

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

90 of our Rules 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. The NPRM also seeks comment on the utility of the finder's preference program for private land mobile radio (PLMR) services authorized for the 470–512 MHz, 800 MHz and 900 MHz bands.

2. Under Section 90.173(k) of our Rules, persons may apply for a finder's preference for channels assigned on an exclusive basis in the 220–222 MHz, 470–512 MHz, 800 MHz and 900 MHz frequency bands by submitting information that leads to the Commission's recovery of unused channels in these bands. The NPRM proposes to eliminate the finder's preference program in the 220–222 MHz band in light of our proposals in PR Docket No. 89–552 to implement geographic area licensing and use competitive bidding to choose among mutually exclusive initial applications. This is consistent with our decision to eliminate the finder's preference program in the 800 MHz and 900 MHz Specialized Mobile Radio (SMR) services when we adopted a geographic area licensing approach and competitive bidding procedures for those services. The NPRM also seeks comment on the usefulness and benefits of continuing the finder's preference program for the PLMR services in the 470–512 MHz, 800 MHz, and 900 MHz bands.

3. In order to avoid undermining the regulatory framework that we may adopt for the 220–222 MHz band, we have decided to delay processing any finder's preference requests that may be filed in this band pending final action in this proceeding. Continued processing of site-based requests could frustrate the intent of our geographic area licensing proposal by increasing the encumbrances on this spectrum with site-based licensees, thus reducing the flexibility of the geographic-based licensees and thereby impairing their ability to best serve the public. Accordingly, our decision to delay processing of these requests serves the public interest. Moreover, this decision is procedural in nature, and thus not subject to the notice and comment and effective date requirements of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(A), (d). We also observe that our ongoing compliance review procedures will ensure that this decision does not compromise the public interest in any way.

4. This Notice of Proposed Rule Making is issued under the authority contained in 47 U.S.C. 154(i) and 303(r). 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 November 18, 1996, and reply comments on or before December 3, 1996. 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 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 [smagnott@fcc.gov](mailto:smagnott@fcc.gov). You must put the docket number of this proceeding on the subject line (see the caption at the beginning of this NPRM). 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, Room 239, Federal Communications Commission, 1919 M Street, N.W., Washington D.C. 20554.

#### List of Subjects in 47 CFR Part 90

Finder's preference, Radio  
Federal Communications Commission.  
Shirley S. Suggs,  
Chief, Publications Branch.

#### Proposed Rules

Part 90 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

#### PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

##### § 90.173 [Amended]

Section 90.173 is amended by removing the words “220–222 MHz,” in the paragraph (k) introductory text.

[FR Doc. 96–25235 Filed 10–3–96; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018–AD52

#### Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Threatened Status for the Guajón

AGENCY: Fish and Wildlife Service, Interior

ACTION: Proposed rule, reopening of comment period.

**SUMMARY:** The Service provides notice that the comment period is reopening on a proposal to list the guajón (*Eleutherodactylus cooki*) as threatened, pursuant to the Endangered Species Act (Act) of 1973, as amended. The Service is reopening the comment period to allow members of the public to submit comments on this proposal.

**DATES:** The comment period on this proposal is extended until November 4, 1996.

**ADDRESSES:** Written comments and materials concerning this proposal should be sent to the Field Supervisor, Boquerón Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at this office.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Silander at the Boquerón Field Office address (809/851–7297).

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 2, 1995, the Service proposed to add the guajón (*Eleutherodactylus cooki*) to the list of endangered and threatened species. At that time the guajón, a relatively large frog, was reported from its historical localities in the municipalities of Yabucoa and San Lorenzo. It is endemic to Puerto Rico and restricted in range to the southeastern part of the island. Since the closing of the comment period, the guajón has been reported from additional municipalities, including Humacao and Las Piedras. In addition, information on the reproductive biology and population genetics of the species has been published and additional research is ongoing.

A moratorium on listing actions (Public Law 104–6) took effect April 10, 1995, and prevented the Service from making a final decision on this proposal