

- (D) SOFTWARE
- (vi) CURRENT APPLICATION DATA:  
 (A) APPLICATION NUMBER:  
 (B) FILING DATE:  
 (C) CLASSIFICATION:
- (vii) PRIOR APPLICATION DATA:  
 (A) APPLICATION NUMBER:  
 (B) FILING DATE:
- (viii) ATTORNEY/AGENT INFORMATION:  
 (A) NAME:  
 (B) REGISTRATION NUMBER:  
 (C) REFERENCE/DOCKET NUMBER:
- (ix) TELECOMMUNICATIONS INFORMATION:  
 (A) TELEPHONE:  
 (B) TELEFAX:  
 (C) TELEX:  
 (D) INFORMATION FOR SEQ ID NO: X:
- (i) SEQUENCE CHARACTERISTICS:  
 (A) LENGTH:  
 (B) TYPE:  
 (C) STRANDEDNESS:  
 (D) TOPOLOGY:
- (ii) MOLECULE TYPE:  
 —Genomic RNA;  
 —Genomic DNA;  
 —mRNA;  
 —tRNA;  
 —rRNA;  
 —snRNA;  
 —scRNA;  
 —preRNA;  
 —cDNA to genomic RNA;  
 —cDNA to mRNA;  
 —cDNA to tRNA;  
 —cDNA to rRNA;  
 —cDNA to snRNA;  
 —cDNA to scrRNA;  
 —Other nucleic acid;  
 (A) DESCRIPTION:  
 —protein and  
 —peptide.
- (iii) HYPOTHETICAL:  
 (iv) ANTI-SENSE:  
 (v) FRAGMENT TYPE:  
 (vi) ORIGINAL SOURCE:  
 (A) ORGANISM:  
 (B) STRAIN:  
 (C) INDIVIDUAL ISOLATE:  
 (D) DEVELOPMENTAL STAGE:  
 (E) HAPLOTYPE:  
 (F) TISSUE TYPE:  
 (G) CELL TYPE:  
 (H) CELL LINE:  
 (I) ORGANELLE:
- (vii) IMMEDIATE SOURCE:  
 (A) LIBRARY:  
 (B) CLONE:
- (viii) POSITION IN GENOME:  
 (A) CHROMOSOME/SEGMENT:  
 (B) MAP POSITION:  
 (C) UNITS:
- (ix) FEATURE:  
 (A) NAME/KEY:  
 (B) LOCATION:  
 (C) IDENTIFICATION METHOD:  
 (D) OTHER INFORMATION:
- (x) PUBLICATION INFORMATION:  
 (A) AUTHORS:  
 (B) TITLE:  
 (C) JOURNAL:  
 (D) VOLUME:  
 (E) ISSUE:  
 (F) PAGES:  
 (G) DATE:  
 (H) DOCUMENT NUMBER:

- (I) FILING DATES:  
 (J) PUBLICATION DATE:  
 (K) RELEVANT RESIDUES:  
 (xi) SEQUENCE DESCRIPTION: SEQ ID NO:X: ]
- Dated: September 23, 1996.  
 Bruce A. Lehman,  
*Assistant Secretary of Commerce and  
 Commissioner of Patents and Trademarks.*  
 [FR Doc. 96-25074 Filed 10-3-96; 8:45 am]  
**BILLING CODE 3510-16-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 281

[FRL-5620-3]

### Alabama; Approval of State Underground Storage Tank Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of tentative determination on application of State of Alabama for final approval, public hearing and public comment period.

**SUMMARY:** The State of Alabama has applied for approval of its underground storage tank program for petroleum and hazardous substances under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Alabama's application and has made the tentative decision that Alabama's underground storage tank program for petroleum and hazardous substances satisfies all of the requirements necessary to qualify for approval. Alabama's application for approval is available for public review and comment. A public hearing will be held to solicit comments on the application, unless insufficient public interest is expressed.

**DATES:** A public hearing is scheduled for November 14, 1996, unless insufficient public interest is expressed in holding a hearing. EPA reserves the right to cancel the public hearing if sufficient public interest is not communicated to EPA in writing by November 4, 1996. EPA will determine by November 8, 1996, whether there is significant interest to hold the public hearing. The State of Alabama will participate in the public hearing held by EPA on this subject. Written comments on Alabama's approval application, as well as requests to present oral testimony, must be received by the close of business on November 4, 1996.

**ADDRESSES:** Copies of Alabama's approval application are available during the hours of 9:00 am to 5:00 pm

at the following addresses for inspection and copying:

Alabama Department of Environmental Management, Ground Water Branch, 1751 W. L. Dickinson Drive, Montgomery, AL 36130, phone: (334) 270-5655.

U.S. EPA Docket Clerk, Office of Underground Storage Tanks, 1235 Jefferson Davis Highway, Arlington, VA 22202, phone: (703) 603-9231; and,

U.S. EPA Region 4, Underground Storage Tank Section, Atlanta Federal Center, 15th Floor, 100 Alabama Street SW., Atlanta, GA 30303, phone: (404) 562-9438.

Written comments should be sent to Mr. John K. Mason, Chief of Underground Storage Tank Section, U.S. EPA Region 4, 100 Alabama Street S.W., Atlanta, Georgia 30303, telephone (404) 562-9438.

Unless insufficient public interest is expressed, EPA will hold a public hearing on the State of Alabama's application for program approval on November 14, 1996, at 7:00 pm at the Alabama Department of Environmental Management Hearing Room, 1751 W.L. Dickinson Drive, Montgomery, Alabama 36109-2608. Anyone who wishes to learn whether or not the public hearing on the State's application has been cancelled should telephone the following contacts after November 8, 1996:

Mr. John K. Mason, Chief, Underground Storage Tank Section, U.S. EPA Region 4, 100 Alabama Street SW., Atlanta, GA 30303, phone: (404) 562-9438, or

Ms. Sonja Massey, Chief, Ground Water Branch, Alabama Department of Environmental Management, 1751 Congressman W.L. Dickinson Drive, Montgomery, AL 36130, phone: (334) 270-5655.

**FOR FURTHER INFORMATION CONTACT:** Mr. John K. Mason, Chief, Underground Storage Tank Section, U.S. EPA Region 4, 100 Alabama Street SW., Atlanta, GA 30303, phone: (404) 562-9438.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. Program approval may be granted by EPA pursuant to RCRA Section 9004(b), if the Agency finds that the State program is "no less stringent" than the Federal program for the seven elements set forth at RCRA Section

9004(a)(1) through (7); includes the notification requirements of RCRA Section 9004(a)(8); and provides for adequate enforcement of compliance with UST standards of RCRA Section 9004(a).

#### B. Alabama

The State of Alabama submitted their draft state program approval application to EPA by letter dated April 29, 1992. After reviewing the package, EPA submitted comments to the state for review. Alabama submitted their complete state program approval application for EPA's tentative approval on July 26, 1994.

On April 5, 1989, Alabama adopted UST program regulations. Prior to the adoption of the regulations, Alabama solicited public comment and held a public hearing on the draft UST program regulations. EPA has reviewed Alabama's application, and has tentatively determined that the State's UST program for petroleum and hazardous substances meets all of the requirements necessary to qualify for final approval.

EPA will hold a public hearing on its tentative decision on November 14, 1996, unless insufficient public interest is expressed. The public may also submit written comments on EPA's tentative determination until November 4, 1996. Copies of Alabama's application are available for inspection and copying at the location indicated in the ADDRESSES section of this notice.

EPA will consider all public comments on its tentative determination received at the hearing, or received in writing during the public comment period. Issues raised by those comments may be the basis for a decision to deny final approval to Alabama. EPA expects to make a final decision on whether or not to approve Alabama's program by January 14, 1996, and will give notice of it in the Federal Register. The notice will include a *summary* of the reasons for the final determination and a response to all major comments.

#### Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

#### Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA,

EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected 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.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector. The Act excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program, except in certain cases where a "federal intergovernmental mandate" affects an annual federal entitlement program of \$500 million or more that are not applicable here. Alabama's request for approval of an underground storage tank (UST) program is voluntary and imposes no Federal mandate within the meaning of the Act. Rather, by having its UST program approved, the State will gain the authority to implement the federally approved program within its jurisdiction, in lieu of EPA, thereby eliminating duplicative State and Federal requirements. If a State chooses not to seek authorization for administration of an UST program under RCRA Subtitle I, RCRA underground storage tank regulation is left to EPA.

In any event, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments in the aggregate, or the private sector in any one year. EPA does not anticipate that the approval of Alabama's UST program referenced in today's notice will result in annual costs of \$100 million or more. EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector since the State, by virtue of the approval, may now administer the program in lieu of EPA and exercise primary enforcement responsibility. Hence, owners and operators of underground storage tanks (USTs) generally no longer face dual Federal and State compliance requirements, thereby reducing overall compliance costs. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate USTs that will become subject to the requirements of an approved State UST tank program. However, such small governments which own and/or operate USTs are already subject to the requirements in 40 CFR part 280 and are not subject to any additional significant or unique requirements by virtue of this program approval. Once EPA authorizes a State to administer its own UST program and any revisions to that program, these same small governments will be able to own and operate their USTs under the approved State program, in lieu of the Federal program.

#### Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. EPA recognizes that small entities may own and/or operate USTs that will become subject to the requirements of an approved state UST program. However, since such small entities which own and/or operate USTs are already subject to the requirements in 40 CFR Part 280, this authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would result in an administrative change (i.e., whether EPA or the state administers the UST program in that state, rather than result in a change in the substantive requirements imposed on small

entities). Once EPA authorizes a state to administer its own UST program and any revisions to that program, these same small entities will be able to own and operate their USTs under the approved state program, in lieu of the federal program. Moreover, this authorization, in approving a state program to operate in lieu of the federal program, eliminates duplicative requirements for owners and operators of USTs in that particular state.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively approves the Alabama program to operate in lieu of the federal program, thereby eliminating duplicative requirements for owners and operators of USTs in the state. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

#### List of Subjects in 40 CFR Part 281

Environmental protection, administrative practice and procedure, Hazardous materials, State program approval, and Underground storage tanks.

Authority: This notice is issued under the authority of Section 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: September 23, 1996.

A. Stanley Meiburg,

*Acting Regional Administrator.*

[FR Doc. 96-25107 Filed 10-3-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[CO48-1-7008b & CO-001-0005b; FRL-5607-5]

#### Clean Air Act Approval and Promulgation of PM<sub>10</sub> State Implementation Plan for Colorado; Telluride; Revisions to the Maintenance Demonstration

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State implementation plan (SIP) revisions for Telluride as submitted by the Colorado Governor with a letter dated April 22, 1996. EPA proposes that the April 22, 1996 submittal now satisfies the State's April 21, 1994

commitment to adopt additional control measures in Telluride as necessary to demonstrate maintenance of the National Ambient Air Quality Standards (NAAQS) through December 31, 1997, for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>). Based on that commitment, EPA conditionally approved the quantitative milestones element of the Telluride PM<sub>10</sub> SIP on September 19, 1994. The April 22, 1996 submittal incorporates new street sanding requirements and demonstrates maintenance of the standard through 1997. EPA proposes to approve these revisions, and therefore, convert its September 19, 1994 conditional approval to a full approval.

In the Final Rules Section of this Federal Register, EPA is approving the State's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for EPA's actions is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated and the direct final rule will become effective. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by November 4, 1996.

**ADDRESSES:** Written comments on this action should be addressed to Richard R. Long, 8P2-A, at the EPA Regional Office listed below. Copies of the State's submittal and documents relevant to this proposed rule are available for inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2405; and Colorado Department of Health, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530.

**FOR FURTHER INFORMATION CONTACT:** Amy Platt, Air Program, EPA, Region VIII, at (303) 312-6449.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Dated: August 29, 1996.

Patricia D. Hull,

*Regional Administrator.*

[FR Doc. 96-25466 Filed 10-3-96; 8:45 am]

BILLING CODE 6560-50-P

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 90

[WT Docket No. 96-199; FCC 96-383]

#### Finder's Preference Program in the 220-222 MHz Band for Private Land Mobile Radio Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This action proposes to amend the Commission's Rules regarding the land mobile radio service to eliminate the finder's preference program in the 220-222 MHz band in light of our proposals to implement a new licensing approach for this band. It is necessary because pending proposals for geographic area licensing in this band appear incompatible with the approach of the finder's preference program. The effect of the action will be to determine the usefulness and benefits of continuing the finder's preference program.

**DATES:** Comment are to be filed on or before November 18, 1996; reply comment are to be filed on or before December 3, 1996.

**FOR FURTHER INFORMATION CONTACT:** John Borkowski, Federal Communications Commission, Wireless Telecommunications Bureau, Washington, D. C. 20554, (202) 418-0626.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, adopted September 17, 1996, and released September 27, 1996. The complete text of this Commission action is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D. C., 20554. The complete text of this Notice of Proposed Rule Making may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 2100 Street, N. W., Suite 140, Washington, D. C. 20037, Telephone number (202) 857-3800.

#### SUMMARY OF NOTICE OF PROPOSED RULE MAKING:

1. This Notice of Proposed Rule Making (NPRM) proposes to amend Part