

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/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 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.

D. Submission to Congress and the General Accounting Office

Under section 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 section 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 October 20, 1997. Filing a petition for reconsideration by the Regional 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 to approve VOC and NO_x RACT determinations for a number of individual sources in Pennsylvania as a revision to the Commonwealth's SIP 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, Nitrogen

dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: July 22, 1997.

Thomas Voltaggio,
Acting Regional Administrator, Region III.

40 CFR part 52 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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(119) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(119) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO_x RACT, submitted on January 10, 1996 and September 13, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Two letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or NO_x RACT determinations in the form of operating permits on the following dates: January 10, 1996 and September 13, 1996.

(B) Operating permits (OP):

(1) Heinz Pet Products, Columbia County, OP-19-0003, effective November 27, 1995, except for the expiration date of the operating permit and conditions No. 15 through No. 24 pertaining to non-VOC and non-NO_x pollutants.

(2) Graco Children's Products, Inc., Chester County, OP-15-0006, effective November 30, 1995, except for the expiration date of the operating permit.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's January 10, 1996 and September 13, 1996 submittals.

* * * * *

[FR Doc. 97-22069 Filed 8-20-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 69

[FRL-5878-6]

Special Exemptions From Requirements of the Clean Air Act for the Territory of Guam

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Final rule.

SUMMARY: On February 11, 1997, the Governor of Guam submitted a petition ("Petition") to the Administrator of EPA seeking a waiver of certain Clean Air Act ("CAA") requirements which apply to two baseload diesel electric generators to be located at the Piti Power Plant on Guam. The Petition was submitted pursuant to Section 325(a) of the CAA. The waiver will help to ease a serious and ongoing energy emergency on Guam. Based upon the information in the Petition, EPA proposed to grant the waiver requested on June 30, 1997. 62 FR 35113. EPA received no comments on its proposal.

EFFECTIVE DATE: August 15, 1997.

FOR FURTHER INFORMATION CONTACT: Norman Lovelace, Chief, Insular Area Program, Cross Media Division (CMD-5), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105. Telephone: (415) 744-1599.

SUPPLEMENTARY INFORMATION:

Background

Via a letter dated February 11, 1997, Governor Gutierrez of Guam submitted a petition ("Petition") to the Administrator of EPA. The Petition seeks a waiver of certain Clean Air Act ("CAA") requirements for the construction of two 45 megawatt baseload slow speed diesel electric generators and associated waste heat recovery boilers with a steam generator. These units will be part of the Piti Power Plant. The units will be designated as Piti Units No. 8 and No. 9. Based upon the information in the Petition, EPA proposed to grant the waiver requested on June 30, 1997. 62 FR 35113.

The waiver application seeks to allow construction of Piti Units No. 8 and No. 9 prior to receipt of a Prevention of Significant Deterioration ("PSD") permit. Neither of these Piti Units will operate prior to receipt of a final PSD permit.

EPA received no comments regarding its proposal to grant the waiver. Therefore, EPA is issuing the waiver as proposed.

Regulatory Analysis

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 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.

This rulemaking applies only to two large sources of air emissions used to generate electrical power on Guam. These sources of electrical power will be constructed by an independent power producer which is not a small entity. Therefore, this rulemaking will not impact small entities.

This action has been classified as a Table 3 action for signature by the Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 69

Environmental protection, Air pollution control, Guam.

Dated: August 15, 1997.

Carol Browner,
Administrator.

Part 69 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 69—[AMENDED]

1. The authority citation for part 69 continues to read as follows:

Authority: Sec. 325, Clean Air Act, as amended (42 U.S.C. 7625-1).

2. Section 69.11 is amended by adding paragraph (d) to read as follows:

§ 69.11 New exemptions.

* * * * *

(d)(1) Pursuant to Section 325(a) of the CAA and a petition submitted by the Governor of Guam on February 11, 1997 ("1997 Petition"), the Administrator of EPA conditionally exempts Piti Power Plant Units No. 8 and No. 9 from certain CAA requirements.

(2) A waiver of the requirement to obtain a PSD permit prior to construction is granted for the electric generating units identified in the 1997 Petition as Piti Units No. 8 and No. 9 (two 45 megawatt baseload diesel electric generators and associated waste heat recovery boilers with a steam

generator), with the following conditions:

(i) Piti Units No. 8 and No. 9 shall not operate until final PSD permits are received for these units;

(ii) Piti Units No. 8 and No. 9 shall not operate until they comply with all requirements of their PSD permits, including, if necessary, retrofitting with BACT;

(iii) If either Piti Units No. 8 or No. 9 operate either prior to the issuance of a final PSD permit or without BACT equipment, the Piti Unit(s) shall be deemed in violation of this waiver and the CAA beginning on the date of commencement of construction of the unit(s).

[FR Doc. 97-22061 Filed 8-20-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-10; RM-8984 and 9033]

Radio Broadcasting Services; Dodgeville, Mazomanie and Mount Horeb, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action in this document allots Channel 294A to Mount Horeb, Wisconsin, as that community's first local service in response to a petition filed by First Congregational Services. See 62 FR 3653, January 24, 1997. There is a site restriction 9.6 kilometers (6 miles) west of the community. The coordinates for Channel 294A are 42-59-22 and 89-51-12. The counterproposal filed by Shopper Stopper, Ltd. requesting the allotment of Channel 257A at Mazomanie, Wisconsin, and substitution of Channel 294A for Channel 257A at Dodgeville, Wisconsin, is denied. With this action, this proceeding is terminated.

DATES: Effective September 29, 1997. The window period for filing applications for Channel 294A at Mount Horeb, Wisconsin, will open on September 29, 1997 and close on October 30, 1997.

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. 97-10, adopted August 6, 1997, and released August 15, 1997. 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: 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 Wisconsin, is amended by adding Mount Horeb, Channel 294A.

Federal Communications Commission.

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

[FR Doc. 97-22114 Filed 8-20-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. 96-122; Notice 02]

RIN 2127-AG33

Final Theft Data; Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Publication of final theft data.

SUMMARY: This document publishes the final data on thefts of model year (MY) 1995 passenger motor vehicles that occurred in calendar year (CY) 1995. The final 1995 theft data indicate a decrease in the vehicle theft rate when compared to the theft rate experienced in CY/MY 1994. The final theft rate for MY 1995 passenger vehicles stolen in calendar year 1995 (3.57 thefts per thousand vehicles produced) decreased by 14.4 percent from the theft rate for CY/MY 1994 vehicles (4.17 thefts per