

from this proposal will support storage service to be offered to its shippers. National asserts that the increase in pressure and capacity at the Keelor Storage Field will not require additional facilities, within the meaning of the Commission's Regulations. However, National states that minor auxiliary work, including the installation of two valves and a small amount of station piping, will be performed at Station T-329 pursuant to Section 2.55(a) of the Commission's Regulations to accommodate the proposed increase in operating pressure.

Comment date: October 7, 1996, in accordance with Standard Paragraph G at the end of this notice.

4. Northern Natural Gas Company

[Docket No. CP96-730-000]

Take notice that on August 20, 1996, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed in Docket No. CP96-730-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to install and operate a new delivery point, to be located in Sarpy County, Nebraska, under Northern's blanket certificate issued in Docket No. CP82-401-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northern proposes to provide service to Metropolitan Utilities District (MUD). MUD has requested the proposed delivery point to serve residential and commercial customers in Sarpy County, Nebraska. Northern states that the proposed volumes to MUD are 6,060 MMBtu on a peak day and 1,751,715 MMBtu on an annual basis. The estimated cost of constructing the delivery point is \$200,000. MUD will reimburse Northern for the total cost of the delivery point.

Comment date: October 7, 1996, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All

protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-22015 Filed 8-28-96; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5601-9]

State Program Requirements; Application To Administer the National Pollutant Discharge Elimination System (NPDES) Program; Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed approval of the Oklahoma Pollutant Discharge Elimination System.

SUMMARY: The State of Oklahoma has submitted a request for approval of the Oklahoma Pollutant Discharge Elimination System (OPDES) Program pursuant to Section 402 of the Clean Water Act. If EPA approves the OPDES program, the Oklahoma Department of Environmental Quality (ODEQ) will administer that program *in lieu* of the National Pollutant Discharge Elimination System (NPDES) program now administered by EPA in Oklahoma. Today, EPA proposes to approve the State's request and provides notice of a public hearing and comment period on that proposal. EPA will either approve or disapprove the State's request after considering all comments it receives.

DATES: EPA Region 6 will hold a public hearing on September 30, 1996 beginning at 7:00 p.m. for submission of verbal or written comments on EPA's program approval proposal. A public discussion for questions and answers will be held prior to the hearing from 3:00 p.m. until 5:00 p.m. To ensure issues brought up during the meeting from 3:00 to 5:00 are considered in EPA's decision, they should be made in writing to EPA, or on record during the public hearing later that evening. EPA Region 6 will continue to accept written comments through October 21, 1996 at its office in Dallas, Texas. Copies of such written comments should also be provided to ODEQ.

ADDRESSES: The September 30, 1996, public hearing will be held at the Tom Sneed Career Development Center Auditorium, Rose State College, I-40 and Hudiburg Drive at Exit 156B, Midwest City, Oklahoma. Specific directions will be posted at the ODEQ headquarters building located at 1000 N.E. 10th, Oklahoma City, Oklahoma.

Written comments must be submitted to: Ms. Ellen Caldwell (6WQ-O), Water Quality Protection Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202.

A copy of each comment should be submitted to: Norma Aldridge, Department of Environmental Quality,

Water Quality Division, 1000 N.E. 10th Street, Oklahoma City, Oklahoma 73117-1212.

Copies of documents Oklahoma has submitted in support of its program approval request may be reviewed during normal business hours, Monday through Friday, excluding holidays, at: EPA Region 6, 12th Floor Library, 1446 Ross Avenue, Dallas, Texas 75202, (214) 665-7513

ODEQ Headquarters, Department of Environmental Quality, Water Quality Division, 1000 N.E. 10th Street, Oklahoma City, Oklahoma 73117-1212.

The documents are also available to the public at the following libraries:

1. Tulsa City/County Library, 400 Civic Center, Tulsa, Oklahoma 74103
2. Woodward Public Library, 1500 N. Main, Woodward, Oklahoma 73801
3. McAlester Public Library, 401 N. 2nd Street, McAlester, Oklahoma 74501
4. Lawton Public Library, 110 S.W. 4th Street, Lawton, Oklahoma 73501.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Caldwell at the EPA address listed above or by calling (214) 665-7513 or Norma Aldridge at the ODEQ address listed above or by calling (405) 271-5205 ext 134.

Part or all of the State's submission (which comprises approximately 2391 pages) may be copied at the ODEQ office in Oklahoma City, or EPA office in Dallas, at a minimal cost per page. A paper copy of the entire submission may be obtained from the ODEQ office in Oklahoma City for a \$358.65 fee (The cost of the principal documents, i.e., the Attorney General's Statement, Memorandum of Agreement, Program Description, and the Enforcement Management System all *without* their associated appendices is \$163.35). An electronic copy of the documents stored on computer disk will be provided at no cost to interested parties which supply a disk to ODEQ for that purpose. The disk must be a new, 3.5" high density/double sided microdisk. The documents will be copied to the disk in WordPerfect 6.0.

SUPPLEMENTARY INFORMATION: Section 402 of the Clean Water Act (Act) created the NPDES program under which EPA may issue permits for the point source discharge of pollutants to waters of the United States under conditions required by the Act. Section 402 also provides that EPA may authorize a State to administer an equivalent state program upon a showing the State has authority and a program sufficient to meet the Act's requirements.

The basic requirements for state program approval are listed in 40 CFR

Part 123. EPA Region 6 considers the documents submitted by the State of Oklahoma complete at the time of this notice and believes they comply with the regulations found at 40 CFR 123. It thus proposes to approve the OPDES program as described by the Oklahoma Department of Environmental Quality. EPA will consider final approval after all public comments have been considered.

On June 10, 1996, the Governor of Oklahoma requested NPDES partial program approval and submitted a program description (including funding, personnel requirements and organization, and enforcement procedures), an Attorney General's statement, copies of applicable State statutes and regulations, and a Memorandum of Agreement (MOA) to be executed by the Regional Administrator of EPA Region 6 and the Executive Director of ODEQ. As a result of discussions between EPA and ODEQ staff, changes and additions have been made to some of those documents to include regulatory and statutory corrections in the program. The additional information was received by EPA on August 14, 1996, and a letter of completeness was sent to the Executive Director of ODEQ on August 22, 1996.

EPA's Regional Administrator is required to approve the submitted program within 90 days of submission of the complete information unless it does not meet the requirements of section 402(b) of the Act and EPA regulations. To obtain such approval, the State must show, among other things, that it has authority to issue permits which comply with the Act, authority to impose civil and criminal penalties for permit violations, and authority to ensure that the public is given notice and opportunity for a hearing on each proposed permit. After close of the comment period, EPA's Regional Administrator will decide to approve or disapprove the OPDES program for implementation *in lieu* of the federal NPDES program.

EPA's final decision to approve or disapprove the OPDES program will be based on the requirements of section 402 of the CWA and 40 CFR Part 123. If she approves the Oklahoma partial program, the Regional Administrator will so notify the State. Notice will be published in the Federal Register and, as of the date of program approval, EPA will suspend issuance of NPDES permits in Oklahoma [except for those discharges which are not under the jurisdiction of ODEQ, see *Scope and Summary of the OPDES Permitting Program* below]. The State's OPDES program will implement federal law and

operate *in lieu* of the EPA-administered NPDES program for those discharges for which ODEQ has authority. EPA will, however, retain the right to object to OPDES permits proposed by ODEQ, and if the objections are not resolved, issue the permit itself. If EPA's Regional Administrator disapproves the OPDES program, she will notify ODEQ of the reasons for disapproval and of any revisions or modification to the program which are necessary to obtain approval.

PUBLIC HEARING PROCEDURES: The following procedures will be used at the September 30, 1996 public hearing:

1. The Presiding Officer shall conduct the hearing in a manner which will allow all interested persons wishing to make oral statements an opportunity to do so; however, the Presiding Officer may inform attendees of any time limits during the opening statement of the hearings.

2. Any person may submit written statements or documents for the record.

3. The Presiding Officer may, in his discretion, exclude oral testimony if such testimony is overly repetitious of previous testimony or is not relevant to the decision to approve or require revision of the submitted State program.

4. The transcript taken at the hearing, together with copies of all submitted statements and documents, shall become a part of the record submitted to the Regional Administrator.

5. The hearing record shall be left open until the deadline for receipt of comments specified at the beginning of this Notice to allow any person time to submit additional written statement or to present views or evidence tending to rebut testimony presented at the public hearing.

Hearing statements may be oral or written. Written copies of oral statements are urged for accuracy of the record and for use of the Hearing Panel and other interested persons. Statements should summarize any extensive written materials. All comments received by EPA Region 6 by the deadline for receipt of comments, or presented at the public hearing, will be considered by EPA before taking final action on the Oklahoma request for NPDES program approval.

Scope and Summary of the Oklahoma Pollution Discharge Elimination System (OPDES) Permitting Program

A. Scope

1. Partial Program: Oklahoma's OPDES program is a partial program which conforms to the requirements of section 402(n) of the Clean Water Act. The program application submitted by ODEQ applies to all discharges covered

by the authority of that agency. This includes most discharges of pollutants subject to the federal NPDES program (e.g. municipal wastewater discharges, pretreatment, and most industrial point source discharges, and point source discharges from federal facilities), including the disposal of sewage sludge (in accordance with Section 405 of the Act and 40 C.F.R. Part 503). ODEQ does not have regulatory authority over the following classes of facilities or discharges in the State of Oklahoma:

(a) Agricultural industries including concentrated animal feeding operations and silviculture. The Oklahoma Department of Agriculture is the state authority for point and nonpoint source discharges associated with agricultural production, services, silviculture, feed yards, livestock markets and animal wastes. The Department of Agriculture has not yet applied to EPA for authorization of their program, therefore, EPA will retain NPDES authority over these facilities and their discharges.

(b) Oil and Gas exploration and production related industries and pipeline operations outside the boundaries of facilities regulated by ODEQ. The Oklahoma Corporation Commission is the state authority regulating the oil and gas exploration and production related industries and their associated discharges. The Corporation Commission has not yet applied to EPA for authorization of their state program, therefore, EPA will retain NPDES authority over these industries and their discharges to surface waters of the state.

(c) Discharges in Indian Country. The State of Oklahoma does not seek jurisdiction over Indian Country. EPA will retain NPDES authority to regulate discharges in Indian Country (as defined in 18 W.S.C. 1151). Although State regulation 252:605-1-3(c) seems to assert that the OPDES program has the authority to regulate discharges on "Indian Lands," it is contrary to the intent of the State as described in the EPA/ODEQ MOA and the Oklahoma Attorney General's Statement. The State of Oklahoma has undertaken steps to revise the regulation clarifying ODEQ does not seek to issue authorized OPDES permits to discharges in Indian Country. EPA and ODEQ will work together with tribal authorities to resolve questions of permitting authority for individual discharges. Although EPA would be the issuing authority for permits in Indian Country, it is likely that Region 6 would work with ODEQ and the appropriate tribes in the development of these permits to insure that both tribal and state waters

are protected in a way consistent with the requirements of the CWA.

(d) Discharges of radioactive materials regulated by the federal government (i.e. those radioactive materials covered by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)). The State's definition of "pollutant" does not exclude by reference radioactive materials regulated by other federal authorities. EPA does not have the authority to authorize the OPDES program to regulate radioactive wastes governed by the Atomic Energy Act. The regulatory authority for radioactive materials will remain under the jurisdiction of the U.S. Department of Energy and the Nuclear Regulatory Commission. Some industrial discharges which contain very low level radioactive wastes (e.g. manufacturers of watches may discharge trace amounts of radium, and hospital wastes sometimes contain iodine isotopes) which are not included in the Atomic Energy Act and are thus regulated by EPA; upon authorization of the OPDES program, the authority to regulate those discharges will become the responsibility of ODEQ.

(e) Oklahoma Ordinance Works Authority (OOWA). EPA will retain enforcement authority for OOWA (NPDES permit No. OK0034568), located in Pryor, Oklahoma, and all industries served by this facility. ODEQ is legally responsible for implementing the pretreatment program at OOWA.

2. Phased Program Authority: The State of Oklahoma, to ensure that the Oklahoma general permitting program is consistent with the requirements of 40 CFR 123.25(c), is revising its statutes and regulations to provide the Executive Director of the Oklahoma Department of Environmental Quality with the full authority to issue general permits under the OPDES system. Until the state completes this transfer of authority, EPA will retain full permitting and enforcement authority for those discharges which are covered, or proposed to be covered by EPA issued general permits. This will prevent the state from becoming overburdened with the permitting of these facilities via individual permits. Once the state has completed its regulatory and statutory changes to ensure their general permitting authority complies with 40 CFR 123.25(c), EPA will turn over all authority for these discharges to ODEQ. EPA will also transfer its general permits to ODEQ for administration. This phased authority will be transferred to the state no later than three years after authorization of the program.

a. EPA will be temporarily retaining NPDES authority for:

i. All existing discharges of storm water associated with industrial or construction activity (40 CFR 122.26(b)(14)), including allowable non-storm water, authorized to discharge under an NPDES storm water general permit as of the date of program assumption. The storm water general permits affected are: Baseline construction storm water general permit (57 FR 41209), NPDES permit numbers OKR10*###; Baseline non-construction storm water general permit (57 FR 41297), NPDES permit numbers OKR00*###; and Multi-sector storm water general permit (60 FR 51108), NPDES permit numbers OKR05*###. (For an individual facility's permit number, the * is a letter and the #'s are numbers—e.g. OKR00Z999).

ii. New discharges of storm water associated with industrial or construction activity, including allowable non-storm water, eligible for coverage under one of the NPDES storm water general permits listed above, *excluding* new discharges subject to a new source performance standard. ODEQ will have authority for new discharges subject to a new source performance standard and these discharges will require an OPDES permit. Since the excluded facilities will be applying for a State-issued permit, the new source review requirements of the National Environmental Policy Act (NEPA) will not apply. [NOTE: Phased authority does not apply to discharges from municipal separate storm sewers systems (MS4s, e.g., Oklahoma City and Tulsa); individual storm water permits or outfalls in waste water permits; and storm water discharges designated by the State in accordance with 40 CFR 123.26(g)(1)(I). The state will have authority over these discharges immediately upon authorization.]

iii. All existing and new discharges resulting from implementing corrective action plans, as required by 40 CFR 280, for cleanup of groundwater contaminated by releases from Petroleum Underground Storage Tank Systems (UST). A Petroleum UST System is defined in 40 CFR 280 as an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

iv. Discharges from Petroleum Bulk Storage Tanks (PST). To EPA's and ODEQ's knowledge, all discharges

authorized by EPA's PST general permit are regulated by the Oklahoma Corporation Commission. Neither EPA nor ODEQ are aware of any discharge points covered under EPA's PST general permit which are also located at facilities regulated by ODEQ. However, if it is determined that a permittee regulated by ODEQ has coverage under this EPA general permit, those discharges would be issued individual permits by ODEQ when the facility permit was modified, issued or reissued. So as not to leave the discharges from the PST without NPDES authorization, EPA and ODEQ would transfer authority over these discharges in the manner described in A.2. b. (below) at the time ODEQ public noticed the permitting action.

A list of existing permittees under the general permits and thus remaining under EPA permitting authority is included as part of the public record and available for review. Facilities eligible for but not currently covered by one of these general permits may continue to apply to EPA for coverage. [Note: Oklahoma will continue to provide state-only permits for those dischargers which are to be phased over to ODEQ, and which need state authorization to discharge.]

b. Case-by-case transfers of NPDES authority for individual storm water, UST, and certain PST dischargers. From time to time, it may be desirable from an environmental or administrative standpoint to transfer authority, for an individual facility with EPA NPDES general permit coverage, prior to the time the State has received authority to issue general permits. Case-by-case transfers of NPDES authority for individual storm water, UST, and certain PST dischargers will be made using the following procedures:

i. ODEQ may request early transfer of NPDES authority over an individual facility or a class of storm water dischargers at any time. All requests will be in writing and will include a brief rationale.

ii. For those categories of industrial waste water and storm water which EPA has retained temporary authority, and may not be eligible for coverage under an EPA general permit, the permittee may petition ODEQ to request early transfer of NPDES authority so the facility discharges may be covered by an individual OPDES permit. The applicant must send a written request for transfer of authority to ODEQ. If the applicant's request is approved, ODEQ will request transfer of authority as specified above.

iii. If ODEQ and EPA agree to early transfer of NPDES authority for a

facility, the State will include outfalls for the affected discharges in a draft OPDES permit and the public notice of the draft permit will concurrently notice the transfer of authority for the facility's discharges to ODEQ.

c. Final transfer of complete authority over EPA general permits. Ultimately, transfer of complete NPDES authority for storm water, UST, and certain PST discharges will be made using the following procedures:

i. Within three years from the date of program assumption, the State will make the necessary changes to State statutes in order to qualify for general permitting authority.

ii. Within 90 days of the effective date of the new statutes, the State will submit a supplemental Attorney General's statement, along with a copy of the relevant statutes, certifying that the Executive Director has the authority to issue general permits.

iii. If EPA concurs with the Attorney General's statement, the Agency will publish notice of the transfer of authority for all remaining storm water, UST, and specific PST discharges to ODEQ and send a copy to the appropriate mailing list.

iv. Once the Executive Director of ODEQ assumes authority in accordance with a promulgated final rule to issue general permits, the State will become the permitting authority (subject to EPA oversight) for all discharges of storm water associated with industrial and construction activity, UST remediation discharges, and PST discharges which fall under ODEQ's authority. The EPA storm water general permits and any effective general permits for UST remediation discharges will then be transferred to ODEQ for administration. Within 30 days of the transfer of authority, EPA will provide ODEQ with a list of all facilities authorized to discharge under these general permits.

3. Transfer of NPDES Authority and Pending Actions: Upon approval of the Oklahoma program, authority for all NPDES Permit and Enforcement activities (within the scope of ODEQ's authority) will be transferred to the State with the following exceptions: a) Permits for facilities whose permits are proposed but not final. The permit authority will be transferred to the state as the permits are finalized. b) Permits for which there is an unresolved evidentiary hearing request. Once a hearing has been denied or is held and the issue resolved, the permit will be transferred to the state. c) Enforcement authority for those facilities which have any outstanding compliance issues. EPA will retain jurisdiction of these facilities until resolution of these issues is

accomplished in cooperation with the State. Files retained by EPA for the reasons given above will be transferred to the state as the actions are finalized. Facilities will be notified of this retained jurisdiction and again when the file is transferred to the State.

B. Summary of the Application Documents

The OPDES program is fully described in documents the State has submitted in accordance with 40 CFR 123.21, i.e., a Memorandum of Agreement (MOA) for execution by ODEQ and EPA; a Program Description, including an Enforcement Management System, outlining the procedures, personnel and protocols that will be relied on to run the state's permitting and enforcement programs; a Statement signed by the Attorney General that describes the legal authority which the state has adopted to administer a program equivalent to the federal NPDES program; and several agreements under which ODEQ will coordinate with the State Historic Preservation Officer and the U.S. Fish and Wildlife Service for the protection of antiquities and endangered species. The content of those documents is summarized below.

1. The EPA/ODEQ MOA: The requirements for MOAs are found in 40 CFR 123.24. A Memorandum of Agreement is a document signed by each agency, committing them to specific responsibilities relevant to the administration and enforcement of the state's regulatory program. A MOA specifies these responsibilities and provides structure for the State's program management and EPA's program oversight.

The MOA submitted by the State of Oklahoma has been signed by Mark Coleman, Executive Director of the Department of Environmental Quality. The Regional Administrator of U.S. EPA Region 6 will sign the document after the program has been determined approvable and all comments received during the comment period (including comments received at the public hearing) have been considered. The MOA submitted by ODEQ includes the following items:

Section I—Introduction: This section contains the statement of scope of the NPDES program (pretreatment, storm water, sewage sludge disposal programs) and contains general statements describing the purpose of the MOA.

Section II—General Responsibilities: Describes, in general terms, the relative responsibilities regarding administration of the State program and EPA regarding oversight of the state program.

Section III—Program Responsibilities: Lists the responsibilities of ODEQ and EPA in maintaining an effective program. Also outlines the procedures for phased authority over general permit discharges, and gives timing for the transition.

Section IV—Permit Review and Issuance: Describes all agreements on the review and issuance of OPDES permits. It covers ODEQ's responsibilities to issue permits, the transfer of EPA files to the State, and the State's application review and permit development process. Included are such things as procedures for permit modification or reissuance, and EPA's review of OPDES drafted individual and general permits. This section includes the State's commitment for responding to public concerns and providing public participation in connection with public hearings, evidentiary hearings, and administrative and judicial enforcement actions.

Section V—Enforcement: Describes summary agreements between EPA and ODEQ that provide EPA with oversight of the OPDES enforcement program. These include those commitments on ODEQ's compliance monitoring, reviews, pretreatment audits, and inspections. ODEQ agrees to take penalty actions in accordance with the spirit of the EPA Penalty Policy.

Section VI—Reporting and Transmittal of Information: This section describes how reports and requests for information will be handled; and how information is transferred between the two agencies.

Section VII—Program Review: Explains how EPA must review the OPDES program.

Section VIII—Computation of Time: This section explains how time is computed with relation to the effective date of the MOA and non-business days.

Section IX—Modification to this MOA: Describes how the MOA can be modified by EPA and ODEQ.

Section X—Public Access to Information: Provides that all information (except that which is legally determined to be confidential) must be available to the public by both ODEQ and EPA.

Section XI—Independent EPA Powers: Explains that the MOA does not limit EPA's authority to take action under the Clean Water Act.

Section XII—Incorporation By Reference: Allows DEQ to adopt federal standards by reference.

Section XIII—MOA Effective: The MOA becomes effective when the EPA Regional Administrator signs the document.

2. Program Description: A program description submitted by a state seeking program approval must meet the minimum requirements of 40 CFR 123.22. It must provide a narrative description of the scope, structure, coverage and processes of the state program; a description of the organization, staffing and position descriptions for the lead state agency; and itemized costs and funding sources for the program. It must describe all applicable state procedures (including administrative procedures for the issuance of permits and administrative or judicial procedures for their review) and include copies of forms used in the program. It must further contain a complete description of the State's compliance and enforcement tracking program. The program description submitted by ODEQ includes the following items:

Chapter 1—Scope and Authority of the DEQ Program: This chapter describes the authority (statutes and rules) for the state program and the scope. In particular, it provides a description of the authority over sewage sludge, pretreatment and storm water programs.

Chapter 2—Organization, Structure and Responsibilities: This chapter gives an overview of the Water Quality Division, other Divisions within DEQ; and OPDES staff job descriptions.

Chapter 3—Cost Estimates and Funding of the Oklahoma Delegations Program: This chapter gives a budget summary on programs's projected finances and funding sources for the program.

Chapter 4—Permitting Procedures: Describes how ODEQ staff will develop effluent limitations, the permitting process, and the process for determining Total Maximum Daily Load of a surface water.

Chapter 5—Public Participation: This chapter describes the procedures governing public involvement in ODEQ decision making. This includes rulemaking, public forums and meetings, the permitting process, development and updating the Continuing Planning Process, and other public participation opportunities.

Chapter 6—Source Inventory: Describes the source inventory for sludge, unpermitted discharges, general permits and pretreatment programs that will be entered into the Permits Compliance System (PCS—the computer tracking system for NPDES permits).

Chapter 7—Compliance Monitoring: Gives a brief overview of compliance review activities for inspections, Discharge Monitoring Reports and other

required reports to be submitted by the permittee.

Chapter 8—PCS and Program Reporting: Describes the Permits Compliance System and the types of data tracked by it. This chapter also describes how this data is updated.

Chapter 9—Flow of Information and Records: Details the documents to be processed, the timelines for these processes, types of information received by ODEQ, permit file contents, and describes how information is disseminated.

Chapter 10—Enforcement and Compliance: This chapter gives the legal authority for ODEQ enforcement actions, outlines ODEQ policies related to compliance and enforcement and provides a description of state enforcement actions.

Chapter 11—Pretreatment: This chapter gives the authority for ODEQ pretreatment program; and the components of the program such as, the establishment of limits for indirect users, fundamentally different factors, categorical determination requests, reporting requirements, inspections and enforcement.

Chapter 12—Storm Water: describes the storm water program, its implementation in Oklahoma, and the general permits which regulate many of the storm water dischargers. The authority to regulate dischargers covered by general permits will be phased over to the state within three years.

Chapter 13—Sewage Sludge: Gives a brief description of sewage sludge program, its history, and statutory framework. It describes sludge permits and reports required.

Chapter 14—Toxics Control: Describes the permit conditions relating to the control of toxicity. This includes biomonitoring requirements and numerical limits for toxics in permits.

Chapter 15—Program Description EPA Oversight: Explains the mechanism EPA will use to oversee the OPDES program and the authority for EPA oversight.

3. Enforcement Management System (EMS): States seeking authorization of their permitting and enforcement program under NPDES have the option of adopting EPA's enforcement policies, procedures, and guidance; or provide in their program package a complete description of their enforcement authority and compliance evaluation program (40 CFR 123.26 and 123.27). Oklahoma developed its own enforcement management system. An EMS outlines the ways the State systematically and efficiently identifies instances of noncompliance and

provides timely and appropriate enforcement actions to achieve the final objective of full compliance by the permittee with the Clean Water Act. An EPA memo dated October 2, 1989, titled "Final Version of the Revised Enforcement Management System," describes seven basic principles that are common to an effective EMS:

- Maintain a source inventory that is complete and accurate;
- Handle and assess the flow of information available in a systematic and timely basis;
- Accomplish a pre-enforcement screening by reviewing the flow of information as soon as possible after it is received;
- Perform a more formal enforcement evaluation where appropriate, using systematic evaluation screening criteria;
- Institute a formal enforcement action and follow-up whenever necessary;
- Initiate field investigations based on a systematic plan; and,
- Use internal management controls to provide adequate enforcement information to all levels of organization.

The ODEQ's Enforcement Management System (EMS) is a written outline or guide which discusses the procedures that will be followed to ensure that both federal and state regulatory requirements and goals are accomplished in a timely and appropriate manner.

The inspection and enforcement functions of the Oklahoma Department of Environmental Quality (ODEQ) reside in the Water Quality Division's Field Inspection and Compliance Section and the Water Quality Program Management Section headquartered in Oklahoma City. The Field Inspection and Compliance Section is responsible for inspecting all permitted and unpermitted facilities which have or are believed to have a surface water discharge and is primarily responsible for the investigation and resolution of all citizen complaints involving waters of the State. The State Environmental Laboratory and the local ODEQ representatives from the Environmental Complaints and Local Services Division (located within the counties of Oklahoma) assist in preliminary inspection and investigation of complaints.

Penalties. The ODEQ has adopted EPA's civil penalty policy to ensure the consistent assessment and collection of administrative penalties in their state. The amount of penalty sought by ODEQ for permit or CWA violations will be consistent with Clean Water Act Penalty Policy.

Enforcement. In contrast to the compliance orders EPA issues under CWA § 309(a)(3), ODEQ's Compliance Orders (COs) are subject to appeal.

Staffing. ODEQ has committed to establish full program staffing by FY 99. This will require the state to hire additional personnel over a 3 year period; 10 the 1st year, 8 the 2nd year and 2 the 3rd year.

4. Attorney General's Statement: An Attorney General's Statement is required and described in regulations found at 40 CFR 123.23. The State Attorney General must certify that the State has lawfully adopted statutes and regulations which provide the State agency with the legal authority to administer a permitting program in compliance with 40 CFR Part 123. The Attorney General's Statement from Oklahoma describes and cites state legal authority which provide adequate legal authority to administer the program; and certifies that the State does indeed have the legal authority to administer the OPDES program in accordance with the regulations in 40 CFR 123.

Comments on the Described Program

The program submitted by the State of Oklahoma has been determined by EPA to be complete in accordance with the regulations found at 40 CFR 123. EPA and ODEQ want to encourage public participation in this authorization process so that the citizens of Oklahoma will understand the program in their state. Therefore, EPA requests that the public review the program that ODEQ has submitted and provide any comments they feel are appropriate. EPA and the State want the public to be able to effectively coordinate with ODEQ on OPDES permitting and enforcement actions. EPA will consider all comments on the OPDES program and/or its authorization in its decision.

Other Federal Statutes

A. National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires that all federal agencies must consult with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) on all federal undertakings which may affect historic properties or sites listed or eligible for listing in the National Register of Historic Places. Regulations outlining the requirements of a Section 106 consultation on a federal undertaking are found at 36 CFR Part 800. Approval of the State NPDES permitting program under section 402 of the Clean Water Act is a federal undertaking subject to this requirement,

but the State's subsequent issuance of OPDES permits may not be. EPA has thus consulted in accordance with Section 106 of the NHPA to assure equivalent protection of eligible properties will be provided in connection with State permit actions. In that consultation, EPA, the SHPO and ODEQ outlined procedures by which, following approval of the state's program, ODEQ and the SHPO would confer on permit actions likely to affect historic properties. These processes are reflected in a memorandum of understanding signed by EPA and the SHPO on EPA's oversight role and objection procedures on permits when the two state agencies can not agree on the protection of historic properties. The EPA/ODEQ MOA includes conditions for EPA and ODEQ to follow to ensure that the requirements of the consultation with the SHPO are met. These consultation documents are available with the program package for public review and comment.

B. Endangered Species Act

Section 7 of the Endangered Species Act (ESA) requires that all federal agencies consult on federal actions which may affect federally listed species to insure they are unlikely to jeopardize the continued existence of those species or adversely modify their critical habitat. Regulations controlling consultation under ESA Section 7 are codified at 50 CFR Part 402. The approval of the State permitting program under section 402 of the Clean Water Act is a federal action subject to this requirement, but the State's subsequent OPDES permit actions are not. EPA has completed informal consultation with the U.S. Fish and Wildlife Service (FWS or the Service). In the course of consultation, EPA, the Service, and ODEQ have outlined procedures by which ODEQ and FWS, will confer on permits which are likely to affect federally listed species. These processes are reflected in a Memorandum of Understanding between the State and FWS. In addition, a consultation agreement has been reached between EPA and FWS on EPA's oversight role and objection procedures when ODEQ and FWS cannot agree on the protection of species in an individual State permit action. These conditions are reflected in the EPA/ODEQ MOA. These documents are available with the program package for public review and comment.

C. Small Business Regulatory Enforcement Fairness Act

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as

amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

D. Regulatory Flexibility Act

After review of the facts presented in this document, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that this proposal will not have a significant impact on a substantial number of small entities. The approval of the Oklahoma NPDES permit program would merely transfer responsibilities for administration of the NPDES permit program from Federal to State government.

I hereby propose to authorize the OPDES program in accordance with 40 CFR part 123.

Dated: August 22, 1996.

Jane N. Saginaw,

Regional Administrator.

[FR Doc. 96-21944 Filed 8-28-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by FCC for Extension Under Delegated Authority 5 CFR 1320 Authority, Comments Requested

August 23, 1996.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number.

Comments are requested concerning (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.

The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320, authority delegated to the Commission by the Office of Management and Budget (OMB).

DATES: Written comments should be submitted on or before October 28, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060-0219.

Title: Section 90.49(b)

Communications standby facilities "Special eligibility showing".

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 200.

Estimated Time Per Response: .75 hours.

Total Annual Burden: 150 hours.

Total Annual Cost: 0.

Needs and Uses: The reporting requirement contained in Section 90.49(b) is necessary to ensure that a communications common carrier

requesting private radio service frequencies to be used as a standby facility for carrying safety-related communications when normal common carrier circuits are inoperative due to circumstances beyond the control of the carrier are necessary for the protection of life and property. This information is collected only once, upon initial application for a license.

Federal Communications Commission

William F. Caton,

Acting Secretary.

[FR Doc. 96-22046 Filed 8-28-96; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL ELECTION COMMISSION

[Notice 1996-17]

Filing Dates for the Missouri Special Election

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: Missouri has scheduled a special general election on November 5, 1996, in the Eighth Congressional District to fill the U.S. House seat vacated by the late Congressman Bill Emerson.

Committees required to file reports in connection with the Special General Election on November 5 should file a 12-day Pre-General Election Report on October 24, 1996; a 30-day Post-General Election Report on December 5, 1996; and a Year-end Report on January 31, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Information Division, 999 E Street, N.W., Washington, DC 20463; Telephone: (202) 219-3420; Toll Free (800) 424-9530.

SUPPLEMENTARY INFORMATION: All principal campaign committees of candidates in the Special General Election and all other political committees which support candidates in this election shall file a 12-day Pre-General Report on October 21, with coverage dates from the close of the last report filed, or the day of the committee's first activity, whichever is later, through October 16; and a Post-General Report on December 5, with coverage dates from October 17 through November 25, 1996.