

the paper record maintained at the location described in **ADDRESSES** above.

Dated: November 8, 1996.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 96-29353 Filed 11-14-96; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5651-6]

Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act; in re: Industri-Plex Superfund Site; Woburn, MA

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed prospective purchaser agreement and request for public comment.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to enter into a prospective purchaser agreement to address claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.* Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve the liability under CERCLA of Massachusetts Port Authority, Massachusetts Bay Transportation Authority, Massachusetts Highway Department of the Executive Office of Transportation and Construction, and the Commonwealth of Massachusetts for injunctive relief or for costs incurred or to be incurred by EPA in conducting response actions at the Industri-Plex Superfund Site in Woburn, Massachusetts.

DATES: Comments must be provided on or before December 16, 1996.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Mailcode RCG, Boston, Massachusetts 02203, and should refer to: Agreement and Covenant Not to Sue Re: Regional Transportation Center, Industri-Plex Superfund Site, Woburn, Massachusetts, U.S. EPA Docket No. CERCLA-I-96-1047.

FOR FURTHER INFORMATION CONTACT: Daniel H. Winograd, U.S. Environmental Protection Agency, J.F.K. Federal Building, Mailcode RCT, Boston, Massachusetts 02203, (617) 565-3686.

SUPPLEMENTARY INFORMATION: In accordance with the Comprehensive

Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.*, notice is hereby given of a proposed prospective purchaser agreement concerning the Industri-Plex Superfund Site in Woburn, MA. The settlement was approved by EPA Region I, subject to review by the public pursuant to this Notice. Massachusetts Port Authority, Massachusetts Bay Transportation Authority, Massachusetts Highway Department of the Executive Office of Transportation and Construction, and the Commonwealth of Massachusetts, have executed signature pages committing them to participate in the settlement. Under the proposed settlement, Massachusetts Port Authority, Massachusetts Bay Transportation Authority, and Massachusetts Highway Department of the Executive Office of Transportation and Construction will construct and operate a regional transportation center that will improve air quality by reducing private automobile traffic otherwise destined for Logan Airport and the City of Boston. In addition, all of the settling parties agree to abide by institutional controls and to provide access to the property. EPA believes the settlement is fair and in the public interest.

EPA is entering into this agreement under the authority of CERCLA Section 101 *et seq.* which provides EPA with authority to consider, compromise, and settle a claim under Sections 106 and 107 of CERCLA for costs incurred by the United States if the claim has not been referred to the U.S. Department of Justice for further action. The U.S. Department of Justice will have approved this settlement in writing prior to the agreement becoming effective. EPA will receive written comments relating to this settlement for thirty (30) days from the date of publication of this Notice.

A copy of the proposed administrative settlement may be obtained in person or by mail from Daniel H. Winograd, U.S. Environmental Protection Agency, JFK Federal Building, Mailcode RCT, Boston, Massachusetts 02203, (617) 565-3686.

The Agency's response to any comments received will be available for public inspection with the Docket Clerk, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Mailcode RCG, Boston, Massachusetts (U.S. EPA Docket No. CERCLA-I-96-1047).

Dated: November 1, 1996.

John DeVillars,

Regional Administrator.

[FR Doc. 96-29351 Filed 11-14-96; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5651-1]

Proposed National Pollutant Discharge Elimination System General Permit and Reporting Requirements for the Final Beneficial Reuse or Disposal of Municipal Sewage Sludge

AGENCY: Environmental Protection Agency (EPA).

ACTION: Pursuant to section 405(f)(1) of the Clean Water Act (CWA) EPA is proposing a General Permit to treatment works treating domestic sewage (TWTDS), including publicly owned treatment works (POTWs), in the State of Louisiana. Notice is for the draft general permit for the land application, surface disposal, and disposal in a municipal solid waste landfill (MSWLF) of sewage sludge generated during the treatment of domestic sewage in a treatment works.

SUMMARY: The CWA states that all permits issued under section 402 include requirements for the use and disposal of sludge that implement the regulations established (40 CFR Part 503 and 40 CFR Part 258) pursuant to section 405(d) of the CWA.

The State of Louisiana was authorized to implement the National Pollutant Discharge Elimination System (NPDES) program on August 27, 1996. It is not applying for authorization to implement the sewage sludge program. The Louisiana Pollutant Discharge Elimination System permits issued to wastewater treatment facilities will not provide permit coverage for disposal of sewage sludge. EPA is proposing this permit to assure sewage sludge is beneficially reused or disposed in accordance with regulations to protect human health and the environment. The 40 CFR Part 503 Standards found in 58 FR 9248, 9404 consist of general requirements, pollutant limits, management practices, and operational standards, for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works. Reuse or disposal methods addressed in the general permit include sewage sludge applied to the land, placed on a surface disposal site, and disposed in a municipal solid waste landfill. This notice requests comments on the general permit.

DATES: Comments on the proposed permit must be received on or before

January 14, 1997. See **HEARINGS** for information on hearing dates.

ADDRESSES: The public should send an original and two copies of their comments addressing any aspect of this notice to Ellen Caldwell, Administrative Support Office of the Water Quality Protection Division (6WQ-O) U.S. Environmental Protection Agency Region 6, 1445 Ross Ave. Suite 1200, Dallas, Texas 75202 (214) 665-7513.

The public record is located at EPA Region 6, and is available upon written request. Requests for copies of the public record should be addressed to Ellen Caldwell at the address above. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For further information on the proposed draft general permit or a complete copy of the entire fact sheet and general permit contact Ellen Caldwell, Administrative Support Office of the Water Quality Protection Division (6WQ-O), U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Suite 1200, Dallas, Texas 75202 (214) 665-7513.

HEARINGS: A meeting and public hearing will be held on December 12, 1996, at the following location: Maynard Ketchum Building, Rm. #326, Jimmy Swaggart Bible College Campus, 7220 Bluebonnet, Baton Rouge, Louisiana.

The public meeting will begin at 2:00 pm and end at 5:00 pm. The public hearing will begin at 7:00 pm with registration beginning at 6:30 pm. The public meeting will provide information on the permit conditions. The public can make formal statements and comments for the public record at the public hearing.

SUPPLEMENTARY INFORMATION:

I. Framework of Permitting System

Regulated entities include:

Category	Examples of regulated entities
Treatment Works Treating Domestic Sewage.	Publicly Owned Treatment Works (Municipalities).
Treatment Works Treating Domestic Sewage.	Sewage Sludge Treatment Devices (Including Blenders of Sewage Sludge).
Treatment Works Treating Domestic Sewage.	Wastewater Treatment Devices.
Treatment Works Treating Domestic Sewage.	Federal Facilities Treating Domestic Sewage.
Treatment Works Treating Domestic Sewage.	Owners of Land Dedicated to the Disposal of Sewage Sludge.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your operation is regulated by this action, you should carefully examine the applicability criteria found in 40 CFR Subpart 122.21(c)(2) of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Section 405(f) of the CWA requires that any permit issued under section 402 of the Act to a POTW or any other TWTDS shall include the requirements established pursuant to section 405(d) of the CWA, unless such requirements have been included in a permit issued under the appropriate provisions of subtitle C of the Solid Waste Disposal Act, Part C, of the Safe Drinking Water Act, the Marine Protection, Research, and Sanctuaries Act of 1972, or the Clean Air Act.

II. Permitting

A. Permit Application Regulations

1. Regulations requiring POTW NPDES/Sludge Permit Coverage

In accordance with 40 CFR Subpart 122.21(c)(2), all POTWs and any other existing TWTDS are required to apply for a NPDES permit. POTWs generating/treating/blending/disposing of sewage sludge are subject to the application submission deadlines as defined in the February 19, 1993, Federal Register. 40 CFR Subpart 122.21(a) excludes persons covered by general permits from requirements to submit individual permit applications. Coverage under this general permit will eliminate the operators need to reapply for an individual sewage sludge permit.

2. Regulations Requiring All Other TWTDS Coverage

All other TWTDS must apply for a permit. A TWTDS is defined in 40 CFR Subparts 122.2 and 501.2 as "a POTW or any other sewage sludge or waste water treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This includes facilities that generate sewage sludge or otherwise effectively control the quality or change the characteristics (e.g.,

blenders) of sewage sludge or the manner in which it is disposed. In addition, all TWTDS disposing of sewage sludge in a State-permitted Municipal Solid Waste Landfill (MSWLF) must also apply for a permit. 40 CFR Part 503 requires all sewage sludge disposed in an MSWLF meet the requirements in 40 CFR Part 258 concerning the quality of the materials disposed.

3. Application of General Permit

This public notice specifies that official notification is required for coverage under this general permit. Notifying EPA under a general permit is a mechanism which can be used to establish an accounting of the number of permittees covered by the general permit, the nature of operations at the facility generating the sewage sludge, and the identity and location of sludge disposal sites. This type of information is appropriate since the sewage sludge is being monitored and tracked. This permit will apply to all TWTDS (including POTWs) covered by permitting requirements under 40 CFR Part 503 and 40 CFR Part 258.

4. Individual Permit Application Requirements

The requirements for an individual permit application are found in 40 CFR Subpart 501.15(a)(2). The information is intended to develop the site-specific conditions generally associated with individual permits. Individual permit applications may be needed under several circumstances. Examples include: General permits, where the TWTDS authorized by a general permit to final reuse or dispose sewage sludge, is requesting to be excluded from the coverage of the general permit by applying for a permit (see 40 CFR Subpart 122.28(b)(2)(iii) for EPA issued general permits); or the Director requiring a TWTDS authorized by a general permit to apply for an individual permit (see 40 CFR Subpart 122.28(b)(2)(ii) for EPA issued general permits).

III. Draft General Permit for Final Beneficial Reuse and Disposal of Municipal Sewage Sludge

A. Today's Notice

Today's notice proposed a general permit for final beneficial reuse and disposal of municipal sewage sludge in Louisiana. The following portion provides notice for the draft general permit and accompanying fact sheet for a general Sewage Sludge permit in Louisiana. This draft general permit is intended to cover the final beneficial

reuse and disposal of municipal sewage sludge in accordance with the *Standards for the Use or Disposal of Sewage Sludge*, 40 CFR Part 503. The proposed permit contains: The Federal guidelines to insure that the permittee's practices do not pose a threat to human health and the environment due to toxic pollutants and pathogens.

Effective Date of Requirements

This permit shall be effective upon issuance.

EPA Contacts

United States EPA, Region 6, Water Quality Protection Division (6WQ-PM), First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, 12th Floor, Suite 1200, Dallas, TX 75202.

Comment Period Closes

The comment period ends 60 days following the publication of this general permit in the Federal Register.

B. Preamble for Draft General Permit

1. Coverage Under the Proposed General Permit

Types of Final Sludge Reuse or Disposal Practices Covered. Those facilities generating sewage sludge or used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. The permit being proposed is intended to cover all TWTDS (including POTWs) in the State of Louisiana with requirements for the final reuse or disposal of municipal sewage sludge.

Designated Treatment Works Treating Domestic Sewage. The Regional Administrator may designate any facility a TWTDS if he or she becomes aware of facilities which do not automatically fit the definition of TWTDS, but finds that the facility poses a potential for adverse effects on the public health and the environment from poor sludge quality or poor sludge handling, use or disposal practices, or where he or she finds that such designation is necessary to ensure that such person is in compliance with 40 CFR Part 503.

POTWs with Pending Application. Some existing TWTDS have submitted applications in accordance with NPDES requirements and have remained unpermitted due to the administrative work load and priorities. All of these applicants will gain coverage under the sewage sludge program through the issuance of this permit. Region 6 believes this benefits those applicants without a permit. Any permittee desiring an individual permit may

petition the Director in accordance with 40 CFR Subpart 122.28(b)(3)(iii).

2. Permit Conditions

a. *Description of draft permit conditions.* The conditions of this draft permit have been developed to be consistent with the self-implementing requirements of the 40 CFR Part 503 regulations. The draft permit contains requirements for TWTDS (including POTWs) that land apply municipal sewage sludge, surface dispose municipal sewage sludge, and dispose of municipal sewage sludge in a municipal solid waste landfill.

(1) For sewage sludge that is land applied, permit conditions specifically address the following: (A) Requirements specific to bulk sewage sludge for application to the land meeting class A or B pathogen reduction and the cumulative loading rates in Table 2 of the permit, or class B pathogen reduction and the pollutant concentrations in Table 3 of the permit. (B) Requirements specific to bulk sewage sludge meeting pollutant concentrations in Table 3 of the permit and Class A pathogen reduction requirements. (C) Requirements specific to sludge sold or given away in a bag or other container for application to the land that does not meet the pollutant concentrations in Table 3 of the permit.

(2) For sewage sludge that is surface disposed, permit conditions specifically address the following: (A) Requirements specific to surface disposal sites without a liner and leachate collection system. (B) Requirements specific to surface disposal sites with a liner and leachate collection system.

(3) For sewage sludge that is disposed in a municipal solid waste landfill, 40 CFR Subpart 503.4 states that permit conditions require sewage sludge disposed to meet the quality requirements of 40 CFR Part 258. Major POTWs (those POTWs with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more, or any POTW required to have an approved pretreatment program under 40 CFR Subpart 403.8(a)) disposing of sewage sludge in a municipal solid waste landfill are required to conduct a TCLP test once/permit life to determine if the sludge is hazardous as well as an annual paint filter test to assure that the sludge does not contain free liquids. Compliance with these testing requirements will assure that the sewage sludge meets the quality requirements.

b. *Sludge Quality Limitations.* Specific numerical permit conditions for metals are dependent upon the quality of the sludge as well as the

method used by the TWTDS for the final reuse or disposal of municipal sewage sludge.

V. Economic Impact

EPA believes that this proposed general permit will be economically beneficial to the regulated community. It provides an economic alternative to the individual application process the facilities covered by this permit would otherwise have to face. The requirements are consistent with those already imposed by effective federal regulations and State requirements.

An economic analysis was prepared when the 40 CFR Part 503 regulations were proposed and finalized. Region 6 believes that the general permit conditions provide the same requirements as the self-implementing requirements under the 40 CFR Part 503 rule. Also Region 6 believes that this general permit is the most economical permitting option available to all TWTDS with NPDES application requirements.

VI. Compliance With Other Federal Regulations

A. National Environmental Policy Act

CWA Section 511(c)(1) excludes this action from the National Environmental Policy Act of 1969.

B. Endangered Species Act

The Endangered Species Act (ESA) of 1973 requires Federal Agencies such as EPA to ensure, in consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services) that any actions authorized, funded, or carried out by the Agency (e.g., EPA issued sewage sludge permits requiring compliance with the conditions in the Part 503 regulations) are not likely to adversely effect the continued existence of any federally-listed endangered or threatened species or adversely modify or destroy critical habitat of such species (see 16 U.S.C. 1536(a)(2), 50 CFR Part 402 and 40 CFR Subpart 122.49(c)).

Accordingly, sewage sludge final reuse and disposal activities that are likely to adversely effect species are not eligible for permit coverage under this sewage sludge general permit.

To be eligible for coverage under the sewage sludge general permit, applicants are required to review the list of species and their locations and which are described in the instructions for completing the application requirements under this permit. If an applicant determines that none of the species identified are found in the parish in which the TWTDS, surface

disposal site, land application site or MSWLF is located, then there is no likelihood of an adverse effect and they are eligible for permit coverage. Applicants must then certify that their operation is not likely to adversely affect species and will be granted sewage sludge general permit coverage 48 hours after the date of the postmark on the envelope used to mail in the notification.

If species are found to be located in the same parish as the TWTDS, surface disposal site, land application site, or MSWLF then the applicant next must determine whether the species are in proximity to the sites. A species is in proximity if it is located in the area of the site where sewage sludge will be generated, treated, reused or final disposed. If an applicant determines there are no species in proximity to the potential sites, then there is no likelihood of adversely affecting the species and the applicant is eligible for permit coverage.

If species are in proximity to the sites, as long as they have been considered as part of a previous ESA authorization of the applicant's activity, and the environmental baseline established in that authorization is unchanged, the applicant may be covered under the permit. For example, an applicant's activity may have been authorized as part of a section 7 consultation under ESA, covered under a section 10 permit, or have received a clearance letter. The environmental baseline generally includes the past and present impacts of all federal, state and private actions that were contemporaneous to an ESA authorization. Therefore, if a permit applicant has received previous authorization and nothing has changed or been added to the environmental baseline established in the previous authorization, then coverage under this permit will be provided.

In the absence of such previous authorization, if species are in proximity to the sites, then the applicant must determine whether there is any likely adverse effect upon the species. This is done by the applicant conducting a further examination or investigation which includes contacting the Services for a determination on potential adverse effects of endangered species. If the applicant determines that there likely is, or will likely be an adverse effect, then the applicant is not eligible for general permit coverage.

All TWTDS applying for coverage under this permit must provide in the notification to EPA the following information: (1) a determination as to whether there are any species in proximity to the sites, and (2) a

certification that their sewage sludge treatment, reuse, or disposal are not likely to adversely affect species or are otherwise eligible for coverage due to a previous authorization under the ESA. Coverage is contingent upon the applicant's providing truthful information concerning certification and abiding by any conditions imposed by the permit.

TWTDS who are not able to determine that there will be no likely adverse effect to species or habitats and cannot sign the certification to gain coverage under this sewage sludge general permit, must apply to EPA for an individual sludge only permit. As appropriate, EPA will conduct ESA § 7 consultation when issuing such individual permits.

Regardless of the above conditions, EPA may require that a permittee apply for an individual sewage sludge permit on the basis of possible adverse effects on species or critical habitats. Where there are concerns that coverage for a particular discharger is not sufficiently protective of listed species, the Services (as well as any other interested parties) may petition EPA to require that the discharger obtain an individual NPDES permit and conduct an individual section 7 consultation as appropriate.

In addition, the Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration, or his/her authorized representative, or the U.S. Fisheries and Wildlife Service (as well as any other interested parties) may petition EPA to require that a permittee obtain an individual sewage sludge permit. The permittee is also required to make the recordkeeping information required by the 40 CFR Part 503 regulations and the permit available upon request to the Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration, or his/her authorized representative, or the U.S. Fisheries and Wildlife Service Regional Director, or his/her authorized representative.

These mechanisms allow for the broadest and most efficient coverage for the permittee while still providing for the most efficient protection of endangered species. It significantly reduces the number of TWTDS that must be considered individually and therefore allows the Agency and the Services to focus their resources on those discharges that are indeed likely to adversely affect water-dependent listed species. Straightforward mechanisms such as these allow applicants with expedient permit coverage, and eliminates "permit limbo" for the greatest number of permitted discharges. At the same time

it is more protective of endangered species because it allows both agencies to focus on the real problems, and thus, provide endangered species protection in a more expeditious manner. Prior to the publication of the public notice of this draft permit in the Federal Register, both Services concurred that the draft permit will not adversely affect listed species. Comments submitted by both agencies were addressed in the draft permit as requested.

C. National Historic Preservation Act

The National Historic Preservation Act (NHPA) prohibits Federal actions that would affect a property that either is listed on, or is eligible for listing, on the National Historic Register. EPA therefore cannot issue permits to treatment works treating domestic sewage (including publicly owned treatment works (POTWs) affecting historic properties unless measures will be taken such as under a written agreement between the applicant and the State Historic Preservation Officer (SHPO) outlining all measures to be undertaken by the applicant to mitigate or prevent adverse effects to the historic property. Therefore, under today's permit land applying, surface disposing, or disposing of sewage sludge in a municipal solid waste landfill may be covered only if the action will not affect a historic property that is listed or is eligible to be listed in the National Historic Register, or the operator has obtained and is in compliance with a written agreement signed by the State Historic Preservation Officer (SHPO) that outlines measures to be taken to mitigate or prevent adverse effects to the historic site. Prior to the publication of the public notice of this draft permit in the Federal Register, the Louisiana Department of Culture, Recreation, and Tourism determined it had no objections to the general permit based on the NHPA. Comments submitted by the agency were addressed in the draft permit as requested.

D. Executive Order 12291

Executive Order 12291 requires EPA to prepare a Regulatory Impact Analysis (RIA) for major regulations, which are defined by certain levels of costs and impacts. For example, the Executive Order specifies that a regulation imposing an annual cost and benefits to the economy of \$100 million or more is considered "major" under the terms of the Order. According to the Executive Order, the RIA should contain descriptions of both potential costs and benefits.

Based on EPA's estimate of the incremental costs of complying with the

final 40 CFR Part 503 regulation, the Agency does not consider the final 40 CFR Part 503 regulation to be a major rule as defined in Executive Order 12291. Hence, since this permit reflects only the provisions in the final 40 CFR Part 503 regulations, compliance with this general permit is not considered a major impact.

E. Paperwork Reduction Act

The annual public reporting burden for the collection of information imposed by this general permit is the same as that imposed by the now final 40 CFR Part 503 regulations. Respondent reporting and record keeping burden for this collection of information includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and revising the collection of information. The information collection requirements were submitted and approved to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

F. Regulatory Flexibility Act

The Regulatory Flexibility Act requires all Federal agencies to analyze the impact of a regulation on small businesses, small governmental jurisdictions, and small organizations. The purpose of this analysis is to determine the extent to which the general permit, as a result of the regulations, has an impact on small entities and the nature of those impacts.

The total estimated compliance costs for the final 40 CFR Part 503 regulation and for this general permit, since the conditions are the same, for small entities is \$14.1 million, the majority of which is attributed to land application and surface disposal of sewage sludge. Of the total estimated costs for all small entities, 73 percent is attributed to entities (treatment works and septage haulers) that place sewage sludge on a surface disposal site.

Estimated compliance costs for the 40 CFR Part 503 regulation and this general permit for small publicly and privately owned treatment works are \$11.0 million for direct and indirect costs including \$0.4 million for cost of reading and interpreting the regulation. Thus, compliance costs for small treatment works are only about 23 percent of the total estimated compliance costs for all treatment works and firms. EPA has judged that small privately or publicly owned treatment works are not subject to substantial compliance costs under 40 CFR Part 503.

Signed this 15th day of October, 1996.
Oscar Ramirez, Jr.
Acting Director, Water Quality Protection Division (6WQ), EPA Region 6
[FR Doc. 96-29178 Filed 11-14-96; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Submitted to OMB for Emergency Review and Approval

November 8, 1996.

SUMMARY: The Federal Communications, 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.

Note: The Commission is seeking emergency approval for these information collections by December 12, 1996, under the provisions of 5 CFR Section 1320.13.

DATES: Written comments should be submitted on or before December 12, 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, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, N.W.,

Washington, DC 20503 or fain_t@a1.eop.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: 3060-0685.

Title: Annual Updating of Maximum Permitted Rates for Regulated Cable Services.

Form No.: FCC Form 1240.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; State, Local or Tribal Governments.

Number of Respondents: 8,475. (5,475 cable operators and 3,000 local franchise authorities ("LFAs").

Estimated Time Per Response: 1-15 hours.

Total Annual Burden: The following are estimates of paperwork burdens imposed on cable operators and local franchising authorities with respect to the FCC Form 1240 information collection requirement. The modification to the Form 1240 rate methodology requirements only pertains to first-time filings of FCC Form 1240. Also, the modification merely results in permitting operators to project and recoup certain costs sooner, rather than later. This results in no measurable burden revision for this information collection. Also, if there was an additional burden significant enough to be measured, any burden added to an operator's first Form 1240 filing would be cancelled out by the decreased burden in completing the second Form 1240 filing. The Commission therefore reports the estimated burden for the Form 1240 information collection requirement as it currently exists in the OMB inventory.

Burden for operators: We estimate that 25% of operators will contract out the burden of filing and that it will take 1 hour to coordinate information with those contractors. The remaining 75% of operators are estimated to employ in house staff to complete the filing. 1,369 filings (25% contracted out) \times 1 hour = 1,369 hours. 4,106 filings (75% in house) \times 15 hours = 61,590 hours.

Additionally, 76.933(g)(2) states: If an LFA has taken no action within the 90-day review period, then the proposed rates may go into effect at the end of the review period, subject to a prospective rate reduction and refund if the LFA subsequently issues a written decision disapproving any portion of such rates. However, if an operator inquires as to whether the LFA intends to issue a rate