

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 the Illinois 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.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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 Illinois' 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 Illinois' 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.

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: February 23, 1996.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96-6242 Filed 3-14-96; 8:45 am]

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40 CFR Part 300

[FRL-5440-9]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deletion of the Lewisburg Dump Site from the National Priorities List (NPL); Correction.

SUMMARY: This document contains a correction to the announcement of the deletion of the Lewisburg Dump site in Lewisburg, Tennessee, from the National Priorities List (NPL), which was published Wednesday, February 21, 1996 at 61 FR 6556.

EFFECTIVE DATE: February 1, 1996.

FOR FURTHER INFORMATION CONTACT: Femi Akindele, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, North Superfund Remedial Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 347-7791, extension 2042.

SUPPLEMENTARY INFORMATION:

Background

The site deleted was the Lewisburg Dump Superfund Site, Lewisburg, Tennessee. For the reasons set out in the preamble, 40 CFR part 300 must be amended.

Need for Correction

As published, the table from which the site was to be deleted was incorrectly stated.

Correction of Publication

Accordingly, the publication on February 21, 1996, of the deletion of the

Lewisburg Dump Superfund Site, which was the subject of FR Doc. 96-3581 is corrected as follows:

On page 6556, in the third column, in Part 300, Appendix B—[Amended], paragraph 2, "Table 2" is corrected to read "Table 1."

Dated: March 6, 1996.

Phyllis P. Harris,

Acting Deputy Regional Administrator,
Region 4.

[FR Doc. 96-6241 Filed 3-14-96; 8:45 am]

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**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Part 10

RIN 3067-AC41

**Environmental Considerations/
Categorical Exclusions**

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Correction of final rule.

SUMMARY: This document corrects the final rule published on Monday, February 5, 1996 (61 FR 4227). The rule relates to environmental considerations and exclusions from environmental impact statements or assessments.

EFFECTIVE DATE: February 5, 1996.

FOR FURTHER INFORMATION CONTACT: Rick Shivar, Office of Policy and Regional Operations, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, or telephone (202) 646-3610.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency published a final rule on February 5, 1996 that clarified the statutory exclusions and revised the categorical exclusions that normally would not require an environmental impact statement or environmental assessment. As published the final rule omitted the statutory reference to section 402 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in revising 44 CFR 10.8(c)(1).

Accordingly, the final rule published as FR Doc. 96-2087 on February 5, 1996 61 FR 4227, is corrected as follows:

On page 4230, in the third column, § 10.8(c)(1) is corrected to read as follows:

§ 10.8 Determination of requirement for environmental review.

* * * * *

(c) * * *

(1) Action taken or assistance provided under sections 402, 403, 407, or 502 of the Stafford Act; and

* * * * *

Dated: March 7, 1996.

Harvey G. Ryland,

Deputy Director.

[FR Doc. 96-6081 Filed 3-14-96; 8:45 am]

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**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 0

[FCC 96-92]

**Delegated Authority to Process
Mutually Exclusive ITFS Applications**

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: On February 8, 1996, President Clinton signed into law the Telecommunications Act of 1996 (Telecom Act).¹ Section 403(c) of the Telecom Act authorizes the Commission to delegate to the staff the authority to process and grant from among mutually exclusive applications for Instructional Television Fixed Service (ITFS) facilities. By this Order, we exercise this option and delegate such authority to the staff.

EFFECTIVE DATE: March 15, 1996.

FOR FURTHER INFORMATION CONTACT: Paul R. Gordon, Mass Media Bureau, Policy and Rules Division, Legal Branch, (202) 418-2130.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, FCC 96-92, adopted March 7, 1996 and released March 8, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Synopsis of Order

1. *Statutory Authority to Delegate.* Mutually exclusive applications for new ITFS facilities currently are resolved by the full Commission in a paper hearing by means of a point accumulation system. After calculating each applicant's score based on information submitted with the application, the

Commission determines which applicant is the most qualified to serve the public interest. Because this is considered a comparative hearing, the processing staff has been statutorily barred from granting or denying any of the applications. Pursuant to the Administrative Procedure Act ("APA"), the Commission itself must preside in the taking of evidence in a comparative hearing, or it may delegate this function to either (1) one or more members of the Commission, or (2) one or more administrative law judges.² However, the APA adds that these limitations do not supersede agency delegation authority that is designated under statute.³

2. Section 403(c) of the Telecom Act authorizes such a delegation with regard to the processing of ITFS applications, expressly superseding the APA's restrictions. It replaces the last sentence of Section 5(c)(1) of the Communications Act of 1934 with the following:

Except for cases involving the authorization of service in the instructional television fixed service, or as otherwise provided in this Act, nothing in this paragraph shall authorize the Commission to provide for the conduct, by any person or persons other than persons referred to in paragraph (2) or (3) of section 556(b) of title 5, United States Code [the APA], of any hearing to which such section applies.⁴

3. *Exercise of the Commission's Delegation Authority.* We believe that delegation to the staff of ITFS processing authority will speed the processing of ITFS applications, complementing recent rule changes designed to increase ITFS processing efficiency. Moreover, the Commission has conducted a substantial number of hearings for ITFS facilities over the past several years and has developed a large body of case law addressing a variety of issues. Educational applicants, their wireless cable lessees, and Commission staff have become familiar with the many legal and technical issues involved in applying for ITFS facilities. Thus, we believe that delegation will serve the public interest by increasing processing efficiency and allowing more rapid authorization and initiation of service to the public.

Administrative Matters. Because this action involves rules of agency organization and procedure, the notice

² 5 U.S.C. 556(b)(2) and (3).

³ 47 U.S.C. 556(b) ("this subchapter does not supersede the conduct of specified classes of proceedings, in whole or in part, by or before boards or other employees specially provided for or designated under statute").

⁴ To be codified at 47 U.S.C. 155(c)(1).

¹ Public Law No. 104-104, 110 Stat. 56 (1996).