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Dated: March 5, 2013.

Michael Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[EPA-HQ-OW-2012-0186; FRL 9787-8]

State of Washington; Underground Injection Control (UIC) Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that the Environmental Protection Agency (EPA) has received a complete program revision package from the State of Washington requesting approval of its revised Underground Injection Control (UIC) program; the EPA has determined the application contains all the required elements; the application is available for inspection and copying at the address appearing below; public comments are requested; and a public hearing will be held.

The purpose of this notice is to inform the public that the State of Washington has revised its UIC regulations, including the transfer of oversight authority from the Department of Ecology to the Energy Facility Site Evaluation Council to issue UIC permits at energy facilities and other minor technical corrections.

DATES: Comments will be accepted until April 22, 2013. A Public Hearing will be held on April 8, 2013 at 2:30 p.m. at EPA Region 10, 1200 6th Ave., Seattle WA; visitor check in is on the 12th

Floor. Requests to testify may be mailed to: David Tetta, Ground Water Unit, EPA Region 10, Suite 900 M/S OCE-082, 1200 6th Ave., Seattle, WA 98101. For additional information regarding the public hearing, please contact David Tetta, (206) 553-1327 or tetta.david@epa.gov.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2012-0186, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.

- *Email:* tetta.david@epa.gov.

- *Fax:* (206) 553-6984.

- *Mail:* State of Washington; Underground Injection Control (UIC) Program Primacy, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

- *Hand Delivery:* Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Requests to testify may be mailed to David Tetta, Ground Water Unit, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Suite 900 M/S OCE-082, Seattle, WA 98101. Direct your comments to Docket ID No. EPA-HQ-OW-2012-0186. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or email. The www.regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through www.regulations.gov your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA

cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm> or the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the following locations:

(1) Environmental Protection Agency, Region 10, Library, 10th Floor, 1200 Sixth Avenue, Seattle, WA 98101. The Library is open from 9:00 a.m. to 12:00 p.m. and 1:00 p.m.-4:00 p.m. Monday through Friday, excluding legal holidays. The telephone number for the Library is (206) 553-1289.

(2) Washington Department of Ecology, Water Quality Program, 300 Desmond Drive SE., Lacey, WA 98503. The Office is open from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays. Please contact Mary Shaleen Hansen at (360) 407-6143.

(3) State of Washington; Underground Injection Control (UIC) Program Primacy Docket: EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OW Docket is (202) 566-2426; and

FOR FURTHER INFORMATION CONTACT: David Tetta, Ground Water Unit, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Suite 900 M/S OCE-082, Seattle, WA 98101; telephone number: (206) 553-1327; Fax number: (206) 553-6984; email address: tetta.david@epa.gov. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: The UIC program revision package from the State of Washington includes a description of the State Underground Injection Control program, copies of all applicable rules and forms, a statement of legal

authority, a Memorandum of Agreement between the State of Washington and the Region 10 office of the Environmental Protection Agency, and MOUs between the Department of Ecology and the Department of Health; the Department of Ecology and the Department of Natural Resources; and the Department of Ecology and the Energy Facility Site Evaluation Council.

Dated: February 7, 2013.

Daniel D. Opalski,

Acting Regional Administrator, Region 10.

[FR Doc. 2013-05213 Filed 3-7-13; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[IB Docket No. 12-376; FCC 12-161]

Earth Stations Aboard Aircraft Communicating with Fixed-Satellite Service Geostationary-Orbit Space Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This *Notice of Proposed Rulemaking (NPRM)* seeks comment on a proposal to elevate the allocation status of Earth Stations Aboard Aircraft (ESAA) in the 14.0–14.5 GHz band from secondary to primary and whether giving ESAA licensees primary status in the 14.0–14.5 GHz band would require a change to the technical rules.

DATES: Submit comments on or before April 8, 2013, and replies on or before April 29, 2013.

ADDRESSES: You may submit comments, identified by IB Docket No. 12-376, by any of the following methods:

■ **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

■ **Federal Communications Commission's ECFS Web site:** <http://fjallfoss.fcc.gov/ecfs2/>. Follow the instructions for submitting comments.

■ **People with Disabilities:** Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email to FCC504@fcc.gov, phone: 202-418-0530 (voice), tty: 202-418-0432.

For detailed instructions on submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Andrea Kelly, Satellite Division,

International Bureau, FCC, (202) 418-0748, Andrea.Kelly@fcc.gov, or Howard Griboff, Policy Division, International Bureau, FCC, (202) 418-1460, Howard.Griboff@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking* in IB Docket No. 12-376, FCC 12-161, adopted on December 20, 2012 and released on December 28, 2012. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The document also is available for download over the Internet at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-12-161A1.doc. The complete text also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), located in Room CY-B402, 445 12th Street SW., Washington, DC 20554. Customers may contact BCPI at its Web site, <http://www.bcpiweb.com>, or call 1-800-378-3160.

Comment Filing Procedures

Pursuant to §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

■ **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS Web site at <http://fjallfoss.fcc.gov/ecfs2/>.

■ **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

■ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW-A325, Washington, DC 20554. The filing hours are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

■ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

■ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

Summary of Notice of Proposed Rulemaking

In the *Report and Order* released simultaneously with this *Notice of Proposed Rulemaking*, IB Docket No. 12-376, the Commission adopts footnotes to the Table of Allocations indicating that ESAA is an application of the FSS and may be authorized to communicate with GSO space stations of the FSS on a primary basis in the 11.7–12.2 GHz band (space-to-Earth), on an unprotected basis in 10.95–11.2 GHz and 11.45–11.7 GHz (space-to-Earth), and on a secondary basis in the 14.0–14.5 GHz band (Earth-to-space). A number of parties argue, however, that regulatory parity between ESV, VMES and ESAA suggests that ESAA as an application of the FSS should also be authorized on a primary basis in the 14.0–14.5 GHz uplink band. The Commission believes that the technical rules adopted in the *Report and Order* would support such a regulatory change. Accordingly, the Commission tentatively concurs with this recommendation and seeks comment on the proposal to elevate ESAA as an application of the FSS to primary status in the 14.0–14.5 GHz band (Earth-to-space) band. Specifically, we propose to revise non-Federal government (NG) footnote 55 to include a primary allocation for ESAA in the 14.0–14.5 GHz (Earth-to-space) band. The proposed footnote reads as follows:

NG55 In the bands 11.7–12.2 GHz (space-to-Earth) and 14–14.5 GHz (Earth-to-space), Earth Stations on Vessels (ESV), Vehicle-Mounted Earth Stations (VMES), and Earth Stations Aboard Aircraft (ESAA) as regulated under 47 CFR part 25 are applications of the fixed-satellite service and may be authorized to communicate with geostationary satellites in the fixed-satellite service on a primary basis.

This proposed footnote would grant primary status to ESAA in the 14.0–14.5 GHz band, and as a ministerial matter, would consolidate the text from footnotes NG54, NG183, and NG187, which the Commission proposes to eliminate. The Commission requests comment on these proposals, including on all costs and benefits. Further, the Commission also seeks comment on whether changing ESAA operations in the uplink band from secondary status