

property value changes, and cost/benefit comparisons, results may not be reliable in predicting decision-making during actual corrective actions. EPA does not believe that this type of analysis was necessary here, since the RIA did take account of potential uncertainty. In the draft RIA, EPA conducted a stratified random sampling procedure developed to maximize the precision of the population estimator in extrapolating the sample findings to the corrective action population. In addition, EPA used information collected from EPA Regional files and state regulatory agency files with regard to facility operations and history, environmental setting, SWMU characteristics, extent of existing contamination, and potential receptors to substantially increase the reliability of the draft RIAs conclusions. All of these factors reduce the need for additional uncertainty analysis. Therefore, EPA believes that the scope of the uncertainty analysis was adequate and further sensitivity analyses were not required. However, EPA will continue to assess this issue as the Agency moves forward with the Subpart S rulemaking.

The commenter also argued that the draft RIA's conclusions, which are based on the proposed Subpart S rule, do not apply to corrective actions performed under the final CAMU rule, which differs from the proposal. Another commenter also suggested that the draft RIA should be revised to reflect the promulgation of the CAMU rule. The commenters are correct that the draft RIA incorporates the proposed CAMU rather than the final version. However, as indicated above, EPA in its June 2, 1994 Federal Register notice made available a more detailed breakdown of data supporting the final CAMU RIA so that commenters would have additional information on the data supporting the final version of the CAMU rule. EPA believes that this supplemental material, along with the information provided in the CAMU RIA, provides sufficient support for the final rule. The final CAMU rule expanded the CAMU concept from the July 27, 1990 proposed rule to increase flexibility in selection of more cost-effective remedies, increase treatment of waste and contaminated media, and speed implementation of the program. According to the supplemental data and analyses, remedy selections based upon the more flexible expanded CAMU provisions, using facility-specific data on actual contamination (where available) and modelling data to estimate the extent of contamination, allow for consolidation of contaminated

media prior to treatment and result in more treatment of waste that otherwise would not be treated.

The commenter also stated that the remedy selection process was flawed because the technical panels did not fairly represent real-world facilities and time frames. EPA disagrees; the process contained a number of safeguards to assure that it was representative of actual decision-making. In order to account for the complexity of the decision-making process when simulating the selection of remedies, EPA developed an approach that relied on panels of experts to select remedies at the sample facilities. In order to capture the interactions between EPA and the facility, EPA convened policy and technical expert panels. Policy panels were identified and selected by officials in EPA's Office of Solid Waste to represent the role of the regulatory agency in setting remedial objectives, assess technical information on the performance of potential remedies, and make final remedy selection decisions. The policy panels consisted of experienced Regional EPA and State regulatory staff with expertise in a variety of technical areas including geology, engineering, and risk assessment. Technical panels consisting of national remediation experts were identified through a selective search across many well-recognized firms in the U.S., representing the hydrogeology, geology, geochemistry, soil science, civil, chemical, or environmental engineering, and chemistry disciplines. The technical panels developed the technical remedies for each facility based on guidance from the policy panel, then estimated the costs of the remedies. Because sample facility scenarios were based upon actual facilities, actual owner/operators were not employed in determining remedy selections at the sample facilities in order to ensure the confidentiality of sample facility deliberations and remedy selections determined by the expert panels. However, the qualifications of the selected experts made them well-suited to take on the decision-making role of owner/operators. Time constraints imposed upon the expert panels reflected the simplified decision making process specified in the ground rules for the expert panel process as described on page 4-4 of the RIA. The CAMU provisions specified five decision factors for selecting remedies: long-term reliability and effectiveness; reduction of toxicity, mobility, or volume of wastes; short-term effectiveness; implementability; and, cost. Agency

officials were present throughout the expert panel process to resolve specific questions concerning the interpretation/applicability of current Agency policy and to ensure that remedial objectives were consistent with the CAMU provisions. Accordingly, the expert panel process, though somewhat simplified compared to the actual decision-making process, involved a consideration of relevant factors by qualified experts. As such, it adequately represented real-world decisions for purposes of this rulemaking.

Based upon results of the impact analysis done in support of the CAMU rulemaking, as well as the above discussion in response to public comments, EPA believes it is not necessary to re-visit the regulatory impact analysis for the CAMU rulemaking.

Dated: August 24, 1995.
Elliott P. Laws,
Assistant Administrator, Office of Solid Waste and Emergency Response.
[FR Doc. 95-23840 Filed 9-25-95; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 61 and 69

[CC Docket No. 94-1; CC Docket No. 93-124; CC Docket No. 93-197; FCC 95-393]

Price Cap Performance Review for Local Exchange Carriers; Treatment of Operator Services Under Price Cap Regulation; Revisions to Price Cap Rules for AT&T

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On March 30, 1995, the Federal Communications Commission adopted a First Report and Order in CC Docket No. 94-1, revising its price cap regulations applicable to local exchange carriers (LECs). In that Order, the Commission also stated that it would consider adopting further rule revisions in the near future.

In this FNPRM, the Commission seeks comment on how the price cap rules should be adjusted as the competition faced by local exchange carriers (LECs) develops in the future. The Commission also seeks comments on whether its rules on rate structure should be modified to make it easier for LECs to introduce new services.

DATES: Comments must be submitted on or before November 20, 1995. Reply

Comments must be submitted on or before December 20, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steven Weingarten or Richard Lerner, Tariff Division, Common Carrier Bureau, (202) 418-1530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rulemaking adopted September 14, 1995 and released September 20, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Public Reference room (Room 230), 1919 M St., N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Suite 140, 2100 M Street, N.W., Washington, D.C. 20037.

Regulatory Flexibility Analysis

We have determined that Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. § 605(b), does not apply to these rules because they do not have a significant economic impact on a substantial number of small entities. The definition of a "small entity" in Section 3 of the Small Business Act excludes any business that is dominant in its field of operation. Local exchange carriers do not qualify as small entities because they have a nationwide monopoly on ubiquitous access to the subscribers in their service area. The Commission also has found all exchange carriers to be dominant in its competitive carrier proceeding. See 85 FCC 2d 1, 23-24 (1980). To the extent that small telephone companies will be affected by these rules, we hereby certify that these rules will not have a significant effect on a substantial number of "small entities."

Summary of Further Notice of Proposed Rulemaking

In this FNPRM, the Commission seeks comment on a number of possible changes to the LEC price cap plan. The proposed changes to the price cap plan fall into three basic categories: (1) clarifying and modifying the Commission's tariff filing requirements; (2) amending the price cap rules to permit greater pricing flexibility; and (3) modifying the structure of the price cap baskets and service categories.

The FNPRM seeks comment on whether the Commission's new service rules for LEC price cap services should be relaxed by reducing the notice and cost support requirements for facilitate

the introduction of new services. One suggested approach would be to ease the rules applicable to certain new service filings upon a showing that those services are subject to competition; a second suggested approach would be to define a class of services that do not raise competitive concerns, and ease the regulatory requirements applicable to those services. The FNPRM also seeks comment on whether the Commission should eliminate the requirement that a LEC obtain a waiver of the access charge rules in Part 69 of the Commission's rules before introducing certain switched access services.

The FNPRM seeks comment on whether the lower service band index limit should be eliminated and whether the Commission should permit any other additional downward pricing flexibility. It also seeks comment on whether the Commission should allow alternative pricing plans (APPs) to be introduced on shorter notice than new services and without cost support, with certain limitations similar to those proposed for the AT&T price cap plan in an earlier order. The FNPRM also asks under what conditions the Commission should permit individual case basis (ICB) rates, including how long those rates should be permitted to remain in effect before requiring generally available averaged rates and what cost support requirements should apply. The FNPRM also seeks comment on whether any LECs that reduce prices pursuant to any pricing flexibilities granted in response to the FNPRM should be prohibited from raising their rates by more than one percent annually.

The FNPRM seeks comment on whether any revisions to the price cap baskets and service categories should be made and under what circumstances they should be made in the future and whether any service categories can be consolidated. It also consolidates the Price Cap Performance Review docket with another proceeding, Treatment of Operator Services Under Price Cap Regulation, CC Docket No. 93-124, Notice of Proposed Rulemaking, and seeks comment on whether operator services or call completion services should be in their own service categories or combined with another new or pre-existing service category.

The FNPRM seeks comment on whether any or all relaxed regulatory treatment or additional pricing flexibility proposed should be conditioned on a demonstration that barriers to entry have been removed, and if so, what demonstration should be required. The FNPRM seeks comment on what product and geographic

markets should be used for any such assessment of competitive conditions. The FNPRM also seeks comment on what impact the proposed pricing flexibility would have on interstate toll rates.

The FNPRM seeks comment on whether LEC services should be removed from price cap regulation and made subject to streamlined regulation upon a showing of "substantial competition," the same standard as applies to AT&T services, and whether the Commission should consider the same factors—deemed responsiveness, supply responsiveness, pricing history and market share—in evaluating whether that standard has been met. It also seeks comment on whether the LECs should be permitted to offer contract carriage for services that are subject to streamlined regulation, subject to the same conditions as AT&T. The FNPRM seeks comment on whether the Commission should adopt rules now that would define the conditions price cap LECs must meet to be considered nondominant, what those conditions should be and whether a LEC should be regulated as nondominant for certain services or within certain geographic markets but not for others.

The FNPRM also seeks comment on whether the sharing and X-Factors applicable to a particular LEC should be tied to the degree of competition it faces or the degree of pricing flexibility it receives. Finally, it seeks comment on whether the AT&T price cap plan should be modified to treat any changes in the access rates charged by LECs' competitors as exogenous costs.

Ordering Clauses

Accordingly, it is ordered that notice is hereby given of the rulemaking described above and that comment is sought on those issues.

It is further ordered that pursuant to applicable procedures set forth in Section 1.399 and 1.411 *et seq.* of the Commission's Rules, 47 C.F.R. 1.399, 1.411 *et seq.*, comments SHALL BE FILED with the Secretary, Federal Communications Commission, Washington D.C. 20554 no later November 20, 1995. Reply comments SHALL BE FILED no later than December 20, 1995. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. In addition, parties should file two copies of any such pleading with the Tariff Division, Common Carrier

Bureau, Room 518, 1919 M Street, N.W., Washington, D.C. 20554, and one copy of any pleadings should be submitted on computer disk to the Industry Analysis Division, Common Carrier Bureau, Room 534, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554.

List of Subjects

47 CFR Part 61

Communications common carriers, Telephone.

47 CFR Part 69

Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-23778 Filed 9-25-95; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 95-151; RM-8695]

Radio Broadcasting Services; Snyder, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Mark C. Nolte, proposing the allotment of Channel 246A to Snyder, Texas, as the community's second local FM service. Channel 246A can be allotted to Snyder in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 246A at Snyder are 32-43-04 and 100-55-02.

DATES: Comments must be filed on or before November 13, 1995, and reply comments on or before November 28, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John B. Kenkel, Kenkel & Associates, 1901 L Street, Suite 200, Washington, DC 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of*

Proposed Rule Making, MM Docket No. 95-151, adopted September 12, 1995, and released September 21, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-23771 Filed 9-25-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-150; RM-8692]

Radio Broadcasting Services; San Angelo, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Regency Broadcasting, Inc., proposing the allotment of Channel 289C3 to San Angelo, Texas, as the community's ninth local FM service. Channel 289C3 can be allotted to San Angelo in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 289C3 are 31-27-48 and 100-26-12.

DATES: Comments must be filed on or before November 13, 1995, and reply comments on or before November 28, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James L. Oyster, 108 Oyster Lane, Castleton, Virginia 22716-9720 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-150, adopted September 12, 1995, and released September 20, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-23779 Filed 9-25-95; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95-69, Notice No. 01]

RIN No. 2127-AF80

Federal Motor Vehicle Safety Standards; New Non-Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).