

because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the EPA to base its actions concerning SIPs on such grounds. See *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA's final action relieves requirements otherwise imposed under the Act and, hence, does not impose any federal intergovernmental mandates, as defined in section 101 of the Unfunded Mandates Act. This action also will not impose a mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments, in the aggregate, or to the private sector. Since this action will not significantly impact any small governments, the EPA is not required to establish a plan pursuant to section 203.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the 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. section 804(2).

E. Petitions for Judicial Review

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

Court of Appeals for the appropriate circuit by July 28, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Oxides of nitrogen, Incorporation by reference, Intergovernmental relations, Ozone.

Dated: May 22, 1997.

Carol M. Browner,
Administrator.

40 CFR part 52 is 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 T—Louisiana

2. Section 52.992 is amended by adding paragraph (d) to read as follows:

§ 52.992 Area-wide nitrogen oxides (NO_x) exemptions.

* * * * *

(d) The LDEQ submitted to the EPA on October 28, 1994, a petition requesting that the Lake Charles marginal ozone nonattainment area be exempted from the NO_x control requirements of the Act. The Lake Charles nonattainment area consists of Calcasieu Parish. The exemption request was based on photochemical grid modeling which shows that reductions in NO_x would not contribute to attainment in the nonattainment area. On May 27, 1997, the EPA approved the State's request for an area-wide exemption from the following requirements: NO_x new source review, NO_x general conformity, and NO_x transportation conformity requirements. The waiver was granted on the basis of modeling, and ambient air quality data demonstrating the area has attained the ozone NAAQS.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-14; RM-8916]

Radio Broadcasting Services; Idaho Falls, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 296A to Idaho Falls, Idaho, as that community's fifth local FM service in response to a petition filed on behalf of IF Broadcasting of Idaho. See 62 FR 3653, January 24, 1997. Coordinates used for Channel 296A at Idaho Falls are 43-27-21 and 112-04-03. With this action, the proceeding is terminated.

DATES: Effective July 7, 1997. The window period for filing applications for Channel 296A at Idaho Falls, Idaho, will open on July 7, 1997, and close on August 7, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 296A at Idaho Falls, Idaho, should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-14, adopted May 14, 1997, and released May 23, 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., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by adding Channel 296A at Idaho Falls.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-14026 Filed 5-28-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-39; RM-8905]

Radio Broadcasting Services; Driggs, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 271A to Driggs, Idaho, as that community's first local aural transmission service in response to a petition filed by Vixon Valley Broadcasting. See 62 FR 5789, February 7, 1997. Coordinates used for Channel 271A at Driggs are 43-43-36 and 111-06-18. With this action, the proceeding is terminated.

DATES: Effective July 7, 1997. The window period for filing applications for Channel 271A at Driggs, Idaho, will open on July 7, 1997, and close on August 7, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 271A at Driggs, Idaho, should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-39, adopted May 14, 1997, and released May 23, 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., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by adding Driggs, Channel 271A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-14024 Filed 5-28-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-31; RM-8930]

Radio Broadcasting Services; Des Arc, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 284A to Des Arc, Arkansas, as that community's first local FM transmission service in response to a petition filed on behalf of Whippoorwill Creek Broadcasting. See 62 FR 4228, January 29, 1997. Coordinates used for Channel 284A at Des Arc are 34-58-24 and 91-29-54. With this action, the proceeding is terminated.

DATES: Effective July 7, 1997. The window period for filing applications for Channel 284A at Des Arc, Arkansas, will open on July 7, 1997, and close on August 7, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 284A at Des Arc, Arkansas, should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-31, adopted May 14, 1997, and released May 23, 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., 2100 M Street, NW., Suite

140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by adding Des Arc, Channel 284A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-14023 Filed 5-28-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-15; RM-8927]

Radio Broadcasting Services; Homedale, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 292C to Homedale, Idaho, as that community's first local aural transmission service in response to a petition filed by Homedale Broadcasting Company. See 62 FR 3852, January 27, 1997. Coordinates used for Channel 292C at Homedale are 43-33-13 and 117-22-10. With this action, the proceeding is terminated.

DATES: Effective July 7, 1997. The window period for filing applications for Channel 292C at Homedale, Idaho, will open on July 7, 1997, and close on August 7, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 292C at Homedale, Idaho, should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-15, adopted May 14, 1997, and released May 23, 1997. The full text of this