fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

III. Withdrawal of Authorization

Pursuant to TSCA section 404(c), the Administrator may withdraw a State or Tribal lead-based paint activities program authorization, after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations, and other requirements established under the authorization. The procedures EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

IV. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

EPA's actions on State or Tribal lead-based paint activities program applications are informal adjudications, not rules. Therefore, the requirements of the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*), the Congressional Review Act (5 U.S.C. 801 *et seq.*), Executive Order 12866 (''Regulatory Planning and Review,'' 58 FR 51735, October 4, 1993), and Executive Order 13045 (''Protection of Children from Environmental Health Risks and Safety Risks,'' 62 FR 1985, April 23, 1997), do not apply to this action. This action does not contain any Federal mandates, and therefore is not subject to the requirements of the Unfunded Mandates Reform Act (2 U.S.C. 1531-1538). In addition, this action does not contain any information collection requirements and therefore does not require review or approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

B. Executive Order 12875

Under Executive Order 12875, entitled ''Enhancing Intergovernmental Partnerships'' (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and Tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and Tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's action does not create an unfunded Federal mandate on State, local, or Tribal governments. This action does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this action.

C. Executive Order 13084

Under Executive Order 13084, entitled ''Consultation and Coordination with Indian Tribal Governments'' (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly 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 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, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: August 26, 1999.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

[FR Doc. 99–23195 Filed 9–3–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[GEN Docket No. 90–314, FCC 99–200]

QUALCOMM Inc. Pioneer's Preference Granted

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On August 9, 1999, the Commission released a document granting QUALCOMM Incorporated (QUALCOMM) a pioneer's preference. The United States Court of Appeals for the District of Columbia Circuit ordered the Commission to grant QUALCOMM a pioneer's preference. The Commission in Compliance with the Court's decision, hereby grants QUALCOMM a pioneer's preference in the broadband Personal Communications Service.

FOR FURTHER INFORMATION CONTACT: Rodney Small, Office of Engineering and Technology, (202) 418–2452.

SUPPLEMENTARY INFORMATION:

1. On July 23, 1999, the United States Court of Appeals for the District of Columbia Circuit ordered the Commission to grant QUALCOMM Incorporated (QUALCOMM) a pioneer's preference ''forthwith,'' See, *QUALCOMM Incorporated* v. *Federal Communications Commission*, D.C. Cir. No. 98–1246. The Commission had previously dismissed QUALCOMM's request for a pioneer's preference in the 2 GHz broadband Personal Communications Services; See *Review of the Pioneer's Preference Rules, ET Docket No. 93–266, Order*, 62 FR 48951, September 18, 1997, *recon. denied, Memorandum Opinion and Order*, 63 FR 24126, May 1, 1998. QUALCOMM appealed that dismissal, and the Court granted QUALCOMM's petition for review. The Commission, in compliance with the Court's decision, hereby grants QUALCOMM a pioneer's preference. In accordance with the Court's instructions, the Commission plans to act promptly to identify suitable frequency spectrum for an award of a license to QUALCOMM.

2. Accordingly, *it is ordered* that a pioneer's preference is hereby *Granted* to QUALCOMM Incorporated in accordance with the Court's decision. This action is taken pursuant to Sections 4(i) and 303(r) of the

Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 99–23163 Filed 9–3–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 99–1571]

QUALCOMM's Pioneers Preference

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission released a document on August 10, 1999, that dismisses Sprint Spectrum L.P. (Sprint) and PrimeCo Personal Communications, L.P., (PrimeCo) as parties to QUALCOMM, Incorporated pioneer preference proceeding. Since there is no longer any possibility that QUALCOMM's pioneer's preference will lead to the rescission of any license held by Sprint or PrimeCo, we are hereby dismissing Sprint and PrimeCo as parties to QUALCOMM's pioneer's preference proceeding.

FOR FURTHER INFORMATION CONTACT: Rodney Small, Office of Engineering and Technology, (202) 418–2452.

SUPPLEMENTARY INFORMATION: This is a summary of the text of the Commission's *Public Notice*, GEN Docket 90–314, DA 99–1571 released August 10, 1999. The document is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, S.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, N.W. Washington, D.C. 20036.

1. On February 25, 1997, Sprint and PrimeCo became parties to the QUALCOMM, Incorporated's (QUALCOMM's) pioneer's preference proceeding. We explained that because the Court of Appeals for the D.C. Circuit (Court) had recently vacated the Commission's decision to deny QUALCOMM's application for a 2 GHz broadband Personal Communications Services (PCS) pioneer's preference in the Southern Florida area, there was the possibility of a conflict between QUALCOMM's application and the fact that the only two broadband PCS licenses in the Miami-Ft. Lauderdale, Florida, Major Trading Area (MTA) had already been awarded to Sprint and PrimeCo.

2. Subsequently, the Commission dismissed QUALCOMM's application for a pioneer's preference; however, QUALCOMM appealed that dismissal, and the Court granted QUALCOMM's petition for review. In its decision, the Court stated:

> The FCC's sole discretion on remand * * * was to fashion an appropriate remedy for QUALCOMM in view of the fact that the Miami-Fort Lauderdale MTA sought by QUALCOMM had been awarded as a result of an auction to Sprint. QUALCOMM and the intervenors [Sprint and PrimeCo] argued on remand, and the FCC did not claim to the contrary, that the FCC had authority to grant QUALCOMM alternative relief.

3. On August 9, 1999, in compliance with the Court's decision, the Commission released an *Order* granting QUALCOMM a pioneer's preference. In the *Order*, the Commission stated that it planned to act promptly to identify suitable frequency spectrum for an award of a license to QUALCOMM.

4. We agree with Sprint, PrimeCo, and QUALCOMM that the Commission has the authority to grant QUALCOMM relief without rescinding, or otherwise adversely affecting, the broadband PCS licenses held by Sprint and PrimeCo in the Miami-Fort Lauderdale MTA. Moreover, in its decision, the Court strongly suggested that it expects the Commission to grant QUALCOMM relief without rescinding either of the Miami MTA licenses currently held by Sprint and PrimeCo. We also believe that the Commission at this point has no intention of taking a license from either Sprint or PrimeCo in order to award a license to QUALCOMM. Since there is no longer any possibility that QUALCOMM's pioneer's preference will lead to the rescission of any license held by Sprint or PrimeCo, we are hereby dismissing Sprint and PrimeCo as parties to QUALCOMM's pioneer's preference proceeding.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 99–23164 Filed 9–3–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 99–1640]

Accreditation Requirements for Telecommunication Certification Bodies

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document streamlines the Commission's equipment authorization requirements by allowing Telecommunications Certification Bodies (TCBs) to certify equipment under the Commission's Rules. The Commission released a public notice on August 17, 1999, listing those regulations and requirements.

FOR FURTHER INFORMATION CONTACT: Art Wall, Office of Engineering and Technology, (202) 418–2442, for *Part 2 Information*; and Bill Howden, Common Carrier Bureau, (202) 418–2343, for *Part 68 Information*.

SUPPLEMENTARY INFORMATION: This is the text of the Commission's Public Notice, DA 99–1640, released August 17, 1999. This document is available for inspection and copying during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW, Washington, DC, and is available on the FCC's Internet site at www.fcc.gov/Bureaus/Engineering__Technology/Public__Notices/1999/. This document may also be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Summary of Public Notice

1. In December 1998, the Commission adopted new rules to streamline its equipment authorization requirements by allowing Telecommunications Certification Bodies (TCBs) to certify equipment under parts 2 and 68 of the Commission's Rules. This notice provides further information on the accreditation requirements for TCBs.

2. The requirements for TCBs were specified in the Commission's Report and Order (R&O) in GEN Docket 98–68 (FCC 98–338), adopted on December 17, 1998, 64 FR 4984, February 2, 1999, http://www.fcc.gov/Engineering__Technology/Orders/1998/fcc98338.pdf/. TCBs are required to be accredited by the National Institute of Standards and Technology (NIST), or NIST may allow, in accordance with its procedures, other appropriate qualified accrediting bodies to accredit TCBs.

3. TCBs are to be accredited in accordance with ISO/IEC Guide 65 (1996), General Requirements for Bodies Operating Product Certification Systems and the appropriate FCCf Rules. The staff of the FCC's Office of Engineering and Technology (OET) and Common Carrier Bureau (CCB) have worked closely with NIST, equipment manufacturers and test laboratories to develop an accreditation process that is