

responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency 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. 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 June 5, 2000. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: March 17, 2000.

Laura Yoshii,

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 F—California

2. Section 52.220 is amended by adding paragraphs (c)(270)(i)(D)(1) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(270) * * *

(i) * * *

(D) Santa Barbara County Air Pollution Control District.

(1) Rule 353, adopted on August 19, 1999.

* * * * *

[FR Doc. 00-8147 Filed 4-4-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300960A; FRL-6551-9]

RIN 2070-AB78

Spinosad; Pesticide Tolerance Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: EPA issued a final rule in the **Federal Register** of January 12, 2000, establishing tolerances for spinosad. This document is being issued to correct tolerances for "animal feed, nongrass, group" at 0.02 ppm, "apple" at 0.2 ppm, "barley, grain" at 0.02 ppm, and "teosinte, grain" at 0.02 ppm.

DATES: This document is effective April 5, 2000.

FOR FURTHER INFORMATION CONTACT: By mail: Sidney Jackson, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-7610; e-mail address: jackson.sidney@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under "FOR FURTHER INFORMATION CONTACT."

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**--Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-300960A. The official record consists of the documents specifically referenced in this action, any public

comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

III. What Does this Technical Correction Do?

A final rule to establish tolerances for spinosad on various commodities was published in the **Federal Register** of January 12, 2000 (65 FR 1802) (FRL-6399-7). This correction is being published to establish tolerances for "animal feed, nongrass, group" at 0.02 ppm, "apple" at 0.2 ppm, "barley, grain" at 0.02 ppm, and "teosinte, grain" at 0.02 ppm which were incorrectly listed in the table in § 180.495(a).

IV. Why Is this Technical Correction Issued as a Final Rule?

EPA is publishing this action as a final rule without prior notice and opportunity to comment because the Agency believes that providing notice and an opportunity to comment is unnecessary and would be contrary to the public interest. As explained above, the correction contained in this action will simply correct § 180.495(a) by revising the listing and residue tolerances for commodities that were incorrectly stated. EPA therefore finds that there is "good cause" under section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 553) to make this amendment without prior notice and comment. For the same reasons, EPA also finds that there is "good cause" under FFDCA section 408(b)(2) to make this minor modification to the establishment of a tolerance without notice and comment.

V. Do Any of the Regulatory Assessment Requirements Apply to this Action?

No. This final rule implements technical corrections to the Code of

Federal Regulations (CFR), and does not impose any new requirements.

Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Office of Management and Budget (OMB) has determined that a technical correction is not a "significant regulatory action" subject to review by OMB.

Because this action is not economically significant as defined by section 3(f) of Executive Order 12866, this action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

This action will not result in environmental justice related issues and does not, therefore, require special consideration under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since the Agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the APA or any other statute (see Unit IV.), this action is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. Nor does this action significantly or uniquely affect the communities of tribal governments as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999).

This action does not involve any technical standards that require the Agency's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

This rule does not contain any information collection requirements that require review and approval by OMB

pursuant to the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*).

In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, entitled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

EPA has complied with Executive Order 12630, entitled *Governmental Actions and Interference with Constitutionally Protected Property Rights* (53 FR 8859, March 15, 1988), by examining the takings implications of this rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order.

EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in Unit VIII. of the final rule (65 FR 1802, January 12, 2000).

VI. Will EPA Submit this Final Rule to Congress and the Comptroller General?

Yes. The Congressional Review Act (CRA) (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency 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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of April 5, 2000. 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**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: March 22, 2000.

James Jones,
Director, Registration Division, Office of
Pesticide Programs.

Therefore, 40 CFR part 180 is
corrected as follows:

PART 180—[AMENDED]

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

Authority: 21 U.S.C. 321(q), 346a and 371.

2. Section 180.495, is amended by
revising the entries for “Animal feed,
nongrass, group,” “Apple,” and
“Teosinte, grain” and removing the
entry for “Barley” and adding in its
place “Barley, grain” to the table in
paragraph (a) to read as follows:

**§ 180.495 Spinosad; tolerances for
residues.**

* * * * *
(a) * * *

| Commodity | Parts per million | Expiration/ Revocation Date |
|---|----------------------|-----------------------------------|
| * * Animal feed, nongrass, group | * * 0.02 | * None |
| * * Apple | * * 0.2 | * None |
| * * Barley, grain | * * 0.02 | * None |
| * * Teosinte, grain .. | * * 0.02 | * None |
| * * | * * | * |

* * * * *

[FR Doc. 00-8265 Filed 4-4-00; 8:45 am]

BILLING CODE 6560-50-F

**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 73

[DA 00-596; MM Docket No. 99-96, RM-
9534; MM Docket No. 99-193, RM-9561; MM
Docket No. 99-194, RM-9562; MM Docket
No. 99-308, RM-9693; MM Docket No. 99-
309, RM-9694; MM Docket No. 99-310, RM-
9742]

**Radio Broadcasting Services; Newell,
SD; Merville, IA, Rockford, IA; Watseka,
IL; Keosauqua, IA; Box Elder, SD**

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document grants six
proposals that allot new channels to
Newell, South Dakota; Merville, Iowa;
Rockford, Iowa; Watseka, Illinois;
Keosauqua, Iowa; and Box Elder, South
Dakota. Filing windows for Channel
279C2 at Newell, South Dakota; Channel
246A at Merville, Iowa, Channel 225A at
Rockford, Iowa; Channel 240A at
Watska, Illinois; Channel 271C3 at
Keosauqua, Iowa; and Channel 274A at
Box Elder, South Dakota, will not be
opened at this time. Instead, the issue of
opening a filing window for these
channels will be addressed by the
Commission in a subsequent order.

DATES: Effective May 1, 2000.

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. 99-96; MM
Docket No. 99-193; MM Docket No. 99-
194; MM Docket No. 99-308; MM
Docket No. 99-309; MM Docket No. 99-
310, adopted March 8, 2000, and
released March 17, 2000. 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 contractor,
International Transcription Service,
Inc., (202) 857-3800, 1231 20th Street,
NW., Washington, DC 20036.

The Commission, at the request of
Mountain West Broadcasting, allots
Channel 279C2 at Newell, South Dakota,
as the community’s first local aural
transmission service. See 64 FR 15713,
April 1, 1999. Channel 279C2 can be
allotted at Newell in compliance with
the Commission’s minimum distance
separation requirements with a site
restriction of 1.8 kilometers (1.1 miles)
north to avoid a short-spacing to the
licensed site of Station KIQK(FM),
Channel 281C1, Rapid City, South
Dakota. The coordinates for Channel
279C2 at Newell are 44-43-58 North
Latitude and 103-25-18 West
Longitude.

The Commission, at the request of
Mountain West Broadcasting, allots
Channel 246A at Merville, Iowa, as the
community’s first local aural
transmission service. See 64 FR 29978,
June 4, 1999. Channel 246A can be
allotted to Merville in compliance with
the Commission’s minimum distance
separation requirements with a site
restriction of 5.2 kilometers (3.2 miles)
east to avoid a short-spacing to the
licensed site of Station KMXC(FM),

Channel 247C1, Sioux Falls, Iowa. The
coordinates for Channel 246A at Merville
are 42-29-11 North Latitude and 96-
00-36 West Longitude.

The Commission, at the request of
Mountain West Broadcasting, allots
Channel 225A at Rockford, Iowa, as the
community’s first local aural
transmission service. See 64 FR 29978,
June 4, 1999. Channel 225A can be
allotted at Rockford in compliance with
the Commission’s minimum distance
separation requirements with a site
restriction of 2.3 kilometers (1.4 miles)
southwest to avoid short-spacings to the
licensed sites of Station KATF(FM),
Channel 225C1, Dubuque, Iowa, and
Station KFSI(FM), Channel 225A,
Rochester, Minnesota. The coordinates
for Channel 225A at Rockford are 43-
01-55 North Latitude and 92-57-53
West Longitude.

The Commission, at the request of
Iroquois County Broadcasting Company,
allots Channel 240A at Watseka, Illinois,
as the community’s second local FM
transmission service. See 64 FR 57838,
October 27, 1999. Channel 240A can be
allotted at Watseka in compliance with
the Commission’s minimum distance
separation requirements with a site
restriction of 5.4 kilometers (3.3 miles)
northwest to avoid a short-spacing to
the licensed site of Station WKKD-FM,
Channel 240A, Aurora, Illinois. The
coordinates for Channel 240A at
Watska are 40-48-00 North Latitude
87-47-15 West Longitude.

The Commission, at the request of
McTronix, allots Channel 271C3 at
Keosauqua, Iowa, as the community’s
first local aural transmission service.
See 64 FR 57838, October 27, 1999.
Channel 271C3 can be allotted at
Keosauqua in compliance with the
Commission’s minimum distance
separation requirements at city
reference coordinates. The coordinates
for Channel 271C3 at Keosauqua are 40-
43-48 North Latitude and 91-57-48
West Longitude.

The Commission, at the request of La
Nina Education Association, allots
Channel 274A at Box Elder, South
Dakota, as the community’s first local
aural transmission service. See 64 FR
57837, October 27, 1999. Channel 274A
can be allotted at Box Elder in
compliance with the Commission’s
minimum distance separation
requirements at city reference
coordinates. The coordinates for
Channel 274A at Box Elder are 44-06-
48 North Latitude and 103-04-12 West
Longitude.

List of Subjects in 47 CFR Part 73

Radio broadcasting.