

4, 1994 in 59 FR 10284, respectively) for the purpose of establishing Small Business Stationary Source Technical and Environmental Compliance Assistance Programs. This document proposes to amend those approvals to incorporate by reference the States' Programs, and deletes the following sections from part 52, chapter I, title 40 of the Code of Federal Regulations: § 52.1833 of subpart JJ—North Dakota, § 52.2348 of subpart TT—Utah, § 52.347 of subpart G—Colorado, and § 52.1389 of subpart BB—Montana.

In the Final Rules Section of this Federal Register, the EPA is approving this action as a direct final rule without prior proposal because the Agency views this as a noncontroversial corrective action and anticipates no adverse comments. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: Comments must be submitted by December 30, 1996.

ADDRESSES: Comments must be submitted to Meredith Bond, Mail Code 8P2-A, EPA, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202-2405.

FOR FURTHER INFORMATION CONTACT: Meredith Bond, Mail Code 8P2-A, EPA Region 8, 999 18th Street, suite 500, Denver, Colorado 80202-2405, (303) 312-6438.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Small business assistance program.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 13, 1996.

Editorial Note: This document was received at the Office of the Federal Register on November 22, 1996.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 96-30326 Filed 11-27-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 131

[FRL-5656-6]

Withdrawal From Federal Regulations of Arsenic Criteria Applicable to Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and request for comments.

SUMMARY: In 1992, EPA promulgated federal regulations establishing water quality criteria for toxic pollutants for several states, including Idaho (40 CFR 131.36). Idaho has now adopted, and EPA has approved, human health water quality criteria. In this action, EPA is proposing to withdraw the human health criteria for arsenic applicable to Idaho. EPA is providing an opportunity for public comment on withdrawal of the federal criteria because the State's arsenic criteria differ from the federal criteria. In a related action published in the final rule section of this issue of the Federal Register, EPA is amending the federal regulations to withdraw the human health criteria for those pollutants where Idaho has adopted criteria that are identical to the federal criteria.

DATES: EPA will accept public comments on its proposed withdrawal of the human health criteria for arsenic applicable to Idaho until December 30, 1996. Comments postmarked after this date may not be considered.

ADDRESSES: An original plus 2 copies, and if possible an electronic version of comments either in WordPerfect or ASCII format, should be addressed to Lisa Macchio, U.S. EPA Region 10, Office of Water, 1200 Sixth Avenue, Seattle, Washington, 98101.

The administrative record for the consideration of Idaho's human health criteria for arsenic is available for public inspection at EPA Region 10, Office of Water, 1200 Sixth Avenue, Seattle, Washington, 98101, between 8:00 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Fred Leutner at EPA Headquarters, Office of Water (4305), 401 M Street, SW, Washington, D.C., 20460, (telephone: 202-260-1542) or Lisa Macchio in EPA's Region 10 at 260-553-1834.

SUPPLEMENTARY INFORMATION:

Potentially Affected Entities

Citizens concerned with water quality in Idaho, and with pollution from arsenic in particular, may be interested in this proposed rulemaking. Since criteria are used in determining NPDES permit limits, entities discharging arsenic to waters of the United States in Idaho could be affected by this proposed rulemaking. Regulated categories and entities include:

| Category | Examples of regulated entities |
|----------------|--|
| Industry | Industries discharging arsenic to surface waters in Idaho. |
| Municipalities | Publicly-owned treatment works discharging arsenic to surface waters in Idaho. |

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 facility is regulated by this action, you should carefully examine the applicability criteria in § 131.36 of title 40 of the Code of Federal Regulations. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Background

In 1992, EPA promulgated a final rule (known as the National Toxics Rule) to establish numeric water quality criteria for 12 States and 2 Territories (hereafter "States") that had failed to comply fully with section 303(c)(2)(B) of the Clean Water Act. (57 FR 60848). The criteria, codified at 40 CFR 131.36, became the applicable water quality standards in those 14 jurisdictions for all purposes and programs under the Clean Water Act effective February 5, 1993.

When a State adopts criteria that meet the requirements of the Clean Water Act, EPA withdraws its criteria. If the State's criteria are no less stringent than the federal regulations, EPA will withdraw its criteria without notice and comment rulemaking since additional comment on the criteria is unnecessary. If a State's criteria are less stringent than the federal regulations, EPA will withdraw its criteria only after notice and opportunity for public comment on that decision. (see 57 FR 60860).

On August 24, 1994, Idaho adopted revisions to its surface water quality standards (Title 1, Chapter 2, section 250 of the Idaho Administrative Code), regarding human health criteria for toxic pollutants. For most pollutants, Idaho adopted by reference EPA's human health criteria. In a separate final action published in this issue of the Federal Register, EPA is withdrawing without public comment those human health criteria applicable to Idaho for which the State has adopted identical criteria.

Idaho adopted human health criteria for arsenic that differ from the federal

regulations. The Office of Water for EPA's Region 10 has approved Idaho's arsenic criteria and has recommended that the Agency withdraw the federal criteria for arsenic applicable to Idaho. Idaho's criteria for arsenic differ from the federal criteria because the State used a bioconcentration factor (BCF) to derive its criteria that is different from the BCF used by EPA. Idaho selected a BCF that the State believes more accurately reflects the species present in State's surface waters. EPA had indicated in the preamble to the National Toxic Rule that states may select fish species in developing BCF values that would better reflect species found in State waters. (see 57 FR 60888). Having reviewed Idaho's submission, Region 10 concluded that the State's choice of a BCF to calculate the arsenic criteria was appropriate and the State's arsenic criteria met the requirements of the Clean Water Act.

EPA is providing an opportunity for the public to comment on the Agency's proposed withdrawal of the federal human health criteria for arsenic applicable to Idaho because Idaho's criteria for arsenic are less stringent than the federal criteria.

This proposed withdrawal of human health criteria would impose no additional regulatory requirements or costs. Therefore, it has been determined that this action is not a "significant regulatory action" under the terms of Executive Order 12866 and is not subject to OMB review.

Based on this information, pursuant to section 605(b) of the Regulatory Flexibility Act, the Administrator certifies that this action will not have significant impact on a substantial number of small entities.

Similarly, this action will not result in the annual expenditure of \$100 million or more for State, local, and tribal governments, in the aggregate, or to the private sector, and is not a Federal mandate, as defined by the Unfunded Mandates Reform Act of 1995 (UMRA) (P.L. 104-4), nor does it uniquely affect small governments in any way. As such, the requirements of sections 202, 203 and 205 of Title II of the UMRA do not apply to this action.

This proposed rule does not impose any requirement subject to the Paperwork Reduction Act.

List of Subjects in 40 CFR Part 131

Environmental protection, Water pollution control, Water Quality Standards.

Dated: November 21, 1996.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble title 40, chapter I, part 131 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.

§ 131.36 [Amended]

2. Section 131.36(d)(13)(i) is amended by removing the following use classifications: "16.01.2100.01.b. Domestic Water Supplies", "16.01.2100.03.a. Primary Contact Recreation", and "16.01.2100.03.b. Secondary Contact Recreation".

3. Section 131.36(d)(13)(ii) is amended by removing the following use classifications and corresponding applicable criteria: "01.b", "03.a", "03.b".

4. Section 131.36(d)(13)(ii) is amended in "02.a," "02.b," and "02.cc" use classification, under the listing of applicable criteria, by removing "Column D2".

5. Section 131.36(d)(13)(iii) is removed in its entirety.

[FR Doc. 96-30311 Filed 11-27-96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 17 and 87

[WT Docket No. 96-211, FCC 96-407]

Use of 112-118 MHz for Differential Global Positioning System (GPS) Correction Data and the Use of Hand-Held Transmitters on Frequencies in the Aeronautical Enroute Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This *Notice of Proposed Rule Making (NPRM)* proposes to amend the Commission's rules regarding the use of 112-118 MHz for differential Global Positioning System (GPS) correction data, the use of hand-held transmitters on frequencies in the Aeronautical Enroute Service, and to update part 17 of our rules to incorporate by reference two recently revised FAA Advisory Circulars. These proposals were adopted in response to petitions for rule making filed by the Federal Aviation Administration and the Aeronautical

Radio, Inc. The effect of these proposals would increase aircraft and airport safety and facilitate the efficient use of aeronautical radio spectrum.

DATES: Comments are due on or before January 15, 1997. Reply comments are due on or before January 30, 1997.

ADDRESSES: You must send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. You may also file informal comments by electronic mail. You should address informal comments to mayday@fcc.gov. You must put the docket number of this proceeding on the subject line ("WT Docket No. 96-211"). You must also include your full name and Postal Service mailing address in the text of the message.

FOR FURTHER INFORMATION CONTACT: James Shaffer of the Commission's Wireless Telecommunications Bureau at (202) 418-0680 or via e-mail at mayday@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *NPRM*, FCC 96-407, adopted October 9, 1996, and released November 21, 1996. The full text of this *NPRM* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., 2100 M Street NW, Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Summary of NPRM

1. This *NPRM* proposes to amend part 87 of our rules to permit aeronautical ground stations to use frequencies in the 112-118 MHz band to transmit differential Global Positioning System (GPS) information to aircraft equipped to use advanced landing systems in response to a petition for rule making filed by the Federal Aviation Administration (FAA). This *NPRM* also proposes to allow the use of hand-held radios for direct communications between ground service personnel and flight crews on frequencies allocated to the Aeronautical Enroute Service in response to a petition for rule making filed by Aeronautical Radio, Inc. (ARINC). Finally, this *NPRM* proposes to update part 17 of our rules to incorporate by reference two recently revised FAA Advisory Circulars. The proposed actions will increase the safety and efficiency of aircraft navigation and movement of aircraft in and around airports. Further, adoption of these proposals would promote the use of new radio technologies beneficial to