

"ADDRESSES" at the beginning of this document.

XII. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, since this action does not impose any information collection requirements as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., it is not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because tolerances established on the basis of a petition under section 408(d) of FFDCA do not require issuance of a proposed rule, the regulatory flexibility analysis requirements of the Regulatory Flexibility Act (FRA), 5 U.S.C. 604(a), do not apply. Prior to the recent amendment of the FFDCA, EPA had treated such rulemakings as subject to the RFA; however, the amendments to the FFDCA clarify that no proposal is required for such rulemakings and hence that the RFA is inapplicable. Nonetheless, the Agency has previously assessed whether establishing tolerances or exemptions from tolerance, raising tolerance levels, or expanding exemptions from tolerance, adversely impact small entities and concluded, as a generic matter that there is no adverse impact (46 FR 24950, May 4, 1981).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), 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) of the APA as amended.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 24, 1997.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1179 is added to read as follows:

§ 180.1179 Plant extract derived from *Opuntia lindheimeri*, *Quercus falcata*, *Rhus aromatica*, and *Rhizophoria mangle*; exemption from the requirement of a tolerance.

The biochemical pesticide plant extract derived from *Opuntia lindheimeri*, *Quercus falcata*, *Rhus aromatica*, and *Rhizophoria mangle* is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied as a nematocide/plant regulator in accordance with good agricultural practices.

[FR Doc. 97-11900 Filed 5-6-97; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-53; RM-9003]

Radio Broadcasting Services; Garden City, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action in this document allots Channel 287A to Garden City, Missouri, as that community's first local FM broadcast service in response to a proposal filed by R. Lee Wheeler and Sarah H. Wheeler. See 62 FR 6927, February 14, 1997. There is a site restriction 0.6 kilometers (0.4 miles) west of the community. The coordinates for Channel 287A at Garden City are 38-33-49 and 94-11-53. With this action, this proceeding is terminated.

DATES: Effective June 16, 1997. The window period for filing applications for Channel 287A at Garden City, Missouri, will open on June 16, 1997, and close on July 17, 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. 97-53, adopted April 23, 1997, and released May 2, 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., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

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 Missouri, is amended by adding Garden City, Channel 287A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-11823 Filed 5-6-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-235; RM-8909]

Radio Broadcasting Services; Forest City, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Vixon Valley Broadcasting, allots Channel 261A at Forest City, Pennsylvania, as the community's first local aural transmission service. See 61 FR 54309, December 4, 1996. Channel 261A can be allotted to Forest City in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.1 kilometers (6.2 miles) northeast to avoid short-spacings to the licensed sites of Station WODE-FM, Channel 260B, Easton, Pennsylvania, and Station WDST(FM), Channel 261A, Woodstock, New York, at petitioner's requested site.