

subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

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 approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the General Accounting Office

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).

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. The section 202 and 205 requirements do not apply to today's action because it is not a "Federal mandate" and because it does not impose annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional

enforceable duties on any State, local or tribal governments or the private sector because the requirements of the Utah program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program. Utah's participation in an authorized hazardous waste program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Utah program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under existing state law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Authority: This document is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: May 5, 1997.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 97-13205 Filed 5-19-97; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Part 64

[Docket No. FEMA-7665]

**List of Communities Eligible for the
Sale of Flood Insurance**

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Executive Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Executive Associate Director finds that the delayed effective dates would be contrary to the public interest. The Executive Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Executive Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of

section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive

Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.
Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date
New Eligibles—Emergency Program			
Louisiana: Bonita, village of, Morehouse Parish	220316	April 3, 1997	August 22, 1975.
South Dakota:			
Marion, city of, Turner County	460197	April 1, 1997	
Miner County, unincorporated areas	461213	April 3, 1997	
Oldham, city of, Kingsbury County	460129	.....do	
Eagle Butte, city of, Dewey County	460170	.....do	November 8, 1977.
Wyoming: Big Horn County, unincorporated areas ..	560004	April 4, 1997	August 2, 1977.
North Dakota: Streeter, city of, Stutsman County	380127	April 10, 1997	
Montana:			
Rosebud County, unincorporated areas	300069	April 9, 1997	September 26, 1978.
Madison County, unincorporated areas	300043	.....do	
Forsyth, city of, Rosebud County	300070	.....do	January 16, 1976.
Columbus, town of, Stillwater County	300109	.....do	
Toole County, unincorporated areas	300169	.....do	
Liberty County, unincorporated areas	300156	.....do	
Kentucky: Oak Grove, city of, Christian County	210375	.....do	
Missouri: Dudley, city of, Stoddard County	290615	April 10, 1997	
South Dakota:			
Winner, city of, Tripp County	460303	April 18, 1997	
Avon, city of, Bon Homme County	460154	.....do	
Kentucky: Robertson County, unincorporated areas	210200	April 15, 1997	March 25, 1977.
Tennessee: Mount Carmel, town of, Hawkins County.	470311	April 17, 1997	
Illinois: New Canton, village of, Pike County	170555	April 24, 1997	September 26, 1975.
Washington: Hoh Indian Tribe, Jefferson County	530329	April 25, 1997	
New Eligibles—Regular Program			
Kentucky: Marshall County, unincorporated areas ...	210252	April 1, 1997	August 19, 1991.
South Carolina: Travelers Rest, city of, Greenville County ¹ .	450264	April 3, 1997	January 16, 1992.
Texas:Progreso, city of, Hidalgo County ²	481677	.....do	November 16, 1982.
Georgia: Woolsey, town of, Fayette County	130539	April 10, 1997	March 18, 1996.
Washington:Edgewood, city of, Pierce County ³	530328	April 9, 1997	August 4, 1988.
California: Gridley, city of, Butte County	060019	April 18, 1997	NSFHA.
North Dakota:			
Streeter, city of, Stutsman County	380127	April 25, 1997	NSFHA.
Wilton, city of, McLean & Burleigh Counties	380065	.....do	NSFHA.
Gilby, city of, Grand Forks County	380035	.....do	NSFHA.
Abercrombie, city of, Richland County	380151	.....do	NSFHA.
Strasburg, city of, Emmons County	380252	.....do	NSFHA.
Wimbledon, city of, Barnes County	380212	.....do	NSFHA.
Hampden, city of, Ramsey County	380094	.....do	NSFHA.
South Dakota:			
Canistota, city of, McCook County	460162	.....do	NSFHA.
Worthing, town of, Lincoln County	460151	.....do	NSFHA.
De Smet, city of, Kingsburg County	460168	.....do	NSFHA.
Elkton, city of, Brookings County	460172	.....do	NSFHA.
Tyndall, city of, Bon Homme County	460220	.....do	NSFHA.

State/location	Community No.	Effective date of eligibility	Current effective map date
Canova, town of, Miner County	460102	.....do	NSFHA.
Tripp County, unincorporated areas	460289	.....do	NSFHA.
Tabor, town of, Bonne Homme County	460142	.....do	NSFHA.
Presho, city of, Lyman County	460297	.....do	NSFHA.
Hosmer, city of, Edmunds County	460117	.....do	NSFHA.
Langford, town of, Marshall County	460125	.....do	NSFHA.
Tea, city of, Lincoln County	460143	.....do	NSFHA.
Hartford, city of, Minnehaha County	460180	.....do	NSFHA.
Webster, city of, Day County	460227	.....do	NSFHA.
Waubay, city of, Day County	460226	.....do	NSFHA.
Corsica, city of, Douglas County	460167	.....do	NSFHA.
Bristol, city of, Day County	460101	.....do	NSFHA.
Reinstatements			
Wyoming: Evanston, city of, Uinta County	560054	March 23, 1977, Emerg; January 15, 1988, Reg; January 15, 1988, Susp; April 4, 1997, Rein.	January 15, 1988.
Kentucky: Sanders, city of, Carroll County	210048	April 23, 1976, Emerg; September 27, 1985, Reg; September 15, 1993, Susp; April 4, 1997, Rein.	September 27, 1985.
Idaho: Harrison, city of, Kootenai County	160080	March 3, 1976, Emerg; August 3, 1984, Reg; July 4, 1988, Susp; April 10, 1997, Rein.	August 3, 1984.
Illinois: Crescent City, village of, Iroquois County	170291	December 26, 1974, Emerg; September 1, 1987, Reg; September 1, 1987, Susp; April 15, 1997, Rein.	September 30, 1988.
Pennsylvania: Upper Frederick, township of, Montgomery County	421916	November 15, 1974, Emerg; August 17, 1981, Reg; February 19, 1997, Susp; April 18, 1997, Rein.	December 19, 1996.
Kentucky: Greenville, city of, Muhlenberg County	210176	May 30, 1975, Emerg; August 19, 1986, Reg; January 19, 1995, Susp; April 18, 1997, Rein.	August 19, 1986.
Kansas: Oberlin, city of, Decator County	200073	March 19, 1975, Emerg; January 17, 1985, Reg; June 5, 1989, Susp; April 25, 1997, Rein.	January 17, 1985.
Withdrawn			
Oklahoma: Allen, town of, Pontotoc County	400174	September 26, 1975, Emerg; November 30, 1982, Reg; April 10, 1997, With.	November 30, 1982.
Regular Program Conversions			
Region IV			
Georgia:			
Gray, city of, Jones County	130237	March 17, 1997, Suspension Withdrawn	March 17, 1997.
Hawkinsville, city of, Pulaski County	130155	.....do	Do.
Jones County, unincorporated areas	130434	.....do	Do.
Monroe County, unincorporated areas	130138	.....do	Do.
Pulaski County, unincorporated areas	130378	.....do	Do.
Worth County, unincorporated areas	130196	.....do	Do.
Mississippi: Pearl, city of, Rankin County	280145	.....do	Do.
Region VI			
Oklahoma:			
Cleveland County, unincorporated areas	400475	.....do	Do.
Lexington, city of, Cleveland County	400043	.....do	Do.
Moore, city of, Cleveland County	400044	.....do	Do.
Noble, town of, Cleveland County	400045	.....do	Do.
Norman, city of, Cleveland County	400046	.....do	Do.
Oklahoma City, city of, Cleveland County	405378	.....do	Do.
Slaughterville, town of, Cleveland County	400539	.....do	Do.
Region VII			
Missouri: Marshall, city of, Saline County	290403	.....do	Do.
Region VIII			
Colorado:			
Calhan, town of, El Paso	080192	.....do	Do.
Ramah, town of, El Paso	080066	.....do	Do.
Region X			
Idaho:			
Bellevue, city of, Blaine County	160021	.....do	Do.
Blaine County, unincorporated areas	165167	.....do	Do.
Hailey, city of, Blaine County	160022	.....do	Do.
Ketchum, city of, Blaine County	160023	.....do	Do.
Sun Valley, city of, Blaine County	160024	.....do	Do.
Region II			
New York:			
Baxter Estates, village of, Nassau County	360459	April 2, 1997, Suspension Withdrawn	April 2, 1997.
Bayville, village of, Nassau County	360988	.....do	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date
Cedarhurst, village of, Nassau County	360460	.....do	Do.
Centre Island, village of, Nassau County	360461	.....do	Do.
Cove Neck, village of, Nassau County	360462	.....do	Do.
East Rockaway, village of, Nassau County	360463	.....do	Do.
Freeport, village of, Nassau County	360464	.....do	Do.
Glen Cove, city of, Nassau County	360465	.....do	Do.
Great Neck, village of, Nassau County	361519	.....do	Do.
Great Neck Estates, village of, Nassau County	360466	.....do	Do.
Hempstead, town of, Nassau County	360467	.....do	Do.
Hewlett Bay Park, village of, Nassau County	360468	.....do	Do.
Hewlett Harbor, village of, Nassau County	360469	.....do	Do.
Hewlett Neck, village of, Nassau County	360470	.....do	Do.
Island Park, village of, Nassau County	360471	.....do	Do.
Kensington, village of, Nassau County	360472	.....do	Do.
Kings Point, village of, Nassau County	360473	.....do	Do.
Lattingtown, village of, Nassau County	360474	.....do	Do.
Laurel Hollow, village of, Nassau County	360475	.....do	Do.
Lawrence, village of, Nassau County	360476	.....do	Do.
Long Beach, city of, Nassau County	365338	.....do	Do.
Manorhaven, village of, Nassau County	360479	.....do	Do.
Massapequa Park, village of, Nassau County ...	360480	.....do	Do.
Mill Neck, village of, Nassau County	360481	.....do	Do.
North Hempstead, village of, Nassau County ...	360482	.....do	Do.
Oyster Bay, village of, Nassau County	360483	.....do	Do.
Oyster Bay Cove, village of, Nassau County	361486	.....do	Do.
Plandome, village of, Nassau County	360484	.....do	Do.
Plandome Heights, village of, Nassau County ..	360485	.....do	Do.
Plandome Manor, village of, Nassau County	360486	.....do	Do.
Port Washington North, village of, Nassau County.	361562	.....do	Do.
Rockville Centre, village of, Nassau County	360488	.....do	Do.
Roslyn, village of, Nassau County	360489	.....do	Do.
Roslyn Harbor, village of, Nassau County	361035	.....do	Do.
Russell Gardens, village of, Nassau County	361583	.....do	Do.
Saddle Rock, village of, Nassau County	360491	.....do	Do.
Sands Point, village of, Nassau County	360492	.....do	Do.
Sea Cliff, village of, Nassau County	360493	.....do	Do.
Thomaston, village of, Nassau County	360494	.....do	Do.
Valley Stream, village of, Nassau County	360495	.....do	Do.
Woodsburgh, village of, Nassau County	360496	.....do	Do.
Region VI			
Texas:			
Aubrey, town of, Denton County	480776	.....do	Do.
Bartonville, town of, Denton County	481501	.....do	Do.
Copper Canyon, town of, Denton County	481508	.....do	Do.
Corinth, town of, Denton County	481143	.....do	Do.
Cross Roads, town of, Denton County	481513	.....do	Do.
Denton, city of, Denton County	480194	.....do	Do.
Denton County, unincorporated areas.	480774	.....do	Do.
Double Oak, town of, Denton County	481516	.....do	Do.
Flower Mound, town of, Denton County	480777	.....do	Do.
Hickory Creek, town of, Denton County	481150	.....do	Do.
Highland Village, city of, Denton County	481105	.....do	Do.
Justin, city of, Denton County	480778	.....do	Do.
Lake Dallas, city of, Denton County	480780	.....do	Do.
Lewisville, city of, Denton County	480195	.....do	Do.
Little Elm, town of, Denton County	481152	.....do	Do.
Northlake, town of, Denton County	480782	.....do	Do.
Roanoke, city of, Denton County	480785	.....do	Do.
Shady Shores, town of, Denton County	481135	.....do	Do.
The Colony, city of, Denton County	481581	.....do	Do.
Trophy Club, town of, Denton County	481606	.....do	Do.
Westlake, town of, Denton County	480614	.....do	Do.
Region VIII			
Colorado: Westminster, city of, Jefferson and Adams Counties.	080008	.....do	Do.
Region II			
New York: Weedsport, village of, Cayuga County	360132	April 16, 1997, Suspension Withdrawn.	April 16, 1997.
Region V			
Illinois:			

State/location	Community No.	Effective date of eligibility	Current effective map date
Seneca, village of, Lasalle and Grundy Counties.	170407	.....do	Do.
Sun River Terrace, village of, Kankakee County	171015	.....do	Do.

¹ The City of Travelers Rest, South Carolina has adopted the Greenville County (450089) Flood Insurance Rate Map dated January 16, 1992 (panel 135).

² The City of Progreso, Texas has adopted the Hidalgo County (480334) Flood Insurance Rate Map dated November 16, 1982 (panel 0525).

³ The City of Edgewood has adopted the Pierce County (530138) Flood Insurance Rate Map dated August 4, 1988.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension; With.—Withdrawn; SFHA—Non Special Flood Hazard Area.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: May 12, 1997.

Richard W. Krimm,

Executive Associate Director, Mitigation Directorate.

[FR Doc. 97-13181 Filed 5-19-97; 8:45 am]

BILLING CODE 6718-05-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 24

[GEN Docket No. 90-314; ET Docket No. 92-100; PP Docket No. 93-253; FCC 97-140]

Narrowband Personal Communications Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this *Report and Order*, the Commission clarifies that its power and antenna height rules apply to regional as well as other narrowband Personal Communications Services (narrowband PCS) licenses, declines to provide special relief for those affected by the Canadian Interim Sharing Arrangement, and establishes competitive bidding rules for awarding the remaining authorizations for narrowband PCS. These changes clarify current Commission rules and establish procedures for awarding and licensing narrowband PCS in the future.

EFFECTIVE DATE: July 21, 1997.

FOR FURTHER INFORMATION CONTACT: Alice Elder or Mark Bollinger at (202) 418-0660 (Wireless

Telecommunications Bureau/Auctions Division) or David Furth or Rhonda Lien at (202) 418-0620 (Wireless Telecommunications Bureau/Commercial Wireless Division).

SUPPLEMENTARY INFORMATION: This is a summary of the *Report and Order*, GEN Docket No. 90-314, ET Docket No. 92-100 and PP Docket 93-253, adopted April 17, 1997 and released April 23, 1997. The complete text of the *Report*

and *Order* 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. and also may be purchased from the Commission's copy contractor, International Transcription Services (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Synopsis of the Report and Order

Background

1. In the *First Report and Order*, 58 FR 42681 (August 11, 1993), the Commission provided for operation of new narrowband Personal Communications Services (PCS) in the 900 MHz band. The Commission broadly defined PCS as mobile and fixed communications offerings that serve individuals and businesses, and can be integrated with a variety of competing networks. The Commission declined to adopt a restrictive definition of narrowband PCS in order to promote other potential narrowband services. The Commission also adopted a spectrum allocation and channelization plan, licensing rules, and technical standards for narrowband PCS. The Commission determined that PCS is subject to competitive bidding in the case of eligible parties with competing applications.

2. In the *Competitive Bidding Second Report and Order*, 59 FR 22980 (May 4, 1994), the Commission adopted general competitive bidding rules for auctionable services. In the *Competitive Bidding Third Report and Order*, 59 FR 26741 (May 24, 1994) the Commission established competitive bidding rules specifically for narrowband PCS. On reconsideration of that *Order*, the Commission revised certain auction processing rules, expanded special provisions for designated entities in future narrowband auctions, and sought comment on additional designated entity provisions for the upcoming narrowband PCS auction. Of the three MHz of 900 MHz spectrum allocated for narrowband PCS, two one-MHz blocks are currently divided into specific

channels for immediate licensing. The remaining one MHz of narrowband PCS spectrum currently is reserved to accommodate future development of narrowband PCS.

3. Thus far the Commission has conducted two auctions for narrowband PCS licenses. As a result of these two auctions, ten nationwide narrowband PCS licenses and six regional narrowband PCS licenses in five different regions, totalling 30 regional licenses, have been issued. Auctions have not yet been conducted for the narrowband PCS spectrum currently designated for licensing in 51 Major Trading Areas (MTAs) and 493 Basic Trading Areas (BTAs). In addition, the 204 MTA licenses and 1,968 BTA licenses designated as unpaired response channels also have not been auctioned.

Report and Order

A. Service Rules

1. Power and Antenna Height Limits

4. In the *PCS Memorandum Opinion & Order*, 59 FR 14115 (March 25, 1994), the Commission created regional service areas for narrowband PCS. Section 24.132 of its rules, which govern power and antenna height limits, currently applies to MTA and BTA service areas and does not mention regional service areas. See 47 CFR 24.132.

5. The Commission clarifies that § 24.132 of its rules applies to the regional service areas as well as MTA service areas. The Commission amends paragraphs (d) and (e) of § 24.132 to reflect that these rules apply to regional areas. See 47 CFR 24.132. Regional base stations, in addition to MTA base stations, must operate at reduced heights and power limits near service area borders in order to protect adjacent licensees from interference. In addition, the Commission clarifies that a narrowband PCS licensee holding a license for the same channel in an adjacent region or MTA is not required to reduce height and power to protect itself.