

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101-3126; 18 U.S.C. 3551-3566; 43 U.S.C. 1733.

2. Effective September 22, 1992, through June 30, 1993, in both 36 CFR

part 242 and 50 CFR part 100, subpart D is amended as follows:
In the table in § 25(m) (25) the listing for "Moose: Unit 25(D) (West)" in columns 1 and 2 (Bag Limits and Open Seasons) the second paragraph is revised to read:

§ _____. Subsistence taking of wildlife.
* * * * *
(m) * * *
(25) * * *

Bag limits

Open seasons

Moose:

Unit 25(D)(West)—that portion of Unit 25(D) not within the Dalton Highway Corridor Management Area, lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek, and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary—1 bull by Federal registration permit. Alternate permits allowing for designated hunters are available to qualified applicants who reside in Beaver, Birch Creek, or Stevens Village. All moose harvest on public lands in this unit will be closed when a total of 35 bulls have been harvested in the entirety of Unit 25(D) West. Federal public lands in Unit 25(D)(West) are closed to taking of moose by anyone other than residents of Beaver, Birch Creek, and Stevens Village.

Aug. 25 to Sept. 25 and
Nov. 1 to Feb. 28.

Ron McCoy,
Interim Chair, Federal Subsistence Board.
Michael A. Barton,
Regional Forester, USDA-Forest Service.
[FR Doc. 93-7717 Filed 4-5-93; 8:45 am]
BILLING CODE 4310-55-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. 93-1]

Registration of Claims to Copyright; Technical Amendments

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: This final rule is issued to correct errors caused by the redesignation in § 202.3 of paragraphs (b)(6) and (b)(7) to (b)(7) and (b)(8) respectively and the addition of a new paragraph (b)(6) for Group Registration of daily newspapers published on September 1, 1992, in the *Federal Register* at page 39615. Paragraph citations and a registration fee found in footnote "6" in § 202.3 are also being amended.

EFFECTIVE DATE: April 6, 1993.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of

Congress, Washington, DC 20540.
Telephone (202) 707-8380.

SUPPLEMENTARY INFORMATION: The Copyright Office is making technical amendments necessitated by the addition of a new § 202.3(b)(6) and the redesignation of former § 202.3(b)(6) and 202.3(b)(7) to § 202.3(b)(7) and § 202.3(b)(8) respectively. The office is also making technical amendments in footnote "6" to § 202.3(c)(2). The references in that footnote are amended to refer to § 202.3(b)(7) instead of (b)(6) and the copyright fee of \$10 is amended to read \$20.

List of Subjects in 37 CFR Part 202

Copyright registration.

Final Regulation

In consideration of the foregoing, part 202 of 37 CFR, chapter II is amended in the manner set forth below.

PART 202—[AMENDED]

1. The authority citation for part 202 continues to read as follows:

Authority: Sec. 702, Pub. L. 94-553, 90 Stat. 17 U.S.C. 702. Paragraph 202.3 is also issued under 17 U.S.C. 407 and 408.

§ 202.3 [Amended]

Section 202.3 is amended as follows:

2. In paragraph (b)(3)(ii) introductory text remove "(b)(6)" and add in its place "(b)(7)."

3. In paragraph (b)(7)(ii) introductory text remove "§ 203.3(b)(6)" and add in its place "§ 203.3(b)(7)."

4. In paragraph (b)(7)(ii)(C) remove "(b)(6)(i)(E)" and add "(b)(7)(i)(E)."

5. In footnote 8 to paragraph (c)(2) remove "(b)(6)" and add "(b)(7).", remove "(b)(6)(i)(E)" and add "(b)(7)(i)(E).", and remove "\$10" and add "\$20."

Dated: March 25, 1993.

Ralph Oman,
Register of Copyrights.

James H. Billington,
The Librarian of Congress.

[FR Doc. 93-7777 Filed 4-5-93; 8:45 am]
BILLING CODE 1410-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA13-5-5607; FRL-4522-8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Group III CTG; RACT for VOC From Synthetic Organic Chemical Manufacturing Industries (SOCMI) in Philadelphia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania, Department of Environmental Resources (PADER). This revision establishes and requires

reasonably available control technology (RACT) to control fugitive volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industries (SOCMI). This revision has been submitted by PADER at the request of Philadelphia Air Management Service (AMS) to fulfill its 1982 ozone SIP commitment to adopt all applicable control technique guidelines (CTGs) published by EPA. The intended effect of this action is to approve the Philadelphia SOCMI regulations. This action is being taken in accordance with section 110 and part D of the Clean Air Act (CAA).

EFFECTIVE DATE: This rule will become effective on May 6, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Commonwealth of Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, Harrisburg, PA 17105-8468; Department of Public Health, Air Management Services, 321 University Avenue, Spelman Building, Philadelphia PA 19104.

FOR FURTHER INFORMATION CONTACT: Aquanetta Dickens, (215) 597-4554.

SUPPLEMENTARY INFORMATION: On May 11, 1992 (57 FR 20068), EPA published a Notice of Proposed Rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of revisions to Philadelphia Air Management Regulation V to control VOC from SOCMI. The formal SIP revision was submitted by the Commonwealth of Pennsylvania at the request of the Philadelphia Air Management Services on September 9, 1991. The specific requirements of Philadelphia's RACT regulations for the control of fugitive emissions from SOCMI and the rationale for EPA's proposed action were explained in the NPR and will not be restated here. Only one comment was received on the NPR.

Response to Public Comments: On June 11, 1992, the U.S. Small Business Administration, Office of Chief Counsel for Advocacy submitted a letter of comment on the NPR published on May 11, 1992 (57 FR 20068), entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania Group III CTG: RACT for VOC from SOCMI."

The Small Business Administration (SBA) commented that EPA did not comply with Section 605(b) of the Regulatory Flexibility Act (RFA) which requires a certification and statement of the proposed rule. Section 605(b) also requires the certification and statement be transmitted to the Chief Counsel for Advocacy. The SBA requested that EPA make the appropriate corrections in order to comply with the RFA.

Response: The SBA previously waived the requirement in the RFA that EPA transmit a copy of the regulatory flexibility certification to the Chief Counsel for Advocacy on SIP approvals. EPA has conferred with the SBA and additional language has been added to this notice providing the rationale for this waiver at the paragraph regarding section 605(b) of the RFA.

Final Action: EPA is approving amendments to Philadelphia Air Management Regulation V for the control of fugitive emissions from SOCMI submitted on September 9, 1991 as a revision to the Pennsylvania SIP.

The Agency has reviewed this request for revision of the Federally-approved SIP for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

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

This action approving Pennsylvania's revision to Regulation V to control VOC leaks from SOCMI facilities has been classified as a Table 3 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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 CAA do not create any new requirements, but simply approve requirements that the Commonwealth 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 regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action approving revisions to Philadelphia's Air Management Regulation V to control VOCs from SOCMI must be filed in the United States Court of Appeals for the appropriate circuit by June 7, 1993. Filing a petition for reconsideration by the 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 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: September 29, 1992.

Edwin B. Erickson,
Regional Administrator, Region III.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for 40 CFR 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)(78) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *
(78) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on September 9, 1991. The effective date of the regulation submitted is May 23, 1988.

(i) *Incorporation by reference.* (A) A letter from the Pennsylvania Department of Environmental Resources dated September 9, 1991 submitting a revision to the Pennsylvania State Implementation Plan.

(B) Section XIII, Process Equipment Leaks of Philadelphia Air Management Regulation V—Control of Emissions of Organic Substances from Stationary Sources. The effective date of the regulation submitted is May 23, 1988.

(C) Compliance Guidelines for Philadelphia Air Management Regulation V, Section XIII. The effective date of the compliance guidelines submitted is May 23, 1988.

(ii) *Additional materials.* (A) Remainder of the May 23, 1988 State submittal.

[FR Doc. 93-7911 Filed 4-5-93; 8:45 am]

BILLING CODE 5560-50-P

40 CFR Part 52

[IL17-1-5173; FRL-4607-7]

Approval and Promulgation of Air Quality Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is approving continuous emission monitoring regulations as a revision to the Illinois State Implementation Plan (SIP). The revision complies with 40 CFR 51.214 and part 51, appendix P and provides a legally enforceable procedure for continuously monitoring and recording emissions to determine the status of compliance of certain stationary source categories. The applicable rules are contained in part 201 of title 35 of the Illinois Administrative Code (35 IAC); subpart J, § 201.281 and subpart L, §§ 201.401-201.408.

EFFECTIVE DATE: This action will be effective on June 7, 1993 unless USEPA receives notice by May 6, 1993 that adverse or critical comments will be submitted. If the effective date is

postponed, timely notice of proposal will be published in the *Federal Register* to provide for a new comment period.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location:

U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:

Randolph O. Cano, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6036.

SUPPLEMENTARY INFORMATION:**I. Background**

As specified in 40 CFR 51.214, a State Implementation Plan (SIP) is required to provide a legally enforceable procedure for continuously monitoring and recording emissions to determine the status of compliance of certain stationary source categories specified under 40 CFR part 51, appendix P. Appendix P specifies additional requirements for monitoring systems including recording and reporting requirements. On December 15, 1988, the Illinois Pollution Control Board (IPCB) adopted amendments to Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter a: Permits and General Provisions; Part 201: Permits and General Provisions; Subpart J: Monitoring and Testing, and Subpart L: Continuous Monitoring. To comply with 40 CFR 51.214, on March 17, 1989, the Illinois Environmental Protection Agency (IEPA), submitted 35 IAC; Part 201; Subpart J (Monitoring and Testing), Section 201.281, and Subpart L (Self-Monitoring) to the USEPA as a revision to the SIP.

The regulations had been jointly proposed to the IPCB in 1988 by the Illinois Manufacturers Association, the Illinois Environmental Protection Agency and Citizens for a Better Environment (CBE) in response to a lawsuit CBE filed in 1980. *Citizens for a Better Environment v. Costle*, 515 F. Supp. 264, 268-69 (N.D. Ill. 1981). CBE's suit sought, among other things, to have USEPA initiate a federal

rulemaking to adopt provisions satisfying the monitoring requirements under section 110 of the Clean Air Act. Subsequent to the filing of CBE's suit, the IEPA began developing monitoring rules for Illinois and in March, 1984, the IEPA proposed monitoring regulations in 35 IAC, part 285. In April, 1984, the IEPA withdrew the monitoring regulations, and based on new information, modified and repropoed them. Final monitoring regulations were adopted by IEPA in January, 1985 and submitted to USEPA as a revision to the SIP in March, 1985. However, USEPA notified the IEPA in June, 1985, that it would disapprove the monitoring regulations and afforded the IEPA thirty days to either withdraw the rules or notify USEPA that the deficiencies would be corrected. As a result of negotiations, the parties to the litigation reached a tentative agreement which, among other things, required the adoption of the final agreed-upon monitoring regulations by the IPCB within one year of the filing of proposed rules. The proposed rules were filed with the IPCB on November 10, 1987, adopted and submitted to the USEPA on March 17, 1989.

At the time of submission, these regulations were reported to affect approximately nineteen (19) industrial facilities. The Illinois rulemaking was a joint proposal by industry, the IEPA and environmental groups and was judged to be economically reasonable.

The IPCB Final Opinion and Order for this docket contained all subsections of Subpart L. However, when the IPCB submitted it to the Secretary of State, subsections (a) and (b) of Section 201.405—Excess Emission Reporting, were inadvertently omitted. Thus, on November 15, 1989, the IPCB adopted a Final Opinion and Order for correcting the official copy of Section 201.405 to incorporate these subsections. This rulemaking was submitted to the USEPA on August 28, 1990.

II. Discussion

The Illinois regulations contain provisions that meet the requirements of 40 CFR 51.214 and part 51, appendix P. Generally, sections of the Illinois regulations correspond to provisions of 40 CFR 51.214 or appendix P. This correspondence is described below.

Subpart J: Illinois' amendments to 35 IAC, part 201, subpart J, Section 201.281, Permit Monitoring Equipment Requirements amended Subpart J, to provide for applicability of Subpart L, Continuous Monitoring Requirements, to emission sources and air pollution control equipment. This amendment of subpart J complies with the

requirements of 40 CFR part 51, appendix P (1.1).

Subpart L: This subpart contains continuous monitoring provisions and includes sections that address continuous monitoring requirements (201.401), alternative monitoring (201.402), exempt sources (201.403), monitoring system malfunction (201.404), excess emission reporting (201.405), data reduction (201.406), retention of information (201.407), and compliance schedules (201.408).

40 CFR part 51, appendix P applies to a minimum of four source categories: (1) Fossil fuel fired steam generators with an annual average capacity factor greater than 30%, (2) sulfuric acid plants of greater than 300 tons per day production capacity, (3) nitric acid plants of greater than 300 tons per day production capacity, and (4) certain fluid bed catalytic cracking unit catalyst regenerators. Section 201.401(a) of Subpart L specifies the sources subject to continuous monitoring requirements and complies with the requirements of appendix P (2.1-2.4).

The Illinois regulations do not contain provisions for granting extensions of the time provided for installation of monitors, which is specifically allowed, if a State so chooses, under 40 CFR 51.214 and appendix P Section 1.3.

Section 201.401(b) requires that continuous monitoring equipment meet the performance specifications set forth in paragraphs 3.1 through 3.8 of 40 CFR part 51, appendix P. However, the Illinois regulations specifically limit this requirement to the provisions of the 1987 edition of 40 CFR, thus excluding amendments and revisions to appendix P that have been made since 1987. Although, to date, no changes have been made to appendix P since 1987, appendix P references and incorporates specifications in 40 CFR part 60, appendices A and B, to which several revisions have been made since 1987. Section 201.401(b) also requires continuous monitoring equipment to meet performance specifications set forth in the relevant portions of 35 IAC 230 Appendices A and B. 35 IAC 230 appendices A and B reference 40 CFR part 60, Appendices A and B and require the performance specifications detailed in these Appendices. Therefore, Illinois has provided a mechanism whereby Illinois can incorporate updates to the technical requirements in 40 CFR part 60, appendices A and B by amending 35 IAC 230 appendices A and B to include later editions of 40 CFR part 60, appendices A and B. Illinois has expressed the intention to update these technical requirements for performance specifications by amending 35 IAC 230

appendices A and B. Additionally, the federally enforceable operating permit can be used to require any relevant updated portions of 40 CFR part 60, appendices A and B that may apply to that particular facility.

Section 201.402: Alternative Monitoring, allows alternative monitoring to be prescribed, on a case-by-case basis, by permit and complies with 40 CFR part 51, appendix P (6.0). Section 201.403 exempts sources subject to monitoring requirements that are part of a new source performance standard adopted by USEPA pursuant to section 111 of the Clean Air Act and complies with 40 CFR part 51, appendix P (1.2). Section 201.404: Monitoring System Malfunction, exempts unavoidable malfunctions and repairs and complies with 40 CFR part 51, appendix P (1.4). Section 201.405: Excess Emission Reporting, lists reporting requirements for excess emissions and complies with 40 CFR part 51, appendix P (4.0). Section 201.406: Data Reduction, regulates the method to convert monitoring data to the units of the emission limitation, and complies with 40 CFR part 51, appendix P (5.0). Section 201.407: Retention of Information, requires that information be retained for at least two years from the date of collection and complies with 40 CFR 51.214(d)(1). Section 201.408: Compliance Schedules, requires owners and operators of sources to install and monitor in accordance with the compliance schedule in the permit, and complies with 40 CFR 51.214(f)(1).

Illinois' regulations do not contain any description of generally applicable alternative monitoring procedures to be submitted for the Administrator's approval under appendix P (3.9). Therefore, USEPA is not today approving any generally applicable alternative monitoring procedures, but rather is approving Illinois' provisions for case-by-case approval of alternative monitoring requirements under certain conditions, as specified in appendix P (6.0).

Special Consideration/Alternative Monitoring Requirements: appendix P (6.0) provides for case-by-case determination of alternative monitoring procedures if certain conditions are met. The Illinois regulations contain corresponding provisions that comply with the requirements of appendix P (6.0).

Appendix P Section 6.0 Special Consideration, allows a State to approve on a case-by-case basis, alternative monitoring requirements different from the provisions of parts 1-5 of appendix P. Such case-by-case approved alternative monitoring requirements

may be prescribed when installation of a continuous monitoring system or monitoring device specified in appendix P would not provide accurate determination of emissions; when an affected facility is infrequently operated (some affected facilities may operate less than one month per year); when a State determines that monitoring systems prescribed in appendix P cannot be installed due to physical limitations at the facility; or when the requirements would impose an extreme economic burden on a source owner or operator. In these cases, a State may set forth alternative emission monitoring and reporting requirements for the source that will satisfy the intent of appendix P (e.g. periodic stack tests). In Section 201.402, Illinois has fulfilled this appendix P requirement by specifying its criteria for determining the physical plant limitations or extreme economic situations that it will use to determine whether alternative monitoring requirements may be substituted for otherwise applicable monitoring requirements.

Section 201.402: Alternative Monitoring, provides that alternative monitoring requirements for a particular source subject to Section 201.401(a): Continuous Monitoring Requirements, shall be prescribed by permit upon a demonstration by the owner or operator that the continuous monitoring requirement under Section 201.401 (a) is technically unreasonable or infeasible due to physical plant limitations or would impose an extreme economic burden. Under Section 201.402, the criteria for determining whether alternative monitoring may be appropriate are the likelihood of inaccurate measurements, physical constraints for equipment placement, and economic burdens on the facility. Specifically, Section 201.402 provides that before alternative monitoring may be prescribed in the permit, it must be demonstrated that compliance with the requirements of section 201.401: (1) Would not provide accurate determination of nitrogen dioxide, sulfur dioxide, carbon dioxide, percent oxygen, or opacity; or (2) the monitoring equipment cannot be installed due to the facility's physical constraints such as size, space or strength of materials or due to safety considerations; or (3) would impose an extreme economic burden in proportion to the significance of the monitoring information which would be provided, in that the cost of monitoring would exceed the norm for similar sources and those costs would have a significant adverse effect on the profitability of the operations. In such

instance, Illinois must then set forth alternative emission monitoring and reporting requirements to satisfy the intent of the Federal regulations as specified in 40 CFR 51.214 and part 51, appendix P, and these requirements will be incorporated into the sources operating permit.

III. Illinois' Operating Permit Program

In the past, USEPA's general response to State rules containing discretionary provisions has been disapproval of the rules on the basis that discretionary provisions have the potential to allow modification of the SIP without USEPA review and approval. Such discretion may render the plan inadequate to attain and maintain the associated national ambient air quality standards (NAAQS).

However, on December 17, 1992 (57 FR 59928), USEPA approved Illinois' operating permit program for the purpose of issuing federally enforceable construction and operating permits as part of the approval of the new source review program under Title I of the Clean Air Act. Therefore, the terms and conditions of both Illinois construction permits and operating permits are now federally enforceable. In a letter dated November 18, 1991, which is part of the administrative record of this approval, Illinois committed to send each permit to USEPA for review prior to Illinois' issuance of the permit. Illinois understands that any permit USEPA determines does not meet the requirements and intent of 40 CFR 51, appendix P and notifies IEPA during the 30 day public comment period as provided for in Illinois' public participation requirements (Section 203.150) will not be federally enforceable. The participation requirements in Section 203.150 also mandate notice to the public of a proposed permit issuance and provide for a comment period. USEPA may deem a permit not federally enforceable if monitoring provisions do not comply with the requirements of 40 CFR 51.214 and part 51, appendix P. USEPA's determination will: (1) Be done according to appropriate procedures, and (2) be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements and the requirements of USEPA's underlying regulations. Among other things, underlying requirements include the requirements of 40 CFR 51.214, part 51, appendix P, and Illinois' approved SIP. Should USEPA deem an operating permit containing alternative monitoring requirements not federally enforceable, the underlying continuous monitoring

requirements to which the source would be subject would be the Federal requirements contained in Section 201.401 of the State rule. Moreover, Illinois' regulations require compliance with applicable Federal law (Section 203.205). It is important to note that nothing in today's regulation supersedes or prevents regulation under 40 CFR part 75 of a source subject to Acid Rain monitoring requirements under that part.

USEPA believes that sufficient safeguards exist to allow USEPA to approve this limited discretionary provision, because: (1) Illinois' operating and construction permits are federally enforceable under the approved Title I permit program; (2) under the approved permit program, Illinois has committed to send these permits to USEPA for review prior to Illinois' approval of the permit, and (3) a mechanism exists whereby USEPA may deem a permit not "federally enforceable", resulting in the source being subject to the underlying continuous monitoring requirements.

IV. USEPA's Rulemaking Action

Rulemaking Action: For the reasons stated above, USEPA approves the incorporation of Subpart J, Section 201.281 and Subpart L Sections 201.401-201.408 of 35 IAC into the Illinois SIP.

USEPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective June 17, 1993 unless, by May 6, 1993, notice is received that adverse or critical comments will be submitted.

If notice of adverse or critical comment is received, this action will be withdrawn before its effective date by publishing two notices. One notice will withdraw the final action and the second will begin a new rulemaking period by announcing proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on June 7, 1993.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. USEPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the temporary

waiver until such time as it acts on USEPA's request.

The Agency has reviewed this request for revision of the federally approved State Implementation Plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements even though the submittal preceded the date of enactment.

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 June 7, 1993. Filing a petition for reconsideration by the 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 may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2).]

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA 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, USEPA 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 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.

List of Subjects in 40 CFR Part 52

Air pollution control, Continuous emissions monitoring.

Dated: March 12, 1993.

Valdas V. Adamkus,
Regional Administrator.

For the reasons stated in the preamble, chapter 1 of title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

1. The Authority citation for part 52 continues to read as follows:
(Authority 42 U.S.C. 7401-7671q.)

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c) (89) to read as follows:

§ 52.720 Identification of plan.

(c) * * *

(89) On March 17, 1989, and August 28, 1990, the State of Illinois submitted a revision to the Illinois State Implementation Plan. The revision is contained in subpart J, § 201.281 and subpart L, §§ 201.401-408 of part 210 of title 35 of the Illinois Administrative Code. This revision provides a legally enforceable procedure for continuously monitoring and recording emissions to determine the status of compliance of certain stationary source categories and complies with 40 CFR 51.214 and part 51, appendix P. The rules were adopted by the Illinois Pollution Control Board on December 15, 1988, published (13 Ill. Reg. 2066) and became effective February 3, 1989. The rules were corrected for an omission, published on November 15, 1989, (13 Ill. Reg. 19444), and became effective December 5, 1989. In a November 18, 1991, letter from Bharat Mathur, then Manager, Division of Air Pollution Control, Illinois Environmental Protection Agency (IEPA) to Stephen Rothblatt, Chief, Regulation Development Branch, Region 5, USEPA, Illinois committed to notify USEPA of any pending construction or operating permit application during the 30 day public comment period which is part of Illinois' permit issuance process (Section 203.150). This commitment is part of the administrative record of USEPA's approval of the Illinois' operating permit program for the purpose of issuing federally enforceable operating permits at 40 CFR 52.720 (c) (84) and 52.737 on December 17, 1992 (57 FR 59928). USEPA may deem a permit not federally enforceable if monitoring provisions do not comply with the requirements of 40 CFR 51.214, part 51, appendix P or § 51.165.

(i) Incorporation by reference.

(A) Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter a: Permits and General Provisions; Part 201: Permits and General Provisions, Subpart J: Monitoring and Testing, Section 201.281; and Subpart L: Continuous Monitoring, Sections 201.401 through 201.408, adopted at Ill. Reg. 2066, effective February 3, 1989.

3. Section 52.743 is added to read as follows:

§ 52.743 Continuous monitoring.

(a) Alternative monitoring requirements established under Section 201.402 of Title 35, IAC must be either: Incorporated into a federally enforceable operating permit or construction permit or submitted to USEPA for approval as a revision to the Illinois State Implementation Plan (SIP). Illinois shall set forth alternative emissions monitoring and reporting requirements to satisfy the intent of 40 CFR part 51, appendix P whenever Illinois exempts any source subject to Section 201.401 from installing continuous emission monitoring systems. Illinois may exempt a source if the source cannot install a continuous emission monitoring system because of physical plant limitations or extreme economic reasons, according to the criteria of Section 201.402.

(b) As codified at 40 CFR 52.737 (USEPA's approval of the Illinois operating permit program for the purpose of issuing federally enforceable construction and operating permits), USEPA reserves the right to deem an operating permit not federally enforceable. Such a determination will be made according to appropriate procedures including operating permit requirements promulgated at 54 FR 27274 (June 28, 1989) and will be based upon either: the permit, permit approval procedures or state or local permit requirements which do not conform with the operating permit program requirements or the requirements of USEPA's underlying regulations. Among other things, underlying requirements include 40 CFR 51.214 and part 51, appendix P and Illinois' approved SIP, 40 CFR part 52. Should USEPA deem an operating or construction permit containing alternative monitoring requirements not federally enforceable, the underlying continuous monitoring requirements at Section 201.401 of the State rule would be the Federal requirements contained in the SIP to which the source would be subject. This interpretation of the impact of an operating permit deemed not federally enforceable by USEPA on a source to which it was issued was acknowledged by the State in a March 3, 1993, letter from Bharat Mathur, Chief, Bureau of Air, Illinois Environmental Protection Agency, to Stephen Rothblatt, Chief, Regulation Development Branch, Region 5, USEPA.

[FR Doc. 93-7909 Filed 4-5-93; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 81

[TN-102-5683; FRL-4610-2]

Redesignating a Portion of Fayette County, Tennessee to Nonattainment for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to section 107(d)(3) of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (the Act), EPA is authorized to require states to redesignate areas (or portions thereof) in the affected State as nonattainment, attainment, or unclassifiable with respect to the National Ambient Air Quality Standard (NAAQS) for lead. In this action, EPA is revising the lead designation for Fayette County, Tennessee, from unclassifiable to nonattainment. Previously, consistent with section 107(d)(3)(A) of the Act, EPA provided notification to the Governor of Tennessee that EPA believes a portion of Fayette County should be redesignated from unclassifiable to nonattainment. The redesignation is based upon a monitored violation of the lead NAAQS.

DATES: This action will be effective June 7, 1993, unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the *Federal Register*.

ADDRESSES: Information supporting this action is available for public inspection and copying (a reasonable fee may be charged for copying) during normal business hours at the following agencies:

Public Information Reference Unit, Attn: Jerry Kurtzweg, ANR 443, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.
Region IV Air Programs Branch, U.S. Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365.
Division of Air Pollution Control, Tennessee Department of Conservation and Environment, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531.

FOR FURTHER INFORMATION CONTACT: Leslie Cox, of the EPA Region IV Air Programs Branch at (404) 347-2864 and at the above address.

SUPPLEMENTARY INFORMATION:**I. General**

The EPA is authorized to initiate redesignation of areas (or portions thereof) as nonattainment for lead pursuant to section 107(d)(3) of the Act.

42 U.S.C. 7407(d)(3), on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate. As provided in section 107(d)(3), the EPA may, at any time, notify the Governor of an affected State that available information indicates that the designation of an area should be revised.

Following the process outlined in section 107(d)(3), on March 13, 1992, EPA Region IV notified the Governor of Tennessee that, based on a monitored violation of the lead NAAQS, EPA believes that a portion of Fayette County should be redesignated as nonattainment for lead. The EPA identified the area in a *Federal Register* notice published on May 1, 1992, 57 FR 18874. The Governor of Tennessee was required to submit to EPA the designation he considered appropriate for the pertinent portion of Fayette County within 120 days after notification. (See section 107(d)(3)(B).) The EPA must promulgate the redesignation that EPA deems necessary and appropriate, consistent with section 107(d)(3)(c) of the Act.

Section 107(d)(1)(A), 42 U.S.C. 7407(d)(1)(A), sets out definitions of nonattainment, attainment, and unclassifiable areas. These definitions provide the controlling legal standard for any designations or redesignations to the relevant attainment status. The EPA has proposed that a portion of Fayette County, Tennessee, addressed in today's notice, be redesignated nonattainment. A nonattainment area is defined as any area that does not meet, or that significantly contributes to, ambient air quality in a nearby area that does not meet the national primary or secondary ambient air quality standard for the relevant pollutant¹ (see section 107(d)(1)(A)(i)).

Thus, in determining the appropriate boundaries for the nonattainment area proposed today, EPA has considered not only the area where the violation of the lead NAAQS is occurring, but also nearby areas which significantly contribute to such violations.

II. Background for Lead

In 1978, when EPA promulgated the lead NAAQS, EPA believed that implementation and maintenance of the lead NAAQS should be in accordance with the SIP requirements set forth in

section 110, rather than Part D. The EPA believed that section 107 and Part D requirements were intended by Congress to apply only to NAAQS which were in effect when the Act was revised in 1977. In these cases, SIP's had already been adopted, the attainment dates had already passed, and the SIP's had proven to be inadequate. The designation process was intended as a mechanism to initiate new SIP revisions for those existing NAAQS. Since the attainment date for the lead NAAQS at that time had not yet arrived, no lead SIP's had yet been proven inadequate. Consequently, lead did not meet the circumstances which initially resulted in a need for nonattainment designations and plan revisions under Part D. Therefore, EPA did not designate areas for lead upon promulgation of the lead NAAQS in 1978.

The Act, as amended in 1990, clearly defines EPA's authority to designate areas for lead. Initial designations for lead are governed by section 107(d)(5) of the Act, 42 U.S.C. 7407(d)(5). Consistent with that provision, after passage of the 1990 amendments, EPA designated many areas of the country as nonattainment and unclassifiable for lead. See 56 FR 56694 (November 6, 1991). The portion of Fayette County, Tennessee, addressed in today's action was among those designated unclassifiable for lead. See, e.g., 56 FR 56707-56708, 56829 (codified at 40 CFR 81.343).

As described above, EPA is also authorized by the Act, as amended, to initiate the redesignation of any areas (or portions thereof) as nonattainment for lead, pursuant to section 107(d)(3) of the Act, on the basis of air quality data, and, planning and control considerations the Administrator deems appropriate. The EPA believes that monitoring and/or modeling information should be used in establishing lead nonattainment boundaries that are consistent with section 107(d)(1)(A)(i) of the Act. As indicated previously, nonattainment areas consist of any area that does not meet the relevant NAAQS or that significantly contributes to a violation of the relevant NAAQS in a nearby area. On March 13, 1992, EPA Region IV notified the Governor of Tennessee that EPA believed that the portion of Fayette County designated as unclassifiable for lead should be redesignated as nonattainment for lead. In a *Federal Register* notice published on May 1, 1992, 57 FR 18874, EPA identified Fayette County as a lead area for which EPA had notified the Governor of Tennessee that the area's lead

designation should be revised to nonattainment. After notification, the Governor of Tennessee was required to submit to EPA the redesignation he considered appropriate for the area in question within 120 days. (See section 107(d)(3)(B).) The Governor responded on July 14, 1992. The EPA must now promulgate the redesignation EPA deems necessary and appropriate consistent with section 107(d)(3)(C).

III. Today's Action for Fayette County, Tennessee

In today's action, EPA is redesignating a portion of Fayette County, Tennessee, for lead in accordance with the section 107(d)(3) redesignation process described above. The EPA announced in a notice published on May 11, 1992, (57 FR 18874) that it believed that the portion of Fayette County listed in that notice, should be redesignated as nonattainment for lead based on a monitored violation of the lead NAAQS. The primary and secondary lead NAAQS are 1.5 $\mu\text{g}/\text{m}^3$ maximum arithmetic mean averaged over a calendar quarter. (See 40 CFR 50.12.) A monitor near Ross Metals recorded a quarterly value of 4.14 $\mu\text{g}/\text{m}^3$ in 1991. On July 14, 1992, Tennessee Department of Environment and Conservation Commissioner, J.W. Luna, responded that the State of Tennessee agreed with EPA that the size of the nonattainment area should be that area encompassed by a circle with a radius of one kilometer. He noted that the circle should be centered on Universal Transverse Mercator Coordinate 267.59 East 3881.30 North (zone 16) instead of the coordinates specified in the March 13, 1992, letter to the Governor—267.59 East 3881.60 North (zone 16). The State's recommended coordinates center on a point located approximately at the midpoint of the lead source complex. The earlier proposal by EPA centers on a point where the monitoring station that recorded the exceedance of the lead NAAQS is located. EPA concurs with this revision. Technical information supporting the redesignation of Fayette County may be found in the docket associated with this notice. This information is available at the address indicated in the ADDRESSES section of this notice.

IV. Significance of Today's Action for Fayette County

Tennessee must submit an implementation plan to EPA within 18 months after promulgation of the nonattainment redesignation, meeting the requirements of Part D, Title I of the Act (see section 191(a) of the Act, 42 U.S.C. 7514(a)) for Fayette County. The

¹ The EPA has construed the definition of nonattainment area to require some material or significant contribution of a pollutant to a violation of the NAAQS for that pollutant in a nearby area. The Agency believes it is reasonable to conclude that something greater than a molecular impact is required.

implementation plan must provide for attainment of the lead NAAQS as expeditiously as practicable, but no later than 5 years from the date of the final nonattainment designation (see section 192(a) of the Act, 42 U.S.C. 7514a(a)).

Final Action

EPA is today designating a portion of Fayette County, Tennessee, around the Ross Metals facility as nonattainment based on a monitored violation of the lead NAAQS. This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective June 7, 1993. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and three subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. A third notice will finalize the action EPA deems appropriate after considering any comments submitted during the public comment period.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 7, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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 Act, 42 U.S.C. 7607(b)(2).)

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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.

Redesignation of an area to nonattainment under section 107(d)(3) of the Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. To the extent that the area must adopt new regulations, based on its nonattainment status, EPA will review the effect of those actions on small entities at the time the State submits these regulations. The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

List of Subjects in 40 CFR Part 81

Air pollution control, Lead.

Dated: March 8, 1993.

Patrick M. Tobin,
Acting Regional Administrator.

40 CFR part 81, subpart C, is amended as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7407, 7501-7515, 7601.

2. Section 81.343 is amended by revising the entry for "Fayette County" in the Lead table to read as follows:

§ 81.343 Tennessee.

* * * * *

TENNESSEE—LEAD

Designated area	Designation		Classification	
	Date	Type	Date	Type
Fayette County (part) Area encompassed by a circle centered on Universal Transverse Mercator coordinate 267.59 E 3881.30 N (Zone 16) with a radius of 1.0 kilometers.	June 7, 1993	 Nonattainment		

[FR Doc. 93-7910 Filed 4-5-93; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92-271; RM-8102]

Radio Broadcasting Services; Mountain Pine, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 270A to Mountain Pine, Arkansas, as that community's first local aural transmission service, in response to a petition for rule making filed on behalf of Mark Jones. See 57 FR 56540, November 30, 1992. Coordinates used for Channel 270A at Mountain Pine are 34-34-18 and 93-10-12. With this action, the proceeding is terminated. **DATES:** Effective May 13, 1993. The window period for filing applications on Channel 270A at Mountain Pine, Arkansas, will open on May 14, 1993, and close on June 14, 1993.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-271, adopted March 8, 1993, and released March 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, 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—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended

by adding Mountain Pine, Channel 270A.

Federal Communications Commission.

Michael C. Reger,

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

[FR Doc. 93-7896 Filed 4-5-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-276; RM-8113]

Radio Broadcasting Services; Arvin, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 223A to Arvin, California, as that community's first local aural transmission service, in response to a petition for rule making filed on behalf of Farmworkers Communications, Inc. See 57 FR 57409, December 4, 1992. Coordinates used for Channel 223A at Arvin are 35-12-56 and 118-42-22. With this action, the proceeding is terminated.

DATES: Effective May 13, 1993. The window period for filing applications on Channel 223A at Arvin, California, will open on May 14, 1993, and close on June 14, 1993.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-276, adopted March 8, 1993, and released March 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, 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—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is

amended by adding Arvin, Channel 223A.

Federal Communications Commission.

Michael C. Reger,

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

[FR Doc. 93-7898 Filed 4-5-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-203; RM-8057]

Radio Broadcasting Services; Indiantown and Okeechobee, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallocates Channel 276C2 from Okeechobee, Florida to Indiantown, Florida, as its community of license, at the request of Okeechobee Broadcasters, Inc. The allotment of Channel 276C2 to Indiantown will provide that community with its first local aural transmission service, in accordance with § 1.420(i) of the Commission's Rules. See 57 FR 41911, September 14, 1992. Channel 276C2 can be allotted to Indiantown in compliance with the Commission's minimum distance separation requirements at petitioner's desired site. The coordinates are North Latitude 27-11-55 and West Longitude 80-21-37. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 13, 1993.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-203, adopted March 8, 1993, and released March 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1919 M Street, NW., room 246, or 2100 M Street, NW., suite 140, Washington, DC 20036.

List of Subjects in 47 CFR Part 73
Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.