Room, 210 Capitol Ave., Hartford, Connecticut.

The public may also submit written comments on EPA's tentative determination. Written comments must be postmarked by May 31, 1995 as to allow EPA and the state a reasonable opportunity to research and prepare responses. Copies of Connecticut's application are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

EPA will consider all public comments on its tentative determination received during the public comment period and at the hearing. Issues raised by those comments may be the basis for a decision to deny final approval to Connecticut. EPA expects to make a final decision on whether or not to approve Connecticut's program within

sixty (60) days after the date of the public hearing and will give notice of it in the **Federal Register**. The notice will include a summary of the reasons for the final determination and a response to all significant comments.

Compliance With Executive Order 122866

The Office of Management and Budget has exempted this rule from the requirement of Section 6 of Executive Order 122866.

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 of Connecticut's UST program effectively suspends the applicability of the Federal UST regulations, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the State of Connecticut. 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

Environmental protection, Hazardous substances, Incorporation by reference, Intergovernmental relations, State program approval, Underground storage tanks, Water pollution control.

Authority: This notice is issued under the authority of Section 9004 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6991c.

Dated: May 6, 1995.

John P. DeVillars,

Regional Administrator.

[FR Doc. 95-12302 Filed 5-18-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WT Docket No. 95-69, FCC 95-202]

Auctionable Services

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Notice of Proposed Rulemaking contains proposed rules pertaining to fees for certain services and products provided to specific persons and entities participating in future Federal Communications Commission auctions. In particular, the proposal establishes fees for

Commission proprietary remote software packages, on-line communications service charges, and bidder's information packages in connection with auctionable services. The Commission, in establishing the proposed fees, implements the Independent Offices Appropriations Act. The Commission's proposal would receiver the Federal Government's cost from any bidders utilizing Commission-provided services.

DATES: Written comments must be submitted by May 31, 1995, and written reply comments must be submitted by June 6, 1995.

ADDRESSES: Send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Interested parties who do not wish to participate formally in this proceeding may file informal comments at the same address.

FOR FURTHER INFORMATION CONTACT:

Bert Weintraub, Wireless Telecommunications Bureau, (202) 418-1316.

SUPPLEMENTARY INFORMATION: In previous Federal Communications Commission (hereafter, "Commission" or "FCC") auctions, bidders have paid auction contractors of the Commission fees consisting of the contractors' costs and a reasonable profit for remote bidding software and an on-line access charge. The Independent Offices Appropriations Act ("IOAA"), codified at 31 U.S.C. §9701, permit fees and charges for Government services and things of value and authorizes agencies to prescribe regulations establishing charges for products and services provided by the agency. The Office of Management and Budget ("OMB") has issued policy guidance on fees via Circular A-25 for agencies to recover expenses. The OMB published a revised revision of the Circular in the **Federal Register**, 58 FR 38142 (July 15, 1993), which provided updated policy guidance on user fees. Pursuant to this revision, the imposition of fees for Government-provided products and services conferring benefits on identifiable recipients over and above those benefits received by the general public are encouraged. Under the OMB Circular, agencies, in establishing fees, are to select between "full cost" or "market price."

On August 10, 1993, the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, 107 Stat. 312, added a new section 309(j) to the Communications Act of 1934, 47 U.S.C. §309(j). This amendment to the Communications Act authorized the Commission to use competitive bidding