

(A) October 19, 1992 letter from the Governor of Montana submitting a Small Business Stationary Source Technical and Environmental Compliance Assistance Program plan to EPA.

(B) The State of Montana plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted by the Board of Health and Environmental Sciences on September 25, 1992, effective September 25, 1992.

**§ 52.1389 [Removed]**

3. Section 52.1389 is removed.

**Subpart TT—Utah**

4. Section 52.2320 is amended by adding paragraph (c)(30) to read as follows:

**§ 52.2320 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(30) On November 9, 1992, the Governor of Utah submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the Utah State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Utah Code, Title 19, Chapter 2, Air Conservation Act, Sections 19-2-109.1 and 19-2-109.2, to establish and fund a small business stationary source technical and environmental compliance assistance program, effective April 27, 1992.

(ii) Additional Materials.

(A) November 9, 1992 letter from the Governor of Utah submitting a Small Business Assistance Program plan to EPA.

(B) The State of Utah plan for the establishment and implementation of a Small Business Assistance Program, promulgated September 30, 1992 by the Utah Air Quality Board, effective December 1, 1992.

**§ 52.2348 [Removed]**

5. Section 52.2348 is removed.

**Subpart G—Colorado**

6. Section 52.320 is amended by adding paragraph (c)(63) to read as follows:

**§ 52.320 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(63) On November 18, 1992, the Governor of Colorado submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the Colorado State Implementation

Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Colorado Revised Statutes, Sections 25-7-109.2 and 25-7-114.7, to establish and fund a small business stationary source technical and environmental compliance assistance program, effective July 1, 1992.

(ii) Additional materials.

(A) November 18, 1992 letter from the Governor of Colorado submitting a Small Business Assistance Program plan to EPA.

(B) The State of Colorado plan for the establishment and implementation of a Small Business Assistance Program, adopted by the Colorado Air Quality Control Commission on October 15, 1992, effective October 15, 1992.

**§ 52.347 [Removed]**

7. Section 52.347 is removed.

**Subpart JJ—North Dakota**

8. Section 52.1820 is amended by adding paragraph (c)(25) to read as follows:

**§ 52.1820 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(25) On November 2, 1992, the Governor of North Dakota submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the North Dakota State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Executive Order 1992-5, executed May 21, 1992, to establish a Small Business Compliance Advisory Panel.

(ii) Additional Materials.

(A) November 2, 1992 letter from the Governor of North Dakota submitting a Small Business Assistance Program plan to EPA.

(B) The State of North Dakota plan for the establishment and implementation of a Small Business Assistance Program, adopted by the North Dakota State Department of Health and Consolidated Laboratories on October 23, 1992, effective October 23, 1992.

**§ 52.1833 [Removed]**

9. Section 52.1833 is removed.

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

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**40 CFR Part 81**

[IN75-1; FRL-5648-7]

**Designation of Areas for Air Quality Planning Purposes; Indiana**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** On March 3, 1978, the EPA published a final rule designating part of Porter County, Indiana as nonattainment for sulfur dioxide (SO<sub>2</sub>) and the remainder of Porter County as "better than national standards" (43 FR 8962). On October 5, 1978, the EPA designated the formerly nonattainment portion of Porter County (the area bound on the north by Lake Michigan, on the west by the Lake-Porter County line, on the south by I-80 and 90 and on the east by the LaPorte-Porter County line) as "cannot be classified" for SO<sub>2</sub> (43 FR 4993). Inadvertently, however, the revised Porter County status designation was not correctly printed in subsequent Codes of Federal Regulations (40 CFR 81.315). It is being corrected in this rule.

**EFFECTIVE DATE:** November 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Fayette Bright, Air Programs Branch, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6069.

**SUPPLEMENTARY INFORMATION:** Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (P.L. 104-4), or require prior consultation with State officials as specified by Executive Order 112875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because EPA is not taking comment on this correction, it is therefore not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller

General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a major rule as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Sulfur dioxide.

Dated: September 30, 1996.  
David A. Ullrich,  
*Acting Regional Administrator.*

Accordingly, part 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

**INDIANA—SO<sub>2</sub>**

Authority: 42 U.S.C. 7401–7671q.

2. Section 81.315 is amended by revising the entry for Porter County in the table entitled “Indiana SO<sub>2</sub>” to read as follows:

**§ 81.315 Indiana.**

\* \* \* \* \*

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * *				
Porter County:				
An area bound on the north by Lake Michigan, on the west by the Lake-Porter County line, on the south by I-80 and 90 and on the east by the LaPorte-Porter County line .....	.....	.....	X	
The remainder of Porter County.....	.....	.....	.....	X
* * * * *				

\* \* \* \* \*  
[FR Doc. 96–30328 Filed 11–27–96; 8:45 am]  
BILLING CODE 6560–50–P

**40 CFR Part 131**

[FRL–5656–7]

**Withdrawal From Federal Regulations of Human Health Water Quality Criteria Applicable to Idaho**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule

**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 amending the federal regulations to withdraw all human health criteria applicable to Idaho with the exception of the human health criteria for arsenic. EPA is withdrawing its human health criteria applicable to Idaho without a notice and comment rulemaking because the State's human health criteria (except for arsenic) are identical to the federal criteria. In a separate action elsewhere in this issue of the Federal Register, EPA is proposing to withdraw the federal human health criteria for arsenic and is taking public comment on that proposed action.

**EFFECTIVE DATE:** This amendment is effective November 29, 1996.

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

**FOR FURTHER INFORMATION CONTACT:** Fred Leutner at EPA Headquarters, Office of Water, 401 M Street, SW, Washington, D.C., 20460 (tel: 202–260–1542) or Lisa Macchio in EPA's Region 10 at 206–553–1834.

**SUPPLEMENTARY INFORMATION:**

Potentially Affected Entities:

Citizens concerned with water quality in Idaho may be interested in this rulemaking. Entities discharging toxic pollutants to waters of the United States in Idaho could be affected by this rulemaking since criteria are used in determining NPDES permit limits. Regulated categories and entities include:

Category	Examples of regulated entities
Industry .....	Industries discharging toxic pollutants to surface waters in Idaho.
Municipalities .....	Publicly-owned treatment works discharging toxic pollutants 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 (“CWA”) (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 CWA effective February 5, 1993.

When a State adopts criteria that meet the requirements of the CWA, EPA will withdraw its criteria. If the State's criteria are no less stringent than the federal regulations, EPA has determined that additional comment on the criteria is unnecessary and constitutes good cause for issuing this final rule without notice and comment. For the same reason, EPA has determined that good cause exists to waive the requirement