

which was submitted on March 27, 1996. EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the ADDRESSES section of this document.

Proposed Action

EPA is proposing to conditionally approve this revision to the Massachusetts SIP for an interim enhanced I/M program. The conditions for approvability are as follows:

Within 30 days of this document, Massachusetts commits to submit by April 1, 1997 a complete approvable revised 15% plan which shows sufficient reductions from an enhanced I/M program utilizing emission credit estimates agreeable to EPA as discussed earlier in this document. This includes MOBILE modeling with a worst case analysis showing that the Commonwealth will meet the needed 15% reductions if the program only achieves reductions equivalent to ASM2 credit at "phase-in" cut points or the Commonwealth must reduce the credit claimed for the I/M program. Also, within 30 days of this document Massachusetts commits to submit by a date certain within one year of final interim approval, revised program evaluation modeling showing achievement of at least the low enhanced I/M standard by 2002.

In addition, within 30 days Massachusetts commits to submit by a date certain within one year of final interim approval, revisions to meet the requirements for Enhanced I/M Performance Standard—40 CFR 51.351, Adequate Tools and Resources—40 CFR 51.354, Test Procedures and Standards—40 CFR 51.357, Quality control—40 CFR 51.359, Waivers and Compliance via Diagnostic Inspection—40 CFR 51.360, Quality Assurance—40 CFR 51.363 and a revised modeling analysis showing achievement of the performance standard by 2002.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator 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 CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

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 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, 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 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 Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal

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.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and part D of the Clean Air 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: January 15, 1997.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 97–2194 Filed 1–29–97; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[CO–001–0009b; FRL–5674–8]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation No.'s 3 and 7 for Pioneer Metal Finishing Inc. and a Revision to Regulation No. 7 for Lexmark International Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing approval of the revisions to the Colorado State Implementation Plan (SIP) to Regulation No. 3, "Air Contaminant Emissions Notices," and Regulation No. 7, "Regulation To Control Emissions of Volatile Organic Compounds." The revisions to Regulations Nos. 3 and 7 for Pioneer Metal Finishing Inc. (PMF) consist of a source specific SIP revision to allow PMF to purchase banked Volatile Organic Compound (VOC) emission reduction credits (ERC) from Coors Brewing Company (Coors), to enable PMF to come into compliance with the VOC Reasonable Available Control Technology (RACT) requirements of Regulation No. 7 (Reg. 7). The revision to Reg. 7 for Lexmark International Inc. (Lexmark) consists of a source-specific SIP revision to allow Lexmark to utilize the provisions of Reg.

7 to perform crossline averaging for the purposes of meeting the VOC RACT requirements of Reg. 7. In the Final Rules Section of this Federal Register, EPA is approving the State's State Implementation Plan (SIP) revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by March 3, 1997.

ADDRESSES: Written comments should be addressed to: Richard R. Long, Director, Air Program (8P2-A), United States Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202-2466.

Copies of the documents relevant to this action are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following office:

United States Environmental Protection Agency, Region 8, Air Program, 999 18th Street, suite 500, Denver, Colorado 80202-2466.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Program (8P2-A), United States Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202-2466; Telephone number: (303) 312-6479.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action which is located in the rules section of this Federal Register.

Dated: December 2, 1996.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 97-2289 Filed 1-29-97; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-265, RM-8913]

Radio Broadcasting Services; Dickson and Kingston Springs, Tennessee

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Tuned In Broadcasting, Inc., licensee of Station WYYB(FM), Channel 229A, Dickson, Tennessee, requesting the reallocation of Channel 229A from Dickson to Kingston Springs, Tennessee, and modification of the license for Station WYYB(FM) to specify Kingston Springs as its community of license. Channel 229A can be allotted to Kingston Springs in compliance with the Commission's minimum distance requirements with a site restriction of 11.9 kilometers (7.4 miles) east. The coordinates for Channel 229A at Kingston Springs are 36-07-13 and 86-59-03. In accordance with Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 229A at Kingston Springs or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before March 3, 1997, and reply comments on or before March 18, 1997.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David D. Oxenford, Lauren Lynch Flick, Fisher, Wayland, Cooper, Leader & Zaragoza, L.L.P., 2001 Pennsylvania Avenue, NW, Suite 400, Washington, DC 20006 (Counsel for 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. 96-265, adopted December 27, 1996, and released January 10, 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, D.C. 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. 97-2311 Filed 1-29-97; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 97-24; RM-8973]

Radio Broadcasting Services; Midwest, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Windy Valley Broadcasting proposing the allotment of Channel 300A at Midwest, Wyoming, as the community's first local aural transmission service. Channel 300A can be allotted to Midwest in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 300A at Midwest are North Latitude 43-26-36 and West Longitude 106-16-24.

DATES: Comments must be filed on or before March 17, 1997, and reply comments on or before April 1, 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: Victor A. Michael, Jr., President, Windy Valley Broadcasting, c/o Magic City Media, 1912 Capitol Avenue, Suite 300, Cheyenne, Wyoming 82001 (Petitioner).