

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.

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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

aircraft without allocating additional spectrum.

2. This is a non-restricted notice and comment rule making proceeding. *Ex Parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

3. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before January 15, 1997, and reply comments on or before January 30, 1997. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You must send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 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 the 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. Formal and informal comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center of the Federal Communications Commission, Room 239, 1919 M Street, N.W., Washington, DC 20554.

4. Authority for issuance of this *NPRM* is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

List of Subjects

47 CFR Part 17

Antenna, Radio.

47 CFR Part 87

Radio.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

[FR Doc. 96-30375 Filed 11-27-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 194

[Docket No. PS-130, Notice 4]

RIN 2137—AC30

Notice of Public Hearing; Response Plans for Onshore Oil Pipelines

AGENCY: Research and Special Programs Administration, Office of Pipeline Safety, DOT.

ACTION: Announcement of public hearing.

SUMMARY: The Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) invites industry, government agencies, and the public to a hearing on response plans for onshore oil pipelines. The purpose of the hearing is to solicit comments on whether and how the current regulations on response plans for onshore oil pipelines could be improved. OPS may issue a final rule based on the comments received in writing and at the hearing.

DATES: The public hearing will be held on January 29, 1997, from 8:30 a.m. to 4:00 p.m. Persons who are unable to attend may submit written comments in duplicate by December 31, 1996. Interested persons should submit as part of their written comments all material that is relevant to a statement of fact or argument. Comments received after the deadline will be considered so far as practicable. The docket will be kept open for 60 days after the hearing to allow interested persons to review and comment on the transcript.

Persons who wish to make a statement or present information at the public hearing must submit a written request to be included on the agenda. Please include as part of the request the amount of time needed. Requestors will be notified if OPS is required to limit their discussion to allow for all views to be heard.

ADDRESSES: The hearing will be held at the New Orleans Hilton Riverside, on Poydras at the Mississippi River in New Orleans, Louisiana. The hotel phone number is (504) 561-0500. Persons who want to participate should call (202) 366-8860 or e-mail their name, affiliation, and phone number to opateam@rspa.dot.gov before close of business December 31, 1996.

Send written comments in duplicate to the Dockets Unit, Room 8421, U.S. Department of Transportation/RSPA, 400 Seventh Street, SW, Washington,

DC 20590-0001. Identify the docket and notice numbers stated in the heading of this notice. All comments and docket materials will be available for inspection and copying in Room 8421 between 8:30 a.m. and 4:30 p.m. each business day. A transcript will be available from the Dockets Unit about four weeks after the hearing.

FOR FURTHER INFORMATION CONTACT: Jim Taylor, Response Plans Officer, at (202) 366-8860 or e-mail to opateam@rspa.dot.gov, for inquiries about this document, or the Dockets Unit, (202) 366-5046, for copies of this document or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

In recent years, several catastrophic oil spills have damaged the marine environment of the United States and caused damage to fish and wildlife. Because of these incidents, Congress passed the Oil Pollution Act of 1990 (OPA 90) to establish a new national planning and response system. OPA 90 requires pipeline operators to develop and test Facility Response Plans (FRP) for each pipeline facility that handles petroleum or refined products.

Under OPA 90, DOT is responsible for establishing procedures, methods and requirements for equipment to prevent and contain discharges of oil from vessels and transportation-related facilities. RSPA's Office of Hazardous Materials Safety has established procedures and planning requirements for discharges from packaging and transportation vehicles in 49 CFR 130. RSPA's OPS has responsibility to establish procedures and planning requirements to prevent discharges from and to contain oil and hazardous substances in onshore pipelines. The United States Coast Guard has similar planning standards for vessels and marine transfer facilities.

On January 5, 1993, OPS published its interim final rule establishing regulations in 49 CFR 194 to require response plans for onshore oil pipelines (58 FR 244). The plans must be consistent with the National Contingency Plan (40 CFR 300), and with each applicable Area Contingency Plan. In its plan review process, OPS emphasizes the operator's understanding of incident command systems, unified command, and the provision of sufficient resources to respond to a worst case discharge. To date, OPS has reviewed and approved more than 800 facility response plans.

OPS also conducts tabletop and area exercises with pipeline operators as a