revisions to the North Carolina State Implementation Plan which were submitted on March 23, 1995.

(i) Incorporation by reference. Addition of new North Carolina rules 15A NCAC 2D .0501, .0516, and .0530 which were state effective on February 1, 1995.

(ii) Other material. None.

[FR Doc. 95–23819 Filed 10–3–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 271

[FRL–5311–7]

Wyoming; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Wyoming's application for final authorization.

SUMMARY: Wyoming has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). The United States Environmental Protection Agency (EPA) has reviewed Wyoming's application and has reached a final determination that Wyoming's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to Wyoming to operate its program, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984.

EFFECTIVE DATE: Final authorization for Wyoming shall be effective at 1:00 p.m. on October 18, 1995.

FOR FURTHER INFORMATION CONTACT: Marcella DeVargas, (8HWM–WM) 999 18th Street, Suite 500, Denver, Colorado 80202–2466, phone 303/293–1670.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows the Environmental Protection Agency (EPA) to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. To qualify for final authorization, a State's program must (1) be ''equivalent'' to the Federal program, (2) be consistent with the Federal program and other State programs, and (3) provide for adequate enforcement. Section 3006(b) of RCRA, 42 U.S.C. 6926(b).

On July 17, 1995, Wyoming submitted an official application to obtain final authorization to administer the RCRA program. On July 27, 1995, EPA published a tentative decision announcing its intent to grant Wyoming final authorization. Further background on the tentative decision to grant authorization appears at 60 FR 38537, July 27, 1995.

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. The public hearing was held on August 29, 1995.

EPA did not receive any written comments. At the public hearing, several oral comments were made expressing support for EPA's tentative determination. One commenter asked if the State had chosen to be more or less stringent than the Federal rules in regard to the RCRA publicly owned treatment works exclusion. The response was the State law requires the State to regulate the same universe of hazardous wastes as is regulated under RCRA, therefore, the State has adopted the federal exclusion for hazardous waste discharged to publicly owned treatment works. The commenter also suggested the Clean Water Act Pretreatment rules also be delegated to the State of Wyoming. Delegation of the pretreatment program is not the subject of this action today.

Because EPA Region VIII and the State worked closely to develop the authorization package, most EPA concerns were addressed before submittal of the application by the State. The State also conducted four (4) public meetings throughout the State, and solicited comments on the draft program description and the draft Memorandum of Agreement from facilities, industry organizations, and environmental groups.

Wyoming's program is ''broader in scope'' than the Federal program in two significant ways. First, Wyoming rules require an applicant for a permit to demonstrate fitness by requiring that the past performance of the applicant or any partners, executive officers, or corporate directors, be reviewed. Second, county commissions must approve certain hazardous waste management facilities, and certain hazardous waste management facilities must also obtain an industrial siting permit. These portions of Wyoming's program, because they are broader in scope, are not a part of the Federally approved program.

EPA will administer the RCRA permits or portion of permits or administrative orders it has issued to facilities in the State until they expire or are terminated. The State may issue comparable State permits in accordance with the procedures found in Chapter 3 of the Wyoming rules. For facilities without RCRA permits, or for facilities where the State makes technical changes prior to federal permits, the State will call in Part B permit applications.

The regulations under Section 7 of the Endangered Species Act (at 50 CFR Part 402) require that EPA consult with the United States Fish and Wildlife Service (the ''Service'') regarding this decision. EPA has done so and the Service has concurred with EPA's determination that this authorization is not likely to adversely affect listed species or critical habitat.

The Agency's general policy in authorizing state programs under various federal authorities has been to develop informal coordination procedures with the Service to ensure protection of listed species and critical habitat, and only to consult under section 7 of the ESA after authorization in those instances where EPA is itself the permitting agency subject to section 7 requirements. In addition, the Agency believes that issues related to protection of endangered species and habitat are most effectively addressed in the context of broader programmatic strategies worked out with the states, and EPA will continue to move in this direction with interested parties.

In the case of this RCRA base program authorization for Wyoming, EPA Region VIII and the State have agreed to work closely with the Service to address impacts to listed species or critical habitat that may result from the issuance of RCRA permits by the State. EPA Region VIII's decision to follow the processes described in the EPA/Wyoming MOA and correspondence with the Service does not subject EPA after authorization to the consultation requirements of the ESA, nor does it create any rights by any person to enforce the provisions of the ESA against EPA.

Today's decision to authorize the Wyoming hazardous waste regulatory program does not extend to ''Indian Country,'' as defined in 18 U.S.C. 1151, including the Wind River Reservation.

Should Wyoming decide in the future to apply for authorization of its hazardous waste program on Indian Country the State would have to provide an appropriate analysis of the State's jurisdiction to enforce in these areas. In order for a state (or Tribe) to satisfy this requirement, it must demonstrate to the EPA's satisfaction that it has authority either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law to enforce its laws against existing

and potential pollution sources within any geographical area for which it seeks program approval.

EPA is not making a determination that the State either has adequate jurisdiction or lacks such jurisdiction. Should the State of Wyoming choose to submit an analysis with regard to jurisdiction of the State over all or part of Indian Country in the State, it may do so without prejudice.

Any future EPA evaluation of whether to approve the Wyoming program for Indian Country to include Indian reservation lands, would be governed by EPA's judgment as to whether the State has demonstrated adequate authority to justify such approval, based upon its understanding of the relevant principles of Federal Indian law and sound administrative practice. The State may wish to consider EPA's discussion of the related issue of Tribal jurisdiction found in the preamble to the Indian Water Quality Standards Regulation (see 56 FR 64876, December 12, 1991).

B. Decision

After reviewing the public comments, I conclude that Wyoming's application for final authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Wyoming is granted final authorization for the Federal RCRA program in effect as of July 8, 1984; Pre-cluster rules, non-HSWA revision clusters I, II, III, IV, V, and VI; and for HSWA clusters I and II; RCRA cluster I, II, III, (except for 279.10 (b)(2)), and IV, and the following RCRA cluster V rules: Recovered Oil Exclusion, 59 FR 38536, July 28, 1994, (Code Rule 135), Removal of the Conditional Exemption for Certain Slag Residuals, 59 FR 43496, August 24, 1994, (Code Rule 136), Universal Treatment Standards and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes, 59 FR 47482, September 19, 1994, and the Land Disposal Restriction Phase II rules, 60 FR 242, January 3, 1995. Accordingly, Wyoming is granted final authorization to operate its hazardous waste program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (Public Law 98–616, November 8, 1984) (HSWA). Wyoming now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program, subject to the HSWA. Wyoming also has primary enforcement responsibility, 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.

As stated above, Wyoming's authority to operate a hazardous waste program under Subtitle C of RCRA is limited by the HSWA. Prior to that date, a State with final authorization administered its hazardous waste program entirely in lieu of the EPA. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, the HSWA applies in authorized States in the interim.

As a result of the HSWA, there is a dual State/Federal regulatory program in Wyoming. To the extent the authorized State program is unaffected by the HSWA, the State program will operate in lieu of the Federal program. Where HSWA-related requirements apply, however, EPA will administer and enforce these portions of the HSWA in Wyoming until the State receives authorization to do so. Among other things, this may entail the issuance of Federal RCRA permits for those areas in which the State is not yet authorized. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal program. Until that time the State will assist EPA's implementation of the HSWA under a Cooperative Agreement.

Any State requirement that is more stringent than a HSWA provision remains in effect; thus, the universe of the more stringent provisions in the HSWA and the approved State program define the applicable Subtitle C requirements in Wyoming.

EPA has published a Federal Register notice that explains in detail the HSWA and its effect on authorized States. That notice was published at 50 FR 28702–28755, July 15, 1985.

Compliance with Executive Order 12826: The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12826.

Unfunded Mandates Reform Act: Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. EPA does not anticipate that the approval of Wyoming's hazardous waste program referenced in today's notice will result in annual costs of $100 million or more.

EPA's approval of state programs generally have a deregulatory effect on the private sector because once it is determined that a state hazardous waste program meets the requirements of RCRA section 3006(b) and the

regulations promulgated thereunder at 40 CFR Part 271, owners and operators of hazardous waste treatment, storage, or disposal facilities (TSDFs) may take advantage of the flexibility that an approved state may exercise. Such flexibility will reduce, not increase, compliance costs for the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265 and 270. Once EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs with increased levels of flexibility provided under the approved State program.

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. This authorization effectively suspends the applicability of certain Federal regulations in favor of Wyoming's program, thereby eliminating duplicative requirements for handlers of hazardous waste 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 271

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 RCRA, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: September 26, 1995.

William P. Yellowtail,

Regional Administrator.

[FR Doc. 95–24657 Filed 10–3–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 300

[FRL–5311–6]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Stewco, Incorporated Superfund Site (Site) from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Site in Waskom, Texas, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA and the State of Texas have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of Texas have determined that remedial actions conducted at the Site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: October 4, 1995.

FOR FURTHER INFORMATION CONTACT: Ernest R. Franke, Remedial Project Manager, US EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–8521.

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is the ''STEWCO Superfund Site,'' Waskom, Texas. A Notice of Intent to Delete for this Site was published on July 27, 1995, (60 FR 422). The closing date for public comment was August 25, 1995. EPA received no comments during the comment period.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as a list of the most serious of those sites. Sites on the NPL may be the subject of remedial response actions financed using the Hazardous Substance Response Trust Fund (Fund). Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP, provides that in the event of a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response actions.

List of Subjects in 40 CFR Part 30

Environmental protection, Hazardous waste.

Dated: July 25, 1995.

Dated: September 20, 1995.

A. Stanley Meiburg,

Acting Regional Administrator, Environmental Protection Agency, Region 6.

For the reasons setout in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580; 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing STEWCO Superfund Site, Waskom, Texas.

[FR Doc. 95–24655 Filed 10–3–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 94–44; DA 95–2024]

Cable Television Service; List of Major Television Markets

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, through this action, amends its rules regarding the listing of major television markets, to change the designation of the Denver, Colorado television market to include the community of Castle Rock, Colorado. This action, taken at the request of LeSea Broadcasting Corporation, licensee of television station KWHD(TV), channel 53 (Independent), Castle Rock, Colorado, and after evaluation of the comments filed in this proceeding, amends the rules to designate the subject market as the Denver-Castle Rock, Colorado television market. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 3, 1995.

FOR FURTHER INFORMATION CONTACT: William H. Johnson, Cable Services Bureau, (202) 416–0800.