

promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. section 804(2).

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 July 2, 2001. 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

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compound.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 20, 2001.

Michael Schulz,

Acting Regional Administrator, Region IX.

Part 52, 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 *et seq.*

Subpart D—Arizona

2. Section 52.120 is amended by adding paragraphs (c)(18)(iv)(D), (c)(18)(iv)(E), (c)(18)(iv)(F), (c)(18)(iv)(G), (c)(46)(i)(B), and (c)(46)(i)(C) to read as follows:

§ 52.120 Identification of plan.

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(c) * * *
(18) * * *
(iv) * * *

(D) Previously approved on November 15, 1978 in paragraph (c)(18)(iv) of this

section and now deleted without replacement Rules 7-1-1.1, 7-1-1.3, 7-1-2.5, 7-1-2.6, 7-2-1.1, 7-2-1.2, 7-2-1.4, 7-2-1.5, 7-2-1.6, 7-2-1.7, and 7-3-1.6.

(E) Previously approved on December 17, 1979 in paragraph (c)(18)(iv) of this section and now deleted without replacement Rule 7-2-1.8.

(F) Previously approved on November 15, 1978 in paragraph (c)(18)(iv) of this section and now deleted without replacement with respect to Gila County only Rules 7-3-1.2, 7-3-1.3, 7-3-1.4, 7-3-1.5, 7-3-1.7, 7-3-1.8, 7-3-2.2, 7-3-2.3, 7-3-2.4, 7-3-3.1, 7-3-3.2, 7-3-3.3, 7-3-4.1, 7-3-5.1, and 7-3-5.2.

(G) Previously approved on December 17, 1979 in paragraph (c)(18)(iv) of this section and now deleted without replacement with respect to Gila County only Rule 7-3-2.5.

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(46) * * *

(i) * * *

(B) Previously approved on April 12, 1982 in paragraph (c)(46)(i)(A) of this section and now deleted without replacement Rules 7-1-1.2 and 7-1-1.3(C).

(C) Previously approved on April 12, 1982 in paragraph (c)(46)(i)(A) of this section and now deleted without replacement with respect to Gila County only Rules 7-3-1.1, 7-3-1.4(C), 7-3-1.7(F), and 7-3-3.4.

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[FR Doc. 01-10651 Filed 4-30-01; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-928; MM Docket No. 00-13, RM-9679]

Radio Broadcasting Services; Aberdeen, Elma and Montesano, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at joint request of KAYO Broadcasting and Marrow, Inc., substitutes Channel 271C2 for Channel 271C3 at Elma, reallocates Channel 271C2 from Elma to Montesano, Washington, and modifies Station KSWW(FM)'s license accordingly. We also reallocate Channel 257C1 from Aberdeen to Elma, as a replacement service, and modify Station KAYO-FM's license accordingly. See 65 FR 7816, February 16, 2000. Channel 271C2 can be reallocated to Montesano in

compliance with the Commission's minimum distance separation requirements with a site restriction of 14.5 kilometers (9.0 miles) northwest to avoid a short-spacing to the licensed site of Station KINK-FM, Channel 270C, Portland, Oregon. The coordinates for Channel 271C2 at Montesano are 47-03-44 North Latitude and 123-44-44 West Longitude. See Supplementary Information, *infra*.

DATES: Effective May 29, 2001.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00-13, adopted April 4, 2001, and released April 13, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW, 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, 1231 20th Street, NW., Washington, DC 20036.

In addition, Channel 257C1 can be reallocated to Elma in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.5 kilometers (9.0 miles) west to avoid a short-spacing to the licensed site of Station KWJJ-FM, Channel 258C1, Portland Oregon. The coordinates for Channel 257C1 at Elma are 46-57-31 North Latitude and 123-35-18 West Longitude. The allotment of Channel 257C1 at Elma is short-spaced to the licensed site of Station CFOX(FM), Channel 257C, Vancouver, British Columbia, and to the proposed allotment of Channel 258A at Metchosin/Sooke, British Columbia. Also, the allotment of Channel 271C2 at Montesano is short-spaced to the licensed site of Station CFUV-FM, Channel 270B, Victoria, British Columbia, and to the proposed allotment of Channel 269A at Nanaimo, British Columbia. Since Elma and Montesano are located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence for Channel 271C2 at Montesano, and for Channel 257C1 at Elma, as specially-negotiated, short-spaced allotments, were requested, but have not yet been received. Therefore, if a construction permit is granted prior to the receipt of formal concurrence by the Canadian government for these allotments, the construction permit will include the following condition: "Operation with

the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the USA-Canadian FM Broadcast Agreement.”

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—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 54, 303, 334, and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 257C1 at Aberdeen; removing Channel 271C3 and adding Channel 257C1 at Elma; and by adding Montesano, Channel 271C2.

Federal Communications Commission.

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

[FR Doc. 01-10700 Filed 4-30-01; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 01-879; MM Docket No. 00-54; RM-9835 & RM-9907]

Radio Broadcasting Services; Bogata, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Bogata Broadcasting Company (“BBC”) filed a Petition for Reconsideration of the Report and Order which allotted Channel 263A to Bogata, Texas. See 65 FR 67655, November 13, 2000. BBC has withdrawn its interest in Channel 263A at Bogata and requests that the allotment be rescinded. Action in this document grants the Petition for Reconsideration, deleting Channel 263A and Bogata from the FM Table of Allotments. With this action, this proceeding is terminated.

DATES: Effective May 21, 2001.

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. 00-54, March 28, 2001, and released April 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission’s Reference Center, 445 12th Street, SW, 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: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 263A and Bogata.

Federal Communications Commission.

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

[FR Doc. 01-10701 Filed 4-30-01; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-927; MM Docket No. 00-166; RM-9951; RM-10015; RM-10016]

Radio Broadcasting Services; Wickenburg, Bagdad and Aguila, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 242C3 to Wickenburg, Arizona, as that community’s third local FM service, in response to a petition for rule making filed on behalf of Wickenburg Broadcasting. See 65 FR 56857, September 20, 2000. In response to a counterproposal filed on behalf of Bagdad Broadcasting Company, this document also allots Channel 246C3 to Bagdad, Arizona, as that community’s second local FM service (RM-10015). Additionally, in response to a counterproposal filed on behalf of Circle S Broadcasting Co., Inc., this document allots Channel 297C3 to Aguila,

Arizona, as that community’s first local aural service (RM-10016) and partially denies the Circle S counterproposal to the extent it also requested modification of its Station KSWG(FM), Channel 231C3, Wickenburg to specify operation on Channel 242C3 at Wickenburg. Coordinates used for Channel 242C3 at Wickenburg are 34-01-01 NL; 112-41-46 WL; coordinates for Channel 246C3 at Bagdad are 34-36-11 NL; 113-12-04 WL; coordinates used for Channel 297C3 at Aguila are 33-56-34 NL; 113-10-24 WL. As Wickenburg, Bagdad and Aguila are all located within 320 kilometers (199 miles) of the US-Mexico border, concurrence of the Mexican government has been requested for Channels 242C3, 246C3 and 297C3, respectively, at those communities but has not been received. Therefore, if construction permits are granted for the specified channels at Wickenburg, Bagdad and Aguila prior to receipt of final notification by the Mexican government, the authorizations will include the following condition: “Operation with the facilities specified herein is subject to modification, suspension or termination without right to a hearing if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement, or if specifically objected to by Mexico.” With this action, this docketed proceeding is terminated.

DATES: Effective May 29, 2001. Filing windows for Channel 242C3 at Wickenburg, Arizona, Channel 246C3 at Bagdad, Arizona, and Channel 297C3 at Aguila, Arizona, will not be opened at this time. Instead, the issue of opening those allotments for auction will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT:
Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s Report and Order, MM Docket No. 00-166, adopted April 4, 2001, and released April 13, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC’s Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission’s copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.