OHIO—OZONE

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* * * * * * *				
Columbus Area				
Delaware County	April 1, 1996	Attainment.		
Franklin County	April 1, 1996	Attainment.		
Licking County	April 1, 1996	Attainment.		
* * * * * * *				

[1]This date is November 15, 1990, unless otherwise noted.

[FR Doc. 96–1933 Filed 1–31–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 281

[FRL–5406–6]

Montana; Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on State of Montana application for final approval.

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

EFFECTIVE DATE: Final approval for Montana shall be effective at 1:00 pm Eastern Time on March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Kris Knutson, U.S. EPA, Region 8, Montana Office, DWR 10096, 301 South Park, Helena, Montana 59626–0096, phone: (406) 441–1130, extension 225.

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 the State 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 seven elements, and includes notification requirements of section 9004(a)(8), 42 U.S.C. 6991c(a)(8); and (2) provides for adequate enforcement of compliance with UST standards (section 9004(a), 42 U.S.C. 6991c(a)).

On February 22, 1995, Montana submitted an application for ''complete'' program approval which includes regulation of both petroleum and hazardous substance tanks. The State of Montana established authority through an amendment to the 1981 Montana Hazardous Waste Act to implement an underground storage tank program. The State changed the title of the Act to the Montana Hazardous Waste and Underground Storage Tank Act in April 1985, and further amended the Act in 1989 to expand rulemaking authority. Another amendment in 1993 provided the State with rulemaking authority to assess civil penalties.

On September 22, 1995, EPA published a tentative decision announcing its intent to grant Montana final approval. Further background on the tentative decision to grant approval appears at 60 FR 49239, September 22, 1995. Along with the tentative determination, EPA announced the availability of the application for public comment and provided notice that a public hearing would be provided if significant public interest was shown. EPA received only one comment on the application and no request for a public hearing. Therefore, a hearing was not held.

B. Decision

I conclude that Montana's application for final approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Montana is granted final approval to operate its underground storage tank program in lieu of the Federal program. Montana now has the responsibility for managing underground storage tank facilities within its borders and carrying out all aspects of the UST program except with regard to ''Indian Country,'' as defined in 18 U.S.C. 1151, where EPA will retain and otherwise exercise regulatory authority. ''Indian Country'' includes the following Indian reservations in the State of Montana:

1. Blackfeet;
2. Crow;
3. Flathead;
4. Fort Belknap;
5. Fort Peck;
6. Northern Cheyenne; and
7. Rocky Boys.

The Environmental Protection Agency retains all underground storage tank authority under RCRA which applies to ''Indian Country'' in Montana.

Before EPA would be able to approve the State of Montana UST program for any portion of ''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 to satisfy this requirement, it must demonstrate to the EPA's satisfaction that it has authority pursuant to 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 has reason to believe that disagreement exists with regard to the State's jurisdiction over ''Indian Country,'' and EPA is not satisfied that Montana has, at this time, made the requisite showing of its authority with respect to such lands.

In withholding program approval for these areas, EPA is not making a determination that the State either has adequate jurisdiction or lacks such jurisdiction. Should the State of Montana choose to submit analysis with regard to its jurisdiction over all or part of ''Indian Country'' in the State, it may do so without prejudice.

EPA's future evaluation of whether to approve the Montana program for ''Indian Country,'' to include Indian reservation lands, will be governed by EPA's judgement 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).

Montana 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.

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 Montana's program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks 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

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, Underground storage tanks.

Authority: This notice is issued under the authority of sections 2002(a), 7004(b), and 9004 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6974(b), and 6991(c).

Dated: December 14, 1995.

Jack McGraw,

Acting Regional Administrator.

[FR Doc. 96–2142 Filed 1–31–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 90

[ET Docket 93–235; FCC 95–486]

Additional Frequencies for Cordless Telephones

AGENCY: Federal Communications Commission.

ACTION: Final Rule; petition for reconsideration.

SUMMARY: By this action, the Commission denies the Petition for Reconsideration filed by the American Petroleum Institute (API). The cordless telephone rules are intended to improve the operation and convenience of cordless telephones. The Commission finds that API presents no new information in its petition that would justify a further change in our requirements for cordless telephones.

FOR FURTHER INFORMATION CONTACT: Anthony Serafini, Office of Engineering and Technology, (202) 418–2456.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order,* in ET Docket 93–235, Adopted December 1, 1995 and released December 12, 1995. The complete *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

1. On June 5, 1995, the American Petroleum Institute (API) filed a Petition for Reconsideration requesting that the Commission amend its cordless telephone rules adopted in the *Report and Order*, 60 FR 21984 (May 4, 1995), on April 5, 1995. API stated that the rules do not fully protect against interference to PLMRS and requested changes to the requirements for automatic channel selection in cordless telephones. Alternately, API requested that cordless telephones operating on the new frequencies be required to place a 2-inch by 3-inch label on both the exterior packaging and the actual equipment. The label, which would include specific language proposed by API, would warn consumers of possible interference from the PLMRS and inform them that they must accept interference.

2. In the *Report and Order*, the Commission found that it was neither necessary nor desirable to impose specific design standards for the automatic channel selection mechanism, and the Commission permitted manufacturers the flexibility to implement the requirement in a manner that best suits the design of their equipment. API has presented no new information in this regard, and we continue to believe that the concerns of API have been addressed. Commenters opposed API's petition stating that the concerns raised by API have already been adequately addressed by the Commission and that any further action is unnecessary. Regarding API's alternative request for additional labelling, we note that our existing Part 15 rules already require cordless telephones to be labelled regarding potential interference.

3. Based on the comments, the Commission adopted the *Memorandum Opinion and Order* denying API's petition for reconsideration. Accordingly, IT IS ORDERED that the petition for reconsideration filed by the American Petroleum Institute IS DENIED. This action is taken pursuant to the authority contained in Sections 4(i), 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended.

List of Subjects

47 CFR Part 15

Communications equipment.

47 CFR Part 90

Communications equipment.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–2168 Filed 1–31–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Parts 228 and 252

Defense Federal Acquisition Regulation Supplement; Alternatives to Miller Act Bonds

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comment.

SUMMARY: The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise the interim rule which was published in the Federal Register on August 31, 1995, providing alternative payment protections for construction contracts between $25,000 and $100,000.

DATES: *Effective Date:* Februar 1, 1996.

Comments Date: April 1, 1996.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 95–D305 in all correspondence related to this issue.