

US EPA ARCHIVE DOCUMENT

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. section 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. sections 603 and 604). Alternatively, EPA may certify 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 government entities with jurisdiction over populations of less than 50,000.

Conditional approvals of SIP submittals 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 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 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).

If the conditional approval is converted to a disapproval under section 110(k), based on the Commonwealth's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

C. 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 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 actions proposed in this notice do 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 proposes approval of 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Reporting and recordkeeping, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: June 13, 1997.

John P. DeVillars,

Regional Administrator, EPA Region I.

[FR Doc. 97-18409 Filed 7-11-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 70**

[FRL-5855-2]

Clean Air Act Proposed Final Full Approval of Operating Permits Program and Approval of Delegation of Section 112(l); State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to grant final full approval of Iowa's Title V operating permit program to meet the requirements of 40 CFR part 70. In the final rules section of the **Federal Register**, the EPA is approving the state's program as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. An explanation 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 the 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. The EPA will not institute a second comment period on this document. Any parties interested in commenting should do so at this time.

DATES: Comments on this proposed rule must be received in writing by August 13, 1997.

ADDRESSES: Comments may be mailed to Christopher D. Hess, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551-7213.

SUPPLEMENTARY INFORMATION: The EPA granted interim approval to Iowa's Title V program in an action effective October 2, 1995. The state was responsible to make certain revisions within two years of that date in order to receive final full approval. Iowa has made the necessary revisions and now meets the criteria for final full approval. For additional information, please refer to the summary provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: June 24, 1997.

U. Gale Hutton,

Acting Regional Administrator.

[FR Doc. 97-18251 Filed 7-11-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 80**

[PR Docket No. 92-257; FCC 97-217]

Maritime Communications

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a *Second Further Notice of Proposed Rule Making* in PR Docket No. 92-257 which seeks to simplify the licensing process and introduce additional flexibility for public coast stations. Specifically, the Commission has proposed rules to designate geographic licensing regions for very high frequency (VHF) public coast stations, and assign all currently unassigned VHF public correspondence channels on a geographic basis by competitive bidding. The Commission has proposed rules to eliminate the required channel loading showing for high seas public coast stations, and implement competitive bidding procedures for mutually exclusive initial applications on a case-by-case basis; and to eliminate