

"economically significant" action under Executive Order 12866.

B. Regulatory Flexibility

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S. E.P.A.*), 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2)).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the 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 has determined that the approval action promulgated does not include a Federal 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. This Federal action approves preexisting requirements

under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 18, 1998. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 29, 1998

Dennis Grams, P.E.,

Regional Administrator, Region VII.

Part 52, chapter I, title 40 of the Code of Federal Regulations 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 *et seq.*

Subpart AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(107) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(107) New regulation for control of volatile organic emissions from Kansas City commercial bakeries submitted by the Missouri Department of Natural Resources March 13, 1996.

(i) Incorporation by reference.

(A) Rule 10 CSR 10-2.360 entitled "Control of Emissions from Bakery Ovens," effective December 30, 1995.

[FR Doc. 98-19134 Filed 7-17-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

Guidelines Establishing Test Procedures for the Analysis of Pollutants

CFR Correction

In Title 40 of the Code of Federal Regulations, parts 136 to 149, revised as of July 1, 1997, page 26, § 136.3(e) is corrected in Table II by correcting the entry in the fourth column "Maximum holding time" under "metals" for "Mercury" to read "28 days".

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to permit FM*

Channel and Class Modifications [Upgrades] by Applications, 8 FCC Rcd 4735 (1993).

EFFECTIVE DATE: July 20, 1998.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted July 1, 1998, and released July 10, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission'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., 1231 20th Street, NW, Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

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:

47 CFR PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 288A and adding Channel 288C2 at Apalachicola, by removing Channel 253C and adding Channel 253C1 at Crystal River, by removing Channel 249A and adding Channel 249C3 at Punta Rassa, and by removing Channel 245A and adding Channel 245C3 at Tavernier.

3. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 286C3 and adding Channel 286C2 at Blackshear.

4. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by removing Channel 252A and adding Channel 252C1 at McCall.

5. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 277C1 and adding Channel 277C at Hays.

6. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 264A and adding Channel 264C3 at Natchitoches.

7. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 259A and adding Channel 259C3 at Neosho.

8. Section 73.202(b), the Table of FM Allotments under New Mexico, is

amended by removing Channel 268A and adding Channel 268C1 at Gallup.

9. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 233A and adding Channel 233C at Canyon City.

10. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 238C and adding Channel 238C1 at Austin, and by removing Channel 238C and adding Channel 239C2 at Waco.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98-19302 Filed 7-17-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-239; RM-9195 and RM-9237]

Radio Broadcasting Services; Horseshoe Beach, FL and Otter Creek, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action in this document allots Channel 240A to Otter Creek, Florida, in response to a petition filed by Tony Downes. See 62 FR 66323, December 18, 1997. The coordinates for Channel 240A at Otter Creek, Florida, are 29-16-52 and 82-51-42. There is a site restriction 9.8 kilometers (6.1 miles) southwest of the community. In response to the counterproposal filed by Dixie County Broadcasters, we will allot Channel 234C3 to Horseshoe Beach at coordinates 29-26-28 and 83-17-15. With this action, this proceeding is terminated. A filing window for Channel 234C3 at Horseshoe Beach, Florida, and channel 240A at Otter Creek, Florida, will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

EFFECTIVE DATE: August 24, 1998.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 97-239, adopted July 1, 1998, and released July 10, 1998. The full text of this Commission decision is available for inspection and copying during normal

business hours in the Commission'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 Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

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: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Horseshoe Beach and Channel 234C3 and Otter Creek and Channel 240A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98-19301 Filed 7-17-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 190, 191, 192, 193, 195, and 199

[Docket No. RSPA-97-2251; Amdt Nos. 190-8; 191-13; 192-84; 193-15; 194-2; 195-61; 198-3; 199-17]

RIN 2137-AD03

Pipeline Safety: Periodic Updates to Pipeline Safety Regulations (1997)

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Removal of direct final rule amendment.

SUMMARY: This document removes an amendment in a direct final rule titled, "Periodic Updates to the Pipeline Safety Regulations" (63 FR 7721), published on February 17, 1998, and restores the regulatory text that existed prior to the direct final rule. The final rule updated references to voluntary specifications