If the conditional approval is converted to a disapproval under section 110(k), based on the State'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, 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 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.

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 General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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 the rule in today's **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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 9, 1997.

Filing a petition for reconsideration by the Administrator of this interim final rule to conditionally approve the Texas I/M SIP, on an interim basis, 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) of the Administrative Procedures Act).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: July 1, 1997.

Jerry Clifford,

Acting Regional Administrator.

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. 7401–7671q.

Subpart SS—Texas

2. Section 52.2310 is added to read as follows:

§ 52.2310 Conditional approval.

The State of Texas' March 14, 1996, submittal for an motor vehicle inspection and maintenance (I/M) program, is conditionally approved based on certain contingencies, for an interim period to last eighteen months. If the State of Texas fails to fully start its program by November 15, 1997, at the latest, this conditional approval will convert to a disapproval after EPA sends a letter to the State. If the State of Texas fails to satisfy the following conditions within 12 months of August 11, 1997, this conditional approval will automatically convert to a disapproval as explained under section 110(k) of the Clean Air Act. The conditions for approvability are as follows:

Texas must obtain all of the legal authority needed to implement its program. The specific authority needed was outlined in EPA's proposed approval action and was identified in a February 27, 1996, Governor's Executive Order that was submitted as part of the Texas I/M SIP. The legal authority identified in the Executive Order includes: The denial of reregistration of vehicles that have not complied with I/M program requirements; the establishment of a class C misdemeanor penalty for operating a gross polluting vehicle in a nonattainment area; and the requirement for an inspection within 60 days of resale and prior to transfer of title to nonfamily member consumers in Dallas, Tarrant, or Harris counties (or regarding the third major condition, the removal of the test-on-resale program element from the SIP). Texas has committed to support additional needed legislation in Texas's 75th Legislative Session. Should Texas fail to fulfill these conditions by the end of the 75th Legislative Session, this approval will convert to a disapproval. Texas must also fully start its I/M program by November 15, 1997, or this action will covert to a disapproval.

[FR Doc. 97–18245 Filed 7–10–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–5; RM–8954]

Radio Broadcasting Services; Thorndale, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Jackson Lake Broadcasting Company, allots Channel 257A to Thorndale, Texas, as the community's first local aural transmission service. Channel 257A can be allotted to Thorndale in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.8 kilometers (8.6 miles) south in order to avoid a short-spacing conflict with the licensed operation of Station WACO(FM), Channel 260C, Waco, Texas. The coordinates for Channel 257A at Thorndale are 30–29–29 NL and 97–11–21 WL. With this action, this proceeding is terminated.

DATES: Effective August 11, 1997. The window period for filing applications will open on August 11, 1997, and close on September 11, 1997.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No.97–5, adopted June 18, 1997, and released June 27, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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.

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 Texas, is amended by adding Thorndale, Channel 257A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97–18293 Filed 7–10–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87–268; DA 97–1377]

Advanced Television Systems and Their Impact on the Existing Television Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for reconsideration.

SUMMARY: By this Order, we are clarifying our action in the Sixth Report and Order in this proceeding, which dealt with advanced television systems and their impact on the existing television service, with regard to OET Bulletin No. 69, and are providing an additional 45-day period of time for parties requesting reconsideration of individual digital television (DTV) allotments included in the DTV Table of Allotments to submit supplemental information relating to their petitions. We are also releasing OET Bulletin No. 69 concurrent with this Order. This action will resolve concern that has arisen with regard to OET Bulletin No. 69 and will allow parties filing requests for reconsideration of individual DTV channel allotments to finalize their requests regarding changes to the DTV Table.

DATES: Supplemental filings relating to petitions for reconsideration of the Sixth Report and Order that request changes to DTV allotments are due August 22, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bruce Franca (202–418–2470) or Alan Stillwell (202–418–2470), Office of Engineering and Technology.

SUPPLEMENTARY INFORMATION:

1. By this Order, we are clarifying our action in the Sixth Report and Order, 62 FR 26684, May 14, 1997, in MM Docket No. 87–268, adopted April 3, 1997, FCC 97–115 (released April 21, 1997), with regard to OET Bulletin No. 69, and are providing an additional period of time for parties requesting reconsideration of individual allotments included in the DTV Table of Allotments to submit supplemental information relating to their petitions. We are also releasing OET Bulletin No. 69 concurrent with this Order.

2. In the Sixth Report and Order, the Commission set forth a Table of Allotments for digital TV (DTV) service, rules for initial DTV allotments, procedures for assigning DTV allotments to eligible broadcasters, and plans for spectrum recovery. A number of parties have submitted petitions for reconsideration expressing concern that OET Bulletin No. 69, which is referenced in the new DTV allotment rules as a source of guidance for evaluating DTV coverage areas, is not available and that they therefore have not been able to fully evaluate the DTV channels that were paired with existing television stations. These parties generally argue that without the technical guidance to be provided in OET Bulletin No. 69, they are unable to fully evaluate either the acceptability of the DTV allotments provided for their existing stations or the suitability of alternative channels. These parties also generally request that we provide additional time after the issuance of OET Bulletin No. 69 to evaluate their allotments and then supplement their petitions with additional information relating to specific changes to the DTV Table.

3. OET Bulletin No. 69 provides guidance on the implementation and use of Longley-Rice methodology for evaluating DTV and NTSC coverage and interference. We wish to clarify that the technical guidance to be provided in OET Bulletin No. 69 is generally intended to be used for the purposes of preparing applications requesting facilities that do not conform to the DTV Table, petitions to amend the DTV Table, applications for new DTV stations, changes in authorized DTV stations, and the impact of low power TV and TV translator stations on DTV service areas. In short, the purpose of OET Bulletin No. 69 is to serve as a guide for parties preparing submissions for possible actions that we might take subsequent to the development of the initial DTV Table.

4. We disagree with those parties that assert that OET Bulletin No. 69 is essential for evaluation of DTV allotments. We note that the terrain dependent Longley-Rice propagation model and the methodologies used in evaluating DTV coverage and interference in the Sixth Report and Order are well known to the broadcast industry. These methodologies were in general developed by the broadcast industry through our Advisory Committee on Advanced Television Service. As early as 1992, they were used by the Advisory Committee in evaluating the various DTV technical systems and were also used in evaluating the ATSC DTV system, a modified version of which was selected by the Commission as the DTV standard. In addition, these same methodologies were used by the Association of Maximum Service Television (MSTV), the Broadcast Caucus and many engineering consulting firms in evaluating the draft DTV Table of Allotments that was included in the 1996 Sixth Further Notice of Proposed Rule Making in this proceeding, 11 FCC Rcd 10968 (1996), and in evaluating the alternative DTV Table submitted by the broadcast industry.

5. Nonetheless, in view of the concern that has occurred with regard to OET Bulletin No. 69, we believe it is appropriate to provide parties that submitted petitions for reconsideration requesting modification of their DTV allotments a brief period of additional time to file supplemental presentations relating to those requests. We believe that a 45-day period will allow those parties sufficient time to supplement