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the requirements of section 110(a) and Part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. §§ 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being proposed for approval by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this proposed action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

The OMB has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

Authority: 42 U.S.C. 7401–7671q.

Dated: July 17, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95–18490 Filed 7–26–95; 8:45 am]

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40 CFR Part 271

[FRL–5265–4]

State of Wyoming; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative determination on application of Wyoming for final authorization, public hearing and public comment period.

SUMMARY: Wyoming has applied for final authorization of its hazardous waste regulatory program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Wyoming's application and has made the tentative decision that Wyoming's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to the State to operate its program subject to the limitations on its authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984. Wyoming's application for final authorization is available for public review and comment and a public hearing will be held to solicit comments on the application.

DATES: A public hearing is scheduled for August 29, 1995, at 7:00 p.m., at the Laramie County Library, Pioneer Room, 2800 Central Avenue, Cheyenne, Wyoming, at 7:00 p.m. Wyoming will participate in the public hearing held by EPA on this subject. All comments on the Wyoming's final authorization application must be received by the close of business on August 28, 1995.

ADDRESSES: Copies of Wyoming's final authorization application are available during business hours at the following addresses for inspection and copying: U.S. EPA Region VIII, Library, Suite 144, 999 18th Street, Denver, Colorado 80202–2466 and at the Department of Environmental Quality, Herschler Building, 4th Floor, 122 West 25th Street, Cheyenne, Wyoming 82002. Written comments should be sent to Marcella DeVargas, Mail code: 8HWM–WM, U.S. EPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202–2466.

FOR FURTHER INFORMATION CONTACT: Marcella DeVargas, U.S. EPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202–2466, Phone 1–800–227–8917 or 303–293–1670.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984 (HSWA). Two types of authorization may be granted. The first type, known as "interim authorization," is a temporary authorization which is granted if EPA determines that the State program is "substantially equivalent" to the Federal program (Section 3006(c), 42 U.S.C. 6926(c)). Interim authorization is currently available only for requirements imposed pursuant to HSWA.

The second type of authorization is a "final" (permanent) authorization that is granted by EPA if the Agency finds that the State program (1) is "equivalent" to the Federal program, (2) is consistent with the Federal program and other State programs, and (3) provides for adequate enforcement (Section 3006(b), 42 U.S.C. 6926(b)). States need not have obtained interim authorization in order to qualify for final authorization. EPA regulations for the interim or final State

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authorization processes appear at 40 CFR Part 271.

B. Wyoming

On September 19, 1994, Wyoming submitted a draft application to EPA for review. This application consisted of Wyoming's proposed hazardous waste rules. EPA submitted comments to the State on January 31, 1995. Comments on the draft application have been addressed by the State. On July 17, 1995, Wyoming submitted its official application for review for final authorization to EPA. Prior to submission, Wyoming solicited public comments and held a public hearing on the draft application.

EPA has reviewed Wyoming's application, and has tentatively determined that the State's program meets all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization to Wyoming to operate its program subject to the authority retained by EPA under HSWA.

In accordance with Section 3006 of RCRA and 40 CFR 271.20(d), the Agency will hold a public hearing on its tentative decision on August 29, 1995, at the Laramie Public Library, Pioneer Room, 2800 Central Avenue, Cheyenne, Wyoming at 7:00 p.m. The public may also submit written comments on EPA's tentative determination until August 28, 1995. Copies of Wyoming's application are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

EPA will consider all public comments on its tentative determination received at the hearing or during the public comment period. Issues raised by those comments may be the basis for a decision to deny final authorization to Wyoming. EPA expects to make a final decision on whether or not to approve Wyoming's program by October 25, 1995 and will give notice of it in the **Federal Register**. The notice will include a summary of the reasons for the final determination and a response to all major comments.

C. Effect of HSWA on Wyoming's Authorization

Prior to the Hazardous and Solid Waste Amendments of 1984, a State with final authorization would have administered its hazardous waste program entirely in lieu of 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, however, did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under the amended Section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by 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 law equivalent or more stringent than newly promulgated HSWA-related federal provisions to retain final authorization, such federally promulgated HSWA-related provisions apply in authorized States in the interim.

As a result of HSWA, there will be a dual State/Federal regulatory program in Wyoming if final RCRA authorization is granted. To the extent the State program as authorized is unaffected by changes to the federal program promulgated pursuant to HSWA, the State program will operate in lieu of the Federal program. To the extent federal HSWA-related requirements go into effect after authorization of the State program, EPA will administer and enforce these portions of HSWA in Wyoming until the State receives authorization to do so. Among other things, this will 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 provision. Until that time the State may assist EPA's implementation of HSWA under a Cooperative Agreement.

Today's tentative determination only includes authorization of Wyoming's program for certain HSWA requirements. Any State requirement that is more stringent than a Federal HSWA provision will also remain in effect; thus, generators of hazardous waste, and those who manage (transport, treat, store and/or dispose) hazardous waste regulated under the State program, must comply with any more stringent State requirements.

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.

D. Indian Country

Today's proposal 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 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 **Federal Register** 64876, December 12, 1991).

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 authorization will not have a significant economic impact on a substantial number of small entities. The 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

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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

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: July 19, 1995.

William P. Yellowtail,

Regional Administrator.

[FR Doc. 95–18489 Filed 7–26–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95–119, RM–8667]

Radio Broadcasting Services; Dafter, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Dafter Community Broadcasters proposing the allotment of Channel 293A to Dafter, Michigan, as that community's first local service. The coordinates for Channel 293A are 46–21–36 and 84–25–36.

DATES: Comments must be filed on or before September 11, 1995, and reply comments on or before September 26, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Jeffrey D. Southmayd, Southmayd & Miller, 1220 Nineteenth Street, NW., Suite 400, Washington, DC 20036.

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. 95–119, adopted July 13, 1995, and released July 21, 1995. 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.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–18405 Filed 7–26–95; 8:45 am]

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