

local, or tribal governments in the aggregate.

Through submission of the state implementation plan or plan revisions approved in this section, the State has elected to adopt the program provided for under section 110 of the Clean Air Act. The rules and commitments being approved under this section may bind State, local, and tribal governments to perform certain actions and also may ultimately lead to the private sector being required to perform certain duties. To the extent that the rules and commitments being approved by this action will impose or lead to the imposition of any mandate upon the State, local, or tribal governments either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition of any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. The EPA has also determined that this action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector. Approval of Wisconsin's emissions inventories does not impose any new requirements or have a significant economic impact on small entities.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United

States Court of Appeals for the appropriate circuit by September 22, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

**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 this 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 52**

Environmental protection, Air pollution control, Ozone, Volatile organic compounds, Nitrogen oxides.

**Authority:** 42 U.S.C. 7401-7671(q).  
Dated: July 9, 1997.

**David A. Ullrich,**  
*Acting Regional Administrator.*

Parts 52 and 81 of chapter I, title 40 of the Code of Federal Regulations are amended as follows:

**Part 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671q.

**Subpart YY—Wisconsin**

2. Section 52.2585 is amended by adding paragraph (l) to read as follows:

**§ 52.2585 Control strategy: Ozone.**  
\* \* \* \* \*

(l) Wisconsin's November 15, 1994 request for a temporary delay of the ozone attainment date for Manitowoc County from 1996 to 2007 and suspension of the automatic reclassification of Manitowoc County to serious nonattainment for ozone is approved, based on Wisconsin's demonstration through photochemical grid modeling that transport from upwind areas makes it "practically impossible" for the County to attain the ozone National Ambient Air Quality Standard by its original attainment date.

**PART 81—[AMENDED]**

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

**Authority:** 42 U.S.C. 7401-7671q.

2. In Section 81.350, the "Wisconsin—Ozone" table is amended by revising the entry for Manitowoc County to read as follows:

**§ 81.350 Wisconsin**  
\* \* \* \* \*

WISCONSIN—OZONE

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
* * * Manitowoc County Area .....	* 1/6/92	* Nonattainment .....	* Aug. 22, 1997 .....	* Moderate. <sup>2</sup>
* * *	*	*	*	*

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.  
<sup>2</sup> Attainment date temporarily delayed until November 15, 2007.

**FEDERAL EMERGENCY  
MANAGEMENT AGENCY**

**44 CFR Part 64**

**[Docket No. FEMA-7668]**

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, FEMA.  
**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain

management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**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 aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

#### *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 Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as

amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

#### *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	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region VI</b>				
Arkansas:				
Charleston, city of, Franklin County .....	050080	May 19, 1975, Emerg.; November 15, 1985, Reg.; July 17, 1997, Susp.	July 17, 1997 ....	July 17, 1997.

State/location	Community no.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Franklin County, unincorporated areas	050432	July 15, 1987, Emerg.; July 17, 1997, Reg.; July 17, 1997, Susp.	.....do .....	Do.
Ozark, city of, Franklin County. ....	050358	February 5, 1975, Emerg.; March 15, 1982, Reg.; July 17, 1997, Susp..	.....do .....	Do.
New Mexico: Silver City, town of, Grant County.	350022	July 22, 1975, Emerg.; May 17, 1988, Reg.; July 17, 1997, Susp.	.....do .....	Do.
<b>Region IX</b>				
California:				
Amador County, unincorporated areas ..	060015	October 29, 1980, Emerg.; September 24, 1984, Reg.; July 17, 1997, Susp.	.....do .....	Do.
Jackson, city of, Amador County .....	060448	March 2, 1979, Emerg.; August 19, 1985, Reg.; July 17, 1997, Susp.	.....do .....	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

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

Issued: July 9, 1997.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

[FR Doc. 97-19366 Filed 7-22-97; 8:45 am]

BILLING CODE 6718-05-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[MM Docket No. 94-19; FCC 97-214]

#### Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The adoption of this Memorandum Opinion & Order authorizes Lee Enterprises, Incorporated and similarly situated licensees to file requests for reductions of the FY 1994 regulatory fees for their satellite stations. The Commission recognized that the present policy of requiring licensees to pay separate fees for both full service and satellite stations could result in small market station licensees paying higher fees than larger market stations. The adoption of this order will offer licensees of both full service and satellite television stations an opportunity to receive a waiver or reduction of their FY 1994 regulatory fees.

**DATES:** Effective August 22, 1997.

**FOR FURTHER INFORMATION CONTACT:** Jerome D. Remson, Office of General Counsel, (202) 418-1780.

#### SUPPLEMENTARY INFORMATION:

*Adopted:* June 16, 1997;

*Released:* July 15, 1997.

1. Before the Commission for consideration is a Petition for Reconsideration and Clarification filed by Lee Enterprises, Incorporated (Lee) and a Response in support filed by the National Association of Broadcasters (NAB).

2. In *Implementation of Section 9 of the Communications Act*, 59 FR 30984, June 16, 1994, 9 FCC Rcd 5333, 5360-61, ¶ 82 (1994) (*FY 94 Report and Order*), the Commission noted that the fee schedule adopted by Congress made no distinction between the fees to be paid by fully operational television stations and those paid by satellite television station licensees. The Commission stated that it would not require satellite television licensees to pay a higher fee for a satellite station than a parent station or to pay a fee where the fee would "cause a diminishment of" the licensee's ability to continue to serve the public. On reconsideration, the Commission modified the standard for waiving or reducing satellite station regulatory fees. It recognized that satellite television stations generally serve rural or sparsely populated areas and that requiring the payment of separate fees for both full service and satellite stations could result in small market station licensees paying higher fees than larger market stations. Thus, the Commission stated that for those licensees that had timely filed petitions for reconsideration or for waiver or reduction of the regulatory fees for satellite stations, it would grant partial waivers and reduce the fees so each set of parent and satellite stations would pay a regulatory fee based on the total number of households served and

would be assessed a single regulatory fee comparable to the fee assessed stations serving markets with the same number of television households.

*Implementation of Section 9 of the Communications Act*, MM Docket 94-19, FCC 95-257, ¶ 19, released June 22, 1995 (*Reconsideration Order*), 60 FR 34902, July 5, 1995.

3. Lee now asks for clarification of the *Reconsideration Order* to permit it to request a reduction of its FY 1994 regulatory fees even though it had not requested a waiver or reduction in fees prior to the issuance of the *Reconsideration Order*. In view of the expanded grounds for reduction of the regulatory fee for satellite stations set forth in the *Reconsideration Order*, we shall grant the petition and authorize Lee and similarly situated licensees to file requests for reductions of the FY 1994 regulatory fees for their satellite stations.

4. Accordingly, it is ordered, that the Petition for Reconsideration and Clarification, filed July 24, 1995, by Lee Enterprises, Incorporated is granted.

5. It is further ordered, that licensees of both full service and satellite television stations may file petitions for reduction of their FY 1994 regulatory fees by August 22, 1997.

#### List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 97-19353 Filed 7-22-97; 8:45 am]

BILLING CODE 6712-01-P