

**Register** on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

#### *Regulatory Flexibility Act*

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

State Implementation Plan approvals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the federal State Implementation Plan approval does not impose any new requirements, EPA certifies 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 EPA to base its actions concerning State Implementation Plans on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

#### *Unfunded Mandates*

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), 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 annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, 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 EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a federal mandate that may result in

estimated annual 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 pre-existing 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.

The Administrator's decision to approve or disapprove the State Implementation Plan revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) and part D of the Act, as amended, and EPA regulations in 40 CFR Part 51.

#### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: April 2, 1997.

**William J. Muszynski,**  
*Deputy Regional Administrator.*

[FR Doc. 97–9382 Filed 4–10–97; 8:45 am]

BILLING CODE 6560–50–P

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 80**

[FRL–5810–9]

#### **Regulations of Fuels and Fuel Additives: Reformulated Gasoline Covered Areas Provision Modification**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of public hearing.

**SUMMARY:** This document announces the time and place for a public hearing regarding EPA's proposed rule to modify the covered areas provision of the reformulated gasoline (RFG) rule. The agency published this proposed rule in the **Federal Register** on March 28, 1997 (See 62 FR 15077 for further information on the proposal).

**DATES:** EPA will conduct a public hearing on the proposed rule on April 18, 1997, in Washington, DC beginning at 9:00 a.m. The hearing will continue until all interested parties have had an opportunity to testify. If you wish to testify at this public hearing, contact Karen Smith at (202) 233–9674 by April 16, 1997. If no party has contacted EPA by that date and stated their interest in testifying on the proposal, the hearing

will be subject to cancellation without further notification. If you want to know if the hearing has been canceled contact the person named above.

**ADDRESSES:** The public hearing will be held from 9:00 a.m. until its completion at the Holiday Inn Capitol Hill, South Ballroom, 415 New Jersey Avenue, Washington, DC. Material relevant to this document have been placed in Docket A–96–30. The docket is located at the Air Docket Section, Mail Code 6102, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460, in room M–1500 Waterside Mall. Documents may be inspected from 8:00 a.m. to 5:30 p.m. A reasonable fee may be charged for copying docket material.

Written comments should be submitted (in duplicate) to Air Docket Section, Mail Code 6102, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. A copy should also be sent to Karen Smith at the address listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Karen Smith at U.S. Environmental Protection Agency Office of Air and Radiation, 401 M Street, SW (6406J), Washington, DC 20460, (202) 233–9674.

#### **Procedures for Public Participation**

##### *A. Comments and the Public Docket*

The scope of EPA's modification of section 80.70(k) of the reformulated gasoline rule is to allow states to opt into the federal RFG program for any area classified as marginal, moderate, serious or severe ozone nonattainment area as of November 15, 1990, the date of the enactment of the Clean Air Act Amendments of 1990, or any time later. EPA is seeking comments on whether a minimum lead time of up to one year should be used in setting the effective date and whether this should apply to former nonattainment areas that opt-in and/or areas that are classified as nonattainment when they opt-in.

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest extent and label it as "Confidential Business Information." If a person making comments wants EPA to base the final rule in part on a submission labeled as confidential business information, then a non-confidential version of the document which summarizes the key data or information should be placed in the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed by the procedures set forth in

40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, it may be made available to the public without further notice to the person making comments.

#### **B. Public Participation**

Any person desiring to present testimony regarding this proposed rule at the public hearing (see **DATES**) should notify the contact person listed above of such intent as soon as possible. A sign-up sheet will be available at the registration table the morning of the hearing for scheduling testimony for those who have not notified the contact person. This testimony will be scheduled on a first come, first serve basis to follow the previously scheduled testimony.

EPA suggests that approximately 50 copies of the statement or material to be presented be brought to the hearing for distribution to the audience. In addition, EPA would find it helpful to receive an advance copy of any statement or material to be presented at the hearing in order to give EPA staff adequate time to review such material before the hearing. Such advance copies should be submitted to the contact person listed previously.

The official records of the hearing will be kept open for 30 days following the hearing to allow submission of rebuttal and supplementary testimony. All such submittals should be directed to the Air Docket, Docket No. A-96-30 (see **ADDRESSES**).

Mr. Charles Freed, Division Director of the Fuels and Energy Division, Office of Mobile Sources, is hereby designated Presiding Officer of the hearing. The hearing will be conducted informally and technical rules of evidence will not apply. Because a public hearing is designed to give interested parties an opportunity to participate in the proceeding, there are no adversary parties as such. Statements by participants will not be subject to cross examination by other participants. A written transcript of the hearing will be placed in the above docket for review. Anyone desiring to purchase a copy of the transcript should make individual arrangements with the court reporter recording the proceeding. The Presiding Officer is authorized to strike from the record statements which he deems irrelevant or repetitious and to impose reasonable limits on the duration of the statement of any witness. EPA asks that persons who testify attempt to limit their testimony to ten minutes, if possible. The Administrator will base her decision with regard to the modification of the covered areas of the

reformulated gasoline rule on the record of the public hearing and on any other relevant written submissions and other pertinent information. This information will be available for public inspection at the EPA Air Docket, Docket No. A-96-30 (see **ADDRESSES**).

Dated: April 8, 1997.

**Mary D. Nichols,**

*Assistant Administrator for Air and Radiation.*

[FR Doc. 97-9518 Filed 4-10-97; 8:45 am]

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## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 73**

[MM Docket No. 97-110, RM-9045]

#### **Radio Broadcasting Services; Mansura, LA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Mark A. Zweig proposing the allotment of Channel 240A to Mansura, Louisiana, as the community's first local aural transmission service. Channel 240A can be allotted to Mansura in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 240A at Mansura are 31-03-36 NL and 92-03-00 WL.

**DATES:** Comments must be filed on or before May 27, 1997, and reply comments on or before June 11, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mark Zweig, P.O. Box 350, Bunkie, Louisiana 71322 (petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-110, adopted March 26, 1997, and released April 4, 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 contractor, ITS, Inc., (202) 857-

3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

### **List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 97-9440 Filed 4-10-97; 8:45 am]

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## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 73**

[MM Docket No. 97-108, RM-9024]

#### **Radio Broadcasting Services; Riley, KS**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Donald Law proposing the allotment of Channel 242C3 to Riley, Kansas, as the community's first local aural transmission service. Channel 242C3 can be allotted to Riley in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.7 kilometers (7.9 miles) east in order to avoid a short-spacing conflict with the proposal (RM-8874) to allot Channel 242C3 at Cawker City, Kansas. The coordinates for Channel 242C3 at Riley are 39-16-40 NL and 96-40-50 WL.

**DATES:** Comments must be filed on or before May 27, 1997, and reply comments on or before June 11, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dan J. Alpert, Esq., 2120 N. 21st Road, Suite 400, Arlington, Virginia 22201 (Counsel for petitioner).