

#### D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials and other representatives of tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." This rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

#### E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies 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 small governmental jurisdictions. EPA's disapproval of the State request under Section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing Federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. 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 and impose any new Federal requirements

#### F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995

("Unfunded Mandates Act"), 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 annual 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 disapproval action proposed does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal disapproval action imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, and Volatile organic compounds.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: May 28, 1999.

**Francis X. Lyons,**

*Regional Administrator, Region 5.*

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**BILLING CODE 6560-50-P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 261

[FRL-6358-2]

#### Report to Congress on Fossil Fuel Combustion Wastes; Response to Requests for Extension of Public Comment Period

**AGENCY:** Environmental Protection Agency.

**ACTION:** Response to requests for extension of public comment period.

**SUMMARY:** The Environmental Protection Agency published a notice of availability on April 28, 1999 (64 FR 22820) for the Agency's Report to Congress on Fossil Fuel Combustion Wastes that is required by section 8002(n) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C.

6982(n). That notice also announced a 45-day public comment period on the report. The Agency has received numerous requests to extend the public comment period by up to six months. Because the Agency is currently subject to a court-approved consent decree to issue its regulatory determination by October 1, 1999, EPA is not able, at this time, to grant an extension of the comment period, since any extension would leave insufficient time for EPA to complete a regulatory determination by that date. However, the Agency is currently discussing the possibility of an extension of this deadline with the parties to the consent decree. Such an extension would allow the Agency to grant an extension of the public comment period. Pending the conclusion of those discussions and any extension of the consent decree deadline, the closing date for the comment period on the Report remains June 14, 1999.

**DATES:** The comment period on the Report to Congress on Fossil Fuel Combustion Wastes closes June 14, 1999.

**ADDRESSES:** Those persons wishing to submit public comments must send an original and two copies of their comments referencing EPA docket number F-1999-FF2P-FFFFF to: RCRA Docket Information Center (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW., Washington, DC, 20460. Hand deliveries of comments should be made to the Arlington, VA address below.

Comments may also be submitted electronically through the Internet to: [rcra-docket@epa.gov](mailto:rcra-docket@epa.gov). Comments in electronic format should also identify the docket number F-1999-FF2P-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RCRA Docket Information Center (RIC), located at Crystal Gateway I Building, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, we recommend that the public make an appointment by calling (703) 603-9230.

The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15 per page. The Report to Congress is also available electronically. See the Supplementary Information section below for information on electronic access.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (hearing impaired) (800) 553-7672. In the Washington, DC metropolitan area, call (703) 412-9810 or TDD (703) 412-3323. For more detailed information on specific aspects of the Report to Congress, contact Dennis Ruddy, U.S. Environmental Protection Agency (5306W), 401 M Street, SW., Washington, DC 20460, at (703) 308-8430, or e-mail: ruddy.dennis@epa.gov.

**SUPPLEMENTARY INFORMATION:** Copies of the full report, titled Report to Congress: Wastes from the Combustion of Fossil Fuels; Volume 2—Methods, Findings, and Recommendations (EPA publication number EPA 530-R-99-010), are available for inspection and copying at the EPA Headquarters library, at the RCRA Docket (RIC) office identified in **ADDRESSES** above, at all EPA Regional Office libraries, and in electronic format at the following EPA Web site: <http://www.epa.gov/epaoswer/other/fossil/index.htm>. Printed copies of Volume 2 and the executive summary, titled Report to Congress: Wastes from the Combustion of Fossil Fuels; Volume 1—Executive Summary (EPA publication number EPA 530-S-99-010), can also be obtained by calling the RCRA/Superfund Hotline at (800) 424-9346 or (703) 412-9810. The Executive Summary is also available in electronic format at the EPA Web site identified above.

### I. Background

The Environmental Protection Agency published a notice of availability on April 28, 1999 (64 FR 22820) for the Agency's Report to Congress on Fossil Fuel Combustion Wastes that is required by section 8002(n) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6982(n). Please see the April 28, 1999 notice for particulars on the purpose and content of the Report to Congress.

The April 28, 1999 notice also announced a 45-day public comment period on the Report to Congress, which was to end on June 14, 1999. In response to that notice, numerous parties have requested that EPA extend the public comment period by up to six months. EPA is, however, currently required by a court-approved consent

decree in *Gearhart v. Reilly*, Civil No. 91-2345 (D.D.C.) to complete the regulatory determination by October 1. EPA would not be able to meet this deadline if the Agency granted any extension to the comment period. The Agency is currently discussing the possibility of an extension of this deadline with the parties to the consent decree. Such an extension would in turn allow the Agency to grant an extension of the public comment period. However, unless and until the court-approved schedule is modified, the Agency is bound to work towards completing the regulatory determination under the current schedule. Therefore, interested parties should be prepared to submit their comments by the current June 14, 1999 deadline for the receipt of public comments.

In the event the current court-ordered schedule for completing the regulatory determination is extended, the Agency will promptly publish a notice in the **Federal Register** extending the deadline for the receipt of public comments.

Dated: June 4, 1999.

**Elizabeth Cotsworth,**

*Acting Director, Office of Solid Waste.*

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**BILLING CODE 6560-50-P**

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 99-207; RM-9626]

#### Radio Broadcasting Services; Kuna, ID

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Mountain West Broadcasting requesting the allotment of Channel 247C to Kuna, Idaho, as that locality's first local aural transmission service. Petitioner is requested to provide additional engineering showings to demonstrate that its proposal could comply with the city grade coverage requirements of Section 73.315 of the Commission's Rules. Coordinates used for this proposal are 43-04-26 NL and 116-59-54 WL.

**DATES:** Comments must be filed on or before July 26, 1999, and reply comments on or before August 10, 1999.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the

petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., 6807 Foxglove Drive, Cheyenne, WY 82009.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-207, adopted May 26, 1999, and released June 4, 1999. 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 A-257), 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 99-14732 Filed 6-9-99; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 99-208; RM-9627]

#### Radio Broadcasting Services; Melba, ID

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Mountain West Broadcasting requesting the allotment of Channel 260C2 to Melba, Idaho, as that locality's