

the codification of the Commission Staff's Enforcement Task Force Hot Line procedures, and (3) provide specific criteria defining the subject matter and other procedural factors required of complaints that would qualify for expedited Commission resolution.

INGAA opposes the Coalition's amended petition. INGAA's April 10, 1997 alternative proposal (1) initially requires informal negotiations between representatives of the complainant and the natural gas company; (2) if the negotiations are unsuccessful, the complainant could then utilize a codified Hot Line procedure to seek advice from Commission Staff; and (3) if the Hot Line procedure is unsuccessful, the complainant would either ask the natural gas company to agree to arbitration, or the complainant could initiate a formal complaint under Rule 206 (18 CFR 385.206), with expedition obtainable at the Commission's discretion, after a recommendation by the Hot Line Staff.

Any person desiring to be heard on the Coalition's and INGAA's petitions is invited to submit written comments on the matters and issues raised by the respective proposals. Additionally, comments should be submitted electronically. Participants can submit comments on computer diskette in WordPerfect® 6.1 or lower format or in ASCII format, with the name of the filer and Docket Nos. RM96-12-000 & RM97-4-000 on the outside of the diskette. Copies of the Coalition's and INGAA's petitions, and all written comments that are received, will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington, DC 20426. All comments must be filed on or before May 16, 1997.

Lois D. Cashell,

Secretary.

[FR Doc. 97-10804 Filed 4-25-97; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[FRL-5815-7]

District of Columbia; Approval of Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative determination, public hearing, and public comment period.

SUMMARY: The District of Columbia has applied for 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 District of Columbia's application and has made the tentative decision that the District of Columbia's underground storage tank program satisfies all of the requirements necessary to qualify for approval. The District of Columbia's application for approval is available for public review and comment. A public hearing will be held to solicit comments on the application unless insufficient public interest is expressed.

DATES: Unless insufficient public interest is expressed in holding a hearing, a public hearing will be held on June 5, 1997. However, EPA reserves the right to cancel the public hearing if sufficient public interest in a hearing is not communicated to EPA in writing by May 29, 1997. EPA will determine by June 2, 1997, whether there is sufficient interest to hold the public hearing. The District of Columbia will participate in any public hearing held by EPA on this subject. All written comments on the District of Columbia's application for program approval must be received by 4:30 p.m. on May 29, 1997.

ADDRESSEES: Copies of the District of Columbia's application for program approval are available between 8:30 a.m. to 4:30 p.m. at the following locations for inspection and copying:

Location: D. C. Department of Consumer and Regulatory Affairs, Environmental Regulation Administration Underground Storage Tank Branch, 2100 Martin Luther King, Jr., Avenue, S.E., Suite 203, Washington, D.C. 20020-5732.

Contact: Dr. V. Sreenivas, Program Manager.

Telephone: 201-645-6080 ext. 3009.

Contact: Laura Gilbert, Environmental Legislative Analyst.

Telephone: 201-645-6080 ext. 3007.

Location: United States

Environmental Protection Agency, Docket Clerk, Office of Underground Storage Tanks, 1235 Jefferson Davis Highway, Arlington, VA 22202.

Telephone: (703) 603-9231.

Location: United States

Environmental Protection Agency, Region III Library, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

Contact: Hazardous Waste Technical Information Center;

Telephone: (215) 566-5534 or (215) 566-5364.

Written comments should be sent to: Karen L. Bowen, Program Manager, State Programs Branch, (3HW60), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 566-3382.

Unless insufficient public interest is expressed, EPA will hold a public hearing on the District's application for program approval on June 5, 1997, at 7:00 p.m. at the Department of Consumer & Regulatory Affairs, Environmental Regulation Administration, 2100 Martin Luther King, Jr. Avenue, SE., Room 300, Washington, DC 20020.

Anyone who wishes to learn whether or not the public hearing on the District's application has been cancelled should telephone after June 2, 1997, the EPA Program Manager listed above or Dr. Venkataiah Sreenivas, Chief, UST Branch, DC Department of Consumer and Regulatory Affairs, Environmental Regulation Administration, (202) 645-6080, ext. 3009.

FOR FURTHER INFORMATION CONTACT: Karen L. Bowen, State Programs Branch (3HW60), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 566-3382.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes EPA to approve State underground storage tank programs to operate in lieu of the Federal underground storage tank (UST) program. EPA may approve a State program if the Agency finds pursuant to section 9004(b), 42 U.S.C. 6991c(b), that the State program is "no less stringent" than the Federal program in all seven elements set forth at section 9004(a) (1) through (7), 42 U.S.C. 6991c(a) (1) through (7), and meets the notification requirements of section 9004(a)(8), 42 U.S.C. 6991c(a)(8) and also provides for adequate enforcement of compliance with UST standards (section 9004(a), 42 U.S.C. 6991c(a)).

B. District of Columbia

The District of Columbia Department of Consumer and Regulatory Affairs (DCRA), is the implementing agency for UST activities in the District, a jurisdiction recognized as a "State" pursuant to Section 1004(31) of RCRA. The Underground Storage Tank Branch of DCRA is dedicating a substantial effort to prevent, control and remediate UST-related groundwater contamination. The Underground Storage Tank Branch maintains a strong field presence and works closely with

the regulated community to ensure compliance with regulatory requirements.

The scope of the District of Columbia UST Program extends beyond the scope of the Federal UST Program, for example:

- In addition to the approximately 3,780 USTs covered by both the Federal and District programs, the District also regulates an estimated 2,250 USTs each containing 1100 gallons or more containing heating oil.

- A broad range of persons are required to report suspected releases, not just owners and operators, as required by the Federal program.

In addition, certain requirements of the District's program are more stringent than the analogous requirements of the Federal UST Program. For example:

- The District's new tank performance standards are more stringent than the Federal new tank performance standards, requiring all new petroleum USTs installed after the effective date of the regulations to be of double walled construction or to have other secondary containment.

- Under the District's program hazardous substance USTs were required to have met the new tank performance standards or to have been upgraded by December 22, 1994. The federal regulations do not require this until December 22, 1998.

- The District of Columbia's release detection requirements are more stringent than those of the Federal regulations in that the use of monthly inventory control combined with annual tightness testing was eliminated as an acceptable method of release detection effective December 22, 1994. The Federal regulations continue to allow monthly inventory control combined with annual tightness testing as an acceptable method of release detection until December 22, 1998.

- The District of Columbia requires UST systems within 100 feet of a subway to meet additional requirements.

- The District of Columbia requires all piping for hazardous substance USTs and pressurized piping for petroleum USTs to be equipped with secondary containment. Federal regulations do not require such secondary containment.

- The District of Columbia regulations go beyond the Federal regulations in that the District regulations on corrective action establish specific requirements for the disposal of contaminated soils, require preparation of a Quality Assurance/Quality Control Plan, include specific standards for water and soil quality and

include special procedures for closure of contaminated sites.

Any contaminated soils that are stockpiled on site are required to be treated or removed within 30 days. There is no Federal regulation requiring pile removal within 30 days.

The District of Columbia requires sellers of real property to notify prospective purchasers in writing of tanks existing on the property or previously removed from the property. The Federal regulations do not have a similar requirement.

The D.C. Department of Consumer and Regulatory Affairs submitted an official application for approval on October 4, 1996. Prior to its submission, the District of Columbia provided an opportunity for public notice and comment in the development of its underground storage tank program, as required by 40 CFR 281.50(b). EPA has reviewed the District's application, and has tentatively determined that the District's program meets all of the requirements necessary to qualify for final approval. However, EPA intends to review all timely received public comments prior to making a final decision on whether to grant approval to the District of Columbia to operate its program in lieu of the Federal program.

EPA is aware that the District of Columbia intends to transfer its underground storage tank program from the Department of Consumer and Regulatory Affairs to the Department of Health. EPA invites comment on this planned transfer of functions.

In accordance with Section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR 281.50(e), the Agency will hold a public hearing on its tentative decision on June 5, 1997, at 7:00 p.m. at the Department of Consumer & Regulatory Affairs, Environmental Regulation Administration, 2100 Martin Luther King, Jr. Avenue, S.E., Room 300, Washington, D.C. 20020, unless insufficient public interest is expressed. The public may also submit written comments on EPA's tentative determination until May 29, 1997.

Copies of The District's application are available for inspection and copying at the locations indicated in the "Addressees" section of this notice.

EPA will consider all public comments on its tentative determination received at the public hearing, if a hearing is held, and during the public comment period. Issues raised by those comments may be the basis for a decision to deny approval to the District of Columbia. EPA will give notice of its final decision in the **Federal Register**; the document will include a summary of the reasons for the final

determination and a response to all significant comments.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this action 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), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, 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. The section 202 and 205 requirements do not apply to today's action because it is not a "Federal mandate" and because it does not impose annual costs of \$100 million or more.

Today's proposed rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because the requirements of the District of Columbia program are already imposed by the District and subject to District law. Second, the Act also generally excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program. The District of Columbia's participation in an authorized UST program is voluntary.

Even if today's proposed rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the District of Columbia program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, section 203 of the UMRA

requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may own and/or operate USTs, they are already subject to the regulatory requirements under existing District law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which own and/or operate USTs are already subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 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 approves regulatory requirements under existing District law to which small entities are already subject. It does not impose any new burdens on small entities. This proposed 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 document is issued under the authority of Section 9004 of the Resource Conservation and Recovery Act as amended 42 U.S.C. 6991c.

Dated: April 3, 1997.

W. Michael McCabe,

Regional Administrator.

[FR Doc. 97-10885 Filed 4-25-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-116, RM-9050]

Radio Broadcasting Services; Everglades City, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Keith L. Reising requesting the allotment of Channel 224A to Everglades City, Florida, as that community's first local broadcast service. The coordinates for Channel 224A at Everglades City are 25-52-16 and 81-22-49. There is a site restriction 1.3 kilometers (0.8 miles) north of the community.

DATES: Comments must be filed on or before June 9, 1997, and reply comments on or before June 24, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Keith L. Reising, 1680 Hwy 62 NE, Corydon, Indiana 47112.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-116, adopted April 9, 1997, and released April 18, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission'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 contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

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* contact.

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. 97-10849 Filed 4-25-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-117, RM-9009]

Radio Broadcasting Services; Wray and Otis, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by New Directions Media, Inc., licensee of Station KATR-FM, Channel 252C2, Wray, Colorado, requesting the substitution of Channel 252C1 for Channel 252C2 at Wray, as well as the reallocation of Channel 252C1 from Wray to Otis, Colorado, and modification of the license for Station KATR-FM to specify Otis as its community of license, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. Coordinates used for Channel 252C1 at Otis are 40-08-54 and 102-57-48.

DATES: Comments must be filed on or before June 9, 1997, and reply comments on or before June 24, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: New Directions Media, Inc., Attn: Robert D. Zellmer, President, P.O. Box 2475, Greeley, CO 80632.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-117, adopted April 9, 1997, and released April 18, 1997. 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 contractors, International