

or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

As noted above, this rule is limited to antidegradation designations within the Commonwealth of Pennsylvania. EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. EPA has also determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

J. Paperwork Reduction Act

This proposed action requires no information collection activities subject to the Paperwork Reduction Act, and therefore no Information Collection Request (ICR) will be submitted to the Office of Management and Budget (OMB) for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 131

Environmental protection, Water pollution control, Water quality standards.

Dated: August 22, 1996.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, part 131 of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 131—WATER QUALITY STANDARDS

1. The authority citation for part 131 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

Subpart D—[Amended]

2. Section 131.32 is added to read as follows:

§ 131.32 Pennsylvania.

(a) *Antidegradation policy.* This antidegradation policy shall be applicable to all waters of the United States within the Commonwealth of Pennsylvania, including wetlands.

(1) Existing in-stream uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(2) Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Commonwealth finds, after full satisfaction of the inter-governmental coordination and public participation provisions of the Commonwealth's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the Commonwealth shall assure water quality adequate to protect existing uses fully. Further, the Commonwealth shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint sources.

(3) Where high quality waters are identified as constituting an outstanding National resource, such as waters of National and State parks and wildlife refuges and water of exceptional recreational and ecological significance, that water quality shall be maintained and protected.

(b) (Reserved)

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4100

[WO-330-1020-00-24 1A]

RIN 1004-AB89

Grazing Administration, Exclusive of Alaska; Development and Completion of Standards and Guidelines; Implementation of Fallback Standards and Guidelines

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Department of the Interior (Department) proposes to amend the livestock grazing regulations of the Bureau of Land Management (BLM) to allow the Secretary of the Interior (Secretary) discretion to postpone implementation of the fallback standards and guidelines beyond February 12, 1997, but not to exceed the six month period ending August 12, 1997. The amendment would allow the Secretary to provide additional time for the BLM to collaborate with resource advisory councils (RACs) and the public to develop State or regional standards and guidelines. Without this proposed change to the regulations, fallback standards and guidelines would go into effect on February 12, 1997, despite the fact that work on State or regional standards and guidelines might be nearly complete.

DATES: Comments on the proposed rule must be received by September 30, 1996 to be assured of consideration. Comments received or postmarked after this date may not be considered in the preparation of the final rule.

ADDRESSES: Comments should be sent to: Director (420), Bureau of Land Management, Room 401 LS, 1849 C Street, NW, Washington, DC 20240, or the Internet address: WoComment@WO0033wp.wo.blm.gov. [For Internet, include "Attn: AB89", and your name and return address.] You may also hand deliver comments to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street, NW, Washington, DC. Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except Holidays.

FOR FURTHER INFORMATION CONTACT: Tim Salt, (202) 208-4896.

SUPPLEMENTARY INFORMATION:**I. Introduction**

The current regulations at 43 CFR § 4180.2 require the BLM State Director to develop State or regional standards and guidelines. These standards and guidelines are being developed at the State or regional level, in consultation with affected RACs to reflect local resource conditions and management practices. The standards and guidelines will reflect properly functioning conditions, or those conditions which must be met to ensure sustainability and healthy productive ecosystems and outline best management practices to achieve standards. They will provide the basis for evaluation of rangeland health and subsequent corrective actions. The regulations further provide that in the event State or regional standards and guidelines are not completed and in effect by February 12, 1997, fallback standards and guidelines described in the regulations will go into effect.

The proposed amendment to 43 CFR 4180.2(f) would give the Secretary discretion to postpone the implementation of the fall back standards and guidelines for up to six months. The regulation currently provides that the fallback standards and guidelines automatically go into effect on February 12, 1997, if State or regional standards and guidelines are not completed and in effect by that date. The Department promulgated this provision after receiving comments proposing various timeframes, ranging up to 24 months, for the completion of standards and guidelines. The Department concluded in the final environmental impact statement that 18 months was "an ambitious but realistic" timeframe. The Department of the Interior and Department of Agriculture, *Rangeland Reform '94*, Final Environmental Impact Statement 56 (1994). Similarly, the Department stated in the Preamble to the Final Rule that existing information and NEPA tiering procedures would enable BLM State Directors to complete the standards and guidelines within 18 months. The Department is proposing this change now because it has become apparent that development of State or regional standards and guidelines might, in some instances, require longer than the 18-month period provided in the regulation.

This discretion to grant up to a six-month extension would ensure that BLM State Directors, working with RACs and the public, will have adequate time to develop appropriate State or regional standard and

guidelines. In developing this proposed amendment, the Department considered the benefits of efficient rangeland administration, effective public participation and possible impacts resulting from a minor delay. The Department believes that six months is an appropriate maximum period of extension. The Department seeks comment on whether this is a sufficient period of time or if additional time should be made available. Postponing implementation of the fallback standards and guidelines will enhance the efficient administration and promote the long-term health of public rangelands for two primary reasons. First, where locally developed standards and guidelines are nearly complete, implementation of the more general fallback standards and guidelines on a short term interim basis would be likely to create confusion and increase administrative costs. Second, postponing implementation of the fallback measures will allow the Department to achieve its commitment to improving public land management through a collaborative process that utilizes RACs recommendations, local public input and consideration of State or regional public rangelands issues. The Department expects that the amendment will not have a significant impact on the environment since postponement of the fallback standards and guidelines would be for a limited period up to six months. Furthermore, the Department does not anticipate that every BLM State Director would need a postponement.

In determining whether to grant a postponement, the Secretary would evaluate whether the requested postponement would promote administrative efficiencies and long-term rangeland health. The Secretary might consider such factors as the scheduled timing for completion of the State or regional standards and guidelines, whether the delay would promote the efficient administration, use and protection of the public rangelands, or other factors the Secretary deems relevant.

The proposed rule would permit the Secretary the flexibility to postpone implementation of the fallback standards and guidelines when the State or regional standards and guidelines are nearly complete. Implementing different sets of standards and guidelines in rapid succession would produce confusion, uncertainty and increased administrative costs. Furthermore, the Secretary would retain discretion to deny a postponement and implement the fallback standards and guidelines when the State or regional standards

and guidelines are far from completion or when a postponement would not promote long-term rangeland health.

II. Procedural Matters*National Environmental Policy Act*

The BLM is analyzing the impacts of this proposed rule in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. 4332(C)]. The BLM anticipates the proposed rule will not have a significant impact on the quality of the human environment, and therefore, preparation of an Environmental Impact Statement would not be necessary. The final rule will be accompanied by the appropriate NEPA documentation.

Executive Order 12630

The BLM has analyzed the takings implications and concluded that this proposed rule does not present a risk of a taking of constitutionally protected private property rights.

Executive Order 12866

The BLM has determined that this proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order.

Regulatory Flexibility Analysis

The proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*].

Federal Paperwork Reduction Act

This rulemaking does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Author

The principal author of this proposed rule is Tim Salt, Western Rangelands Team, BLM.

List of Subjects in 43 CFR Part 4100

Administrative practice and procedure, Grazing lands, Livestock, Penalties, Range management, Reporting and recordkeeping requirements.

For the reasons stated in the preamble and under the authority of 43 U.S.C. 1740, subpart 4180, part 4100, group 4100, subchapter D, of subtitle B of chapter II of Title 43 of the Code of Federal Regulations is proposed to be amended as set forth below:

**PART 4100—GRAZING
ADMINISTRATION—EXCLUSIVE OF
ALASKA**

1. The authority citation for part 4100 continues to read as follows:

Authority: 43 U.S.C. 315, 315a–315r, 1181d, 1740.

**Subpart 4180—Fundamentals of
Rangeland Health and Standards and
Guidelines for Grazing Administration**

2. Section 4180.2(f) introductory text is revised to read as follows:

**§ 4180.2 Standards and guidelines for
grazing administration.**

* * * * *

(f) In the event that State or regional standards and guidelines are not completed and in effect by February 12, 1997, and until such time as State or regional standards and guidelines are developed and in effect, the following standards provided in paragraph (f)(1) of this section and guidelines provided in paragraph (f)(2) of this section shall apply and will be implemented in accordance with paragraph (c) of this section. However, the Secretary may grant, upon referral by the BLM of a formal recommendation by a resource advisory council, a postponement of the February 12, 1997, fallback standards and guidelines implementation date, not to exceed the six-month period ending August 12, 1997. In determining whether to grant a postponement, the Secretary will consider, among other factors, long-term rangeland health and administrative efficiencies.

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Dated: August 15, 1996.

Sylvia V. Baca,

*Acting Assistant Secretary, Land and
Minerals Management.*

[FR Doc. 96-21994 Filed 8-28-96; 8:45 am]

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**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 76

[CS Docket No. 96-157; FCC 96-316]

Cable Pricing Flexibility

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule,

SUMMARY: In this *Notice of Proposed Rulemaking* ("NPRM"), the Commission proposes to modify its current ratemaking rules in order to allow operators greater flexibility in pricing their regulated tiers of cable service

while continuing to protect subscribers from unreasonable rates. Specifically, the Commission proposes to permit a cable operator that has established rates for its regulated service tiers to decrease the rate for its basic service tier ("BST"), and then take a corresponding increase in the rate for its cable programming services tiers ("CPSTs"), as long as the combined rate for the two tiers does not generate revenues for the operator that exceed what would otherwise be permitted under our rules. The Commission tentatively concludes that this proposal would remove an unnecessary restriction on an operator's pricing strategy, while maintaining effective constraints on the overall rates paid by subscribers, thus resulting in pricing which more nearly simulates that of a competitive market. The Commission seeks comment on this proposal which was adopted concurrently with a *Report and Order* requiring operators to use the same methodology when calculating rates for their BST and their CPST. That *Memorandum Opinion and Order* is summarized elsewhere in this issue of the Federal Register.

DATES: Comments are due on or before October 6, 1996, and reply comments are due on or before November 8, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Cable Services Bureau, (202) 418-7200.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rulemaking*, CS Docket No. 99-157 FCC 96-316 adopted July 25, 1996, and released August 15, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW, Washington, D.C., 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW, Washington, D.C. 20554.

Synopsis of the Notice of Proposed Rulemaking

1. An operator wishing to use the proposed pricing methodology first would establish rates for its regulated service tiers using the same methodology for both tiers. The resulting rate for the BST would be the cap for that tier. The operator then would determine the amount by which it was willing to decrease the BST rate and calculate the total revenue loss derived from the reduction. The operator would then divide this amount by the total number of CPST subscribers

in order to calculate the rate increase for the CPST. The BST rate decrease would be reflected on the cable bill of every subscriber because subscription to the BST is required in order to have access to any other tier of service. Because subscription to CPSTs is optional, the pool of CPST subscribers is usually smaller than the BST subscriber pool. The total loss in BST revenue, therefore, when spread over the smaller CPST subscriber base, would generate a CPST rate increase that exceeded the amount of the BST rate decrease. As a result, BST-CPST subscribers (i.e., all CPST subscribers) would see a net increase in rates. This increase should be minimal if the operator has a high penetration rate on the CPST. Industry data available to us indicate that, for the most highly penetrated CPST on a system, the average penetration rate approaches or exceeds 90% and the median penetration rate exceeds 95%. The Commission seeks comment on these estimates and, more generally, on the likely impact on CPST rates if the proposal is implemented.

2. The Commission believes that individual consumers would be either substantially better off, or subject to only minor rate increases, were the Commission to adopt the proposal. BST-only subscribers would be better off because their rates would decrease with no diminution in service. Although CPST subscribers could experience a minor rate increase, all CPST subscribers are also BST subscribers for whom the increase in CPST rates would be substantially offset by the decrease in BST rates. However, because the Commission seeks to ensure that increases to CPST subscribers be minimized, the Commission seeks comment on whether to limit the amount of increase a CPST subscriber must pay or to otherwise limit the amount by which the BST and CPST rates may be adjusted. As noted, any increase to CPST subscribers would be minimal because of the high penetration rate of CPSTs.

3. In addition to lowering rates for current BST-only subscribers, this proposal should make the BST more affordable for some consumers who currently do not subscribe to cable at all. The Commission believes that its proposal presents other benefits as well. This proposal would provide cable operators with a rate structure flexibility enjoyed by providers of video services that are, or soon will be, attempting to compete with traditional cable operators in the video marketplace, including providers of direct broadcast satellite ("DBS") service, multichannel multipoint distribution service, and