of the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 U.S.C. § 3501 *et seq.*) and have been assigned OMB Control Number 2050–0053.

VIII. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, which was signed into law on March 22, 1995, the EPA generally must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the UMRA, the EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law. Before the EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop 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 the EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements. The UMRA generally defines a Federal mandate for regulatory purposes as one that imposes an enforceable duty upon state, local or tribal governments or the private sector. The EPA finds that today's proposed delisting decision is deregulatory in nature and does not impose any enforceable duty upon state, local or tribal governments or the private sector. In addition, the proposed delisting does not establish any regulatory requirements for small governments and so does not require a small government agency plan under UMRA section 203.

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. § 6921(f).

Dated: May 3, 1996.

Jane N. Saginaw,

Regional Administrator.

For the reasons set out in the preamble, 40 CFR Part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 2 of Appendix IX of Part 261 it is proposed to add the following waste stream in alphabetical order by facility to read as follows:

Appendix IX to Part 261—Wastes Excluded Under § 260.20 and 260.22.

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
* *	* *	* * *
Giant Refining Company, Inc	Bloomfield, New Mexico	Waste generated during the excavation of soils from two wastewater treatment impoundments (referred to as the South and North Oily Water Ponds) used to contain water outflow from an API separator (EPA Hazardous Waste No. K051). This is a one-time exclusion for approximately 2,000 cubic yards of stockpiled waste. This exclusion was published on [insert publication date of the final rule]. Notification Requirements: Giant Refining Company must provide a one-time written notification to any State Regulatory Agency to which or through which the delisted waste described above will be transported for disposal at least 60 days prior to the commencement of such activities. Failure to provide such a notification will result in a violation of the delisting petition and a possible revocation of the decision.
* *	* *	* * *

[FR Doc. 96–12607 Filed 5–17–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[MM Docket No. 96–16, FCC 96–198]

Revision of Broadcast EEO Policies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period; dismissal of petition for reconsideration.

SUMMARY: In *Streamlining Broadcast EEO Rules and Policies*, FCC 96–198, released April 26, 1996 (*Streamlining*), the Commission dismisses a Petition for Reconsideration, grants a Petition for Clarification in part and denies it in part, and grants a motion for extension of time concerning the Commission's *Order and Notice of Proposed Rule Making*, 11 FCC Rcd 5154 (1996), MM Docket No. 96–16, 61 FR 9964 (March 12, 1996) (*NPRM*). The Commission finds that the public interest favors grant of the motion for extension of time.

DATES: Initial comments due July 1, 1996; reply comments due July 31, 1996.

ADDRESSES: Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Hope G. Cooper, Mass Media Bureau, Enforcement Division. (202) 418–1450.

SUPPLEMENTARY INFORMATION: This is a synopsis of *Streamlining*, FCC 96–198, adopted and released April 26, 1996.

The complete text of *Streamlining* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services,

Inc., at (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Synopsis of Order and Notice of Proposed Rule Making

The Commission responds to two pleadings, a Petition for Reconsideration and Clarification, and a Motion for Extension of Time, filed by twenty organizations (including the Minority Media and Telecommunications Council), concerning the Commission's *Order and Notice of Proposed Rule Making*, 11 FCC Rcd 5154 (1996), MM Docket No. 96–16, 61 FR 9964 (March 12, 1996). In the Petition for Reconsideration and Clarification, among other things, Petitioners argue that, because the *NPRM* has the effect of rejecting proposals previously submitted to the Commission, the *NPRM* is a final action against which petitions for reconsideration may be filed pursuant to Section 1.429 of the Commission's Rules. They also argue that the Commission should amend the *NPRM* to include various proposals set forth in the Petition, as well as revise language in the *NPRM* to clarify that it is soliciting comment in support of increased, as well as reduced, EEO requirements. In the Motion for Extension of Time, Petitioners request that the Commission extend the date for submission of comments in response to the *NPRM* to two months following the issuance of an order reconsidering and/or clarifying the *NPRM*. They contend that without such an order they would be unable to develop thorough and meaningful comments to the *NPRM*. In addition, Petitioners assert that their present resources are severely limited by, among other things, their involvement in proceedings concerning the Telecommunications Act of 1996.

2. The Commission rejects Petitioners' argument that the *NPRM* is a final action, finding that the *NPRM* did not implement any rule or reject any proposals presently pending before the Commission, and, accordingly, dismisses the Petition for Reconsideration. *See* 47 CFR 1.429. The Commission grants the Petition for Clarification in part and otherwise denies it. The Commission states that ''[t]he proposals in the *NPRM* sought to further the objectives of our EEO Rule and policies while minimizing undue regulatory burdens on broadcasters. We encourage Petitioners to submit with their comments any alternatives to the proposals that further these goals.'' Finally, the Commission finds that the public interest favors grant of the motion for extension of time, and, therefore, the Commission extends the comment and reply comment dates to July 1, 1996, and July 31, 1996, respectively.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–12588 Filed 5–17–96; 8:45 am]

BILLING CODE 6712–01–P

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47 CFR Part 64

[CC Docket No. 96–112; FCC 96–214]

Allocation of Costs Associated With Local Exchange Carrier Provision of Video Programming Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In the NPRM, the Commission would define the goals of our cost allocation rules and of the 1996 Act. Guided by these goals, the NPRM would seek specific comment on allocating certain categories of incumbent local exchange carriers' plant between regulated Title II and nonregulated (non-Title II) activities. Particular attention would be directed to the allocation of loop facilities, all of which have been allocated to regulated activities in the past. The intended effect of this action is to revise the Commission's rules regarding cost allocation to accommodate the provision of nonregulated and non-Title II services that share outside plant facilities with regulated services.

DATES: Comments must be submitted on or before May 28, 1996. Reply comments are due on or before June 7, 1996.

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

FOR FURTHER INFORMATION CONTACT: Andrew Mulitz, Attorney/Advisor Accounting and Audits, Common Carrier Bureau, (202) 418–0850.

SUPPLEMENTARY INFORMATION:

1. This is a summary of the Commission's Notice of Proposed Rulemaking adopted May 10, 1996, and released May 10, 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 St., N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., 202 857–3800, 1990 M Street, N.W., Suite 246, Washington, D.C. 20554.

Regulatory Flexibility Analysis

2. We have determined that Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b) does not apply to this rulemaking proceeding because if promulgated, it would 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. Although some of the local exchange carriers that will be affected are very small, local exchange companies do not qualify as small entities because they have a nationwide monopoly on ubiquitous access to the subscribers in their service area. The Commission has found all exchange carriers to be dominant in the *Competitive Carrier* proceeding. 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 economic effect on a substantial number of ''small entities.'' Although we do not find that the Regulatory Flexibility Act is applicable to this proceeding, this Commission has an ongoing concern with the effect of its rules and regulations on small business and the customers of the regulated carriers as is evidenced by this proceeding.

Ordering Clause

Accordingly, IT IS ORDERED that, pursuant to Sections 302 and 703 of the 1996 Act, and sections 1, 4(i), 4(j), 201, 215, 218 and 220 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201, 215, 218, 220), a Notice of Proposed Rulemaking is hereby ADOPTED.

It is further ordered that the Secretary shall send a copy of this Notice of Proposed Rulemaking, including the Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with paragraph 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (1981).

List of Subjects in 47 CFR Part 64

Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–12586 Filed 5–17–96; 8:45 am]

BILLING CODE 6712–01–P