from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this proposed regulation—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL SD E5 South Dakota, SD [New]

That airspace extending upward from 1,200 feet above the surface within an area bounded on the north by latitude 43°40′00″ N, on the east by longitude 100°05′00″ W, on the south by the South Dakota, Nebraska border, an on the west by longitude 102°00′00″ W.

* * * * *

Issued in Des Plaines, Illinois on May 7, 1997.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 97–13261 Filed 5–20–97; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–5828–4]

National Emission Standards for Hazardous Air Pollutants, Proposed Rule for Pharmaceuticals Production

AGENCY: U.S. Environmental Protection Agency (U.S. EPA).

ACTION: Extension of public comment period.

SUMMARY: The EPA is announcing the extension of the public comment period on the proposed national emission standards for hazardous air pollutants (NESHAP) for pharmaceuticals production (62 FR 15754), which was published on April 2, 1997.

DATES: Written comments must be received on or before July 2, 1997.

ADDRESSES: Submit comments in duplicate if possible to: Air Docket Section (LE–131), Attention: Docket No. A–96–03, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that separate copies be sent to the appropriate contact person listed below. The docket may be inspected at the above address between 8:00 a.m. and 5:30 p.m. on weekdays, and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information concerning the NESHAP, contact Mr. Randy McDonald at (919)541–5402, Organic Chemicals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. For information concerning the effluent limitation guideline pretreatment standards or new source performance standards, contact Dr. Frank Hund at (202) 260–7786, Engineering and Analysis Division (4303), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20406.

SUPPLEMENTARY INFORMATION: In response to a request from the Pharmaceutical Research and Manufacturers of America (PhRMA), EPA is extending the public comment period on the proposed standards from June 2, 1997 to July 2, 1997. The EPA agrees with PhRMA that an extension of the comment period will provide for more meaningful, constructive comments on the proposed rule. Having extended the comment period, EPA nonetheless encourages commenters to submit their comments (or as many of their comments as possible) before July 2; this would assist EPA in its considerations of the issues raised. Because the EPA has continued during the comment period to examine the issues outlined in the solicitation of comments section in the preamble of the proposed rule, EPA does not believe the extension of the comment period will disrupt the Agency's schedule for promulgating this regulation.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 14, 1997.

Richard Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 97–13322 Filed 5–20–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 131

[FRL–5827–8]

Withdrawal From Federal Regulations of the Applicability to Alaska of Arsenic Human Health Criteria

AGENCY: Environmental Protection Agency.

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 Alaska (40 CFR 131.36). In this action, EPA is proposing to withdraw the applicability to Alaska of the federal human health criteria for arsenic. 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.

DATES: EPA will accept public comments on its proposed withdrawal of the human health criteria for arsenic applicable to Alaska until July 7, 1997. 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 Sally Brough, U.S. EPA Region 10, Office of Water, 1200 Sixth Avenue, Seattle, Washington, 98101.

The official administrative record for the consideration of this proposal 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. and 4:30 p.m. Copies of the record are also available for public inspection at EPA's Alaska Operations Offices: 222 West 7th Avenue, Anchorage, AK and 410 Willoughby Avenue, Janeau, AK.

FOR FURTHER INFORMATION CONTACT: Fred Leutner at EPA Headquarters, Office of Water (4305), 401 M Street, SW, Washington, DC, 20460 (telephone: 202–260–1542), or Sally Brough in EPA's Region 10 (telephone: 206–553–1295).

SUPPLEMENTARY INFORMATION:

Potentially Affected Entities

Citizens concerned with water quality in Alaska, 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 Alaska could be affected by this proposed rulemaking. Potentially affected entities include:

Category	Examples of affected entities
Industry	Industries discharging arsenic to surface waters in Alaska.
Municipalities	Publicly-owned treatment works discharging arsenic to surface waters in Alaska.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility could be affected 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

On December 22, 1992, the Environmental Protection Agency (EPA or Agency) promulgated a rule to establish federal water quality criteria for priority toxic pollutants applicable in 14 states. That rule, which is commonly called the National Toxics Rule (NTR), is codified at 40 CFR 131.36. The specific requirements for Alaska are codified at § 131.36(d)(12) and among other criteria, include water quality criteria for the protection of human health from arsenic. EPA promulgated a human health criterion for Alaska of 0.18 μg/L to protect waters designated for water consumption (i.e., sources of drinking water) plus the consumption of aquatic life which includes fish and shellfish such as shrimp, clams, oysters and mussels. This criterion is located in column D1 in the criteria matrix at section 131.36(b)(1). EPA also promulgated a criterion of 1.4 μg/L for waters designated for the human consumption of aquatic life without considering water consumption. This criterion is located in column D2 in the criteria matrix. These concentrations are designed to not exceed an excess lifetime cancer risk of 1 in 100,000 (or 10^{-5}) and reflects Alaska's preference in recent rule adoptions and in correspondence with EPA's Region 10. See 57 FR 60848, 60867.

EPA's criteria for human health protection from arsenic toxicity used in the NTR were based on carcinogenic effects. Alaska had adopted by reference EPA's published Clean Water Act (CWA) section 304(a) criteria for human health into the state's water quality standards. However, EPA's criteria guidance for carcinogens was presented at 3 different cancer risk levels, and the state had never officially adopted a specific cancer risk level. Accordingly, since Alaska did not have human health criteria for arsenic in place, EPA promulgated such criteria for the state in the NTR.

Subsequent to the promulgation of the NTR, a number of issues and uncertainties arose concerning the health effects of arsenic. EPA determined that these issues and uncertainties were sufficiently significant to necessitate a careful evaluation of the risks of arsenic exposure. Accordingly EPA has undertaken a number of activities aimed at reassessing the risks to human health from arsenic. [See Basis and Purpose section below.]

In light of EPA's review of the health effects of arsenic, the State of Alaska has proposed that the Safe Drinking Water Act (SDWA) maximum contaminant level (MCL) for arsenic of 50 μg/L currently in the state's water quality standards be used as meeting the requirements of the Clean Water Act in lieu of the current human health criteria in the NTR. As adopted by Alaska, the MCL for arsenic applies to all fresh waters that have the public water supply designated use. (According to the state, this includes all but 20 fresh-water segments.) For the reasons discussed subsequently, EPA finds that the MCL for arsenic in freshwaters designated for public water supply, in conjunction with Alaska's aquatic life criteria for arsenic, meets the requirements of the CWA, and accordingly proposes to withdraw the applicability to Alaska of the human health criteria for arsenic promulgated in the NTR.

If EPA removes the applicability of the NTR arsenic human health criteria to Alaska, the state has in place a chronic marine aquatic life criterion of 36 μg/L, a chronic freshwater aquatic life criterion of 190 μg/L, and the freshwater criterion of the MCL of 50 μg/L for waters designated for public water supply discussed above. The aquatic life criteria are in place for all of the state's marine and estuarine waters, and in those few cases where the MCL is not applicable in freshwaters.

Basis and Purpose

There are a number of ongoing national activities that may affect and/or necessitate a future change in the arsenic criteria for both ambient and drinking water in Alaska. The National Academy of Sciences (NAS) has initiated a study of the health risks posed by arsenic in water. Results of the study are expected in the Spring of 1998. Moreover, EPA is in the process of re-evaluating the risk assessments for arsenic as part of a pilot program for reconfiguring the Integrated Risk Information System (IRIS). EPA originally planned this re-evaluation to cover aspects of both cancer and non-cancer risks and to include examination of data not previously reviewed. With the initiation of the NAS study, EPA redirected the focus of the IRIS re-evaluation to the application of the proposed revisions to EPA's Guidelines for Cancer Risk Assessment. The IRIS re-evaluation of arsenic is expected in

1997. EPA encourages the state to review its water quality criteria for arsenic as this new information becomes available.

EPA has recognized the use of appropriate MCLs in establishing water quality standards under the CWA. Agency guidance notes the differences between the statutory factors for developing SDWA MCLs and CWA section 304(a) criteria, but provides that where human consumption of drinking water is the principal exposure to a toxic chemical, then an existing MCL may be an appropriate concentration limit. See guidance noticed in 54 FR 346, January 5, 1989. Similarly, the CWA section 304(a) human health guidelines are consistent with this position. See 45 FR 79318, November 28, 1980.

To determine whether the MCL could appropriately be used in lieu of the NTR's human health criteria for arsenic, EPA has prepared an exposure analysis to estimate the significance of human consumption of fish and shellfish containing the amounts of inorganic arsenic indicated as present in representative samples of fish and shellfish, in conjunction with the consumption of water containing concentrations of arsenic currently existing in the Nation's waters. See EPA's ''Arsenic and Fish Consumption Concerns'' in the administrative record for this rulemaking. This analysis first recognizes that the most important toxic form of arsenic is inorganic arsenic. Inorganic arsenic is the principal form in surface waters and almost the exclusive form in ground waters. However, the arsenic in fish and most shellfish is largely present as organic arsenic (mostly arsenobetaine). Available information indicates that arsenobetaine passes through these organisms with minimal retention in the fish and shellfish tissues.

In the NTR, EPA based the promulgated criteria on the human health criteria methodology contained in the 1980 human health guidelines. To estimate the ambient water concentration of a pollutant that does not represent a significant risk to the public (i.e., the criteria levels), the methodology makes certain assumptions about human exposure to pollutants. The methodology assumes that for most people, drinking water intake is 2 liters per day, and that fish consumption is 6.5 grams per day (a little less than one-half pound per month). The methodology incorporates a bioconcentration factor (BCF) to account for a pollutant's concentration in fish and shellfish tissue versus its concentration in the water. The methodology also assumes that all of the water and fish consumed is contaminated at the criteria levels (the ''safe'' levels).

Using these same exposure factors from the methodology, EPA has assessed the effect of using the arsenic MCL. Assuming that the concentration of arsenic in water is at the MCL of 50 μg/L, most people would be exposed to 100 μg of arsenic from their drinking water intake (i.e., 2 L/day × 50 μg/L = 100 μg/day), and 0.6 μg/day of inorganic arsenic from consuming 6.5 grams of fish and shellfish collected from water at the arsenic MCL concentration and assuming the BCF used in the NTR. (See derivation in EPA's ''Arsenic and Fish Consumption Concerns'' in the record.) The total estimated exposure would be 100.6 μg/day which could consist entirely of inorganic arsenic. EPA considers the small increment of exposure from fish consumption to be insignificant. EPA therefore concludes that when applied to fresh waters in Alaska, use of 50 μg/L generally provides a level of protection equivalent to that provided by the MCL. A full characterization of other exposure scenarios is contained in EPA's exposure analysis described above. This analysis is in the administrative record for this proposal and is currently undergoing external peer review. The results of the peer review will be considered before final action is taken on this rule.

For regions in Alaska where high levels of arsenic in the potable water are accompanied by high levels of fish and shellfish consumption, the State of Alaska should develop site-specific criteria for the surface waters involved considering the arsenic content of the drinking water and fish consumed. In developing site-specific criteria the state should characterize the size and location of the population of concern and determine their fish/shellfish and water intake rates. The fish and shellfish consumption should consider the species and dietary intake on a per species basis. Actual total arsenic and inorganic arsenic values for the species consumed and actual concentrations in drinking water should be used in the exposure calculations whenever possible.

The Agency solicits comment on whether there are any locations in Alaska where the arsenic criteria in the NTR should not be removed. For such locations, EPA solicits data documenting such existing conditions which indicate that fish consumers may be at an unacceptable risk of arsenic toxicity, and whether some other site-specific arsenic human health criteria may be appropriate. EPA solicits any information such as that described above concerning possible site-specific criteria to be developed by the State of Alaska.

Regulatory Procedural Information

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

Based on the fact that this action is deregulatory in nature and would impose no regulatory requirements or costs, pursuant to section 605(b) of the Regulatory Flexibility Act, the Administrator certifies that this action will not have a significant economic impact on a substantial number of small entities. EPA has determined that this action 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 to the private sector in any one year. EPA has also determined that this action contains no regulatory requirements that might significantly or uniquely affect small governments. Thus, today's action is not subject to the requirements of sections 202, 203 and 205 of the UMRA.

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: May 14, 1997.

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. In § 131.36(d)(12)(ii) the table is amended under the heading ''Applicable Criteria'', in the entry for ''Column D1'' and three entries for

''Column D2'' by removing the number ''2'' from the list of numbers.

[FR Doc. 97–13325 Filed 5–20–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 96–186]

Assessment and Collection of Regulatory Fees For Fiscal Year 1997

May 16, 1997.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking; availability of documents.

SUMMARY: The Commission has placed several documents in the docket file associated with this proceeding which provide background information used in developing its regulatory fee proposals for FY 1997.

FOR FURTHER INFORMATION CONTACT: Peter W. Herrick, Office of Managing Director at (202) 418–0443, or Terry D. Johnson, Office of Managing Director at (202) 418–0445.

SUPPLEMENTARY INFORMATION:

Additional Cost of Service Information Related to Establishing Regulatory Fees for Fiscal Year 1997 Available in MD Docket No. 96–186

The Office of the Managing Director, in response to a request by Comsat International Communications, has provided to Comsat additional documents related to the Commission's distribution of costs among services and other information utilized in the development of its annual regulatory fees. *See letter* to Robert A. Mansbach, Esquire from Andrew S. Fishel, Managing Director, dated April 4, 1997. Relevant information provided to Comsat and other information related to the development of the Commission's regulatory fees, including actual FY 1996 payment information, has been placed in the docket file for the Commission's proceeding to establish its regulatory fees for Fiscal Year 1997. These materials are available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at its headquarters, 1919 M Street, N.W., Washington, D.C. *See* notice of proposed rulemaking re assessment and collection of regulatory fees for Fiscal Year 1997, MD Docket No. 96–186, 62 FR 10793, March 10, 1997. Copies of materials contained in the docket file may be purchased from the Commission's copy contractor, International Transcription Services (ITS), in Room 246 or by calling 202–857–3800.

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

[FR Doc. 97–13368 Filed 5–20–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–131, RM–9078]

Radio Broadcasting Services; Twin Falls, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of JTL Communications Corporation requesting the allotment of Channel 294A to Twin Falls, Idaho, as an additional local FM broadcast service at that community. Coordinates used for Channel 294A at Twin Falls are 42–33–42 and 114–28–12.

DATES: Comments must be filed on or before July 7, 1997, and reply comments on or before July 22, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: J. Frederick Mack and Bradley J. Wiskirchen, Esqs., Holland & Hart, Suite 1400, U.S. Bank Plaza, 101 South Capitol Boulevard, PO Box 2527, Boise, ID 83701.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–131, adopted May 7, 1997, and released May 16, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–13285 Filed 5–20–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–130; RM–8751]

Radio Broadcasting Services; Galesburg, IL and Ottumwa, IA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Northern Broadcast Group proposing the substitution of Channel 224B1 for Channel 224A at Galesburg, Illinois, and the modification of Station WGBQ(FM)'s license accordingly. To accommodate the upgrade, petitioner also requests that the allotment reference coordinates for now vacant and unapplied-for Channel 224C3 at Ottumwa, Iowa, be modified. Channel 224B1 can be allotted to Galesburg, in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.4 kilometers (8.3 miles) northwest at petitioner's requested site. The coordinates for Channel 224B1 at Galesburg are North Latitude 41–02–50 and West Longitude 90–27–30. *See* Supplementary Information, *infra.*

DATES: Comments must be filed on or before July 7, 1997 and reply comments on or before July 22, 1997.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the