the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the part 70 program.

As outlined in subpart II.A.4.b., EPA is also proposing to grant approval of Michigan's preconstruction permit program, found in R 336.1201, under the authority of title V and part 70 solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between promulgation of the Federal section 112(g) rule and adoption of any necessary State rules to implement EPA's section 112(g) regulations. The EPA proposes to limit the duration of this approval to 18 months following promulgation by EPA of section 112(g) regulations, to provide Michigan adequate time to adopt any necessary regulations consistent with the Federal requirements.

C. Federal Oversight and Sanctions

If EPA were to finalize this proposed interim approval, it would extend for 2 years following the effective date of final interim approval, and could not be renewed. During the interim approval period, Michigan would be protected from sanctions, and EPA would not be obligated to promulgate, administer and enforce a Federal permits program for the State. Permits issued under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon the effective date of interim approval, as does the 3-year time period for processing the initial permit applications.

Following final interim approval, if the State failed to submit a complete corrective program for full approval by the date 6 months before expiration of the interim approval, EPA would start an 18-month clock for mandatory sanctions. If the State then failed to submit a corrective program that EPA found complete before the expiration of that 18-month period, EPA would be required to apply one of the sanctions in section 179(b) of the Act, which would remain in effect until EPA determined that the State had corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator found a lack of good faith on the part of the State, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that the State had come into compliance. In any case, if, 6 months after application of the first sanction, the State still had not submitted a corrective program that EPA found complete, a second sanction would be required.

If, following final interim approval, EPA were to disapprove the State's complete corrective program, EPA would be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date the State had submitted a revised program and EPA had determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator found a lack of good faith on the part of the State, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that the State had come into compliance. In all cases, if, 6 months after EPA applied the first sanction, the State had not submitted a revised program that EPA had determined corrected the deficiencies that prompted disapproval, a second sanction would be required.

In addition, discretionary sanctions may be applied where warranted any time after the end of an interim approval period if a State has not timely submitted a complete corrective program or EPA has disapproved a submitted corrective program. Moreover, if EPA has not granted full approval to a State program by the expiration of an interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a Federal permits program for that State upon interim approval expiration.

III. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed interim approval. Copies of the State's submittal and other information relied upon for the proposed interim approval are contained in an informal docket maintained at the EPA Regional Office. This docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed interim approval. The principal purposes of this docket are:

(1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process, and

(2) to serve as the record in case of judicial review. The EPA will consider any comments received by July 24, 1996.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the proposed action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 13, 1996.

Margaret McCue,

Acting Regional Administrator.

[FR Doc. 96–15886 Filed 6–21–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 25

[IB Docket No. 96–111; CC Docket No. 93–23; FCC 96–210]

Satellite Application and Licensing Procedures

AGENCY: Federal Communications Commission.

ACTION: Proposed Rules.

SUMMARY: The Commission has proposed a uniform legal framework permitting users in the United States greater access to satellites licensed by other countries. In so doing, the Commission proposes to collect certain legal, financial, and technical information from the applicant. The Commission also proposes to eliminate its license requirement for receive-only earth stations in the fixed satellite service operating with U.S.-licensed space stations for the reception of transmissions from foreign countries and allow them to voluntarily register their stations.

DATES: Comments must be submitted on or before July 15, 1996; reply comments must be submitted on or before August 16, 1996. Written comments by the public on the proposed and/or modified information collections are due July 15, 1996. OMB's Notice of Action on the proposed and/or modified information collections must be submitted no later than August 23, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W. Washington, D.C. 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W. Washington, D.C. 20503 or via the Internet to fain__t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Paula Ford, International Bureau, Satellite Policy Branch, (202) 418–0760; Virginia Marshall, International Bureau, Satellite Policy Branch, (202) 418–0778; Kathleen Campbell, International Bureau, Satellite Policy Branch (202) 418–0753. For additional information concerning the information collection contained in this NPRM contact Dorothy Conway at (202) 418–0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking in IB Docket No. 96–111; CC Docket No. 93–23; FCC 96–210, adopted May 9, 1996 and released May 14, 1996. The complete text of this Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W. Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

This NPRM contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995, Pub. L. No. 104–13 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding. Comments are requested on all aspects of the proposals. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due no later than August 23, 1996. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

Title: Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States and Amendment of § 25.131 of the Commission's rules and regulations to Eliminate the Licensing Requirement for Certain International Receive-Only Earth Stations.

Form No.: FCC Form 312.

Type of Review: Revision of existing collections.

Respondents: Businesses or other for profit, including small businesses.

Number of Respondents: 800.

Estimated Time Per Response: The Commission estimates all respondents will hire an attorney or legal assistant to complete the form. The time to retain these services is 2 hours per respondent.

Total Annual Burden: 1,600 hours.

Estimated Costs Per Respondent: $900. This includes the charges for hiring an attorney or legal assistant @ 150 an hour to complete the application. The estimated time to complete the form is 6 hours per response.

Needs and Uses: In accordance with the Communications Act, the information collected will be used by the Commission in evaluating U.S.-licensed earth stations applications requesting authority to operate with space stations licensed by other administrations. The information will be used to determine the legal, technical, and financial ability of the non-U.S. licensed space station to serve the United States and will assist the Commission in determining whether such authorization is in the public interest.

As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document.

Summary of Notice of Proposed Rulemaking

1. The Commission has long pursued a procompetitive policy that relies on the entry of as many independent service providers as possible. In keeping with this policy, we recently allowed foreign carriers to enter the U.S. telecommunications market to provide international common carrier service if effective competitive opportunities exist for U.S. carriers in the destination markets of dominant foreign carriers seeking to enter the U.S. market. *See* Market Entry and Regulation of Foreign-Affiliated Entities, 11 FCC Rcd. 3873, 60 FR 67332 (December 29, 1995). We also eliminated the distinction between domestic and international fixed satellite services over U.S.-licensed satellite systems allowing U.S. satellite systems to provide domestic and/or international service. *See* Amendment of Commission's Regulatory policies governing Domestic Fixed Satellites and Separate International Satellite Systems, 11 FCC Rcd. 2429, 61 FR 09946 (March 12, 1996).

2. Similarly, this NPRM reflects the Commission's continued efforts to promote competition in the U.S. satellite services market which, in turn, will increase service options, lower prices, and improve quality. With this NPRM, we propose a uniform framework for evaluating applications by users in the United States for authority to access satellites licensed by other countries. Under our proposed rules, non-U.S.-licensed satellite systems will be able to provide satellite service to, from, and within the United

States to the extent that foreign markets allow effective competitive opportunities for U.S. satellite systems to provide analogous services. Our proposal will facilitate much greater access to non-U.S. satellites, thus benefitting users within the United States and will encourage foreign governments to open their satellite communications markets, thereby enhancing competition in the global market for satellite services.

3. In implementing this policy, we will not require satellite systems already licensed by other countries to obtain space station licenses from the United States. Rather, we propose to permit these systems access to the U.S. market by licensing earth stations to operate with non-U.S. satellite systems as we have done in the past. When reviewing applications, the Commission proposes to apply an ''effective competitive opportunities for satellites'' or ''ECO-Sat'' test to determine whether the entrance of a non-U.S. satellite system will promote ''effective competitive opportunities'' for U.S. satellites in foreign markets. Under the ECO-Sat test, the Commission will determine whether there are any *de jure or de facto* barriers that inhibit U.S. satellite systems from providing services similar to those requested by the non-U.S. satellite. The Commission proposes to apply the ECO-Sat test to determine whether U.S. fixed satellite systems have effective competitive opportunities in: (1) The licensing jurisdiction or ''home market'' of the foreign satellite system that seeks to serve the United States; and (2) the ''route market'' the applicant seeks to serve from the United States over the non-U.S. satellite. When evaluating the entrance of a foreign mobile satellite system, we propose to apply a modified version of the ECO-Sat test in which the Commission would determine whether some ''critical mass'' of foreign countries, globally or regionally, are open to U.S. satellite operators before allowing a foreign mobile satellite system to serve the United States.

4. We will also consider other public interest factors which may dictate a result different from that indicated by applying the ECO-Sat test. We may consider, with appropriate guidance from the Executive Branch, other public interest factors including national security, law enforcement, foreign policy, or trade issues. Issues of spectrum availability and coordination may also be considered.

5. The Commission proposes to apply the ECO-Sat test and larger public interest analysis when an inter-governmental organization such as Inmarsat or Intelsat seeks to provide U.S. domestic service and when subsidiaries, affiliates, or successors of an inter-governmental organization seek access to the U.S. market. International service from the U.S. is already being provided to virtually every market in the world by Intelsat and Inmarsat and the Commission does not intend to apply its rules retroactively. Thus, the Commission proposes to continue licensing international communications over the Intelsat and Inmarsat systems without applying the ECO-Sat test.

6. In addition, the Commission proposes to retain the licensing requirement for receive-only earth stations in the fixed satellite service that communicate with non-U.S. satellites. Retaining the licensing requirement for these earth stations ensures that the related radio communications conducted within the United States, are consistent with U.S. competition and spectrum management policies. Also, we believe it is no longer necessary to license receive-only earth stations operating with U.S. satellite systems for the reception of service from foreign countries. Instead, we propose that they be subject to a voluntary registration process. Finally, in an attempt to diminish regulatory burden and speed processing, we propose to allow receive-only earth station applicants operating with U.S. or non-U.S. satellites to request blanket authority to operate multiple technically identical receive-only earth stations.

7. To ensure that the non-U.S. systems can provide service in a fast and efficient manner, the Commission will require certain legal, technical, and financial information concerning the non-U.S. system. Also, to prevent interference to U.S. satellite systems and to facilitate responsible spectrum management in the United States, we propose to require all non-U.S. satellite systems serving the United States to comply with the technical and reporting requirements we impose on U.S. satellite systems.

8. This proposal is likely to enhance competition in the global communication services marketplace, prevent anticompetitive conduct in the provision of satellite services, and encourage foreign governments to open their communications market.

Ordering Clauses

9. Accordingly, it is ordered that pursuant to the authority contained in sections 1, 4(i), 303, and 308 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 303, and 308, NPRM is hereby given of our intent to adopt the policies and rules set forth in this NPRM and that comment is sought on all the proposals in this NPRM.

10. It is further ordered that the Secretary shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 **ET SEQ.** (1981).

Administrative Matters

11. This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. *See generally* 47 CFR 1.1202, 1.1203, and 1.1206(a). The Sunshine Agenda period is the period of time that commences with the release of public notice that a matter has been placed on the Sunshine Agenda and terminates when the Commission (1) releases the text of a decision or order in the matter; (2) issues a public notice stating that the matter has been deleted from the Sunshine Agenda; or (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first. 47 CFR 1.1202(f). During the Sunshine Agenda period, no presentations, ex parte or otherwise, are permitted unless specifically exempted. 47 CFR 1.1203.

12. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before July 15, 1996 and reply comments on or before August 16, 1996. To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments send additional copies to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Federal Communications Commission, Reference Center, Room 239, 1919 M Street, NW., Washington, DC 20554. For further information concerning this rulemaking contact Paula Ford at (202)418–0760 or Virginia Marshall (202)418–0778.

Initial Regulatory Flexibility Act Statement

13. As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial

Regulatory Flexibility Analysis (''IRFA'') of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth in Appendix A of the NPRM. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the NPRM, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this NPRM, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

List of Subjects in 47 CFR Part 25

Satellites

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 25 of the Commission's Rules and Regulations, Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 25—SATELLITE COMMUNICATIONS

1. The authority citation for Part 25 continues to read as follows:

Authority: Secs. 25.101 to 25.601 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101–104, 76 Stat. 419–427; 47 U.S.C. 701–744; 47 U.S.C. 554.

2. Section 25.113 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 25.113 Construction permits.

* * * * *

(b) Construction permits are not required for satellite earth stations that operate with U.S.-licensed or non-U.S.-licensed space stations. * * *

* * * * *

3. Section 25.115 is amended by revising the first sentence of paragraph (c) to read as follows:

§ 25.115 Applications for earth station authorizations.

* * * * *

(c) Large Networks of Small Antennas operating in the 12/14 GHz frequency bands with U.S.-licensed or non-U.S.-licensed satellites for domestic services. * * *

* * * * *

4. Section 25.130 is amended by revising the first sentence of paragraph (d) to read as follows:

§ 25.130 Filing requirements for transmitting earth stations.

* * * * *

(d) Transmissions of signals or programming to non-U.S.-licensed satellites, and to and/or from foreign points by means of U.S.-licensed fixed satellites may be subject to restrictions as a result of international agreements or treaties. * * *

* * * * *

5. Section 25.131 is amended by revising paragraphs (b) and (j) to read as follows:

§ 25.131 Filing requirements for receive-only earth stations.

* * * * *

(b) Except as provided in paragraph (j) of this section, receive-only earth stations in the fixed-satellite service that operate with U.S.-licensed satellites may be registered with the Commission in order to protect them from interference from terrestrial microwave stations in bands shared co-equally with the fixed service in accordance with the procedures of §§ 25.203 and 25.251–25.256.

* * * * *

(j) Receive-only earth stations operating with non-U.S.-licensed space stations shall file an FCC Form 493 requesting a license or modification to operate such station. Receive-only earth stations used to receive INTELNET I service from Intelsat space stations need not file for licenses. See Deregulation of Receive-Only Satellite Earth Stations Operating with the INTELSAT Global Communications Satellite System, Declaratory Ruling, RM No. 4845, FCC 86–214 (released May 19, 1986).

6. Section 25.137 is added to read as follows:

§ 25.137 Application requirements for earth stations operating with non-U.S.-licensed space stations.

(a) Earth stations requesting authority to operate with a non-U.S.-licensed space station to participate in the U.S. satellite service market must attach an exhibit with their FCC Form 493 application with information demonstrating that U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services in:

(1) The country in which the non-U.S.-licensed space station is licensed; and

(2) All countries in which communications with the U.S. earth station will originate or terminate. The applicant bears the burden of showing that there are no *de jure* or legal constraints that limit or prevent access of the U.S. satellite system in the relevant foreign markets. The exhibit required by this paragraph must also include a statement of why grant of the application is in the public interest.

(b) Earth stations requesting authority to operate with a non-U.S.-licensed space station must attach to their FCC Form 493 an exhibit providing legal, financial, and technical information for the non-U.S.-licensed space station in accordance with this Part 25 and Part 100 of this chapter. If the non-U.S.-licensed space station is in orbit and operating, the applicant need not include the financial information.

(c) A non-U.S.-licensed satellite system seeking to serve the United States can be considered contemporaneously with other U.S. satellite systems if it is:

(1) In orbit and operating;

(2) Has a license from another administration; or

(3) Has been submitted for coordination to the International Telecommunication Union and is pursuing a license in another administration.

[FR Doc. 96–15857 Filed 6–21–96; 8:45 am]

BILLING CODE 6712–01–P

OFFICE OF PERSONNEL MANAGEMENT

48 CFR Parts 1602, 1604, 1615, 1616, 1622, 1631, 1644, 1652, and 1653

RIN 3206–AH45

Federal Employees Health Benefits Program Acquisition Regulation; Truth in Negotiations Act and Related Changes

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed regulation that would amend the Federal Employees Health Benefits Acquisition Regulation (FEHBAR) to implement those portions of the Federal Acquisition Streamlining Act of 1994 (FASA) that impact on the FEHB Program.

DATES: Comments must be received on or before July 24, 1996.

ADDRESSES: Written comments may be sent to Lucretia F. Myers, Assistant Director for Insurance Programs, Retirement and Insurance Service, Office of Personnel Management, P.O.