

### C. Decision

I conclude that Kentucky's application for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Kentucky is granted final authorization to operate its hazardous waste program as revised.

Kentucky now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. Kentucky also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

#### *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 Kentucky's 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 has 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 Kentucky's 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.

#### *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: April 9, 1996.

Phyllis P. Harris,

*Acting Regional Administrator.*

[FR Doc. 96-10107 Filed 4-25-96; 8:45 am]

BILLING CODE 6560-50-P

### **40 CFR Part 300**

**[FRL-5460-1]**

#### **National Oil and Hazardous Substances Contingency Plan; National Priorities List Update**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Deletion of the Kummer Sanitary Landfill Superfund Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of the Kummer Sanitary Landfill site in Minnesota from the National Priorities List (NPL). The NPL is Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. This action is being taken by EPA and the State of Minnesota, because it has been determined that Responsible Parties have implemented all appropriate response actions required. Moreover, EPA and the State of Minnesota have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** April 26, 1996.

**FOR FURTHER INFORMATION CONTACT:** Terry Roundtree at (312) 353-3236 (SR-6J), Remedial Project Manager or Gladys Beard at (312) 886-7253, Associate Remedial Project Manager, Superfund

Division, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: The Bemidji Public Library, 602 Beltrami Ave., Bemidji, MN 56601. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The contact for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Kummer Sanitary Landfill Site located in Beltrami County, Minnesota. A Notice of Intent to Delete for this site was published March 1, 1996 (61 FR 8012). The closing date for comments on the Notice of Intent to Delete was March 30, 1996. EPA received no comments and therefore no Responsiveness Summary was prepared.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous Waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

40 CFR part 300 is amended as follows:

#### **PART 300—[AMENDED]**

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193. 42 U.S.C. 9601-9657;

#### Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site

“Kummer Sanitary Landfill Site, Bemidji County, Minnesota”.

Dated: April 10, 1996.  
Valdas V. Adamkus,  
Regional Administrator, U.S. EPA, Region V.  
[FR Doc. 96-10089 Filed 4-25-96; 8:45 am]  
BILLING CODE 6560-50-P

### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Parts 15 and 76**

[ET Docket No. 93-7; FCC 96-129]

#### **Implementation of Section 17 of the Cable Television Consumer Protection and Competition Act of 1992; and Compatibility Between Cable Systems and Consumer Electronics Equipment**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; response to petitions for reconsideration.

**SUMMARY:** The Commission has revised and clarified certain aspects of its regulations for assuring compatibility between consumer electronics equipment and cable systems. In particular, the Commission has clarified the requirement for cable operators to offer subscribers set-top devices with multiple tuners; eliminated the prohibition on changing the infrared codes used with remote controls; clarified its policy with regard to the Decoder Interface connector standard; and, refined the “cable ready” TV receiver standards. These revisions and clarifications will further the Commission’s goals of promoting greater compatibility between cable systems and consumer electronics equipment. This action is in response to ten Petitions for Reconsideration of the *First Report and Order* in this proceeding. **EFFECTIVE DATES:** May 28, 1996. The incorporation by reference of a publication listed in the regulations was approved by the Director of the Federal Register as of May 16, 1994.

**FOR FURTHER INFORMATION CONTACT:** Alan Stillwell (202-418-2470) or Robert Bromery (301-418-2475), Office of Engineering and Technology.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Memorandum, Opinion and Order in ET Docket No. 93-7, FCC 96-129, adopted March 22, 1996 and released April 10, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, N.W., Washington, DC. The

complete text of this decision also may be purchased from the Commission’s duplicating contractor, International Transcriptions Service, 2100 M Street, N.W., Washington, DC 20036, (202) 857-3800.

#### **Summary of the Memorandum Opinion and Order**

1. In the *First Report and Order* in this proceeding, 59 FR 25339, May 16, 1994, the Commission adopted regulations to ensure compatibility between cable systems and consumer electronics equipment, *i.e.*, TV receivers, videocassette recorders (VCRs) and similar devices. These regulations were adopted in response to Section 17 of the Cable Consumer Protection and Competition Act of 1992 (1992 Cable Act), Pub. L. No. 102-385, 106 Stat. 1460, (1992), § 17. The major compatibility problems addressed in the compatibility rules include the capabilities to record sequential programs on different channels; to record one program while watching another; to use advanced television picture generation and display features such as “Picture-in-Picture”; and to use remote controls. The new rules include requirements for cable operators to take a number of actions that will improve compatibility between existing cable system and consumer TV equipment. The compatibility rules also include requirements and standards for both cable operators and consumer equipment operators that are intended to achieve more effective compatibility through new cable and consumer equipment.

2. Petitions for Reconsideration of the *First Report and Order* were filed by ten parties: ANTEC Corporation, Cablevision Systems Corporation, Cable Telecommunications Association, the Consumer Electronics Group of the Electronics Industries Association, General Instrument Corporation, the National Cable Television Association, Scientific-Atlanta, Inc., TeleCable Corporation, Time Warner Entertainment Company, L.P., and Zenith Electronics Corporation. These parties requested revisions and clarifications with regard to a number of specific provisions of the rules adopted in the *First Report and Order*.

3. In response to the Petitions for Reconsideration, the Commission’s Memorandum, Opinion and Order sets forth a number of decisions pertaining to the cable-consumer electronics equipment compatibility rules. In particular, this decision:

—Clarifies that cable operators who use scrambling are required to offer subscribers supplemental equipment